



IPRT

Irish Penal Reform Trust

Annual Report 2012 Realising Reform: Achievements and Activities in 2012

IPRT comes of age in its 18th Year

We need YOU

Be part of something effective

Following one of the most active years in IPRT's 18-year history, documented in this Annual Report for 2012, some of our attention has necessarily shifted in 2013 to the longer-term sustainability of the organisation.

IPRT is not in receipt of any public funds and relies on donations from charitable trusts, individual donations and membership subscriptions to cover its operational costs. This contributes to guaranteeing the **independence of the organisation**, which we believe is essential to the integrity of our work.

In 2008, IPRT was granted core funding from Atlantic Philanthropies. This allowed the organisation to increase from a staff of one to four, thus expanding exponentially our ability to positively impact upon the penal policy vacuum that existed in Ireland.

We strongly believe that our effectiveness over the past four years is demonstrated by real achievement in terms of **progressive policy change**, alongside a **deepening of wider public debate** around prisons and prisoners, and **provision of a key central resource of research and information** around prisons and penal reform.

Significantly, we have managed to bring about real change with a staff of just four, supported by a team of dedicated interns and a voluntary expert board. We believe we punch well above our weight.

However, the generous support of Atlantic Philanthropies is coming to an end in the near future. Unless IPRT accesses new sources of support, we will be unable to maintain our current levels of activity and programme of work.

Moreover, we will be less able to ensure that recent policy promises and developments become reality, and are not reversed.

In fact, we would love to do much more. Limited resources mean that while we have achieved maximum leverage at policy level, we cannot provide the prisoner advocacy service that is so much needed in Ireland.

If you value the contribution IPRT has made over recent years, and believe our work should continue into the future, please consider showing your support by becoming a member or making a donation.

For more information about how you can support the work of IPRT, visit: www.iprt.ie/what-you-can-do or tel: 01 874 1400

Transparency

IPRT believes in total transparency and accountability around how we use funding and donations to achieve our vision of progressive penal reform, with imprisonment as a last resort.

If you would like to know more about how we spend donations, please contact Liam Herrick, IPRT Executive Director at lherrick@iprt.ie

Find out more at: www.iprt.ie/what-you-can-do or by calling us on: 01 874 1400

Contents

We need YOU	II
Contents	1
Introduction	3
Case Study	4
About IPRT	5
Our Vision	9
Irish Prisons 2012	10
Highlights of 2012	12
Areas of Work	16
Human Rights in Prison	16
<i>Informing & Supporting Rights</i>	16
<i>Protecting Rights</i>	16
<i>Addressing Rights Issues</i>	17
Imprisonment as a Last Resort	18
<i>Policy and Sentencing Reform</i>	18
<i>Imprisonment for Fines</i>	19
Fairer Society, Safer Communities - Penal Policy and Social Policy	20
<i>Supporting Change</i>	21
<i>Breaking the Cycle</i>	21
Youth Justice - Better Life Outcomes for Young People	22
Activities	22
Research & Policy	22
Communications	25
Alliances	30
Engagement with Prisoners and their Families	32
Effecting Change through the Law	33
Strategy and Governance	35
Financial Report	36



Introduction

There is little doubt that the context for the work of the Irish Penal Reform Trust (IPRT) is now changing rapidly. The direction of penal policy is changing and the pace of reform within the prison system stepped up considerably in 2012. IPRT can claim a good deal of credit for influencing a lot of the hopeful signs in the system, but the new opportunities for penal reform also bring challenges for us.

As you can see from our work in 2012, we have tried to balance action that can contribute to long-term culture change in the prison system – such as our work on prisoners’ awareness of their rights – with trying to focus attention on cutting-edge issues affecting prisoners today, such as our research report on the impact of imprisonment on families and children. All the while, IPRT as a small organisation is stretching itself as much as we can to address the wide range of issues in the penal system that demand urgent action.

What was perhaps most encouraging to us in 2012 was to see so many of our longstanding campaigning issues being acknowledged and addressed, at least to some extent, by the statutory sector. There are and will continue to be many areas where IPRT will be critical of the governance of our penal system; but we also acknowledge that there is a sincere commitment now by many to change. This can be seen in the Irish Prison Service *Three Year Strategic Plan 2012 – 2015* launched in April 2012, and in the introduction of important new measures such as the community return scheme and in reform of the prisoner complaints process and investigation of deaths in custody.

In 2012, we also saw political leadership on prison policy and in relation to youth justice, with the announcement of the decision to close St. Patrick’s Institution. The President and Patron of IPRT Michael D Higgins also made a number of visits to prisons in 2012, sending out a powerful statement of the citizenship of our prisoners and of his personal commitment to prisoners’ rights.

IPRT’s approach continues to be one where it generates constructive suggestions to the challenges within prison policy, based on sound research and input from those affected by and working within the field of imprisonment. We believe this approach has created the conditions whereby IPRT has moved to the heart of the debates about prison policy at this crucial time.

IPRT is in an unequalled position to effect change in our prison policy. It is more essential than ever that it can continue its level of activity. The year 2012 has shown us how much is possible for the organisation, but also how much is to be lost by a reduction in its work. To this end, IPRT continued to work hard in 2012 to secure its funding base and maintain its robust governance structures, recognising that much more work in this respect will be required.

Right now, there is the opportunity and appetite from the key stakeholders in the system to address the problems and to map a new future for the Irish penal system. The challenge for us is to ensure we play the most active part possible to support that change.



Mary Rogan,
Chairperson



Liam Herrick,
Executive Director

Case Study:

Imprisonment of Children

Since it was established in 1956, St. Patrick's Institution has been a byword for the failure of the State to properly care for children in the criminal justice system. While the industrial schools and other carceral institutions for children have been closed down over the last few decades, St. Patrick's continued as a grim symbol of punitiveness towards children.

Closure of the prison was recommended in the Whitaker report in 1985 and the inhumane treatment of inmates was consistently highlighted by national and international bodies over the following three decades. IPRT has played a central role in maintaining pressure on Government about the needs to end the detention of children in the prison system.

WHAT DID WE DO ABOUT IT?

We did our research and set out the requirements of Ireland's international obligations to children in detention. We set out our position and built alliances with all the key stakeholders in the youth justice system. We fought assumptions about youth justice and young offenders with facts and analysis and by attacking established myths about the most effective responses to crime committed by children and young people.

And then we set about communicating our position and our recommendations. We made submissions. We held events. We issued press releases. We talked to the media. We participated in policy processes. In everything we did, we were consistent in our core message that prison was an inappropriate place to hold children, and that any children so held must have access to an independent complaints mechanism such as the Ombudsman for Children.

WHAT WAS THE RESULT?

Following more than 25 years of commitments by successive governments but little action, on 2nd April 2012 the Minister for Children and Youth Affairs, Frances Fitzgerald, announced concrete plans to end the practice of detaining children in St Patrick's Institution, which is an adult prison, by 2014. The Government committed €50m for the building of six units over 3 years, creating 30 new spaces, at Oberstown, Lusk, Co Dublin, where the three existing children detention schools are located.

This development was welcomed by the Ombudsman for Children, the Irish Penal Reform Trust, Barnardos, the Children's Rights Alliance, Fr. Peter McVerry and others who have long been campaigning for the immediate end to what has been a serious blot on Ireland's human rights record.

International pressure came from the United Nations Committee on the Rights of the Child, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the United Nations Committee against Torture, the European Committee on Social Rights, and by Council of Europe Commissioner for Human Rights, Thomas Hammarberg.

As of 1st May 2012, all newly remanded or sentenced 16-year old boys were to be detained in the children detention facilities at Oberstown instead of St Patrick's Institution. The last 16 year-old in St Patrick's Institution was released at the end of July 2012.

On 2nd June 2012, the Minister for Children and Youth Affairs and the Minister for Justice and Equality signed an Order removing the subsection from the Ombudsman for Children Act 2002 which excluded children detained in St Patrick's Institution from the complaints remit of the Ombudsman for Children. In effect from 1st July, 2012, it applied retrospectively for 2 years.

In October 2012, the Inspector of Prisons published a highly critical report about St. Patrick's Institution, identifying serious problems at the prison including mistreatment and bullying of boys, excessive use of force, excessive use of punishment, and a completely deficient complaints system. Following that report the Minister for Justice announced his intention to close the prison completely for all persons under the age of 21.

For more information on how you can support our work, please see www.iprt.ie/what-you-can-do

Key Actions by IPRT

IPRT is one of a number of loud voices who have demanded of successive Governments to end the detention of children in St. Patrick's Institution.

