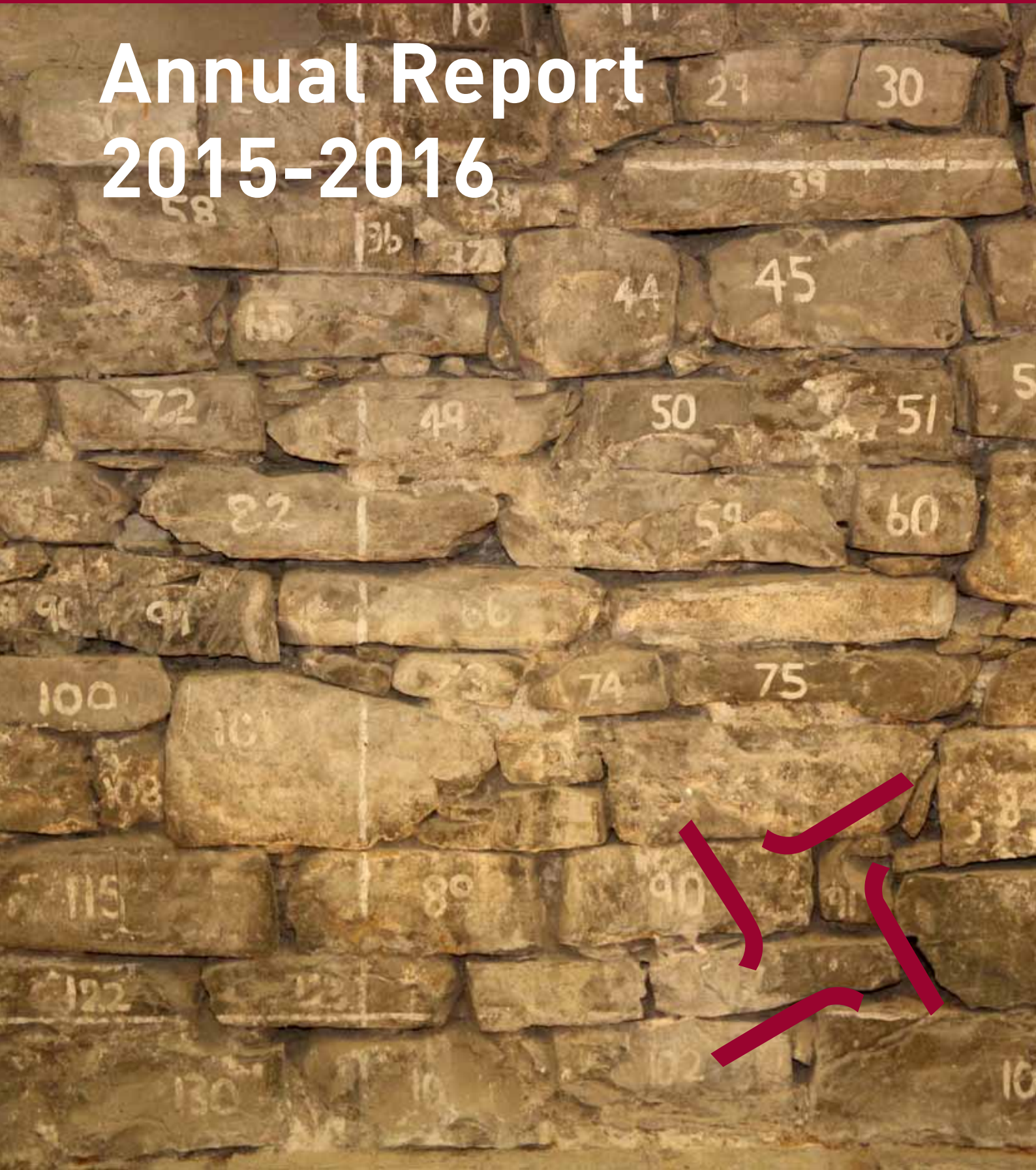




IPRT
Irish Penal Reform Trust

Irish Penal Reform Trust

Annual Report 2015-2016



We need YOU - Be part of something effective

IPRT relies on charitable trusts, individual donations, and membership subscriptions to support our activities and programme costs.

Our effectiveness over recent 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 on prisons and penal reform.

Significantly, we have managed to achieve 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.

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.

By supporting IPRT, you are actively contributing to an efficient and effective campaign for progressive reform – and thereby making a statement that you believe penal reform is necessary, and that there is a better, fairer, and more effective way of responding to offending.

For more information about how you can support the work of IPRT, please visit: www.iprt.ie/what-you-can-do or call us on 01-8741400



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 Deirdre Malone, IPRT Executive Director at dmalone@iprt.ie

There are many other ways that you can become involved in the movement for penal reform in Ireland. Find out more at: www.iprt.ie/get-involved or by calling us at: 01-8741400

Message from IPRT Chairperson

Over the past year the Irish Penal Reform Trust has focused its efforts on two key objectives: firstly, seeking to advance evidence-informed policy and practice on the rights of all within the penal system and secondly, seeking to secure the sustainability of the Trust. These two objectives are inextricably linked. IPRT has been able to make most progress when it has had a stable resource base. I am pleased to say that we have made considerable progress on both fronts in the last 12 months. The past year can be summed up on both fronts as a year marked by a lot achieved and a lot still to achieve.



In terms of our work on evidence-informed human rights advocacy in the penal system, there has been progress across a range of areas, perhaps most notably in significant progress towards securing an independent complaints mechanism for prisoners, through the Office of the Ombudsman, an area of accountability that the IPRT has campaigned on for many years. Other notable achievements for our advocacy work were evidenced at UN level, picking up our policy agendas on the ratification of OPCAT, the inclusion of questions to the State on the issues faced by women in detention in next year's CEDAW hearing, and recommendations on children in detention issued by the UN Committee on the Rights of the Child in January 2016. Alongside these international interventions there has been our national work on a range of fronts including the launch of the first-ever research report on the experience of LGBT people in Irish prisons, a report which forms part of our focus on equality and diversity in the wider penal reform agenda.

In terms of securing the sustainability of the IPRT, we spoke at last year's AGM of the challenge facing IPRT in 2016 with the departure of two major core funders during this year, namely The Atlantic Philanthropies and the Joseph Rowntree Charitable Trust. Their commitment to advancing human rights for prisoners has enabled us to make considerable progress in recent years and for this generous support we are grateful. Both funders have left an indelible and positive imprint on the penal reform landscape in Ireland.

This time last year we faced an uncertain future organisationally. As a Board and staff we set about managing our future, and through the work of a Board-level Futures Group we have secured alternative funding from both the State and philanthropic sectors. This positions IPRT well over the next three years. This has only been possible through the work of IPRT staff ably led by Executive Director Deirdre Malone, and by Futures Group colleagues, Christine Littlefield, Johnny Connolly and Joan O'Flynn, supported by independent facilitator, Patricia Prendiville.

I said earlier that I would describe this as a year with a lot achieved and a lot still to achieve. In terms of our funding base, a lot has been done to stabilise and secure our future. However there is more to be done to meet anticipated shortfalls in funding and to secure the longer term future of the organisation. We look forward to your continued support as we seek to progress this work in the year ahead.

In terms of our policy, advocacy and research work there is equally a lot still to do. There are clear signals of progress in penal system leadership and in discrete developments. However there remains a considerable gap between recognised human rights-based good practice in penal systems and the reality in the Irish prison system. There is no room for complacency. In this context we will focus in the years ahead on work to advance human rights and equality standards in the penal system, whilst working constructively with the leadership and staff in the Irish Prison Service to support reform. We will also hold the system to account for any wilful neglect and on-going failures to realise human rights and equality standards. In pursuing this work we will draw on international and national human rights standards and explore the potential offered through the new statutory duty on the Irish public sector to promote human rights and equality.

All that IPRT has achieved in the past year has only been possible through the work of our excellent small team Deirdre Malone, Fíona Ní Chinnéide and Lorraine Whitty, and until recently, Marie Therese Power. They do an excellent job in terms of both quality and volume of work achieved. I want to thank them on behalf of the Board of the IPRT.

Our achievements are also only possible through the oversight of our Board, and I am privileged to work with great Board colleagues, Christine Littlefield, Johnny Connolly, Eddie D'Arcy, Kevin Gregory, Kathleen Leader, Aislinn O'Donnell, Joan O'Flynn, Niall Walsh and Kevin Warner. I would like in particular to note the contribution of Johnny Connolly to the Board of the IPRT. Johnny is stepping down this year after many years of outstanding contribution, and I in particular have benefitted from Johnny's engaged, informed and incisive contributions to the work of our Futures Group. For this and all his contributions we thank him.

All that we work to achieve is only possible with the support of our members, partners and funders. We are extremely grateful to all of you for your support for the cause of penal reform in Ireland.

Seamus Taylor, Chairperson, August 2016

Patron of IPRT

President of Ireland, Michael D. Higgins



Advocates of IPRT



Paula Meehan,
Ireland Professor
of Poetry



Peter Sheridan,
author and
director



Senator Ivana Bacik



John Lonergan,
former Governor of
Mountjoy Prison

Message from IPRT Executive Director

At the 2015 AGM I expressed that my personal goal for the period was for IPRT to not only 'survive' but to 'thrive' post 2016. Despite the imminent departure of our core funders at the end of this year, I am delighted to report that we have now secured a sustainable financial position for the organisation which will see us through to our 25th year, when we hope to celebrate a quarter of a century of penal reform in Ireland. Throughout the last 12 months our small staff team of three have also managed to maintain the professionalism and profile for which IPRT has become known over the last number of years: maintaining our national impact, raising awareness, and continuing to challenge the status quo.



Over the preceding 12-month period, IPRT has maintained its excellent media profile, with appearances on a broad range of national media, along with significant growth in debate on social media. We produced over 20 substantial domestic and international policy submissions, research reports and briefings over the period on a broad range of issues including pre-trial detention, parole, spent convictions, LGBT prisoners, litigation, education, and women in prison. We are pleased that after consultation with IPRT, the Irish Prison Service has become one of the first public authorities to include a substantial human rights statement in its *Strategic Plan 2016-2018*.

