

I thank the Committee for the invitation to speak here today on this important piece of proposed legislation. Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's principal independent non-governmental organisation working for systemic penal reform and change. Our vision is a just, humane Ireland where prison is used as a last resort.

How to place the IPS on a statutory footing has been a question for many years, since the 1997 McAuley Report. We urge the Committee to give [this General Scheme](#) its full attention to ensure that the final legislation is fit for purpose in ensuring that the IPS maintains the highest standards in governance and accountability.

This legislation should be prioritised given the deepening pressure on the IPS, with increasing levels of overcrowding and a high proportion of people with mental health difficulties in the prison system. These critical issues will have a bearing on oversight and governance because without a commitment to address overcrowding in the prison system more generally, and dedicated resources to do so, there is an inherent risk that the new body will become a firefighting operation.

Accountability and oversight have a different significance in the 'closed world' of prisons, encompassing much more than the prevention of human rights violations behind closed doors. They involve ensuring the prison system meets its own mission to provide "safe and secure custody, dignity of care and rehabilitation to prisoners"¹ and that it does everything it can to minimise the harmful effects of imprisonment on people so held.²

The long overdue publication of the General Scheme is welcome but a firm commitment to adequate investment in the proposed governance and audit structures of the IPS must follow.

The statutory appointment of the Director General as the accounting officer for the IPS, at Head 34, is also welcome however, we would ask the Committee to consider whether the proposed limitations on expressing opinions to Oireachtas Committees other than the PAC is appropriate or necessary.

While welcome that the Heads of Bill set out the composition and membership of the IPS Board, we would call into question the appointment by the Minister for Justice and would instead recommend that the legislation is crystal clear that appointments, in whole or in part, are to be made pursuant to a public competition managed by the Public Appointments Service.

IPRT is concerned that the statutory power of the Minister, as set out in Head 52, to redact in part or in full the publication of the annual report of the IPS seems particularly stringent. There is no equivalent statutory provision regarding the annual reports of other statutory bodies, such as GSOC or IHREC. IPRT suggests that the Committee consider the need for such a statutory provision, particularly given the importance of protecting the independence of the IPS.

¹ Irish Prison Service, *Mission and Values* <https://www.irishprisons.ie/about-us/mission-and-values/>

² Irish Penal Reform Trust, *Progress in the Penal System 2019*, 'Accountability within the 'closed world of prisons (2019)', access [here](#).



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Recently, the Office of the Inspector of Prisons has increased its activity and output. This is welcome but creating an effective and accountable system requires not only robust independent oversight, but also the shaping of a prison culture that respects complaints, acts swiftly to address any wrongdoings, and harnesses data and information to drive progress. Accountability is not a singular entity, one office, or one practice.

The notable omission around prison culture and its importance cannot be overstated. It encompasses working relationships between staff and management, and between staff and prisoners. Poor standards or poor service provision (of education and healthcare for example) in day-to-day life and treatment in prison can create a pervasive culture whereby people in prison tolerate poor conditions rather than challenge them to realise their rights.

Finally, while the Department of Justice's review of the Prison Rules 2007 remains ongoing, there is no adequate or robust complaints system that offers an effective remedy for people in prison. We hope that the review will be completed shortly given the commitment to amend the Rules to allow for a streamlined complaints process and for the Office of the Ombudsman to take jurisdiction of prisoner complaints. However, any new complaints system cannot be effective without conditions in place that support it, including the promotion of a positive culture. Prisoners are largely reliant on staff to access their rights and, as such, relationships play a crucial role in the prison environment. A robust complaints system in which staff and prisoners have confidence would support better management overall.

Our submission details specific comments on a number of key Heads of the General Scheme and we will be happy to answer any questions on them.

(End.)