



## Written Statement on Ireland's Review under the 93rd Pre-session of the Committee on the Rights of the Child

22<sup>nd</sup> September 2022

1. This written statement on behalf of the Irish Penal Reform Trust (IPRT) provides a very brief update on key issues discussed in our initial submission, namely, child justice in Ireland and the rights of children with a family member in prison.

### Administration of child justice

2. On 31<sup>st</sup> August 2022, the Department of Justice published a *Review of Policy Options for Prison and Penal Reform 2022-2024*.<sup>1</sup> The Review includes a number of actions relevant to the area of youth justice:
  - a. Action 18, around implementation of the *Youth Justice Strategy 2021-2027* and its vision for emphasising prevention, early intervention and inter-agency collaboration in the area of youth justice.
  - b. Action 20, to create a new offence of grooming children to commit crimes and to continue work being done as part of the 'Greentown' project which aims to pilot targeted interventions that protect children from becoming involved in criminal networks.
  - c. Action 21, to extend pilot schemes of the Youth-Joint Agency Response to Crime (Y-JARC) to additional locations, based on the evaluation of the two pilot Y-JARC projects which was conducted in 2021 and is expected for publication in Q3 2022.
3. These actions are particularly relevant in the context of recent reports of escalating anti-social behaviour among young people in certain areas of Ireland.<sup>2</sup> IPRT is clear that purely punitive responses to anti-social behaviour, that focus predominantly on increasing penalties and prison, are ineffective<sup>3</sup> and reiterates the importance of implementing the above proposed early intervention / prevention measures which target the root causes of offending.

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<sup>1</sup> See, [Government publishes Review of Policy Options for Prison and Penal Reform 2022-2024](#), 31<sup>st</sup> August 2022.

<sup>2</sup> See [McEntee to visit Cherry Orchard 'in coming days' after Garda car rammed; Two Gardai involved in Cherry Orchard car ramming off duty due to injuries](#); and [Fianna Fáil TDs unhappy with justice minister's 'failure' to tackle problem areas](#).

<sup>3</sup> This is evidenced by the high rates of recidivism seen post-prison in Ireland, see e.g. figures from the Central Statistics Office in the [Re-offending Statistics 2011 – 2018: Details of 3-year Custodial Re-offending](#).

**IPRT recommends that the Committee asks the State to provide detailed information on its plans to adequately resource the implementation of the *Youth Justice Strategy 2021-2027* and the relevant Actions mentioned in the recently published *Review of Policy Options for Prison and Penal Reform 2022-2024*, particularly in the context of recent events in Ireland.**

4. The Review does not contain any proposals relating to issues mentioned in IPRT's original submission, such as revising the criminal age of responsibility in Ireland or amending the law so that the provisions of the Children Act 2001 apply to the processing of an offence with reference to age at the time the offence was committed, irrespective of the age of the young person when the case actually comes before the courts.

**IPRT repeats its recommendations that the State (i) amends the law to set the criminal age of responsibility at 14 and (ii) provides a clear timeline for the implementation of provisions which will ensure children are dealt with in court according to the age at which the offence was committed.**

5. The most recently available statistics on the use of physical restraint and single separation in Oberstown Children Detention Campus indicate as follows:
  - a. In June 2022, there was a total of 41 instances of single separation involving 19 young people. This was in comparison to 31 instances of single separation involving 12 young people in April 2022 and 54 instances of single separation involving 12 young people in May 2022.<sup>4</sup>
  - b. In June 2022, there were five incidents of physical intervention and five incidents of self-harm. This compared to two incidents of physical intervention and zero incidents of self-harm in April 2022, and six incidents of physical intervention and zero incidents of self-harm in May 2022.<sup>5</sup>

**IPRT repeats its recommendations that the Committee asks the State to provide updates on (i) action being taken to improve monitoring and oversight of the use of measures such as physical restraint and single separation in Oberstown and (ii) plans to provide a legal framework governing the use of measures such as single separation and explicitly prohibiting the use of solitary confinement for children in all circumstances.**

