

5 Key Recommendations for the Programme for Government 2020+

The Irish Penal Reform Trust presents here five achievable legislative and policy priorities which we would welcome in a new programme for government. These proposals will support safer and communities for everyone. IPRT proposals and recommendations are supported by a wide body of solid evidence and research, available online at www.iprt.ie/library

1. Pass and enact the Criminal Justice (Rehabilitative Periods) Bill 2018

Issue: Thousands of people in Ireland with past conviction histories experience life-long barriers to accessing work, training, education, insurance and more. This can amount to a punishment that is disproportionate to the gravity of the offence(s) committed. Barriers to employment, in particular, may undermine a person's ability to meet their economic needs and provide for their family.

Solution: Independent Senator Lynn Ruane's [Criminal Justice \(Rehabilitative Periods\) Bill 2018](#) was at Report Stage as of November 2019. Under the Bill as amended, current spent convictions law would be extended and improved. IPRT would welcome a commitment in the next Programme for Government to retaining, progressing and enacting this Bill.

Relevant Policy Recommendations:

- Rec. 26, [Oireachtas Joint Committee 'Report on Sentencing and Penal Reform' 2018](#)
- [Oireachtas Joint Committee 'Report on Spent Convictions' 2019](#)

More info:

- www.iprt.ie/spent-convictions
-

2. Establish a cross-departmental Task Force on mental health and imprisonment

Issue: People with mental health issues are ending up in the prison system due to a lack of access to appropriate mental health services in the community. Approx. 300 people with severe mental illness are in Irish prisons; some wait years for transfer to the Central Mental Hospital. In 2018 and 2019, a number of people with mental health difficulties (with no previous convictions or experience of prison) took their own lives shortly after being detained on remand in prison.

Solution: IPRT recommends that a high-level cross-departmental and cross-agency Task Force on Mental Health and Imprisonment should be established, with focus on progressing short-, medium- and long-term solutions. The Task Force should have particular focus on diversion routes away from the criminal justice system, and investment in community-based mental health services.

Relevant Policy Recommendations:

- Recs. 10, 12 and 13, [Oireachtas Joint Committee 'Report on Sentencing and Penal Reform' 2018](#)
- Second Principle, [Commission on the Future of Policing in Ireland](#).

More info:

- [Standard 13 - Mental Healthcare](#) in *Progress in the Penal System: 2019*
-

3. Invest in Community-Based Sanctions and Restorative Justice

Issue: Ireland is over-reliant on imprisonment as punishment. Community sanctions are cheaper, more effective, promote pro-social behaviour and active citizenship, and are less damaging than prison. Despite this, more short sentences of less than 12 months (3,104) were handed down in 2018 than community service orders (2,499).

Solution: IPRT would welcome a commitment in the next Programme for Government to investment in community-based sanctions nationwide, including national roll out of evidence-led approaches such as restorative justice.

Relevant Policy Recommendations:

- Recs. 2 and 4, [Oireachtas Joint Committee 'Report on Penal Reform' 2013](#)
- Recs. 24 and 25, [Oireachtas Joint Committee 'Report on Sentencing and Penal Reform' 2018](#)
- Recs. 9, 11, 12, 14, 24, 30 and 32, [Strategic Review of Penal Policy 2014](#)

More info:

- IPRT Discussion Paper (2017) [Community Service in Ireland, A Qualitative Exploration of one alternative to short-term imprisonment](#)
 - IPRT Position Paper 8 (2010) [Community Sanctions](#)
 - [Standard 2 - Imprisonment as a last resort](#) in *Progress in the Penal System: 2019*
-

4. Establish the Penal Policy Consultative Council

Issue: A clear Government commitment to evidence-informed policy, grounded in data and evidence which is made available to the public, is key. All policy and legislative proposals should be grounded in evidence of what works to address and reduce crime, and subject to robust impact assessment before introduction.

Solution: IPRT would strongly welcome a broad commitment by the incoming government to evidence-led criminal justice policy. Establishment of a Consultative Council, as recommended by the [Strategic Review of Penal Policy](#) would be a key mechanism to advise on penal policy issues.

Relevant Policy Recommendations:

- Rec. 42, [Strategic Review of Penal Policy 2014](#)

More info:

- [Standard 1 - Towards a Progressive Penal Policy](#) in *Progress in the Penal System: 2019*.
-

5. Ratify the Optional Protocol to UN Convention against Torture (OPCAT)

Issue: Human rights abuses can take place unseen behind closed doors. External independent monitoring of all places where people can be detained in Ireland – including nursing homes, secure children's homes, psychiatric hospitals, Garda cells and prisons – needs to be strengthened to prevent potential torture and ill-treatment. Ireland is one of the last three remaining EU countries yet to ratify OPCAT, which Ireland signed in 2007. This important treaty prevents ill-treatment and torture wherever people can be deprived of their liberty.

Solution: IPRT would strongly welcome a commitment by the next Government to bringing forward the legislation needed to ratify the OPCAT and establish a National Preventive Mechanism.

Relevant Policy Recommendations:

- Rec. 7, [Oireachtas Joint Committee 'Report on Sentencing and Penal Reform' 2018](#)

More info:

- www.opcat-ireland.com
-