IPRT was an important voice for those in detention at international fora too, securing strong recommendations for the ratification of OPCAT at Ireland's Universal Periodic Review in May 2016 and advocating successfully for the inclusion of issues relating to women in detention at next year's hearing before the UN Committee for the Elimination of Discrimination against Women, as well as contributing to recommendations secured on children in detention in the Concluding Observations of the UN Committee on the Rights of the Child in January 2016.

A particular highlight over the period was the IPRT conference Securing Accountability in November 2015, which contributed to the acceptance in May 2016 by the Tánaiste and Minister for Justice and Equality of the proposal that the Ombudsman of Ireland should have a role in the consideration of prisoner complaints. This was a major victory for the organisation and represents the culmination of many years work on strengthening accountability. Likewise 2016 finally saw the commencement of the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*. While we were pleased for the many people that this Act will assist in moving on with their lives, we were disappointed that the final legislation is so limited in its scope and application.

All of the above was in addition to several other successful events and projects over the period, including the launch in February 2016 of the first ever Irish research study on LGBT prisoners; our international Prison Litigation Conference in April 2016, which we co-hosted with the School of Law, Trinity College Dublin; and ongoing work with the Irish Prison Service on families of prisoners, and a seminar in June 2016 on prison health.

The hard work on funding, finance and sustainability was substantially led by the IPRT Futures Group. It is their dedication and unflagging determination which has resulted in the current positive outlook. We owe them a debt of gratitude in this regard.

Despite some encouraging progress on sustainability, we cannot become complacent about our funding position. The financial support of our members and Friends not only provides an important stream of support to our work, it also provides evidence of wider public support for penal reform. We again invite you to invite interested colleagues and family members to become a member or Friend of IPRT in 2016-2017, if they have not already done so.

Finally, I will be away from IPRT for the next 12 months (due to the imminent arrival of a baby penal reformer) but am delighted that the Director role will be ably filled during that period by my excellent colleague, Deputy Executive Director, Fíona Ní Chinnéide. I wish her the very best of luck over that period which I know will be a great one for the organisation. Our activities during 2015-2016 are set out in detail in this annual report which you have before you at the AGM on 22 September 2016.

Deirdre Malone, Executive Director, September 2016

IPRT Board of Directors

IPRT is governed by a voluntary Board of Directors, made up of a minimum of seven members with expertise in a range of areas relevant to penal reform. The Board focuses on the broader strategic goals of the organisation.



Seamus Taylor
(Chair, from Nov 2015)
Lecturer in Social Policy
Studies



Prof Michael O'Flaherty
(Chair, until Nov 2015)
Director of the Irish Centre
for Human Rights at NUIG



Christine Littlefield
(Vice-Chair)
Formerly of Depaul Ireland,
currently pursuing PhD
studies



Kevin Gregory
(Treasurer)
Finance & ICT Manager
with Business in the
Community Ireland



Kathleen Leader
(Secretary)
Barrister



Prof Joe Barry
(until Nov 2015)
Professor of Public Health



Johnny Connolly
Visiting Research Fellow,
Trinity College Dublin



Eddie D'Arcy
Lecturer in Youth
Work and manager,
Solas Project



Aislinn O'Donnell
Professor of Education,
NUI Maynooth



Joan O'Flynn
CEO of the Camogie Association
and board member of the Ana
Liffey Drug Project



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



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

IPRT Staff

In 2015-16, the day-to-day work of IPRT was carried out by a team of three staff and one employment-based PhD candidate.



Deirdre Malone
Executive Director



Fíona Ní Chinnéide
Deputy Executive
Director



Lorraine Whitty
(from June 2016)
Membership &
Administrative Officer



Marie Therese Power
(until May 2016)
Development and
Administrative Executive



Kate O'Hara
Employment-based PhD
candidate, jointly funded
by the IRC and IPRT

IPRT Interns

Our work is supported by a team of dedicated interns, who bring their skills and passion for social justice and penal reform to their work with IPRT.

Louise Rohan
(July - August 2015)

Katie Stevens
(Sept 2015 - Feb 2016)

Sean Duggan
(Sept 2015 - Feb 2016)

Karl McGrath
(Feb - June 2016)

Ciara Redmond
(March - June 2016)

Órlaith Ní Mhadagáin
(June 2016)

Stephen Byrne
(July - Sept 2016)

Aoife Hyde
(August 2016 – current)

Neil Rafter
(Sept 2016 – current)

Paul O'Mahony (1946-2015)

It was with deep regret that IPRT observed the passing of Dr Paul O'Mahony, a central figure in the founding and development of the Irish Penal Reform Trust, in November 2015.

Dr O'Mahony was one of Ireland's pre-eminent advocates of penal reform, a stance taken on the back of exceptional research in the field of criminology, as well as a profound moral sense. He was the author of six books, and an extensive range of other writing, all of which are imbued with humanity and a passion for social justice.

Dr O'Mahony was a member of the first Management Committee of IPRT, and delivered a keynote speech on *The Prison: from Salvation to Salvage* at the formal launch of the organisation on 29th June 1994 in Trinity College Dublin.

Here former Chairperson of IPRT, Dr Valerie Bresnihan, and current Board member, Dr Kevin Warner, pay tribute to Paul's contribution to IPRT and to penal reform in Ireland.

I first met Paul while I was working for Mountjoy Prison Visiting Committee, in the early 90s, and I had just agreed to become the chair of IPRT.

Throughout my time working with Paul for the IPRT – 6 years in total – Paul maintained an exceptional perspective on the Trust's right for a space in the public arena, particularly from a normative as well as an evidence-based perspective. He was at all times undeterred and unwavering in his beliefs. Consistency was his middle name. As IPRT was then in its infancy our work was difficult, if not on occasions almost impossible. Yet at all times Paul remained strong, supportive and undeterred by obstacles. It was frequently an inspiration to watch him.

He was always more than clear in his mind where IPRT should go – he always succeeded in filling in the essential developmental gaps of a fledgling institution that we had both come to love well. And so, for 6 years, with Paul, Brian Harvey, Celesta McCann James, and Helen Haughton, IPRT survived, and survived very well.

Paul and I left IPRT at the same time. Our work was done. By now we had become trusted friends.

On the 18th of September 2015, there was a celebration in the Áras to mark 21 years of IPRT's anniversary. Paul was unable to attend. Here is what our President said and I quote:

"Throughout my academic career, the areas of criminology and penology have been very important to me. I began teaching criminology and the study of deviant behaviour in the 1970s – and it was around that time that I first met Dr. Paul O'Mahony as we were both involved in the first, ultimately unsuccessful, attempts to establish an Institute of Criminology in Ireland. I know that Paul played a central role in the early years of IPRT and his academic work in describing the sociological context of imprisonment in Ireland, as well of course as his work in the areas of addiction and marginalisation, are of seminal importance."

High praise indeed and well-deserved words from someone now holding the highest office in the land. In conclusion, I like to imagine that our President had Paul especially in his mind when he ended his remarks to us all that night by saying:

"May I say that as patron of IPRT I am proud to be associated with this important organisation in Irish civic society, and as President of Ireland I want to express my gratitude for all that you have done, and for all that you continue to do for our most marginalised citizens." As the President said, Paul's work was seminal, it will continue, but my goodness he will be missed.

Dr Valerie Bresnihan, former Chairperson of IPRT



While a doctoral student at Trinity College in the 1970s, Paul O'Mahony did research for penal reform groups. Then, from 1981 to 1993, he worked in the Prisons Division of the Department of Justice. Word had it that the Department of Justice didn't really want a social psychologist focused on research – but they got one anyway courtesy of the Civil Service Commission. They were fairly ok with psychologists looking inside people's heads, but not so keen at looking at wider issues such as the lives those in prison experienced, their backgrounds and the social issues which brought them into prison.

In that period, and later while teaching in Trinity College, Paul's research examined really important matters such as, for example, addiction, the situation in the old Women's Prison, the youngsters in St. Patrick's Institution and Shanganagh Castle, suicide in prison, the peculiar nature of the Irish prison system compared to other European countries and (at the urging of John Loneragan) seminal studies of the men and women in Mountjoy.

Paul also focused on the criminal justice system as a whole and published six books and a great range of other studies. So, for example, when a judge issued a report on the Kerry Babies case which whitewashed the behaviour of the Gardaí, Paul's report on that report was forensic and scathing. Paul's work was always academically rigorous, but the core quality was always a seeking out of truth, often the uncomfortable truth, and, most especially, he spoke truth to power.

What also comes across greatly in Paul's research is the humanity. He could do the statistics, but we always see 'the whole person', people in all their complexity, their qualities as well as their problems, the lives they live, their backgrounds and experience. Through it all there is a deep commitment to social justice.

Paul's publications form the bedrock of crime and justice study in Ireland. His books include: *Crime and Punishment in Ireland* (1993), *Criminal Chaos: Seven Crises in Irish Criminal Justice* (1996), *Mountjoy Prisoners: A Sociological and Criminological Profile* (1997), *Prison Policy in Ireland: Criminal Justice versus Social Justice* (2000), *Criminal Justice in Ireland* (2002) - a massive landmark text of some 800 pages, which he edited and in which he wrote extensively - and *The Irish War on Drugs: the Seductive Folly of Prohibition* (2008).

Paul deserves recognition as the father – perhaps one should say grandfather - of criminology and criminal justice study in Ireland, work that speaks of and for the troubled and troublesome in our society. We should be hugely grateful for that, and no doubt his writing will endure and continue to be of value to us all.