In all our work – in every statement, in every report since IPRT's establishment in 1994 – we consistently hammered home two core issues that were a blot on Ireland's human rights record: the ongoing imprisonment of children in Ireland, in breach of international human rights standards; and the lack of access by children so held to an independent complaints mechanism.

Specific actions by IPRT that contributed to the commitments in 2012 include:

- March 2006: *IPRT Submission to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in preparation for the 2006 CPT visit to Ireland* emphasises Ireland's failings regarding the ongoing detention of children within the adult prison system.
- March 2006: As part of the Irish Youth Justice Alliance, IPRT makes an oral submission to the Joint Oireachtas Committee on Justice, Equality and Women's Rights, highlighting "the failure to make immediate provision for the closure of St Patrick's Institution."
- August 2007: IPRT publishes *The Whitaker Committee Report 20 Years On: Lessons Learned or Lessons Forgotten?* detailing the lack of progress in terms of Whitaker's recommendations on St Patrick's Institution, despite progress in other areas of youth justice.
- October 2007: *IPRT Submission to the to the Council of Europe Commissioner for Human Rights in preparation for the Commissioner's 2007 Visit to Ireland* again highlights the detention of children within the adult prison system, detailing our serious concerns about conditions and practices.
- June 2008: In the *Shadow Report to the Third Periodic Report of Ireland under the International Covenant on Civil and Political rights (IPRT/ICCL/FLAC)* identifies series issues in the detention of young people, citing that St Patrick's is "unsafe", that children cannot make complaints to the Ombudsman for Children, and that there is no timescale for ending detention of children in St Patrick's Instn.
- June 2009: IPRT hosted a Prison Law seminar on the topic 'Sentencing and Procedures in Youth Justice Cases'. Over 115 practitioners attended.
- Nov 2009: IPRT Research Report on *Detention of Children: International Standards and Best Practice* published, outlining the application of international human rights standards to children detention in Ireland, and renewing our call for an immediate end to the detention of boys at St Patrick's Institution.
- August 2010: IPRT published its *Briefing on Detention of Children in St. Patrick's Institution*, developed with Maria Corbett, Children's Rights Alliance and Tony O'Riordan SJ, and updated in Dec 2010, October 2011, May and July 2012. Among many issues, the document highlights: conditions, protection regimes which see children locked up in cells for up to 23-hours a day, and the culture of bullying which persists in the Institution.
- Sept 2010: As part of the 'Shifting Focus' project – encompassing research, position paper, and conference – and working in collaboration with Barnardos and IAYIC (now EPIC), IPRT put forward the clear argument for investment in prevention and early intervention strategies instead of costly and ineffective penal expansion.
- February/March 2011: Before and after the general election, IPRT actively pushed reform of penal policy with particular emphasis on the urgent need to end the practice of detaining children in St Patrick's Institution. IPRT welcomes that the new Programme for Government includes such a commitment.
- Nov 2011: IPRT co-hosted a briefing for the Oireachtas All-Party Penal Reform Group on the incarceration of children in St Patrick's Institution, with presentations from the Ombudsman for Children, Emily Logan, and Professor Harry Kennedy of the Central Mental Hospital, who spoke on the impact of imprisonment on the mental health of adolescents.
- Jan 2012: RTÉ News feature, 'The Gates to Nowhere' (to which IPRT had contributed in concept, content and interviewees) highlighted that proposals to end imprisonment of children in St Patrick's Institution have stalled. Intense media reaction extended over two weeks.
- April 2012: Minister for Children and Youth Affairs, Frances Fitzgerald, announced plans to end the practice of detaining children in St Patrick's Institution by 2014, including the commitment of €50m for the building at Oberstown, Lusk, Co Dublin.
- June 2012: Exclusion of children held in St. Patrick's Institution from the complaints remit of the Ombudsman for Children removed.
- July 2012: Final 16-year old boy leaves St Patrick's Institution; 17-year-old boys continue to be committed and detained there.
- October 2012: Minister for Justice announces his intention to close St Patrick's Institution.

About IPRT

IPRT is committed to reducing imprisonment, ensuring respect for human rights in prisons, and progressive reform of the penal system based on evidence-led policies.

This means the focus of our activities is on: the use of imprisonment, including sentencing policy; youth justice, with particular emphasis on early intervention; alternatives to custody and diversion; and the treatment and rehabilitation of those in detention. Everything we do is underscored by our commitment to combatting social injustice.

IPRT Patron



President Michael D Higgins

IPRT Advocates



Paula Meehan
Poet



Peter Sheridan
Author, director



Senator Ivana Bacik



John Loneragan
Former Governor of
Mountjoy Prison

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Johnny Connolly – Criminologist in the Alcohol and Drugs Research Unit of the Health Research Board



Niall Walsh – Prison education worker, engaged in education and support of prisoners post-release



Kathleen Leader – Barrister



Dr. Kevin Warner – Adjunct Lecturer UCD, and former Co-ordinator of Education in the Irish prison system

Our Vision

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

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 works to achieve our goals through affecting changes in policy, in practice, in law and through influencing public opinion.

Above all, our vision is of a more equitable and fair justice system, leading to a safer society for everyone.

Irish Prisons in 2012

At a Glance

JANUARY

- Government's Legislative Programme for the Spring Session 2012 announced; A-list Bills include the *Criminal Justice (Spent Convictions) Bill* (11 Jan 2012)
- Inspector of Prisons' *First follow up Report of Limerick Prison* details chronic overcrowding and poor conditions; report followed by *Action Plan for Inspector of Prisons Limerick Report* (16, 17 Jan 2012)
- Law Reform Commission *Consultation Paper on Mandatory Sentences* includes proposal for review of current minimum sentence law for drug offences (19 Jan 2012)
- Children's Rights Alliance *Report Card 2012* awards Government an 'F' for failing to address detention of children in St. Patrick's Institution (23 Jan 2012)

FEBRUARY

- Prison population is 4,228, with 889 prisoners out on temporary release (3 Feb 2012)
- Irish Prison Service *Unlocking Community Alternatives – A Cork Approach* proposes a new 150 cell prison on site adjacent to Cork Prison (29 Feb 2012)

MARCH

- Inspector of Prisons' *Second follow up Report on Limerick Prison* acknowledges advances but confirms need for further improvements (1 March 2012)
- Prison population is 4,284, with 951 prisoners out on temporary release (2 March 2012)
- 41 children are imprisoned in St. Patrick's Institution, in breach of international human rights law (5 March 2012)
- Ireland appears before UN Human Rights Council and formally accepts 85% of recommendations made under UN Universal Periodic Review (UPR), including commitments to make significant improvements to prison conditions (15 March 2012)

APRIL

- Minister for Children and Youth Affairs announces imprisonment of children in St. Patrick's Institution to end by 2014 (2 April 2012)
- Announcement that Inspector of Prisons is to conduct independent investigations into the death of any prisoner in custody of Irish Prison Service (19 April 2012)
- 2011 *Annual Reports* of the Prison Visiting Committees for Cloverhill, Cork, Mountjoy and Wheatfield published (20 April 2012)
- Irish Prison Service *Three Year Strategic Plan 2012-2015* launched (30 April 2012)

MAY

- Minister for Children and Youth Affairs signs statutory instrument ending practice of sending 16-year-olds to St. Patrick's Institution, effective immediately (1 May 2012)
- Prison population is 4,401 (3 May 2012)
- *Criminal Justice (Spent Convictions) Bill 2012* published (5 May 2012)
- Inspector of Prisons *Annual Report 2011* published (22 May 2012)

JUNE

- Commitment to develop joint Irish Prison Service/ Probation Service Strategy for Women Offenders
- Minister for Justice, Equality and Defence announces plans to replace outdated accommodation at Limerick Prison (11 June 2012)
- Prison population is 4,493 (14 June 2012)
- Complaints remit of Ombudsman for Children extended to include children detained in St. Patrick's Institution from 1 July (23 June 2012)

JULY

- 22 children are imprisoned in St. Patrick's Institution (5 July 2012)
- Prison population is 4,521 (17 July 2012)
- Irish Examiner reports proposed cuts to prisoner 'gratuity', with three new levels of incentivised payment (€0.95, €1.40 and €2.20) to replace current €2.35 daily allowance (31 July 2012)

AUGUST

- Final 16-year-old boy leaves St. Patrick's Institution (6 Aug 2012)
- Probation Service Annual Report 2011 details significant increase in use of community sanctions as alternative to imprisonment (15 Aug 2012)
- New Prisoner Complaints Mechanism published, to come into effect in Nov 2012

SEPTEMBER

- Prison population is 4,248 (13 Sept 2012)
- Department of Justice Strategic Review Group on Penal Policy established, with IPRT's Liam Herrick as member (18 Sept 2012)

OCTOBER

- Inspector of Prisons *Report on an Inspection of St. Patrick's Institution for Young Offenders* unveils systematic violation of the human rights of children and young people in the prison (16 Oct 2012)
- 2011 Annual Reports of the Prison Visiting Committees for Castlerea, the Dóchas Centre, Limerick, Loughan House, the Midlands, Portlaoise, Shelton Abbey and the Training Unit published (16 Oct 2012)
- Prison population is 4,340 (22 Oct 2012)
- Government approves final drafting of *Fines (Amendment) Bill 2012* (22 Oct 2012)

NOVEMBER

- Probation Service *Recidivism Study 2007-2011* finds overall recidivism rate of sample group is 37.2% (19 Nov 2012)
- IPRT launches "Picking Up the Pieces": The Rights and Needs of Children and Families Affected by Imprisonment (19 Nov 2012)

Prison population is 4,298, including: 567 remand/trial prisoners; 21 immigration detainees; 460 serving sentences of <12 months; 18 fines prisoners; 889 protection prisoners.