### **Recognition and support for children with a family member in prison**

6. As of 22<sup>nd</sup> September 2022, prisoners are entitled to receive one physical family visit per fortnight of not more than 30 minutes duration. These visits are limited to a maximum of five persons, with a maximum of three adult visitors, and children may only attend if accompanied by at least one adult. In other words, each visit may include up to four children attending (so long as they are accompanied by an adult). Both prisoners and visitors are still required to wear a prison-issued face mask at these visits.<sup>6</sup> In addition to these in-person visits, prisoners are entitled to one video visit of not more than 20 minutes duration per fortnight or they can opt for two video visits in a two-week period instead.<sup>7</sup>

<sup>4</sup> See, [Single Separations and Population April – June 2022](#).

<sup>5</sup> See, [Physical intervention and self-harm April – June 2022](#).

<sup>6</sup> See, [Visit a Prison](#).

<sup>7</sup> Ibid.

7. While IPRT welcomes the expansion of in-person visits, and the continuation of video visits, we note that the entitlement to prison visits has not yet return to pre-pandemic levels (where the entitlement was one in-person visit per week of not less than 30 minutes duration).<sup>8</sup> IPRT acknowledges the benefits offered by video phone calls and that some families prefer this option given the reduction in cost, travel time and potential negative impacts on children. We have heard from people in prison, however, that sometimes the technology fails which can be very upsetting for families and/or that not all family members have access to the technology. Given staff shortages in the prison system, we know that post-pandemic there may need to be a re-evaluation of how in-person and video call visits operate alongside each other. That said, given the importance of in-person contact for children with a family member in prison,<sup>9</sup> it is crucial that – as we emerge from the emergency stage of COVID-19 – the entitlement to physical visits is not minimised or reduced from what existed before the pandemic.<sup>10</sup>

**IPRT recommends that the Committee asks the State to update it on efforts made to fully restore physical visits to pre-pandemic levels on a phased basis<sup>11</sup> and plans for the provision of both in-person and video call visits going forward.**

8. On 17<sup>th</sup> August 2022, the Department of Children, Equality, Disability, Integration and Youth published a blueprint for the successor to *Better Outcomes, Brighter Futures: The National Policy Framework for Children & Young People 2014-2020* (BOBF), which sets out the approach the Department will take in the new policy framework that will cover the period 2023-2028.<sup>12</sup> IPRT welcomes mention within the blueprint of the intention for the new policy framework to “focus on the areas of most significant difficulty for children and young people, especially those who are vulnerable” and reiterates the need for children with a family member in prison to be explicitly recognised as a vulnerable cohort in need of support.

**IPRT repeats its recommendation that the new policy framework for children and young people in Ireland explicitly recognises children with a family member in prison as a cohort in need of support and comprehensively addresses their needs (beyond simply examining the issue of prison visiting regimes).**

## **Conclusion**

9. IPRT welcomes the opportunity to appear before the Committee and is happy to answer any questions that the Committee might have on the above or any other issues.

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<sup>8</sup> See Rule 35(1) of the Irish [Prison Rules 2007](#).

<sup>9</sup> For some initial studies on the impact of restrictions on visits on children see: [The impact of COVID-19 prison lockdowns on children with a parent in prison](#), March 2021; and “*I am worried about the lasting impact this will have*”: [The experiences of people with a family member in prison during COVID-19](#), September 2020.

<sup>10</sup> IPRT has recently published a short briefing that touches on this, and other, issues arising from the pandemic, see [Irish Prisons and COVID-19: Lessons Learned from the Pandemic](#), 13<sup>th</sup> September 2022.

<sup>11</sup> It is noted that the Minister for Justice indicated in February 2022 that this was the plan of the Irish Prison Service, see [Parliamentary Question on Legislative Programme, Thursday - 10 February 2022](#).

<sup>12</sup> See, [Blueprint of the Policy Framework for Children and Young People](#), 17<sup>th</sup> August 2022.