Dr Kevin Warner, Board member of IPRT

Irish Prisons 2015

At a glance

January

- The average number of people in custody was 3,661. Cork Prison was consistently overcrowded, running at 135% capacity on 27 January, with 233 men living in a space fit for 173. (Jan 2015)
- An independent evaluation of the Limerick-based Le Chéile Restorative Justice Project found that the value of initial investment in the project almost tripled in socio-economic returns. (28 Jan)

February

- In *McDonnell v. The Governor of Wheatfield Prison*, the High Court ruled that a 22-23 hour solitary confinement regime imposed on a prisoner for almost a year constituted a 'clear sustained violation' of the prisoner's right to bodily and psychological integrity. (18 Feb)
- The Children's Rights Alliance *Report Card 2015* downgraded the government to B- in the area of child detention for continuing to hold 17-year-old boys in adult prison environments; the erection of a large perimeter fence around Oberstown; and the overuse of remand for children. (23 Feb)
- HIQA inspection of the Oberstown children's detention school campus found that of ten expected standards, Oberstown complied fully with just one: education. Failure to meet the expected standards in three areas (single separation, the management of medication, and staff training issues) amounted to what HIQA deemed a 'significant risk'. (25 Feb)

March

- Following the signing of a ministerial order, boys aged 17 may now be committed on remand by the courts to Oberstown instead of St Patrick's Institution. (30 March)

April

- The Department of Justice and Equality published its *Strategy Statement 2015-2017*, in which it committed to developing a coherent, collaborative framework in terms of crime and legislative policy and practice, to intervening proactively to provide better outcomes for young offenders, and to implementing the EU Victims Directive and its own *Strategic Review of Penal Policy*. (21 April)

May

- The Irish Prison Service *Annual Report 2014* showed a decrease in the prison population, but clearly illustrated a systemic overreliance on short-term sentences, particularly in relation to fines default. (18 May)
- Launch of the *Joint Irish Prison Service & Probation Service Strategic Plan 2015-2017*. (18 May)

June

- The UN Committee on the Rights of the Child issued its List of Issues for Ireland. It pressed the Irish government on measures used to ensure detention is used as a last resort for young offenders, and requested data in relation to children in detention facilities in Ireland. (22 June)

July

- The Court of Appeal overturned the High Court finding in the *McDonnell v. The Governor of Wheatfield Prison* case, ruling that the High Court's declaration that the prisoner's solitary confinement was in breach of his constitutional rights 'did not reflect a sufficient or correct analysis of the complex issues in the case'. (31 July)

August

- There was an average of 3,732 people in custody in August. A number of prisons were consistently over capacity throughout the month, including Cork and Limerick, which were running at 134% and 131% capacity respectively. (4 Aug)

September

- The Inspector of Prisons presented seventeen reports on his investigations into deaths in prison custody throughout 2015. Concerns raised by the Inspector included inaccurate record-keeping, failures in line management, lack of response to call bells, and in some cases stated that the Irish Prison Service 'failed in its duty of care to the deceased'.
- Following a HIQA inspection of Ballydowd Special Care Unit, Minister for Children and Youth Affairs James Reilly TD launched a departmental review of single separation policies in children's residential care settings. (1 Sep)

October

- Budget 2016 saw the announcement of additional funding for the Probation Service, and a renewed commitment from Minister Fitzgerald to provide the necessary capital funding to end the practice of slopping out in Irish prisons. (14 October)
- A follow-up inspection report by HIQA revealed a slow pace of recommendation implementation at Oberstown. While there had been some progress, concerns remained regarding excessive use of single separation, failure to conduct fire safety training, and inconsistencies in care planning and medication management. (22 Oct)
- A 16-year-old boy was held at St. Patrick's Institution in late October 2015, before being remanded to Oberstown following a court appearance. This was despite the official end of detention of 16-year-olds in St. Patrick's in 2012. (29 Oct)

November

- Publication of *Culture and Organisation in the Irish Prison Service: A Road Map for the Future* ('Prison Culture Report'), conducted by the Inspector of Prisons in collaboration with Prof. Andrew Coyle, identified areas for improvement, including: institutional cohesiveness and consistency, internal disciplinary procedures, career advancement opportunities, as well as improving a staff culture labelled 'at best unprofessional and at worst misogynistic and even misanthropic'. (3 Nov)
- Council of Europe Committee for the Prevention of Torture and Degrading Treatment published its sixth report on Irish places of detention. While describing four non-suicide prisoner deaths as 'appear[ing] to be symptomatic of a culture of impunity for violent acts committed within Irish prisons', the report also criticised the overuse of solitary confinement, the lack of prisoner confidence in complaints mechanisms, and healthcare services in certain prisons. (17 Nov)

December

- The Oireachtas passed the *Prisons Act 2015*, which provided for the complete closure of St. Patrick's Institution. However, on the day the Bill was published (3 Dec 2015), thirteen 17-year-old boys were detained under sentence in Wheatfield Place of Detention, an adult prison, contravening the UN Convention on the Rights of the Child. (16 Dec)



IPRT is committed to reducing imprisonment, ensuring respect for human rights in prisons, and progressive reform of Ireland's 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; diversion and community-based alternatives to custody; and the treatment and rehabilitation of those in detention.

Everything we do is underscored by our commitment to combatting social injustice.

Human Rights in Prison

IPRT advocates for 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 influencing public discourse.

ACCOUNTABILITY

Monitoring and inspection of places of detention, along with an effective independent complaints mechanism for prisoners, are central to the protection of human rights of prisoners and form part of Ireland's obligations under international law.

Nevertheless, strengthening systems of accountability across the prison system in Ireland is not a priority. Programme for Government 2011-16 commitments to strengthening the Office of the Inspector of Prisons and reform of the Prisons Visiting Committee system were not met, and although the Inspection of Places of Detention Bill has been retained in the legislative programme of the new Government, there has been no progress to date. IPRT was disappointed that despite commitments to improved accountability included in the election manifestos of Fine Gael, Sinn Féin and the Green Party, no commitments were included in the Programme for Partnership Government 2016-2021.

Prison Monitoring

During 2015 and 2016, reports on investigations conducted by the Inspector of Prisons into deaths occurring in prison custody were published regularly, with clear recommendations for systemic change directed at the Irish Prison Service, and also the Department of Justice and Equality and An Garda Síochána. These reports provide a rare and useful insight into the operations of the prison system. However, IPRT shares the Inspector's repeated concerns at the failure by the Irish Prison Service to ensure that recommendations are implemented across the entire prison estate – and not only in the prison where an individual death has occurred. Of particular concern is the Inspector's finding in a number of prisons that records have been "incomplete, inaccurate, and at times misleading".

On 3rd November 2015, the Inspector of Prisons' report on the *Culture and Organisation in the Irish Prison Service - A Road Map for the Future* was published by the Minister for Justice. The report was written by Inspector of Prisons Judge Michael Reilly working in collaboration with international prisons expert Professor Andrew Coyle. The Prison Culture Report identifies issues around organisational coherence and identity; accountability structures; staff training and supports; paths of career progression; a blurring of lines of responsibility between management and trade unions; and a culture which at times permits inappropriate behaviour and language by staff. On its publication, IPRT noted the absence from the review of a mechanism to ensure the findings and recommendations were acted upon, and that the critical need for an effective independent prisoner complaints mechanism was not adequately addressed.

Despite the significant number of reports on investigations into deaths occurring in the care of the Irish Prison Service, and the publication of the Culture Report, IPRT is concerned that no report on a prison inspection has been published since September 2014, and the most recent Annual Report from the Office of the Inspector of Prisons was published in October 2014. To strengthen external oversight and public confidence in the prison monitoring, inspection reports on all 14 prisons should be published on a regular basis, with no significant delays between submission by the Inspector of Prisons and publication by the Minister for Justice.

Prisoner Complaints

Campaigning for a robust and effective independent prisoner complaints mechanism – in which prisoners and prison staff alike have confidence – is central to IPRT's advocacy work. In 2015-16 there was demonstrable progress towards this objective.

On 12th May 2016, the Office of the Ombudsman held a conference entitled 'The Ombudsman behind Bars' which focused on the prospect of extending the Ombudsman's remit to investigate prisoners' complaints. Inspector of Prisons, Judge Michael Reilly proposed this recommendation which Ombudsman Peter Tyndall welcomed. Following the publication on 8th June 2016 of the *Review, Evaluation and Analysis of the Operation of the present Irish Prison Service Prisoner Complaints Procedure* conducted by the Inspector of Prisons, Tánaiste and Minister for Justice and Equality Frances Fitzgerald TD further endorsed the Inspector's proposal regarding the Ombudsman's remit, stating:

"It is clear that more needs to be done before we have a [complaints] system that will gain the full confidence of staff, prisoners and the general public."

Over the reporting period, IPRT has met with the Ombudsman and Senior Investigator twice to share our views and raise key considerations on the operation of the potential prisoner complaints model. We will continue to engage and advocate for the best prisoner complaints model until this core objective becomes reality.

Parole Reform

A key issue for prisoners serving long sentences, including life sentences, is the lack of an independent parole board established by statute. Again and again, this issue is raised directly with IPRT by life-sentenced prisoners who struggle with the lack of clarity and transparency around release. Currently, the Parole Board is appointed by the Minister for Justice, and advises the Minister on decisions relating to the early release of prisoners. However, the decision-making remains with the Minister and is therefore under political control and vulnerable to external factors including media reportage on crime and perceptions of public opinion – these do not have any bearing at all on the suitability of any prisoner for release.

Despite restated commitments by the Minister and the Department of Justice to bringing forward legislation to place the Parole Board on a statutory basis, this has not progressed. However, on 15th June 2016, a Private Member's Bill introduced by Fianna Fáil Spokesperson on Justice, Jim O'Callaghan TD, the *Parole Bill 2016*, was not opposed by Government. IPRT has engaged directly with Deputy O'Callaghan and with members of the Oireachtas on the provisions contained within the draft bill, and will continue to monitor, engage and advocate for a strong, independent and robust legislative scheme covering prisoner releases.

Ratification of the OP-CAT

Ireland signed the OP-CAT (Optional Protocol to the Convention against Torture) in October 2007, but has yet to ratify the mechanism, which provides for preventative oversight of all places of detention.