DECEMBER

- Prison population is 4,275 (4 Dec 2012)
- 27 children are imprisoned in St. Patrick's Institution (19 Dec 2012)
- 160 prisoners (approx. 3% of prison population) granted temporary release for Christmas (22 Dec 2012)

Highlights of 2012

A brief look at some of the many highlights from IPRT's year.

ENGAGING WITH THE COMMUNITY

IPRT began 2012 with the launch of *The Vicious Circle of Social Exclusion and Crime: Ireland's Disproportionate Punishment of the Poor*, which examines the impact of increasing levels of social exclusion on crime, and how the problem of crime disproportionately impacts on marginalised communities.

IPRT came together with the Community Platform on 2 February 2012 to co-host a seminar around the connections between social exclusion and crime, and how to ensure that the social and economic cost of crime is fully considered in social policy development and in the budgetary process.

Speakers were John Lonergan, former Governor of Mountjoy Prison; Prof Kathleen Lynch of UCD School of Social Justice; Tony Geoghegan of Merchants Quay Ireland; Orla O'Connor of the National Women's Council of Ireland; and Brid O'Brien of the Irish National Organisation of the Unemployed.

All IPRT publications are available for download from www.iprt.ie

CELEBRATING PRISON ARTS

Prison arts took centre-stage in Ireland's National Theatre on 26 February 2012 for 'The Old Triangle', an evening celebrating the work of artists in prisons and art by prisoners, hosted by poets Theo Dorgan and IPRT Advocate Paula Meehan, with very special guest of honour, President Michael D. Higgins, Patron of IPRT. There was an incredible generosity of spirit both on stage and in the full house, in what was truly a very special evening of community, compassion, and productive conversation about penal reform.

Many thanks again to the performers Shaz Oye, Tony Curtis, GREENSHINE, Nuala Ní Dhomhnaill, Eddie Cahill and Brian Maguire, Karan Casey and Niall Vallely, Peter Sheridan, Leanne O'Sullivan, Jimmy Kelly & Tom Crean & Brian McCarthy, and Christy Moore. Thanks also to the 500 people who came along to the event, including colleagues, friends, supporters, people with experience of prison, and many, many more!

IPRT is very grateful to Poetry Ireland and to Sheehan & Partners for supporting this event: sheehanandpartners.ie

EMPOWERING PRISONERS

A lack of understanding of prisoners' rights is one of the core obstacles to the vindication of those rights in practice in Ireland. In 2012, IPRT worked in collaboration with the Irish Council for Civil Liberties in the development of the *Know Your Rights – Your Rights as a Prisoner* information pack which sets out the relevant human rights standards applicable in Irish prisons, with the aim of empowering prisoners and their representatives to enforce those rights.

The booklet is written in accessible language and the legal content was approved by the Irish Prison Service. We also produced an audio version on CD, and have translated the booklet into Arabic, Polish and Lithuanian, with a Portuguese version due in 2014.

The booklet was launched by Northern Ireland Prisoner Ombudsman, Pauline McCabe, in an event focusing on strengthening accountability in Irish prisons. IPRT also held a series of launch events in the community and in four prisons, the latter organised in cooperation with prison education staff. At these, prisoners had the opportunity to raise human rights issues directly with IPRT; in turn, IPRT raised these concerns with the prison authorities.

IPRT is very grateful to the Irish Research Council for their generous support of the IPRT and Dublin Institute of Technology Prisoner Information Project: www.irchss.ie



L-R: Brian Maguire; Karan Casey and Niall Vallely; Christy Moore; Theo Dorgan and President Higgins – at 'The Old Triangle' at the Abbey Theatre, 26th Feb 2012. Photos: Derek Speirs

SENTENCING REFORM

IPRT recognises the critical role of sentencing in the penal system. We are opposed to mandatory and presumptive sentencing regimes, and campaign for increased use of community-based alternatives to custodial sentences for less serious offences.

To this end, for our Annual Lecture in September 2012, we hosted Judge Colman Treacy of the High Court of England & Wales, who addressed an audience in the atmospheric surroundings of Kilmainham Gaol on Sentencing Guidelines and the work of the Sentencing Council. IPRT believes that providing more information around sentencing would bolster public confidence in the justice system in a far more effective way than mandatory and presumptive sentencing regimes, which have proven to be a policy failure.

The event formed part of the work of IPRT in the area of sentencing reform; previous actions in this area include papers and submissions on mandatory sentencing, on community sanctions, and detailed proposals on reform of parole, temporary release and remission. It was followed in October 2012 with the publication of the IPRT *Position Paper 9: Reform of Remission, Temporary Release and Parole*.

IPRT is very grateful to KODLyons for their generous support of the IPRT Annual Lecture 2012: www.kodlyons.ie

GIVING VOICE TO CHILDREN AND FAMILIES OF PRISONERS

Towards the end of 2012, IPRT shone a spotlight on a vulnerable group that has so far received little attention in Ireland: the 5,500 children in Ireland who have a parent in prison on any given day, and the 18,000 children every year who experience the trauma of parental imprisonment.

The research report *"Picking Up the Pieces": The Rights and Needs of Children and Families Affected by Imprisonment* details the rights, needs and experiences of families and children of prisoners and is based on extensive consultations with children, families, support services and relevant agencies. The report was launched by the Ombudsman for Children, Emily Logan on 19 November 2012 in Dublin. Larry de Cléir of Bedford Row prisoners' families project in Limerick and IPRT's Liam Herrick also spoke at the event, which was attended by Michael Donnellan Director General of the Irish Prison Service, agencies working with prisoners and their families, children's rights and support groups, and many others.

Feedback to the report was tremendous; most importantly, in direct response to the report, an Irish Prison Service working group was set up to examine the issues.

IPRT is very grateful to the St Stephen's Green Trust for their generous support of this report.





Absolutely terrific event on Sunday night at The Abbey, and a tribute to the organisation's ability to mobilise the performers of quality that appeared at the event. More importantly, by maximising the range of artists and types of artistic endeavour, it sent out and reinforced the message that we need to recognise the potential for creativity and innovation in us all, whilst simultaneously protecting the rights and promoting the needs of those incarcerated in our prisons.

An inspiring, moving event filled with hope.

Pat Conway, Director of Services, NIACRO



L-R: Shaz Oye; Nuala Ni Dhomhnaill; GREENSHINE; Tom Crean, Jimmy Kelly and Brian McCarthy; Peter Sheridan and President Higgins – all taken at 'The Old Triangle – A Celebration for the Benefit of the Irish Penal Reform Trust' at the Abbey Theatre, Dublin on 26th February 2012. Photos: Derek Speirs



Areas of Work

Human Rights in Prison

The principle of ‘imprisonment as punishment’ – that the deprivation of liberty is the core punitive sanction, and conditions and treatment while in prison should not be used as additional punishment – is at the centre of all IPRT activities.

In particular, IPRT maintains that prisoners have the right to be treated with dignity and respect for their rights; they have the right to safety and security of the person and the right to be treated humanely and be free from torture, degrading or inhuman treatment or punishment.

In our work, the IPRT is committed to ensuring that the rights of prisoners are respected and that the Irish penal policy is based on the implementation of international human rights standards. 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.

Our rights-focused work in 2012 had three distinct strands: informing prisoners and their families about their rights, whilst advocating for strong accountability mechanisms to support these rights, alongside pushing for real commitments to address rights abuses in Irish prisons.

