

13 November 2020

IPRT Submission to Joint Committee on Disability Matters

Dear Ms Boyle,

The Irish Penal Reform Trust (IPRT) welcomes the opportunity to make a submission to the Joint Committee on Disability Matters. It is hoped that our submission will assist the Committee in developing its Terms of Reference and the areas of focus for its future work.

The IPRT is Ireland's leading non-governmental organisation campaigning for the rights of everyone in the penal system. IPRT is committed to reducing imprisonment and the progressive reform of the penal system based on evidence-led policies. IPRT works to achieve its goals through research, raising awareness, and building alliances.

The IPRT makes this submission in order to highlight the needs of people with disabilities in prison in Ireland. IPRT recently commissioned research into this specific group, resulting in the publication of a report, '*Making Rights Real for People with Disabilities in Prison*', in January 2020. The report addresses the rights and experiences of prisoners with all forms of disability, including physical, intellectual, sensory and psychosocial. The study was carried out by researchers attached to the Centre for Disability Law and Policy at the National University of Ireland Galway and was funded by the Irish Human Rights and Equality Commission.

The final report is attached to this covering letter and the Committee is invited to closely consider its findings.

The report particularly identified a number of challenges facing people with disabilities in prison. These include the following:

- **Difficulties for prisoners with disabilities in navigating both the physical environment of prison and the prison regime more generally.** This can result in prisoners with disabilities being effectively confined to their cells and/or struggling to gain access to information about key aspects of the prison's operations and procedures. The latter can have a knock-on effect in terms of individuals' ability to access key services and understand their rights.
- **A limited understanding of disability rights among the prison population.** For example, many of the prisoners spoken to as part of this study (16 in total) were

unaware that they had rights related to their disability, such as the right to reasonable accommodation under equality legislation.

- **The effect of the prison disciplinary regime on people with disabilities.** Many prisoners with disabilities reported that they had never received accessible information on the prison rules and regime, which meant that they were more likely to be found in breach of prison discipline.
- **A lack of support for disabled people in transitioning out of prison.** Reasons for this include, for example, the fact that open prisons are often not available to prisoners with disabilities due to a lack of medical and social support.

The report makes 16 recommendations to address the challenges identified, improve the situation of prisoners with disabilities and ensure the prison service takes action to achieve full adherence to the UN Convention on the Rights of People with Disabilities (UNCRPD). Recommendations include: implementing the Public Sector Equality and Human Rights Duty across the prison system; ensuring non-discrimination and equal access to services and programmes for people with disabilities in prison; and providing accessible information on rights, regimes and complaints systems in prisons to all persons with disabilities.

IPRT further emphasises that there is no current research or data on the prevalence of disability among the Irish prison population. The absence of this data means that we do not currently know how many people in prison have a disability, which in turn makes it difficult to properly address the needs of these individuals. IPRT respectfully suggests that this is an area that the Committee may wish to further examine.

The IPRT is available and willing to meet with the Committee in a public session. The authors of the attached report, Professor Eilíonóir Flynn and Maria Ní Fhlatharta, are also available to attend a Committee meeting.

We hope this submission assists the work of the Committee and we look forward to following the Committee's efforts in this important area.

Yours sincerely,

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