On 23rd November 2015, the Department of Justice hosted a consultation on a proposed combined criminal justice inspectorate, at which IPRT was among four speakers invited to present. IPRT hosted a major conference on prisons accountability just 4 days later, at which the Minister for Justice delivered the opening address, restating her commitment to improved accountability in the criminal justice system.

In advance of Ireland's second examination under the UN Universal Periodic Review, which took place in May 2016, IPRT raised the failure by Ireland to ratify OP-CAT as a critical issue. Ireland received recommendations to ratify OP-CAT from over 20 States during the Review. In its draft response issued 13th May 2016, Government restated its commitments to ratification of the OP-CAT. While IPRT welcomed this, we noted that similar commitments had been at Ireland's previous hearing under the Universal Periodic Review in 2011, with no tangible progress since then.

PRISON CONDITIONS

Slopping Out

Significant progress has been achieved towards abolishing the inhumane and degrading practice of slopping out since December 2010, when just over 1,000 men had no access to in-cell sanitation, many in shared cells. Since the opening of the new Cork Prison on 12th February 2016, the number of men slopping out has been reduced to 55 in July 2016: 37 in Limerick Prison and 18 in Portlaoise Prison.

Building to replace older wings of Limerick Prison, to include in-cell sanitation, is now expected to commence late 2016, and a commitment to end slopping out in Portlaoise Prison is included in the Irish Prison Service's *Capital Strategy 2016-2021*. However, there is no mention of the Training Unit on the Mountjoy campus, where cells have sinks but not toilet facilities. Toilet patrols operate during lock up periods, with older prisoners prioritised – leaving other prisoners with more significant wait times. Additionally, despite progress towards ending slopping out, in July 2016 only 53% of the prison population had 24-hour access to private toilet facilities – and this figure includes those in the Training Unit. This must all be addressed.

Overcrowding

Campaigning for urgent action on acute overcrowding in Irish prisons was central to IPRT's activities from 2009, with the prison population reaching a peak of over 4,600 in 2011. The average daily prison population has been safely reduced since then, and was 3,722 in 2015, a further decrease from 3,915 in 2014. However, prison numbers have been above 3,800 in 2016, and the new Cork Prison was operating at capacity within months of opening. This is a situation we continue to monitor closely.

Moreover, the overall positive figures continue to mask crowding issues in individual prisons. In 2015 and 2016, Ireland's two female prisons persisted as Ireland's two most crowded prisons, and, although Cloverhill Prison operates within official capacity limits, reports from that prison are of crowded conditions. This further underscores the need for publication of regular inspection reports on all prisons.

A further issue is the system-wide policy of doubling up in most prisons. IPRT considers the doubling up at the new Cork Prison in particular as a missed opportunity, particularly when single-cell policy has been implemented at Mountjoy Prison. Single cell occupancy, for those prisoners who request it, is internationally as best practice in terms of prison safety, is recommended by the European Prison Rules, and was required by the Prison Rules in Ireland until removed in 1983 as a misguided response to overcrowding. It should be the goal of the Irish Prison Service to not only stay within the Inspector of Prisons' maximum capacity figures, but to implement single-cell policy across the Irish prison estate, without any expansion of the overall prisons capacity.

Restricted Regimes

IPRT is highly concerned at the use of prolonged isolation as a response to prisoner safety concerns. In July 2016, there were 74 people in prison locked up for 22+ hours per day. Although this is a significant reduction from the 211 so held in 2013, there is still no clarity around the lengths of time that individuals are being held in isolation. Being held for more than 15 consecutive days in solitary confinement conditions – defined as being held in isolation for more than 22 hours a day – can have irreversible negative effects on a person's mental health. It is, therefore, a public health and a public safety issue.

In July 2016, a total of 402 prisoners were being held on restricted regimes, locked up for 19 or more hours per day – and, in practice, those prisoners who are not on restricted regimes do not access sufficient out-of-cell time, often locked up for 16 or more hours per day. IPRT's position is that prisoners should be able to access meaningful out-of-cell activity for a minimum of 12 hours a day, including treatment and services, work, education and training. In this regard, commitments in the IPS *Strategic Plan 2016-2018* to "maximise the prison day and achieve a greater out of cell time for prisoner" should be strengthened.

Minorities in Prison

In recent years, IPRT has published research reports on the rights and needs of a number of discrete groups in the Irish prison system, including children, young adults aged 18-24, women, and Travellers. In each case, we have presented evidence to support the need for the development of a specific strategy for each group, as well as the overarching need for a broader prisons policy on equality.

In February 2016, IPRT launched a report on the rights and needs of LGBT people in prison, which was well-received by all stakeholders, including policy-makers and community-based support organisations. Arising from the report, the Irish Prison Service committed to introducing a policy for LGBT people in the Irish prison system – a key objective behind the research. The report also received international attention, with IPRT contacted by organisations including Penal Reform International, Centre for Criminology at the University of Oxford, Transgender Europe and the Association for the Prevention of Torture based in Geneva, who have disseminated copies of the report.

On 30th September 2016, IPRT will launch a new report on the rights and needs of older people in prison.



Mr Fergal Black, Irish Prison Service and
Mr Noel Dowling, Dept of Justice and Equality



HM Chief Inspector of Prisons
Nick Hardwick



Professor Andrew Coyle



Minister for Justice and Equality,
Frances Fitzgerald TD



HM Chief Inspector of Prisons Nick Hardwick, Prof Andrew Coyle,
Inspector of Prisons Judge Michael Reilly, and Mr Seamus Taylor.



Prof Michael O'Flaherty and
Minister Frances Fitzgerald



Dr Mary Rogan



Professor Malcolm Evans



Ms Deirdre Malone and
Nick Hardwick



Mr John Costello,
Chair of the Parole Board

All photos: IPRT Conference *Securing Accountability: Building effective prison monitoring, inspection, and complaints systems*, which took place in the Spencer Hotel, Dublin 1 on 27th November 2015. Photographer: Derek Speirs.



Prof Andrew Coyle and
Inspector of Prisons Judge Michael Reilly



HM Chief Inspector of Prisons Nick Hardwick and Dr Mary Rogan

Imprisonment as a Last Resort

Due to the inherently damaging nature of imprisonment on individuals, their families and communities, IPRT advocates for the principle that prison is used sparingly, and only as a last resort. This principle should be established at the centre of Irish penal policy.

Alternatives to Custody

To reduce the negative impacts of imprisonment on communities, IPRT promotes increased emphasis on alternatives to custody and community-based sanctions, including community service, community courts, diversion, and restorative justice.

Progress in this area over the past 12 months has been mixed. Positive initiatives, such as the Community Return early release programme for prisoners serving long sentences and the Community Support early release scheme for prisoners serving sentences of under 12 months, continued in 2015 and 2016 with reported high rates of compliance.

At the same time, proposals for the establishment of a pilot Community Court in Dublin, expected early Autumn 2015, have not yet been presented; an update from the Minister for Justice at end May 2016 stated that the Working Group of Justice Sector officials is continuing to work on proposals, with “more definite details on this initiative in the near future”.

Of more concern is the decrease in the number of offenders dealt with in the community, down to 14,927 from 15,134 in 2014 and 15,984 in 2015. As we have noted previously, the success of a sanction cannot be measured by its frequency of use. However, the number of people committed to prison in 2015 rose above 14,000 for the first time, while the use of community service orders decreased in 2015 for the second consecutive year. Taken together, this could suggest that legislation enacted in 2011 obliging judges to consider community service in lieu of custodial sentences of less than 12 months is not proving effective – however, the continuing increase in committals to prison for fines default blurs this picture.

Indeed, the co-funded IPRT/Irish Research Council research study *Community service orders versus short custodial sentences: Examining risk, recidivism and need* (2016), found that since 2011, committals to prison for less than twelve months, excluding those committed for fine default, have declined at an even greater rate when compared to CSOs. Nevertheless, the research found a strong variation in the use of Community Service Orders and short prison sentences across court type and jurisdiction, with a slightly increased chance of receiving a CSO in a rural court. In only eight District Court jurisdictions were more Community Service Orders made compared to short custodial sentences imposed.

The research concludes that the low use of Community Service Orders when compared to short term imprisonment highlights further Ireland’s preference for the use of imprisonment as punishment, and recommends that “co-ordinated, standardised, evaluation and review process focussing on outcomes from this policy change, as well as other policies and interventions in the criminal justice system is urgently required.” The research, conducted by IPRT employment-based PhD candidate Kate O’Hara, is due for publication in early 2017.

Ending Imprisonment for Fines Default

Committals to prison for failure to pay court-ordered fines accounted for more than 50% of all committals to prison in 2015: 9,883 committals out of a total 17,206 committals to prison. Of these fines committals, 2,667 (27%) were female. IPRT has long campaigned for an end to this practice, which is damaging to individuals, their children, families and communities, and at great cost to the State.

Following consistent campaigning by IPRT and others, the *Fines (Payment and Recovery) Act 2014* was finally commenced end January 2016, with the introduction of a facility whereby court-ordered fines can be paid by instalment. The most recent prison committal figures available (May 2016) suggest that the number of committals has fallen in 2016. However, whether the legislation proves truly effective in addressing this wasteful practice will only become apparent later in 2016.

Mandatory Sentencing

In recent years, comprehensive reviews have recommended that no new mandatory sentencing schemes should be introduced in Ireland. A review by the Law Reform Commission (2013) recommended that existing mandatory and presumptive sentencing schemes for drugs and firearms related offences should be repealed, and the *Strategic Review of Penal Policy* (Rec. 34, Sept 2014) recommended a review of existing mandatory sentencing schemes “with a view to determining if this type of sentencing satisfies the need for proportionality in sentencing and fulfils the objective of reducing crime.”