Informing & Supporting Rights

The publication of our prisoner rights booklet, *Know Your Rights – Your Rights as a Prisoner*, produced in association with the Irish Council for Civil Liberties (ICCL) and funded by the Irish Research Council (IRCHSS) at the end of March 2012 represented a major development in supporting prisoner rights in Ireland.

Know Your Rights – Your Rights as a Prisoner will have a major impact on prisoners' human rights awareness and will be of long-lasting value in the promotion of human rights through the prison system. The resource was presented at three community launches in Cork, Limerick and Dublin, and four information seminars in Cork, Limerick, Mountjoy and Wheatfield prisons.

In June 2012, IPRT and Dublin Institute of Technology published *Deaths in Prison Custody: Information for Families &*

Others Affected, also funded by the Irish Research Council. Designed to provide information about what may happen after a person dies in prison and what the law requires in these circumstances, the booklet also includes a directory of support organisations.

These activities are crucial in supporting prisoners and the families of prisoners and facilitating access to their rights.

Protecting Rights

Promoting better accountability in prisons and pushing for an effective independent complaints mechanism have been a cornerstone of IPRT's campaigning work since our establishment. Informing prisoners and their families about their rights must happen in tandem with systems to ensure these rights are upheld.

Independent oversight is particularly important in places of detention that are away from public view – and in this regard, Ireland is not meeting international standards. The continuing lack of an independent complaints system for prisoners is a glaring gap in Irish law that presents an obstacle to the Government's commitments to ratify the Optional Protocol to the UN Convention against Torture (OP-CAT). Our activities to this end are detailed in the 'Alliances' section of this report.

In March 2012, IPRT invited Northern Ireland Prisoner Ombudsman, Pauline McCabe to Dublin as keynote speaker at an event entitled, 'Strengthening Accountability Behind Bars: Prisoner Rights and Prisoner Complaints'.

IPRT's purpose in staging the event was to draw attention to both the serious gaps in accountability and human rights protection in the prison system, and also the lack of an effective and independent mechanism of investigation into deaths in prison custody in Ireland, which was in clear breach of the European Convention on Human Rights.

The event was chaired by Gráinne McMorrough SC, and panel respondents included: Mr Jimmy Martin, Assistant Secretary of the Department of Justice and Equality; Brian Murphy, Deputy Director - Operations, Irish Prison Service; and Mr John Clinton, General Secretary, Irish Prison Officers Association. Walter Jayawardene of the ICCL also spoke at the event, at which *Know Your Rights – Your Rights as a Prisoner* was launched.

In August 2012, on publication of the Inspector of Prisons' *Suggested Prisoner Complaints Model for Irish Prisons* report, the Minister for Justice and Equality, Mr Alan Shatter TD announced new procedures to investigate prisoner complaints, stating:

"The Minister [is] not satisfied that the existing complaints procedure [is] effective. Prisoners are in a particularly vulnerable position and they must have access to a credible complaints system that deals with genuine complaints in an open, transparent and independent way."

This statement in itself marked a radical sea-change in the State's response to prisoners' rights, a key achievement in terms of IPRT's long-term goals.

The new prisoner complaints process, in operation since 1 November 2012, currently only deals with the most serious complaints (described as Category A). A panel of 22 investigators have been recruited and trained, and the Inspector of Prisons has a role in providing overall oversight of how this level of the complaints system operates. IPRT has been monitoring closely how the new internal system is operating, and continues to press for its extension to all categories of complaints.

While IPRT welcomed the development of the improved internal complaints system as significant, it does not negate the need for a fully independent complaints mechanism for prisoners – and IPRT continues to campaign for the establishment of a Prisoner Ombudsman or similar in Ireland.

Addressing Rights Issues

During 2012, we witnessed the achievement of some of our key policy objectives in the sphere of prisoners' human rights.

On 19th April 2012, three weeks after the IPRT event on accountability in Irish prisons, the Minister for Justice and Equality announced that a new system of investigating all deaths of prisoners would be put in place, overseen by the Inspector of Prisons. A campaigning priority for the organisation over many years, IPRT welcomed the announcement that these investigations would include prisoners recently released from prison and also that, for the first time, the reports will be made public.

Specific standards required for investigation of deaths in custody have been established clearly by the European Court of Human Rights, and IPRT will be assessing whether the new system meets the standards of independence required in practice. It is essential that a legislative framework is put in place to support this investigative function of the Inspector of Prisons, including the legal powers to compel witnesses, and that the Office of the Inspector of Prisons is adequately resourced to fulfil all of its functions promptly and efficiently. IPRT continues to underline that the system must be robust to be effective.

On 30 April 2012, the Irish Prison Service launched its *Three Year Strategic Plan 2012-2015*, to which IPRT had significant input. The *Strategic Plan* included commitments to:

- (i) end slopping out within 40 months;
- (ii) renovate Cork, Mountjoy and Limerick Prisons; and
- (iii) develop specific strategies to meet the needs of vulnerable and marginalised groups in the prison population.

The *Year One Implementation Plan* was published on 15 June 2012, and IPRT will be measuring progress against the benchmarks set out.

All of these achievements have been built on the platform of policy work and alliance building over the past four years.

Areas of Work

Imprisonment as a Last Resort

Since imprisonment itself causes a number of serious social harms, imprisonment should be a sanction of last resort. A core goal of IPRT is to have this principle of imprisonment as a last resort established at the centre of penal policy in Ireland.

The proof of progress towards our goal of imprisonment as a last resort is ultimately in the numbers, and, after years of accelerating increases in the numbers of people sent to prison in Ireland – years during which IPRT consistently drew attention to a system that seemed to be out of control – in 2011 and 2012, we witnessed a welcome levelling off in numbers.

However, while there was a decrease in the overall number of committals to prison in 2012 – albeit a decrease of only 1.7% on 2011 figures – IPRT was disappointed to note that the number of women sent to prison continued to increase, with a 13% increase in the number of women committed to prison in 2012. Similarly, the numbers of committals for fines default rose by a further 10%.

There was also a significant drop in the number of community service orders carried out in 2012. Taken together, the figures suggest that the *Criminal Justice (Community Service) (Amendment) Act 2011* has so far not had the intended effect in terms of an increased use of alternatives to custody, and the *Fines Act 2010* has had little or no impact at all. Unfortunately, this only serves to underline an ongoing need for monitoring the *implementation* of legislative and policy reforms into the future.

Policy and Sentencing Reform

A major shift in Government policy around the use of imprisonment had occurred with the adoption of the Thornton Hall Review Group report in autumn 2011. Since then the implementation of that report has advanced with the pilot ‘community return’ early release programme for prisoners serving longer sentences. Also, and significantly, commitments to support the safe reduction of the prison population and to align capacities with those recommended by the Inspector of Prisons were contained in the Irish Prison Service *Three Year Strategic Plan 2012–2015* (April 2012). IPRT had contributed to the development of this strategy.

Throughout 2012, IPRT worked closely with the Oireachtas Sub-Committee on Penal Reform which had been established in October 2011. The Committee published an interim report on 29 March 2012, in which potential recommendations for the Sub-committee Final Report centred on structured release strategies and alternatives to custodial sanctions.

IPRT supports wider policy discussion around sentencing, whilst engaging with the legal profession. To this end, in 2012 we invited Judge Colman Treacy of the Sentencing Council of England & Wales to Ireland to present the IPRT Annual Lecture for 2012 on the establishment and working of that body. During his visit he also met with the Oireachtas Justice Committee, the Chief Justice and the Law Reform Commission. From a strategic point of view, by opening the discussion on Sentencing Guidelines as a means of improving public perceptions around consistency and fairness in sentencing, IPRT aims to turn debate away from mandatory sentencing as an attractive – if entirely ineffective – policy option.

A key achievement in this area was witnessing how the phrase 'sentencing guidelines' and calls for such a development in Ireland took on wings, making its way into statements by politicians and media commentary and analysis. A number of Oireachtas members raised the issue of Sentencing Guidelines in debates, and Victim Support Groups also suggested that the UK model be looked at.

In October 2012, IPRT published its *Position Paper 9: Reform of Remission, Temporary Release and Parole*. The report received significant media attention, not unanimously positive! The proposals, which some deemed radical – despite demonstrated experience of many other jurisdictions – aim to tackle chronic prison overcrowding, whilst bringing Ireland in line with its obligations under the European Convention on Human Rights. At its core, IPRT believes that a more transparent and structured system of release for prisoners will incentivise meaningful engagement with services and regimes inside prison, and support more successful reintegration of prisoners back into the community.

Ultimately fewer people in prison and safer communities should be the twin goals of any criminal justice policy – IPRT is working towards these clear goals.