Therefore, IPRT was disappointed at the inclusion of mandatory provisions regarding refusal of bail and consecutive sentencing in the *Criminal Justice (Burglary of Dwellings) Act 2015*, and the return of populist mandatory sentencing proposals in a number of party manifestos in advance of the 2016 General Election. Mandatory sentencing is a blunt instrument that removes discretion from judges, and inevitably creates an unjust system. There is scant evidence that mandatory sentencing regimes have any impact on reducing crime, but clear evidence that such regimes increase the prison population at significant cost to the State. Instead, IPRT advocates for evidence-informed and effective responses to repeat offending, including joint agency initiatives and restorative justice strategies.

More positively, a number of party manifestos proposed the introduction of sentencing guidelines – a proposal that IPRT put forward in 2011 as a mechanism which had potential to build public confidence in the consistency of sentencing by the courts, along with better resourcing of the Irish Sentencing Information System. It is crucial that accurate and comprehensive crime data is regularly made available to the public.

Penal Policy and Social Policy

IPRT believes that crime cannot be viewed as a problem in isolation from deeper social and economic issues. All of our work is underscored by a strong commitment to combating social injustice, with particular emphasis on the social and economic benefits of prevention and early intervention strategies.

Children and Families of Prisoners

In 2015 and 2016, the Families and Imprisonment Group, set up by the Irish Prison Service in response to the seminal IPRT report, *"Picking Up the Pieces": The Rights and Needs of Children and Families Affected by Imprisonment*, continued to progress a number of positive changes, such as an outdoor space for families in the new Cork Prison and plans to introduce evening visits in Midlands Prison.

The pilot parenting project run jointly by the Childhood Development Initiative, Bedford Row and the Irish Prison Service in Limerick Prison in 2015 is currently being evaluated, and the programme will shortly be rolled out in Wheatfield Prison and Cork Prison. In mid-2016, the Childhood Development Initiative recruited a Family Links Coordinator, a role funded by the Irish Prison Service, to lead and support the development and implementation of the prison-wide Family Links initiative.

IPRT has also been involved in a prisoner survey project, working in collaboration with Datakind, a data skills charity, and the Irish Prison Service. The survey asks prisoners about their experience in maintaining contact with their children and families, towards addressing barriers and improving visiting conditions. IPRT welcomes the commitment the Irish Prison Service has shown to all of these initiatives, and to better supporting prisoners' relationships with their children and families – a demonstrable positive outcome from IPRT's 2012 research report.

Spent Convictions

After almost 10 years of campaigning by IPRT, the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* was signed into law by President Higgins on 11th February 2016, shortly before the 2016 General Election, and commenced on 29th April 2016.

The legislation means that people with convictions for minor motoring or public order offences will not have to declare them after 7 years has passed. The legislation also applies to one other conviction, received in the district or circuit court, for which the punishment is no more than 12 months' imprisonment, where only one such conviction exists. There are exclusions to the scheme, for example convictions for sexual offences.

Whilst IPRT welcomed the enactment of legislation, we consider it to be too limited in its reach. In advance of the Oireachtas debates, IPRT sent our proposals for how the legislation could be strengthened to all TDs and Senators. Then and now, IPRT believes the legislation could have been strengthened through:

- Raising the limit on the type of custodial sentence that is eligible to become spent from 12 months or less to 48 months or less, in line with England and Wales;
- Removing the cap on the number of convictions that may become spent;
- Retaining a proportionate relationship between the nature of the sanction and the rehabilitation period: the blanket 7-year rehabilitative period for all sanctions, whether a small fine or a sentence of 12 months in prison, is disproportionate.

Effective spent convictions legislation has a major role to play in removing barriers to the reintegration of people who have demonstrated that they have moved on from past offending behaviour. To this end, the *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* is a welcome development, but it does not go far enough. IPRT hopes that a review will be conducted in the not-too-distant future, and the legislation strengthened to meet its rehabilitative purpose.

Youth Justice

IPRT has campaigned vigorously since 1994 for an end to the practice of detaining children in the adult prison estate. We also engage in wider policy and practice issues relating to youth justice, such as provision of alternatives to detention, diversion and early intervention programmes, and the implementation of a best practice model of children detention at Oberstown.

Detention Facilities for Children

Securing a Programme for Government commitment in 2011 to end the detention of children in St Patrick's Institution was a core achievement of IPRT, working in tandem with other concerned organisations. In 2013-14, new children detention facilities were built at Oberstown to meet the Government commitment, with capacity to receive 17-year-old boys on remand operational from spring 2015. In 2016, the detention of boys aged under-18 in St Patrick's Institution has been rare. However, a number of serious issues persist:

- The detention of 1 or 2 boys in St Patrick's Institution is described the Inspector of Prisons as "at times, tantamount to holding them in isolation and it is certainly inhumane."
- Boys continue to be detained under sentence in Wheatfield Place of Detention, within an adult prison regime and facilities. Throughout 2015-16, there have been 9-13 boys so held at any time.
- Inspections have revealed significant staffing and resource issues at the new and existing children detention facilities at Oberstown, with HIQA finding that the detention schools met just 1 out of 10 standards, and "significant risk" identified in relation to staffing and management.
- Industrial action by staff at the children detention facilities in Oberstown during 2016 has inevitably had a negative impact on conditions for the children detained there, including extended time locked up in rooms during periods of action.

IPRT continues to engage with all stakeholders to ensure that the number of children detained on remand is reduced; that adequate staff training and resources are made available at Oberstown to ensure standards of safety and excellence; and that the practice of detention of children in the adult prison system ends – with urgency and with finality.

Bail Supports

Detention of children should only ever be a measure of last resort; this is enshrined in the UN Convention of the Rights of the Child and in the *Children Act 2001*. IPRT has long campaigned for the resourcing of alternatives to detention, with emphasis on diversion and bail supports.

In 2016, the Department of Children and Youth Affairs introduced an intensive bail supervision scheme on a pilot basis. The scheme will provide therapeutic supports in the community for children who are subject to bail conditions, and aims to reduce the use of custody. The pilot scheme will cater for up to 25 young people in the Dublin area. This meets one of the actions included in the *Youth Justice Action Plan* (2014-2018).

In 2015 and 2016, Minister for Justice and Equality Frances Fitzgerald TD announced additional funding for youth justice community-based projects, including extension of Garda youth diversion programmes. Commitments around increased investment in diversion and restorative justice programmes for young people were included in the Programme for Partnership Government 2016-2021.

Turnaround Youth

There have been a number of positive developments in response to our research and advocacy work around the need for a different approach for young adults aged 18-24 in the criminal justice system, including commitments in: the Department of Children and Youth Affairs' national framework report, *Better Outcomes, Brighter Futures* (2014); the *Youth Justice Action Plan 2014-2018* (2013); and the *Strategic Review of Penal Policy Final Report* (2014).

The next phase of the Turnaround Youth research focuses on the particular mental health needs and issues of young people aged up to 24 in the criminal justice system, due to be published by end 2016.

How we achieve our goals

IPRT works towards progressive reform of Ireland's penal system through:

- **Advocacy based on research and evidence-led policies**
- **Raising awareness of the work of IPRT and of penal reform issues**
- **Working constructively with others**
- **Ensuring the highest standards of organisational governance and transparency**

Research and Policy

IPRT's advocacy work is underscored by research and evidence-led policies. Our research and policy output is set out in our website at: www.iprt.ie/research-centre

Oireachtas submissions

- IPRT Submission on Ireland's approach to possession of limited quantities of certain drugs (August 2015)
- IPRT Submission on *Heads of Criminal Justice (Victims of Crime) Bill 2015* (August 2015)
- IPRT Submission on *General Scheme of the Bail Bill 2015* (September 2015)
- Updated IPRT Submission on the *Criminal Justice (Spent Convictions) Bill 2012* (January 2016)
- Presentations to the Joint Committee on Justice and Equality on 14 October 2015, 21 October 2015 and 4 November 2015

Policy submissions

- Submission to Children's Rights Alliance *Report Card* (September 2015 and updated January 2016)
- Submission to the *Parallel Report to Ireland's Third and Fourth Combined Report under the UN Convention on the Rights of the Child* coordinated by the Children's Rights Alliance (February 2015, hearing January 2016)
- Submission to Oireachtas members in advance of parliamentary debates on the *Criminal Justice (Spent Convictions and Certain Disclosures) Bill 2016* (February 2016)
- Submission to Irish Prison Service *Capital Strategy 2016 - 2021*, with focus on ending slopping out in Limerick and Portlaoise Prisons, on appropriate facilities for older prisoners, and on increased provision of open prison and step-down facilities for all prisoners (January and April 2016)
- Submission to Irish Prison Service *Strategic Plan 2016-18*, with particular emphasis on the new public sector equality and human rights duty under Section 42 of the *Irish Human Rights and Equality Commission Act 2014* (March 2016)
- Submission to the Department of Education and Skills on its *Statement of Strategy 2016-2018* (June 2016)

Submissions to International Monitoring Bodies

- IPRT Submission for the *25th Session of the UN Universal Periodic Review Working Group in respect of Ireland* (September 2015)
- IPRT Submission to the *Follow Up Material to the Concluding Observations of the UN Human Rights Committee on the Fourth Periodic Review of Ireland under the ICCPR*, Geneva 14-15 July 2014 (September 2015)
- IPRT Submission to the *64th Pre-Sessional Working Group of the Committee on the Elimination of Discrimination Against Women in respect of Ireland (List of Issues Prior to Reporting)* (October 2015)

Research Reports and Briefings

- *IPRT Position Paper 11: Bail and Remand* – a position paper outlining the legal framework governing bail in Ireland, the rights of people detained on remand, and proposals for reform (November 2015)
- *Out on the Inside: the rights, needs and experience of LGBT people in prison* (February 2016)
- *Prison Litigation Network: National Report on Ireland* – report prepared by IPRT as the Irish national project partner to the Prison Litigation Network Project (April 2016)
- *The Practice of Pre-trial Detention in Ireland* – report prepared by IPRT as the Irish national project partner to the Pre-trial Detention in Europe project (April 2016)
- *IPRT Briefing: Parole and Temporary Release of prisoners serving long sentences* – a short briefing outlining IPRT recommendations for reform of the current parole system (June 2016)
- *Improving Prison Conditions by Strengthening the Monitoring of HIV, HCV, TB and Harm Reduction' - Mapping Report for Ireland* (June 2016)

Seminars & Events

IPRT 21st Birthday Celebration

On Friday, 18th September 2015, President of Ireland Michael D. Higgins and Sabina Higgins marked the work of IPRT at a special reception at Áras an Uachtaráin on the occasion of the organisation's 21st birthday year. The reception of 50 people was attended by IPRT founder members, current and former board members and staff, long-time advocates and supporters of penal reform, and former prisoners.