Imprisonment for Fines

During 2012, there was no significant advance in bringing to an end imprisonment for fines default, and the numbers continued to rise. Committals to prison for failure to pay a court-ordered fine rose by 10.5% in 2012, from 7,514 to 8,304. Of these, 1,687 were female (up from 1,300 in 2011) and 6,617 were male.

In October, the Government approved the drafting of the *Fines (Amendment) Bill 2012* which provides for an attachment of earnings order, a recovery order or a community service order where a person is unable or unwilling to pay a fine. Yet, there was no progress during 2012 on facilitating the payment of fines by instalment, despite our consistent work in drawing attention to the issue and the substantial media coverage attained.

To this end IPRT has called on the Minister to consider the introduction of an amnesty for all fines – particularly those handed down before the Fines Act 2010 was signed into law. The human and financial cost of this practice means Ireland cannot afford to wait any longer.



Areas of Work

Fairer Society, Safer Communities

Penal Policy & Social Policy

Crime cannot be viewed as a problem in isolation from deeper social and economic issues, and in our work IPRT strives to make clear the links between prison and criminal justice policy and wider social policy, with particular emphasis on the social and economic benefits of prevention and early intervention strategies. Combatting social injustice is one of the most effective ways of reducing crimes and building better communities, and this is at root of everything we do.

Prof. Kathleen Lynch and John Loneragan at the launch of *The Vicious Circle of Social Exclusion and Crime*, 2nd Feb 2012. Photo: Derek Speirs

A new IPRT Position Paper, *The Vicious Circle of Social Exclusion and Crime: Ireland's Disproportionate Punishment of the Poor*, launched in February 2012, was an important step towards integrating social policy advocacy and penal reform and builds on our previous work around prevention and intervention strategies in 2011 under the project title 'Shifting Focus: from criminal justice to social justice.'

The paper highlights the causative links between social exclusion, deprivation and crime. It details criminal justice policies, such as imprisonment for non-payment of fines and the criminalisation of begging, which directly target the poor; it also presents clear evidence that marginalised communities are more heavily policed and more severely punished than more affluent communities, compounding the social exclusion that underlies much crime. The paper concludes with fifteen clear recommendations to Government on ways to address these issues, and thereby create a fairer – and safer – society for everyone.

Launched in an event co-hosted with the Community Platform, speakers included: former Governor of Mountjoy Prison and Patron of IPRT, John Loneragan, who chaired the event; leading social justice campaigner and academic Dr. Kathleen Lynch; Tony Geoghegan, CEO of Merchants Quay Ireland; Orla O'Connor, Head of Policy (now Director) with the National Women's Council of Ireland (NWCi); Brid O'Brien, Head of Policy and Media with the Irish National Organisation of the Unemployed (INOUE); and IPRT's Liam Herrick.

Supporting Change

On 4 May 2012, the publication of a strengthened version of the *Spent Convictions Bill* was also the culmination of several years of campaigning work by IPRT. Supporting people's desistance from offending behaviour is in everybody's interest, and the lack of so-called 'second chance' legislation – whereby certain convictions no longer need to be disclosed after a set rehabilitative period – in Ireland is completely contrary to the rehabilitative aims of the justice system.

While welcoming the *Bill* as an improvement on earlier versions, IPRT drew attention to its limitations. We issued a detailed submission on *Criminal Justice (Spent Convictions) Bill 2012*, lobbied directly with many Senators and TDs towards improvements on the Bill, and saw some progress to this end in terms of amendments accepted. The impact of our activities was also visible in the many references to

IPRT case studies in both houses of the Oireachtas during the debate.

However, the Government was depressingly intransigent on some aspects – including an unwillingness to raise the maximum limit of 12 months custodial sentence to which the spent convictions scheme will apply. IPRT will continue to engage closely with the legislative process around the *Bill* in 2013, pushing for stronger legislation with wider application.

The Strategic Review Group on Penal Policy was formally established by the Minister for Justice in September 2012, and includes IPRT's Liam Herrick among its members. IPRT intends to make a significant contribution to the Group, and we hope that the ultimate report – expected mid-2013 – will help shape the future development of Irish penal policy in line with IPRT's Vision for the penal system.

Breaking the Cycle

During 2012, IPRT also carried out a significant piece of research work which had at its centre the aim to highlight and tackle another cycle of disadvantage: "*Picking Up the Pieces*": *The Rights and Needs of Children and Families Affected by Imprisonment*, funded by the St Stephens Green Trust, was launched on 19 November 2012. An area of rights that receives little or no attention in Ireland, the report is unique in including the voices of children and families affected by imprisonment.

Detailing in particular the longer term negative impact on children in terms of increased risk of mental health issues and involvement with the criminal justice system, alongside the compounding of the social marginalisation that is at the root of much offending behaviour – the report makes clear and concrete recommendations for support, inter-agency strategies, and for the best interests of the child to be a key consideration.

Arising directly out of this research carried out by IPRT, the Irish Prison Service established a working group to examine the issues and implement positive changes across the prison system.

In these and other ways, IPRT plays its part and adds its voice to the wider civil society campaign for fairer and safer communities.

Areas of Work

Better Life Outcomes for Young People

Youth Justice

Bringing to an end the detention of boys in St. Patrick's Institution – a prison environment entirely inappropriate for children – has been a priority issue for IPRT since our establishment in 1994. In 2012, after two decades of consistent condemnation and strong recommendations from human rights monitoring bodies and weak commitments by successive Governments, we finally saw progress in this regard.

Towards the end of 2011 – and following concerted action on the part of IPRT and other groups including the Ombudsman for Children, the Children's Rights Alliance and Barnardos – IPRT was quietly confident that there would be some movement in early 2012.

On 2 April 2012 the Minister for Children and Youth Affairs, Frances Fitzgerald T.D. announced that the detention of children in St. Patrick's Institution would end within two years, and that 16-year-old boys would no longer be committed to the prison from 1 May 2012. Crucially, the Minister also announced that the capital funding necessary to make the transfer possible was to be made available. The last 16-year-old in St Patrick's Institution was released at the end of July 2012. Since then, IPRT has continued to push for the transfer of 17-year-old boys from St. Patrick's Institution to be accelerated.

On Friday 22nd June, 2012 – and to little fanfare – the Minister for Children and Youth Affairs and the Minister for Justice and Equality signed an Order removing the sub-section from the *Ombudsman for Children Act 2002* which excluded children detained in St Patrick's Institution from the complaints remit of the Ombudsman for Children. The order came into effect from 1st July, 2012.

Along with the Children's Rights Alliance and other advocates for the rights of all children, not least the Ombudsman for Children herself, IPRT had long been campaigning for such an extension to the Ombudsman's remit and welcomed the extension of her powers to receive, investigate and respond to complaints from the remaining 17-year-olds in St. Patrick's Institution.

A longstanding campaigning priority for IPRT, our work over many years towards these achievements has included: publishing briefings and reports; holding seminars and events; advocating and lobbying; and co-ordinating intensive NGO and statutory activity on this issue.

Then, on 16th October 2012, the Inspector of Prisons' *Report on an Inspection of St. Patrick's Institution for Young Offenders* was published. The report unveiled systematic violation of the human rights of children and young people in the prison, and was shocking on many fronts, revealing a culture of impunity and a wide disregard for the human rights of boys and young men held there. Following the publication of the report, the Minister for Justice announced his intention to end the detention of all prisoners aged under 21 in St. Patrick's Institution by 2014.

The Old Triangle

At the end of 2012, IPRT began a feasibility study into a discrete project focusing on responses to 18-21 year old offenders, looking at: best practice from other jurisdictions; recommendations of international rights bodies; and emerging scientific research around the development of the adolescent brain, peak ages of offending, and peak ages of desistance and change. It is a very exciting area, and one that offers great potential for positive interventions leading to better life outcomes for young people who fall into patterns of offending behaviour.

In all, 2012 was a year of devastating reports on St. Patrick's Institution, but some positive developments in terms of addressing the detention of boys in a prison environment in Ireland, and in facilitating the access of all children to an independent complaints mechanism.

Irish Penal Reform Trust



Activities Research & Policy

IPRT's advocacy work is underscored by research and evidence-led policies. In 2012, we used the comprehensive research and policy base we have developed since 2009 as foundations for a number of submissions. Other significant activities included: a multi-faceted prisoner rights information project, an empirical research project, two new position papers, and more.

POLICY SUBMISSIONS

- Policy submission on **mental health and the criminal justice system** to Government's Cross-Sectoral Group (27 April 2012)
- Policy submission on **mandatory sentencing** presented to the Law Reform Commission (30 April 2012)
- Submission to Oireachtas proposing amendments to the **Spent Convictions Bill** (28 June 2012)
- Submission to Department of Children and Youth Affairs' **Consultation on 'Improving the lives of young people and children** (5 July 2012)

SUBMISSIONS TO INTERNATIONAL MONITORING BODIES

- Submission with the Irish Council of Civil Liberties to **UNCAT – One Year Progress Report** (7 June 2012)
- Submission to **UN Special Rapporteur on Human Rights Defenders** in advance of her visit to Ireland (7 Nov 2012)

POSITION PAPERS AND BRIEFINGS

- *The Vicious Circle of Social Exclusion and Crime: Ireland's Disproportionate Punishment of the Poor* (2 February 2012)
- *IPRT Briefing: Complaints, Monitoring and Inspection in Prisons* – updated (26 June 2012)
- *IPRT Briefing: Detention of Children in St. Patrick's Institution* – updated (18 July 2012)
- *IPRT Position Paper 9: Remission, Temporary Release and Parole* (22 October 2012)

All IPRT submissions, briefings, position papers, presentations and research reports are available online at www.iprt.ie | Hard copies available from research@iprt.ie or +01-8741400

RIGHTS INFORMATION PROJECT

- *Know Your Rights - Your Rights as a Prisoner*, produced in collaboration with the Irish Council for Civil Liberties (30 March 2012)



- *Know Your Rights - Your Rights as a Prisoner* – Polish, Lithuanian and Arabic translations (May 2012)
- *Know Your Rights - Your Rights as a Prisoner* – audio (June 2012)
- *Deaths in Prison Custody: Information for Families & Others Affected* (June 2012)

RESEARCH PROJECT

- *"Picking Up the Pieces": The Rights and Needs of Children and Families Affected by Imprisonment* (19 November 2012)

IPRT also published three substantial prison law papers and one prison law briefing, alongside regular legal bulletins, during 2012. See 'Effecting Change through the Law' on page 29.

Above L-R: Gráinne McMorrough SC, Northern Ireland Prisoner Ombudsman Pauline McCabe, and John Clinton, General Secretary of the Irish Prison Officers Association – 'Strengthening Accountability Behind Bars', 30th March 2012. Photo: Derek Speirs



Activities

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 – a key aspect of our work.

Media

IPRT is well established with the media as an authoritative resource on prisons-related information, comment and analysis. IPRT is regularly contacted for comment by the main daily broadsheets, along with other local and national papers, and online publications thejournal.ie and politico.ie IPRT also contributes opinion articles to sector publications including the *Garda Review*, *Law Gazette*, *Public Affairs Ireland*, *Emergency Services Ireland* and the *Medical Independent*.

In terms of broadcast media, IPRT's Liam Herrick is a regular contributor to high profile radio news and talk-shows, across national and local radio stations, along with frequent appearances on national TV news (RTÉ) and current affairs programmes (RTÉ, TV3). IPRT Board members Eddie D'Arcy and Prof. Joe Barry also contributed on IPRT's behalf in 2012.

In 2012, IPRT contributed to more than 100 radio news, interviews and debates and 14 television interviews; we also contributed to upwards from 40 online journals and more than 80 print articles!

Two television broadcasts deserve particular mention. The first was an RTÉ Six One news item focusing on the Government's failure to progress with the new children detention facilities at Oberstown: 'The Gates to Nowhere' (4 Jan 2012). The item, which included the voices of former prisoners, had tremendous impact in terms of putting pressure on the authorities and wider public awareness. Ensuing coverage of the issues ran across other media channels for another two weeks, and RTÉ News reporter, Caitríona Perry was named as overall winner in the Television News category of the Justice Media Awards for the report.

The second was a powerful interview with a former prisoner on TV3's *Tonight with Vincent Browne* (22 Feb 2012). The interview proved of great value in terms of working against the demonisation of offenders: whilst not seeking to minimise the great harm committed in any way, the near inevitability of imprisonment for children growing up within a particular set of circumstances was laid clear, as was a person's capacity for change and how society should give every support.

We are very grateful to the contributions made by the former prisoners, which was crucial to the impact of these reports.

During February 2012, IPRT reached out to new audiences in a very different way by way of our arts event, 'The Old Triangle – A Celebration for the Benefit of the Irish Penal Reform Trust', which took place in the Abbey Theatre on 26 Feb 2012. The rationale behind the event was to reach new audiences by way of the arts, and also to direct positive attention to the skills and potential of prisoners. Promotion of the event saw the inclusion of IPRT in new areas of the media. Of particular note are an edition of RTÉ's Arts Tonight (13 Feb 2012) focusing on 'Art education in prisons'; an interview on Today FM's 'The Last Word' with visual artist Paul McCormack, who works in prisons, and poet Theo Dorgan (21 Feb 2012); and a 20-minute item on RTÉ 1's Arena, focusing on the artists' support of social justice issues and penal reform (21 Feb 2012).

The extensive and in-depth media coverage around the publication of the IPRT report *"Picking up the Pieces: The Rights and Needs of Children and Families of Prisoners"* in November 2012 was also significant. Around 18,000 children in Ireland are affected by parental imprisonment every year, putting them at increased risk of mental health issues, early school leaving, and offending behaviour – yet it remains an issue that rarely receives any attention. The widespread coverage of the report's findings across television, radio, print and online media channels was therefore of great importance, and indicated wide public support for early intervention with this vulnerable group.



IPRT continued to make the most of the opportunities that arose around the publication of key reports, including those issued by the Inspector of Prisons and the Irish Prison Service, to further our core messages of respect for human rights of prisoners and imprisonment as a last resort.

Other prominent issues which received much attention during 2012 included: inhumane prison conditions, prisoner release mechanisms, alternatives to custody, issues around accountability, the detention of children in St Patrick's Institution, women offenders, and imprisonment for fines default.



MEDIA ADVISORIES

- *Limerick Prison: Action Plan on Serious Deficiencies in Conditions and Regimes must be met, states IPRT*
– press release, 17 January 2012
- *Government receives “fail grade” for inaction on commitment to end imprisonment of children in Ireland*
– press release, 23 January 2012
- *Punishing cuts to preventative services will exacerbate unfairness of criminal justice system, warns IPRT*
– press release, 2 February 2012
- *President Michael D. Higgins to attend celebration of the work of artists and prison*
– press release, 20 February 2012
- *Full house and rapturous applause for celebration of arts in prison*
– press release, 26 February 2012
- *Proposal on Cork Prison offers positive and practical vision for addressing acute problems in Irish prison system*
– press release, 29 February 2012
- *Establishment of Prisoner Ombudsman needed to address “glaring gaps” in accountability structures in Ireland’s prison system*
– press release, 30 March 2012
- *IPRT hails Government’s action on ending detention of children in St Patrick’s Institution as “historic”*
– press release, 2 April 2012
- *Announcement on prison death investigations must be matched with adequate resources and legal powers for Inspector of Prisons*
– press release, 19 April 2012
- *New prisons strategy must be supported by adequate resources and reform across criminal justice system (IPRT)*
– press release, 30 April 2012
- *Proposed Community Return Scheme offers potential for more structured and transparent safe release of prisoners (IPRT)*
– press release, 2 May 2012
- *Spent Convictions Bill welcomed but legislation could go further in reducing barriers to reintegration (IPRT)*
– press release, 4 May 2012
- *Plans to replace outdated Limerick Prison accommodation must not translate into penal expansionism (IPRT)*
– press statement, 11 June 2012
- *Ombudsman for Children’s complaints remit extended to children in St Patrick’s Institution*
– press statement, 26 June 2012
- *IPRT welcomes “levelling off” of prisoner numbers, but number of female prisoners and fine defaulters continues to rise*
– press release, 7 August 2012
- *IPRT gives cautious welcome to proposed Prisoner Complaints system* – press release, 8 August 2012
- *IPRT welcomes increase in use of community sanctions as alternative to prison* – press release, 15 August 2012
- *Sentencing Guidelines and the work of the Sentencing Council – ‘promoting greater consistency in sentencing’*
– press release, 17 September 2012
- *Horrific Report on St. Patrick’s Instn. raises questions over continued operation of prison*
– press release, 16 October 2012
- *Reforms needed to ensure fair and transparent systems of early release for prisoners (IPRT)*
– press release, 22 October 2012
- *State must safeguard the rights of children and families of prisoners in order to reduce negative social and economic effects into the future (IPRT)*
– press release, 19 November 2012

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.

Video and Images

www.ustream.tv/channel/iprt

www.flickr.com/photos/irishpenalreformtrust

IPRT Annual Report 2011

The *Annual Report* for 2011 was published in July 2012.