Before his election as President of Ireland in November 2011, Michael D. Higgins was invited to become Patron of the Irish Penal Reform Trust in recognition of his long record in advocating for penal reform and human rights. In honour of President Higgins' long-standing commitment to social justice, Prof Michael O'Flaherty, Chairperson of IPRT, presented the President with a work of ceramic art created by a prisoner in Cork Prison.



Bail Reform: Rights and Risks

On 11th November 2015, IPRT and the Irish Criminal Bar Association co-hosted a seminar on bail reform at the Criminal Courts of Justice. This event coincided with a period of intense media, political and parliamentary scrutiny of Ireland's current bail laws and proposed legislative reforms. A new *IPRT Position Paper on Bail and Remand* was launched as part of the event, commissioned from researcher Jane Mulcahy.

Speakers included: The Hon. Mr. Justice Paul Butler, who chaired the event; Mr Michael O'Higgins SC; Mr John Lonergan, Retired Governor of Mountjoy Prison; Ms Deirdre Malone, Executive Director IPRT; and Ms Shalom Binchy, Chair of the Law Society Criminal Law Committee.

A drinks reception followed the event, kindly sponsored by the Bar of Ireland: www.lawlibrary.ie

Securing Accountability Conference

IPRT hosted a major conference on accountability in the Irish prison system on Friday 27th November 2015 in the Spencer Hotel, Dublin. Minister for Justice and Equality, Frances Fitzgerald TD delivered the opening address in which she reiterated her commitment to accountability across the criminal justice system.

Speakers and panellists included: Nick Hardwick CBE, Her Majesty's Chief Inspector of Prisons; Prof Malcolm Evans, Chair of the UN Subcommittee for the Prevention of Torture; Prof Andrew Coyle, Emeritus Professor of Prison Studies in the University of London; Inspector of Prisons, Judge Michael Reilly; Mr Fergal Black, Director of Care and Rehabilitation, Irish Prison Service; Mr Noel Dowling, Principal, Prisons and Probation, Dept of Justice and Equality; Dr Mary Rogan, Head of Law, DIT; Deirdre Malone, Executive Director, IPRT. Chairs included: Dr. Cormac Behan, University of Sheffield; Deirdre Duffy, Deputy Director of ICCL; and Prof Ian O'Donnell, UCD.

IPRT is very grateful to KOD Lyons for kindly supporting this event: www.kodlyons.ie



Out on the Inside – the rights, needs and experiences of LGBT people in prison

IPRT launched a new report on the rights, needs and experiences of LGBT people in prison at Wood Quay Venue, Christchurch on 2nd February 2016. The report is the first in-depth study on the experiences of LGBT people in prison in Ireland, and includes first-hand testimony of people affected, alongside a wider review of the prison and policy context. This research was conducted by Dr Nicola Carr, Dr Siobhán McAlister and Dr Tanya Serisier of Queen's University Belfast for IPRT.

Speakers at the event were: Dr Nicola Carr; Broden Giambrone, Chief Executive of TENI (Transgender Equality Network Ireland); and Brian Sheehan, Executive Director of GLEN (Gay and Lesbian Equality Network).

IPRT is very grateful to The Community Foundation of Ireland for supporting this research project.



Monitoring of HIV, TB and HCV in prison in Ireland

IPRT launched a new report on *Improving Prison Conditions by Strengthening the Monitoring of HIV, HCV, TB and Harm Reduction in Ireland* on 23rd June 2016 in the Wood Quay Venue in Dublin. The research was conducted by Catherine MacNamara, Lorraine Varley, and Patricia Mannix McNamara of University of Limerick for IPRT. The report forms part of an EU co-funded project, “Improving Prison Conditions by Strengthening Infectious Disease Monitoring”, led by Harm Reduction International, of which IPRT is the Irish partner.

Speakers at the event were: Catherine MacNamara (University of Limerick), one of the authors of the report; Dr. Joe Barry, Clinical Professor in Public Health Medicine, Trinity College Dublin; Emmett Conroy, prison nurse with the award-winning Irish Red Cross prison programme; Inspector of Prisons, Judge Michael Reilly; and Mr Fergal Black, Director of Care and Rehabilitation, Irish Prison Service.

The event was attended by stakeholders from the Department of Health, Health Service Executive, Health Research Board, Health Protection Surveillance Centre, HSE Addiction Services, National Virus Reference Laboratory, Irish Prison Officers Association, and NGOs including HIV Ireland, Irish Red Cross, Chrysalis Community Drug Project, Sex Workers Alliance Ireland, Peter McVerry Trust, IASIO, Jobcare, and many more.



This project was co-funded by the European Union under the Criminal Justice Programme.



Prison Litigation Network: Conference and Workshops

On 22nd April 2016, IPRT and the School of Law, Trinity College Dublin co-hosted a conference on the topic of prison litigation. The purpose of the conference was to: examine the use of law in a prison context; compare prison litigation experiences between European jurisdictions and internationally; refresh the debate around effective access to justice in prison; and provide current updates to legal practitioners and judiciary. As part of the conference, IPRT launched a National Report on prison litigation in Ireland, conducted for IPRT by researcher Agnieszka Martynowicz.

Speakers included: The Hon. Mr. Justice Gerard Hogan, who opened the conference; Senator Ivana Bacik, Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin; Dr. Lisa Kerr, Queen’s University, Kingston Ontario (Canada); Agnieszka Martynowicz, researcher on the Prison Litigation Network project; Pete Weatherby QC, Garden Court Chambers (United Kingdom); Dilyana Angelova, Researcher, Bulgarian Helsinki Committee (Bulgaria). A roundtable discussion on the key challenges and ways forward, chaired by Dr Mary Rogan, heard from: James Bowes, law student; Áine Flynn, KOD Lyons; Jane O’Neill, Michael Staines Solrs.; and David Perry BL.

The conference formed part of a Europe-wide project towards building a Prison Litigation Network among practitioners and researchers working to defend prisoners’ rights across EU Member states. As part of the project, IPRT also conducted workshops on prison litigation in Dublin, Cork and Limerick in March and April 2016.

For more information on the Prison Litigation Network, visit: www.prisonlitigationnetwork.eu



The Prison Litigation Network Project was funded by the Criminal Justice Programme of the European Union.

Communications

Keeping prisoners and penal reform issues in the spotlight is a core aim of IPRT's communications strategy, alongside challenging the demonisation of offenders and marginalised communities. Through the combined use of social and traditional media, IPRT extends the reach of our core messages, and nurtures increased engagement with the issues at stake and those affected.

Media

IPRT maintained its strong media profile during 2015 and 2016, with appearances on a broad range of national and local media, along with significant growth in debate across social media. Traditional media engagement included several interviews on RTÉ's Drivetime and Today with Sean O'Rourke as well as on RTÉ News at One, RTÉ Six-One, RTÉ Nine News and UTV Ireland News, along with Today FM, Newstalk FM and local radio stations. Our work with print media journalists was no less busy with numerous IPRT quotes and interviews appearing in *The Irish Times*, *Irish Examiner*, *The Journal*, *Irish Independent*, *Sunday Times* and *Irish Legal News*, as well as reaching newer audiences with *Stellar* magazine and online fora such as joe.ie

During the period, media attention focused in particular on: children in detention, deaths in prison custody, parole reform, the use of detention on remand, the overuse of restricted regimes, mandatory sentencing, health in prison, responses to offending by women, older prisoners, post-release supports of sex offenders, spent convictions legislation, and imprisonment for fines default. All IPRT press releases can be viewed at: www.iprt.ie/latest-news

Website & Online Presence

IPRT proactively uses social media tools to extend our audiences, foster wider debate, and nurture international relationships with prison reform movements around the world. We had significant growth in followers across social media in 2015-16 (17% on Twitter; 8% on Facebook).

www.iprt.ie

The IPRT website is an established information resource for media, researchers, political representatives, organisations and others.

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.

www.facebook.com/irishpenalreformtrust

The debate happens on IPRT's Facebook page, where those interested in the area of criminal justice share and comment on developments, both positive and negative, from Ireland and around the world.

www.flickr.com/photos/irishpenalreformtrust

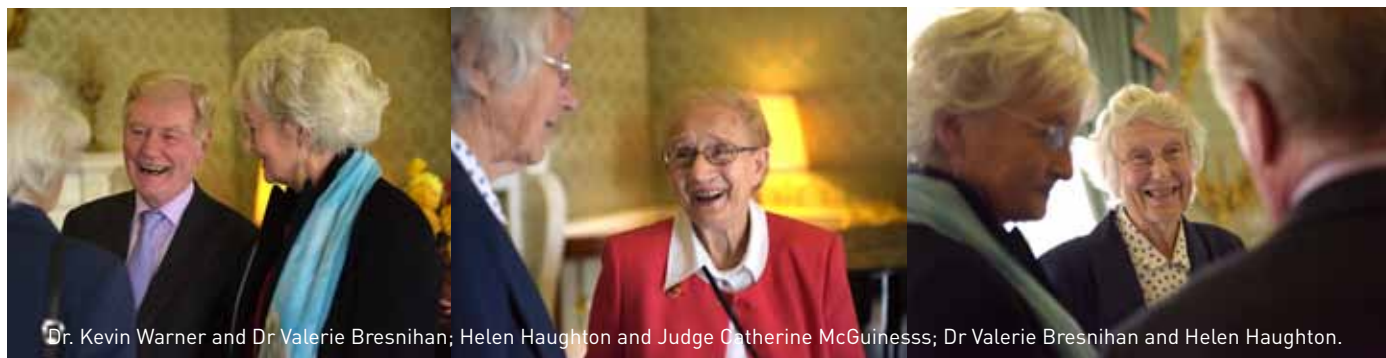
All the photos from IPRT events can be viewed on Flickr.