E-bulletins

Four ebulletins were issued to members and stakeholders in 2012, including a Christmas print edition.

We track IPRT's communications and media engagement online at www.iprt.ie | Full record available from communications@iprt.ie or +01-8741400



President Higgins, IPRT Patron and Paula Meehan, IPRT Advocate at 'The Old Triangle' at the Abbey Theatre, 26th Feb 2012. Photos: Derek Speirs



"For many years I have been an great admirer of the work undertaken by the Trust in monitoring and commenting on developments, or the lack of them, within the Irish penal system. The Trust's main attraction for me is its total independence of the State system, its great courage to speak out publicly and to challenge the establishment on all matters of penal policy and direction and above all its absolute integrity. In addition, the Trust plays a vital role in ensuring that the general public have a better and more informed insight into the workings of the penal system."

John Loneragan, former Governor of Mountjoy Prison and IPRT Advocate



Activities

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 due to the small size of the IPRT office team, we also seek to increase our impact through working in partnership and in alliance with other organisations to achieve our policy goals.

IPRT's main goals in this area relate to achieving change in law and in policy. Building on our research and policy platform, and the awareness created by our communications activities, we concentrate a significant proportion of our time and resources in influencing the key decision-makers in the system. Through the success of our policy work and by building relationships with all stakeholders in the system, IPRT is now firmly established as an influential voice in the policy-making process. IPRT works closely to campaign for the development and implementation of policy based on our Vision for meaningful penal reform, and this helped to ensure that 2012 saw a measurable shift in both Government policy and the policy of the Irish Prison Service.

Oireachtas

We continue to engage with all political parties on an ongoing basis, with particular emphasis on parliamentary questions and submissions on legislation, and policy presentations to opposition parties. In June 2012, we held an Oireachtas All-Party Group on Penal Reform breakfast briefing on *Know Your Rights* and penal reform developments. We also engaged with the Sub-Committee on Penal Reform throughout 2012.

Statutory

IPRT worked closely with the Irish Prison Service on a number of areas of policy in the course of 2012, including contribution to the development of its *3-Year Strategic Plan 2012-2014*, launched in April. IPRT also had a number of meetings with the Irish Prison Service and Probation Service contributing to a proposed new strategy for women offenders, including visiting the proposed new women's centre as a potential alternative to prison. IPRT also invited Mark Johnson of UserVoice to Dublin to address an audience of prison governors in Wheatfield Prison on the benefits of Prisoner Councils (3 Dec 2012).

IPRT Executive Director Liam Herrick addressed the Irish Prison Officers Association annual conference, which was the first such address by IPRT on 29 April 2012. We also continued to work closely with the Inspector of Prisons, the Ombudsman for Children, and the Irish Human Rights Commission.

In October, Liam was appointed to the Minister for Justice's Strategic Review Group on Penal Policy. The Group has been tasked with producing a report to map out a vision for long-term penal policy development, and is due to report in late 2013.

NGO Co-operation

During 2012, 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. IPRT continued to co-ordinate the Women in Prison Reform Alliance, as we worked closely with the Irish Prison Service and Probation Service towards the development of a new joint strategy on women offenders.

IPRT played a leading role in coordinating the work of the main statutory and community organisations concerned about the children detained at St. Patrick's Institution, including the Ombudsman for Children, the Children's Rights Alliance and Barnardos. We also engaged with children's rights groups on the issue of developing appropriate services for children in the youth justice system as part of the Children's Mental Health Coalition.

International Human Rights Bodies

On 15 February 2012, IPRT and ICCL co-hosted a closed seminar for all statutory stakeholders on the Optional Protocol to the UN Convention against Torture (OP-CAT). In attendance were representatives from all the primary statutory bodies with competence for detention or inspection /complaints. The speaker was Malcolm Evans, Chair of the UN Sub-Committee for the Prevention of Torture.

On 28 May 2012, ICCL and IPRT, in conjunction with Justice for Magdalenes, hosted a one-year follow up event, the 'Preventing Ill-Treatment and Securing Accountability: the Impact in Ireland of the UN Convention against Torture (UNCAT)' seminar, with special guest Ms. Felice Gaer of the UN Committee against Torture.

And in November 2012, in the *IPRT Submission to the United Nations Special Rapporteur on Human Rights Defenders* made in advance of Margaret Sekaggya's visit to Ireland, IPRT underlined the continuing need for a truly independent complaints mechanism in Ireland. This is particularly crucial to address allegations of intimidation of prisoners attempting to submit complaints of human rights violations in the current system.

Ashoka/Change Nation

As part of a wider campaign to generate solutions to current social and economic problems in Ireland, *Change Nation*, an *Ashoka* initiative, hosted a visit in March 2012 by Spanish entrepreneur, Faustino Garcia Zapico, on his idea of *Units of Therapy and Education (UTE)* and how this programme could be successfully applied in the Irish prison context. As part of his visit to Ireland, IPRT helped to organise a visit for Faustino to Wheatfield Prison, facilitated by the Irish Prison Service, where he presented on UTE's work in Spain and exchanged information with Irish colleagues on the parallels with incentivised regimes initiatives here (21 March 2012).

Academic Sector

IPRT staff continue to present a significant number of conference papers and guest lectures in all the main third level institutions, including papers on the impact of imprisonment on families and marginalised communities at the Annual North-South Criminology Conference (June 2012) and on reform of remission, temporary release and parole at the ACJRD Annual Conference (Oct 2012).

Our partnership in 2012 with Dublin Institute of Technology (DIT) and the Irish Research Council (IRCHSS) formed the largest project funding grant IPRT has succeeded in attracting to date. In Oct 2012, Liam was awarded a DIT Community Fellowship in recognition of IPRT's close work with DIT and our participation with its Community Based Learning Programme over several years. DIT students continue to carry out research on behalf of IPRT, another joint initiative with the Institute.

We believe that there is further potential to develop joint projects with DIT and with other academic institutions.



L-R: Judge Colman Treacy and Judge Paul McDermott at the IPRT Annual Lecture 2012, 20th Sept 2012; 'Strengthening Accountability Behind Bars' at the Chester Beatty Library, 30th March 2012. Photos: Derek Speirs

Activities

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 are members of IPRT continued to increase in 2012. As a direct result of the *Know Your Rights* launches in prisons, 38 prisoners became members (including 27 from Cork Prison alone).

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.

Responding to Queries from Prisoners and Prisoners' 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 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. As of November 2012, there were approximately 42 open cases.

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, in particular Cork Prison;
- provision of meaningful activities for prisoners on protection;
- mental health care in prison;
- access to families and family visits;
- lack of clarity around temporary release decision-making;
- information on how to access the community return scheme;
- and queries on treatment of life-sentenced prisoners.

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. The Prison Consultative Group was closely involved in the development of the *Know Your Rights – Your Rights as a Prisoner* project materials, developed by IPRT in conjunction with the Irish Council for Civil Liberties, launched in March 2012.

Spent Convictions & Garda Vetting

Although at the peripheries of the work of IPRT, more than half of the phone and email queries that IPRT receives relate to spent convictions and/or Garda vetting. This is a symptom of both the lack of official information available, and also the number of people affected.

The lack of spent convictions legislation in Ireland, alongside vetting legislation that requires the indefinite disclosure of all convictions, means that people with convictions – usually minor, often committed long in the past – are continuing to experience barriers to employment, education, insurance and more. We now have a list of more than 50 active supporters of the IPRT spent convictions campaign, who assist us in contacting their public representatives and allowing us use their anonymised stories as case-studies.

***Know Your rights – Your rights as a Prisoner* booklet, translations and audio are available online at www.iprt.ie/prisoner-rights | Hard copies and CDs available from info@iprt.ie or +01-8741400**

Activities

Effecting Change through the Law

IPRT does not currently have a formal legal representative role for prisoners and their families. However, we believe that the legal system presents an opportunity to advance 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:

- *Prison Law Seminar: Prisoner Complaints and Obstacles to Prisoner Litigation* (29 March 2012)
A seminar exploring the challenges facing prisoners and their representatives in raising complaints or concerns about their treatments in custody, both within the prison system and through the courts.
Speakers: John Ward BL, barrister and former Assistant Governor at Mountjoy Prison; Dara Robinson, partner at Sheehan and Partners and one of Ireland's leading experts on prison litigation.
- *Prison Law Seminar: Parole Reform and the ECHR* (22 October 2012)
At the event, IPRT launched a new and comprehensive Position Paper on reform of parole, temporary release and remission.
Speakers: Mr. Tony Kelly, leading Scottish human rights and prison law solicitor; James Mehigan BL, whose practice focuses on criminal defence, extradition and prison law; and Michelle Martyn, IPRT.