E-bulletins

Six editions of the IPRT e-bulletin were issued during the period.



Opposite: Photos from a special reception held at Áras an Uachtaráin on Friday, 18th September 2015, hosted by President of Ireland Michael D. Higgins and Sabina Higgins to mark IPRT's 21st birthday year. Photographer: Bryan Meade



Alliances

IPRT's relationships with key agencies and actors in the penal system are fundamental to our ability to influence change. We also increase our impact through working in partnership and in alliance with other organisations to achieve common policy goals.

Oireachtas

IPRT appeared before the Joint Committee on Justice, Defence and Equality three times over the period, providing oral and written submissions on Ireland's approach to possession of limited quantities of certain drugs (Aug 2015), the *Heads of Criminal Justice (Victims of Crime) Bill 2015* (Aug 2015) and the *General Scheme of the Bail Bill 2015* (Sept 2015). We also produced an update to the *IPRT Submission on the Criminal Justice (Spent Convictions) Bill 2012* (Jan 2016) and successfully pushed for the final passage of the Bill through the Houses in February 2016.

In advance of the 2016 general election, IPRT put forward our 10 priority penal policy directions and 5 key recommendations for a fairer and more effective penal system. We produced detailed analyses of party manifestos. We tracked policy debates around crime and punishment and benchmarked these against policies and innovations demonstrated to be effective and linked to our evidence-led research. We also published an assessment of progress on penal policy issues 2011-2016.

Government

IPRT engaged with the Departments of Justice and Equality and of Children and Youth Affairs during 2015-16 on critical issues. The Minister for Justice and Equality Frances Fitzgerald TD launched IPRT's *Securing Accountability* conference in November 2016, and IPRT was invited to address the Department of Justice and Equality consultation on their proposal for the creation of a criminal justice inspectorate the same month. IPRT was also invited to consult directly with the Department of Justice on the State Reply to the issues raised by the UN Committee for the Elimination of Discrimination against Women in July 2016.

IPRT engaged closely with the Department of Children and Youth Affairs throughout 2015-16, including direct advocacy in December 2015 in respect of the ongoing delay to transfer 17-year-old boys from Wheatfield to the child detention facility at Oberstown, and concerns around the care, safety and welfare of children currently detained at Oberstown in 2016.

Statutory

During 2015-16, IPRT engaged directly with the Irish Prison Service on a number of consultations, including providing feedback to their strategy and policy team on the *Capital Strategy 2016 – 2021* and *Strategic Plan 2016-18*, with particular emphasis on the new public sector equality and human rights duty under Section 42 of the *Irish Human Rights and Equality Commission Act 2014*.

IPRT also took on a liaison role on a joint prisoner survey project between IPRT, IPS and Datakind (data skills charity), and presented on *Picking up the pieces* report (IPRT, 2012), progress and issues at IPS Brian Stack Training Centre in November 2015 to support the development of prisoner family support projects across the prison estate. During the period, IPRT staff visited a number of prisons including Midlands Prison, Wheatfield Place of Detention, the new Cork Prison, the Training Unit and Mountjoy Prison.

We maintained our relationships with the Ombudsman for Children and the Irish Human Rights and Equality Commission, including an address to IHREC staff on our work in June 2016, and pushed for the inclusion of OPCAT in IHREC's strategic priorities. We also advocated directly with the Office of the Ombudsman in Ireland, providing briefings on prisoner complaints mechanisms.

Legal Sector

IPRT seeks to promote interest, understanding and awareness of prison issues among solicitors, barristers, and members of the judiciary. In November 2015, IPRT co-hosted a seminar with the Irish Criminal Bar Association on the use of bail and remand, and in April 2016, IPRT and the School of Law, Trinity College Dublin co-hosted a conference on prison litigation in Ireland, towards building a network among practitioners and researchers working to defend prisoners' rights. As part of the conference, IPRT launched a National Report on prison litigation in Ireland, which was also distributed among district court judges. IPRT also ran four regional prison litigation workshops in Cork, Limerick and Dublin providing training to lawyers in March/April 2016.

Academic Sector

Further good progress has been made through building relationships with individual academics and increasing IPRT's profile in the university sector by making presentations at a number of third level institutions during this period including at University College Cork, University of Ulster, Trinity College Dublin, NUI Galway, and Dublin Institute of Technology. IPRT continued to facilitate community-based learning projects with our ongoing IPRT internship programme and with the UCD Clinical Legal Education Centre. IPRT's Executive Director also delivers the prison law module of the 'Law Society Certificate in Human Rights Law' annually.

In early 2016, IPRT's partnership with the Dublin Institute of Technology was concluded as Dr. Kate O'Hara completed her doctoral research, 'Community Service Orders versus short custodial sentences: Examining profiles, experiences, and outcomes'. The research was co-funded by IPRT and the Irish Research Council as part of the IRC employment-based postgraduate scholarship scheme.

Kate's ground-breaking work has received recognition throughout; as well as passing her viva voce with no corrections, she was awarded a place on the COST Action IS1106 on Offender Supervision Training School in Barcelona and was also one of five finalists in the Higher Education Authority 'Making an Impact' competition held in April 2015.

Kate presented her preliminary findings at a number of international conferences: the European Society of Criminology conference, the Australian and New Zealand Society of Criminology conference, and the American Society of Criminology conference. IPRT congratulates Kate on her excellent work, along with her academic supervisor Dr. Mary Rogan, and thanks the members of the Consultative Council for their assistance with this project over the last three years.

NGO Cooperation

IPRT directly links with organisations working in discrete areas to better inform our research studies, including: GLEN, BeLongTo and TENI for our research into the rights and needs of LGBT people in prison; Age Action on the rights and needs of older people in prison; and we continued to participate on the Traveller in Prison Initiative Steering Group, which was established in response to IPRT's 2014 research report on the experiences of Travellers in the prison system.

During 2015-16, IPRT also continued to foster important relationships with colleagues at the Children's Rights Alliance, the Children's Mental Health Coalition, the Equality and Rights Alliance, the Irish Council for Prisoners Overseas, the Prevention and Early Intervention Network, the Irish Council for Civil Liberties, the National Women's Council of Ireland, and the Public Interest Law Alliance, along with the Association for Criminal Justice Research and Development. IPRT also worked closely with Fair Trials International (UK), Harm Reduction International, and the EU Prison Litigation Network as partners on our EU projects.



Kate O'Hara (centre), finalist at the HEA 'Making an Impact' competition 2015; Deirdre Malone receiving the DIT President's Community Fellowship from President Brian Norton; and Sean Duggan, student on the MA in Criminology (DIT), awarded the IPRT Prize for a thesis related to penal reform, presented by Fíona Ní Chinnéide.

International

IPRT engages directly with international monitoring bodies, both directly and through collaboration with the NGO community. In May 2016, IPRT attended Ireland's Universal Periodic Review and pre-sessions at the United Nations in Geneva and secured strong recommendations from more than 20 States on the ratification of OPCAT. The Tánaiste and Minister for Justice and Equality later re-affirmed her commitment to these recommendations; IPRT hopes to see further progress on this issue over the coming year.

Similarly, IPRT's contribution to the chapter on children in detention in the *Parallel Report to Ireland's Third and Fourth Combined Report under the UN Convention on the Rights of the Child*, coordinated by the Children's Rights Alliance, was reflected in the concluding recommendations of that Committee in early 2016, specifically in respect to the detention of 17-year-old boys at Wheatfield Place of Detention, and the use of child detention and conditions more generally.

IPRT made submissions in October 2015 to the "List of Issues" in advance of Ireland's hearing before the UN Committee for the Elimination of Discrimination against Women. Issues relating to women in detention have now been included in the Committee's questions to the State in advance of the upcoming hearing, which takes place early 2017.

As part of our participation on EU projects, IPRT addressed an International Experts Conference organised by Fair Trials International on Alternatives to Pre-Trial Detention (September 2015), attended the launch of the regional report on Pre-Trial Detention at the European Parliament (May 2016), and addressed an audience including Judges of the European Court of Human Rights on the findings of the IPRT Irish National Report on Prison Litigation at the European Court of Human Rights in Strasbourg (June 2016).

IPRT was also invited to Oslo, Norway (October 2015) by the University of California Criminal Justice & Health Consortium to address delegates from California, Hawaii and North Dakota on System-wide penal reform – the Irish Experience.

Engagement with Prisoners and their Families

IPRT does not follow a service provision model, instead maximising our resources by campaigning for systemic reform that will benefit all people in prison. We also share our policy and legal expertise to build capacity in agencies working directly with prisoners, and we create opportunities for current and former prisoners and their families to inform IPRT's work.

Prisoners and Prisoners' Families

IPRT regularly receives queries from prisoners and prisoners' families regarding legal or administrative concerns about the prison system. Key issues identified through such contacts in 2015 and 2016 included: prison health, including accessing medication; delays in mental health assessments and treatment; procedures within IPS for transfer between prisons; delays in Parole Board hearings; and information on how to access the Community Return scheme. The lack of a fully independent prisoner complaints mechanism, combined with a lack of advocacy services for prisoners and for their families, remains a serious gap in Ireland.

Prison Information Sessions

During the period, IPRT had a number of opportunities to speak directly with prisoners as part of information sessions facilitated by both the Irish Prison Service and the Probation Service. The seminars also provide an opportunity to consult directly with prisoners on key issues affecting them. Sessions were delivered in Midlands Prison, the Training Unit and Mountjoy Prison. As in previous years, key issues raised were in relation to: the lack of sentence planning and management in the first 7 years of a life sentence; the lack of an independent Parole Board, free from political control; and a lack of confidence in the internal prisoner complaints system. IPRT thanks the Probation Service and the Irish Prison Service for facilitating these sessions.