Legal Bulletin

The quarterly IPRT Prison Law bulletin, produced in collaboration with PILA (the Public Interest Law Alliance), seeks to stimulate increased prison litigation and equip lawyers in prison law cases through sharing information about interesting penal law developments in Ireland, the UK, and ECtHR decisions. Five legal bulletins were issued during 2012, available online at: www.iprt.ie/prison-law

Prison Law Papers

As part of the 'Talking about Punishment: increasing understanding of prisoners' rights and how those rights may be vindicated' project – funded by the Irish Research Council for the Humanities and Social Sciences, as part of its Research Development Initiative, and produced as part of a collaborative project between the Irish Penal Reform Trust and Dr. Mary Rogan BL of Dublin Institute of Technology – IPRT and DIT published the following papers:

- IPRT Prison Law Paper: *Prison conditions under Irish law and the European Convention on Human Rights*
- IPRT Prison Law Paper: *Taking Prison Law Cases – a Practical Approach*
- IPRT Prison Law Paper: *Accountability Structures and The Law Regulating Irish Prisons*

An IPRT Prison Law Briefing, *Barriers to accessing justice*, was also published under the initiative and disseminated among policy-makers.

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. Among recent cases we have supported are a seminal challenge to the detention of children at St. Patrick's and an inquest into a death in custody.

All IPRT prison law materials, including bulletins and papers, are available online at www.iprt.ie/prison-law | Hard copies available from research@iprt.ie or +01-8741400



Strategy and Governance

BOARD OF DIRECTORS

At the IPRT AGM in July 2012, we welcomed new board members: Paul Mackay, practising Chartered Accountant who served on Mountjoy Prison Visiting Committee for several years; Dr. Kevin Warner, Co-ordinator of Education in the Irish prison system for nearly 30 years until 2009; Seamus Taylor, Lecturer in Social Policy Studies in the Department of Applied Social Studies, NUI Maynooth; and Dr. Azrini Wahidin, a reader in criminology and criminal justice at the School of Sociology, Social Policy and Social Work, Queen's University Belfast.

Claire O'Regan stood down from the IPRT Board in October 2012 on her appointment to a position within the Attorney General's office. Claire made an enormous contribution to IPRT's work during her time on the Board, and we wish her the very best in her new role.

IPRT believes that the mixture of backgrounds of its Board members provides depth and credibility to its work. All IPRT's activities draw on the experiences of Board members across the areas of social policy, health and the law in order to ensure its work is based on the most robust evidence. The Board also places particular emphasis on ensuring that its work is informed directly by knowledge of the everyday reality of the prison system and amongst those working with prisoners and former prisoners.

STRATEGIC DIRECTION AND GOVERNANCE PROCESSES

As well as feeding directly into IPRT's policy work, the Board continues to review the IPRT strategic plan at its regular meetings to ensure the implementation of the plan. The Board's two sub-committees, the Finance Committee and the Human Resources Committee, direct the budgetary and financial structures of the organisation, and oversee the performance review processes and exercise IPRT's employment functions respectively.

The Finance Committee in 2012 comprised Paddy Richardson as Treasurer, Mary Rogan and Eddie D'Arcy. It met before each Board meeting to review the implementation of the agreed budget for 2012, and to develop and approve a budget for 2013.

The Human Resources Committee also meets on a quarterly basis to review the performance of the Executive Director, to oversee the performance review process for other staff

and to examine the implementation of IPRT's staff policies. The Human Resources Committee in 2012 comprised Mary Rogan and Christine Littlefield.

STAFF AND INTERSHIPS

Jane Mulcahy, Research & Policy Officer, began maternity leave in February 2012, and Michelle Martyn – who had worked with IPRT as intern in 2009/2010 and more recently with the Probation Service – stepped into the research and policy role. Jane returned to IPRT at the end of October 2012.

Áine Kilgallon, who was employed as a fundraising consultant from July 2011, finished work with IPRT in March 2012.

Our work in 2012 was greatly supported by interns: Sarah Lynch and Lisa Mannion who worked with us until end January 2012; Ashleigh Shaheen who worked with us in February and March, and Tina Martin who worked with us from Feb-June 2012; Louise Brangan who worked with IPRT in May-June 2012 (her second stint as intern with IPRT!); Gillian Smith who worked on a full-time summer placement; and Lianne Meagher-Reddy who began work with IPRT in autumn 2012.

IPRT continues to attract very skilled and knowledgeable individuals to the internship programme, without whom we would not be able to achieve as much as we do!

Financial Report

The Finance Committee of the IPRT Board meets in advance of each Board meeting, approximately six times per annum. In 2012, the Finance Committee met in January, March, May, September and November. The audited accounts are prepared by Garland McDonald & Sons; the 2011 accounts were approved at the IPRT AGM in July 2012 and submitted to the Companies Registration Office. The 2012 accounts are for approval at the IPRT AGM in July 2013. (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 allowed us to sustain our current level of operation during 2012 and ensured the sustainability of IPRT to the end of 2013. A further grant application will be submitted to The Atlantic Philanthropies in June 2013. The application, if successful, will represent the final grant from the philanthropic funder as it finishes operations.

We continue to be grateful to Joseph Rowntree Charitable Trust for their longstanding support of the organisation. The grant received in 2010 supported IPRT until July 2012, and a new grant received that month will run to July 2015.

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

In 2012, IPRT sought sponsorship for our arts event 'The Old Triangle' in February 2012 and our Annual Lecture in September 2012. We are very grateful to KOD Lyons, Poetry Ireland, Sheehan & Partners and the Bar Council for their very generous sponsorship of these events.

Grant funding (other than from Atlantic Philanthropies and Joseph Rowntree Charitable Trust) and sponsorship received in 2012 came to a total of €31,887.

We were also able to generate income from a number of our activities, including reports commissioned by lawyers in prison litigation, income generated by our celebration of arts in prison at the Abbey Theatre, and fees for lectures given by IPRT staff. The total income from grantee activities came to €9,425.

Membership and individual donations remain important to IPRT and in 2012 they contributed €5,299.

While IPRT is in a stable financial position at this moment, challenging times lie ahead. Our main funder The Atlantic Philanthropies is spending down its remaining funds over the next three years and we await a decision on whether we can retain funding for 2014-2016. If we are successful, our funding from Atlantic will be a lower rate than at present. This means that IPRT will be trying to attract new funding at the same time as many other organisations who have been reliant on Atlantic and the One Foundation (also spending down its funds), and in a very challenging economic environment. We will need to reduce our costs while increasing our fundraising work, and we will need to restructure our organisation to a more sustainable shape while maintaining our current level of activity. To achieve these goals the support of our members and donors will be more important than ever.

DRAFT FINANCIAL STATEMENTS & DATASET 31st December 2012

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 2012

	2012		2011	
	€	€	€	€
Income				
Atlantic Philanthropies	260,000		290,000	
Joseph Rowntree	52,500		72,500	
Membership & Donations	5,299		3,217	
Additional Grants	31,887		2,049	
Grantee Activities	9,425		2,909	
Deposit Interest	224		242	
Miscellaneous Corporate / Project Funding	3,900		1,779	
		363,235		372,696
Expenditure				
Wages and salaries	232,825		224,595	
Staff pension costs	3,802		3,458	
Rent payable	24,500		24,583	
Light and heat	2,593		2,237	
Printing and stationery	3,328		4,362	
Telephone	4,572		4,920	
Courier costs	476		211	
General expenses	552		1,582	
Consultancy fees	–		11,075	
Insurance	1,102		1,315	
Computer costs	622		694	
Website/Awareness Cost	4,440		3,019	
Repairs and Maintenance	–		352	
Subscriptions	325		164	
Charitable donations	–		200	
Advertising and promotions	369		248	
Building Alliances	2,231		–	
Public Events	11,534		2,555	
Evaluation/Sustainability	305		–	
Travel & Conferences	1,430		4,569	
Publication and reports	36,567		8,229	
Research Costs	5,588		2,132	
Audit	3,195		3,065	
Bank charges	302		343	
Depreciation on website costs	2,311		2,313	
Depreciation on Equipment	739		2,621	
		343,708		308,842
Surplus for the year		19,527		63,854



IPRT
Irish Penal Reform Trust

Irish Penal Reform Trust
4th Floor, Equity House
16-17 Upper Ormond Quay
Dublin 7, Ireland

T: +353 (0) 1 874 1400
E: info@iprt.ie
W: www.iprt.ie