Strategy & Governance

IPRT is committed to full transparency and accountability around how we work. As an organisation that campaigns for improved accountability in the penal system, we couldn't have it any other way.

Governance

In November 2014, IPRT completed the processes required to achieve full compliance with the *Governance Code - a Code of Practice for Good Governance of Community, Voluntary and Charitable Organisations in Ireland*. IPRT is registered with the Charities Regulatory Authority, and files regular returns to the Register of Lobbying. We are also committed to complying with the Statement of Guiding Principles for Fundraising.

Board of Directors

At the AGM in November 2015, Prof. Michael O'Flaherty stood down from the Board as he was moving to Vienna to take up a new role as Director of the European Union Fundamental Rights Agency, and Prof. Joe Barry also stepped down from the Board. Both Michael and Joe were thanked for their contribution to IPRT. Prof Aislinn O'Donnell was co-opted to the Board in May 2016.

Patrons

President of Ireland, Michael D Higgins, is Patron of IPRT. Our work is also supported by IPRT Advocates Paula Meehan (Ireland Professor of Poetry), author and director Peter Sheridan, Senator Ivana Bacik, and former Governor of Mountjoy Prison, John Lonergan.

Staff and Internships

Employment-based PhD candidate Kate O'Hara, co-funded by the Irish Research Council and IPRT, finished with IPRT on submission of her thesis in April 2016. Kate successfully passed her viva in July 2016, and is now Dr Kate! Deputy Director Fíona Ní Chinnéide was awarded a Masters in Political Communication from Dublin City University in April 2016.

Development and Administrative Executive Marie Therese Power finished with IPRT at the end of May 2016. Following a recruitment process, Lorraine Whitty joined IPRT as Membership and Administrative Officer in July 2016.

Our work over the period was, as ever, greatly supported by interns who play a core part of the IPRT team. Louise Rohan filled the summer internship placement in July/August 2015, with Sean Duggan and Katie Stevens working with IPRT from September to end January 2016. In February 2016, Karl McGrath joined IPRT, followed by Ciara Redmond in March 2016. Both worked with IPRT until end June 2016. Órlaith Ní Mhadagáin filled the UCD Legal Placement internship for June 2016, and Stephen Byrne began his summer internship with IPRT in July 2016.

Finance

IPRT is committed to ensuring that the organisation's finances are managed to the highest standard, and in line with established accounting practices.

Financial Oversight

In 2015, IPRT switched to FRS 102 SORP compliant accounts. The FRS 102 requirements relating to the trustees' annual report, fund accounting, the format of the statement of financial activities and additional disclosures are aimed at providing a high level of accountability and transparency to donors, funders, financial supporters and other stakeholders. The 2014 accounts, prepared by Garland McDonald & Co, were approved at the IPRT AGM in November 2015 and submitted to the Companies Registration Office. The 2015 accounts are for approval at the IPRT AGM in September 2016.

An independent audit is conducted each year by the auditors who bring to the attention of the Board through the finance committee any matters of concern. Our registered auditors are Anne Brady McQuillans DFK. DFK are authorised by the Institute of Chartered Accountants in Ireland and with the Irish Taxation Institute and PCAOB (Public Company Accounting Oversight Board). The auditors are also invited each year to the AGM of the IPRT.

IPRT has a full written finance policy with protocols (available on request) in place in relation to the respective roles of Finance Committee, Executive Director, and Treasurer; the handling and management of petty cash, donations and membership, and grants; and retention of financial documentation. In line with the IPRT expenses policy, all expenditure must be vouched for and approved by the Executive Director, or in the case of the Executive Director's expenses should be approved by the Chairperson. The Finance Committee of the IPRT Board consults in advance of each Board meeting, approximately six times per annum.

Fundraising and Sustainability

IPRT is fortunate to have retained the financial and other support of two main philanthropic funders, The Atlantic Philanthropies and the Joseph Rowntree Charitable Trust, until end 2016.

We are extremely grateful to the **Joseph Rowntree Charitable Trust** for their longstanding support of the organisation, providing crucial core funding in our early years which transformed the organisation from purely voluntary to supporting the recruitment of our first employed staff. JRCT made their first grant to IPRT towards the costs of establishing the organisation with an office and a paid administrator in January 1995 very soon after the organisation was first established. JRCT have continuously funded IPRT from that first grant through to the end of their funding in the Republic of Ireland in December this year. We are extremely grateful to all of the Trustees of the Joseph Rowntree Charitable Trust and particularly to Nick Perks, Michael Pitchford and Assistant Trust Secretary Celia McKeon, with whom it has been our pleasure to work over recent years.

The significant funding provided by **The Atlantic Philanthropies** from 2008 until end 2016 enabled IPRT grow the organisation from 1 to 4 full-time staff, with consequent positive impact on our activities and reach, enabling us to achieve many of the critical reforms we had been advocating for since 1994. IPRT has much to be grateful for and penal reform has been much advanced in Ireland due to the insight and investment of Atlantic and the ongoing advice and support of its representatives in Ireland over the last eight years, including Brian Kearney-Grieve, Jane Forman, Tom Costello, Sineád Haughey and Orla O'Hanlon.

In light of the departure of these two core funders at the end of 2016, from 2014 we increased our focus on broadening and diversifying our existing core funding base in order to ensure the ongoing sustainability of the organisation from 2017 onwards. A comprehensive fundraising strategy was developed for 2014-2016, including securing new sources of philanthropic funding, increasing revenue from existing members, funders and donors, and exploring the potential of accessing State funding. We are pleased to report that during 2016, this work has borne some success.

IPRT's continuing independence is recognised by all funders as essential to the integrity of the work of IPRT. IPRT independently pursues activities that advance its mission, and financial support is accepted subject to conditions that funders do not exercise control, express or implied, over the content or manner of IPRT's advocacy.

In the area of **State funding** in July 2016, IPRT secured multi-annual grant funding from the Department of Justice for three years. IPRT also secured Pobal funding under the Scheme to Support National Organisations in the Community and Voluntary Sector 2016-2019, also for three years. This combined funding represents an annual core grant of approximately €190,000 per annum and will cover some of the vital core costs of the organisation.

In **philanthropic funding**, IPRT secured an anonymous donor-advised family fund commitment of €150,000 over the next three years as well as an Impact Grant commitment of €36,000 over the next three years through the Community Foundation for Ireland. IPRT also secured grants over the period from the St. Stephen's Green Trust totalling over €15,000 to be used for core costs, including fundraising and expert facilitation. We also successfully secured the final project grant funding from the Irish Research Council for the Humanities and Social Sciences (joint project with the Dublin Institute of Technology). We are most grateful to each of these organisations and individuals for their generosity in supporting our work.

In the area of **membership and donations** we have made improvements to IPRT's fundraising infrastructure, developing new online payment processing functions and increasing membership renewals and donations from both individuals and organisations. In November 2015, we launched the 'Friends of IPRT' scheme. Friends of IPRT pledge annual support of €250 or more per year for a 3-year period, helping to secure our core work: advocating for positive penal policy reform. We aim to grow the Friends of IPRT network to 100 members by 2017. If we succeed, Friends of IPRT will collectively represent a vital funding stream in its own right, which will help to continue the research, policy and advocacy work which we do. IPRT would like to pay particular tribute to Giollaíosa Ó Lideadha SC who provided us with invaluable support in launching and progressing this initiative.

In 2015-16, we have also received **sponsorship** for events, such as the Annual Conference, from KOD Lyons and The Bar of Ireland, as well as in-kind support from A&L Goodbody, Ivor Fitzpatrick & Co. Solicitors, the Public Interest Law Alliance and the Bar of Ireland Voluntary Advice Service.

Despite this progress, there is no room for complacency. IPRT will still have a financial shortfall to meet over the coming years and we wish grow our organisational capacity. We would warmly welcome any advice, contacts or financial support which our members and Friends can provide.

Irish Penal Reform Trust

(A company limited by guarantee, not having a share capital)

**SUPPLEMENTARY INFORMATION RELATING TO THE FINANCIAL STATEMENTS
SCHEDULE 2 : CHARITABLE ACTIVITIES AND OTHER EXPENSES**

for the year ended 31 December 2015

	2015 €	2014 €
Expenses		
Wages and salaries	168,502	147,761
Social security costs	17,881	15,884
Staff defined contribution pension costs	-	704
Staff training	2,598	635
Human resources	90	-
Rent and utilities	7,907	7,908
Insurance	1,236	(511)
Office equipment	601	-
Cleaning	416	-
Stationery	1,440	1,784
Postage	617	-
Courier	98	1,383
Marketing and advertising	65	923
Website and social media	3,890	2,456
Prisoner engagement and building alliances	643	603
Commissioned research	4,140	5,822
Events	7,698	1,926
Sponsorship and awards	530	-
Telephone and broadband	2,811	3,346
Computer hardware and software	1,124	2,238
IT support	3,864	-
Postgraduate funding - Irish Research Council - Expenses	709	441
Rights and needs of LGBT prisoners - Community Foundation for Ireland	3,200	-
Turnaround Youth: Young adults in the criminal justice system - The Ireland Funds	5,514	-
Travellers in prison initiative - St Stephen's Green Trust	3,567	-
Children Behind Bars - European Commission	24	7,618
Remand and Pre-Trial Detention - European Commission	-	21,713
Prison Litigation Network - European Commission	-	39,170
Infectious Diseases - European Commission	8,000	-
Alternatives to Detention - European Commission	18	-
Publications and reports	2,978	-
Evaluation and sustainability	1,600	-
Staff travel	1,706	2,324
Meetings	862	-
Volunteer and intern expenses	351	-
Board expenses	1,609	1,093
Legal and professional	2,400	-
Accountancy	2,696	2,706
Audit fees	3,880	3,114
Bank charges	338	245
General expenses	1,832	1,778
Membership and subscriptions	478	-
Depreciation	-	718
	267,913	273,782



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