



An Bord Parúil
The Parole Board



An tSeirbhís Phromhaidh
The Probation Service

Operation of Framework Decision 947 in Ireland.

September 2025



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Ireland...

- The land of saints and scholars
- Our unique music and sport
- History – a colonised nation
- A changing nation: agrarian economy to google HQ
- A growing multi-cultural population



The Probation Service in Ireland



- An agency within the Department of Justice
- Over 500 staff in 35 community based offices as well as in prisons and youth detention centres
- Leaders in criminal justice assessment and supervision
- Working with 11,500 people in custody and community at any one time.
- Community Service – 1800 people at any one time

Our work is:

- Impactful – half of our clients do not reoffend within a 3 year period
- Cost effective – less than 10% of the cost of imprisonment



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Who do we work with?



- Children and Young People – different courts, legislation, risk assessment.
- Adults – different court levels, generic and specific offences (SO / IPV)
- Those sentenced to life imprisonment
- Those sentenced to community service



How do we work?



- Start with robust assessment including risk assessment – risk of harm & risk of reoffending.
- Supervision is client centred taking account of social work values
- Based on risk – needs – responsivity approach
- Collaboration with partner agencies including police service, prison service, parole board, courts service, youth justice services
- Collaboration with community agencies
- Rehabilitative with focus on community safety.



Our International Desk



Three main pieces of work:

1. Transfer of Sentenced Prisoners - assistance to the Irish Prison Service in processing applications through the provision of home circumstances reports.
2. Northern Ireland – movement on the island of Ireland is facilitated through co-operation of probation services in each jurisdiction
3. FD 947 – processing of applications from other EU member states and assisting our colleagues nationally to make their own applications.



Transfer of Sentenced Persons



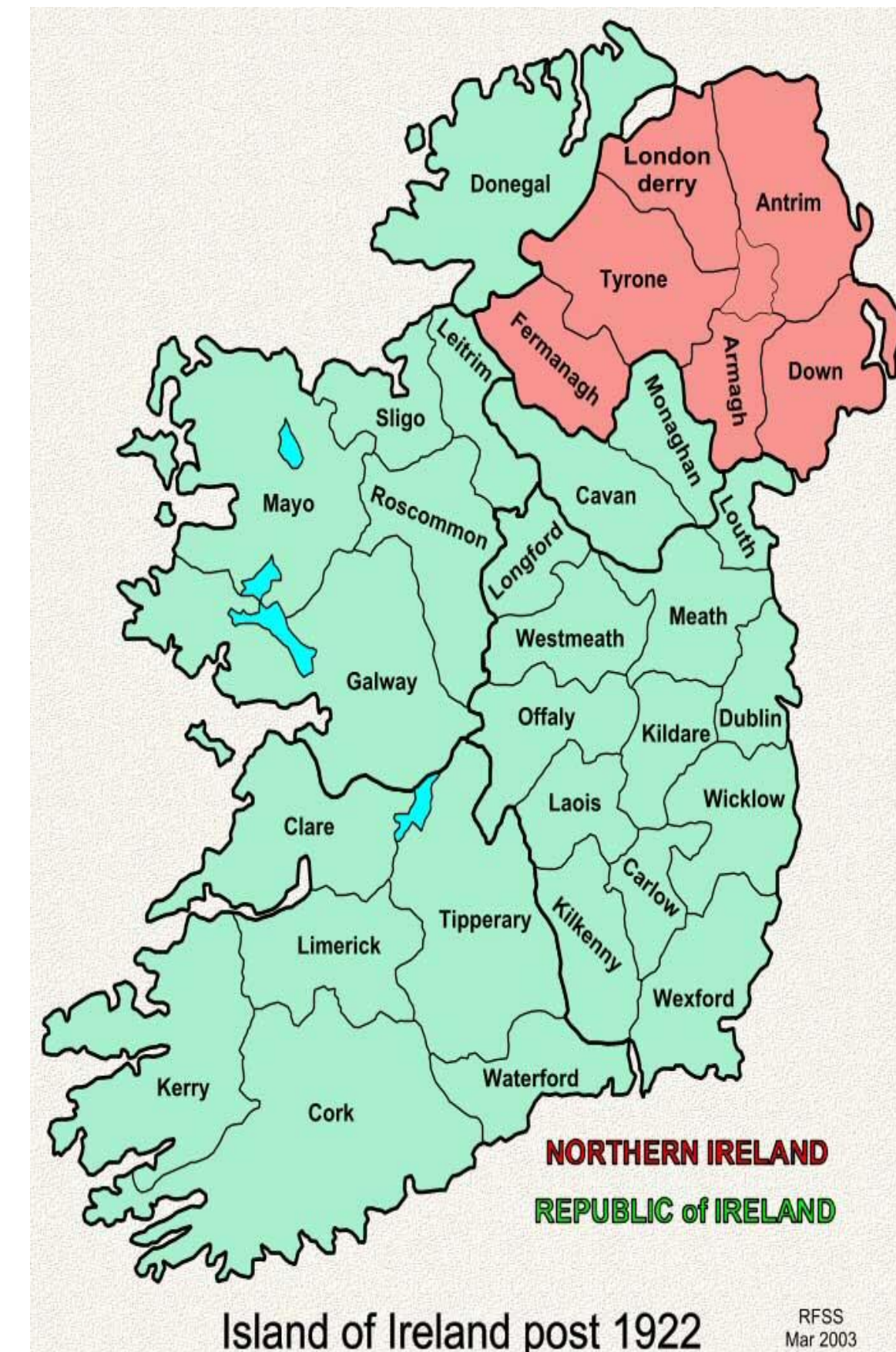
- Application from a prisoner overseas to the Irish Prison Service to serve their sentence in an Irish prison
- Irish Prison Service ask the International Desk of the Probation Service to arrange for a home circumstances report to be completed.
- For those in EU member states this comes through CEFD 2008/909/JHA
- It may also come through the Council of Europe Convention on the Transfer of Sentenced Persons
- Report focuses on likely impact for prisoner and his / her family of a move to an Irish prison. Does this move support rehabilitation in the long term?



Northern Ireland and Ireland's Legal Landscape



- The island of Ireland is one land mass but is legally divided between the north (6 counties) and south (26 counties) and comprise two separate legal jurisdictions.
- Northern Ireland is legally a part of the United Kingdom, while the other 26 counties are a sovereign state, referred to as the Republic of Ireland, a member of the European Union.
- Northern Ireland, as part of the United Kingdom, is outside the European Union, following Brexit.
- FD 947, and other EU legal instruments, do not have force in the United Kingdom while proximity means that in Ireland most individual movement and supervision and transfer issues arise with the United Kingdom.



Landscape Continued



- The EU/ Non-EU jurisdiction divide creates difficulties in the day-to-day management of Court Orders – People regularly travel between the jurisdictions on a daily basis but residing there presents difficulties for enforcement.
- Ireland shares its common law legal system with the United Kingdom, and is now one of the last remaining common law jurisdictions in the Europe Union (EU), with Malta and Cyprus.



Landscape Continued



- Ireland's common law legal system is based on precedent and judge-made law rather than the codified statutes that characterise continental European civil law systems.
- The laws of the Republic of Ireland are not applicable or enforceable in Northern Ireland or the United Kingdom.



Island -v- Mainland EU Issues



FD947 – Domestic Legislation



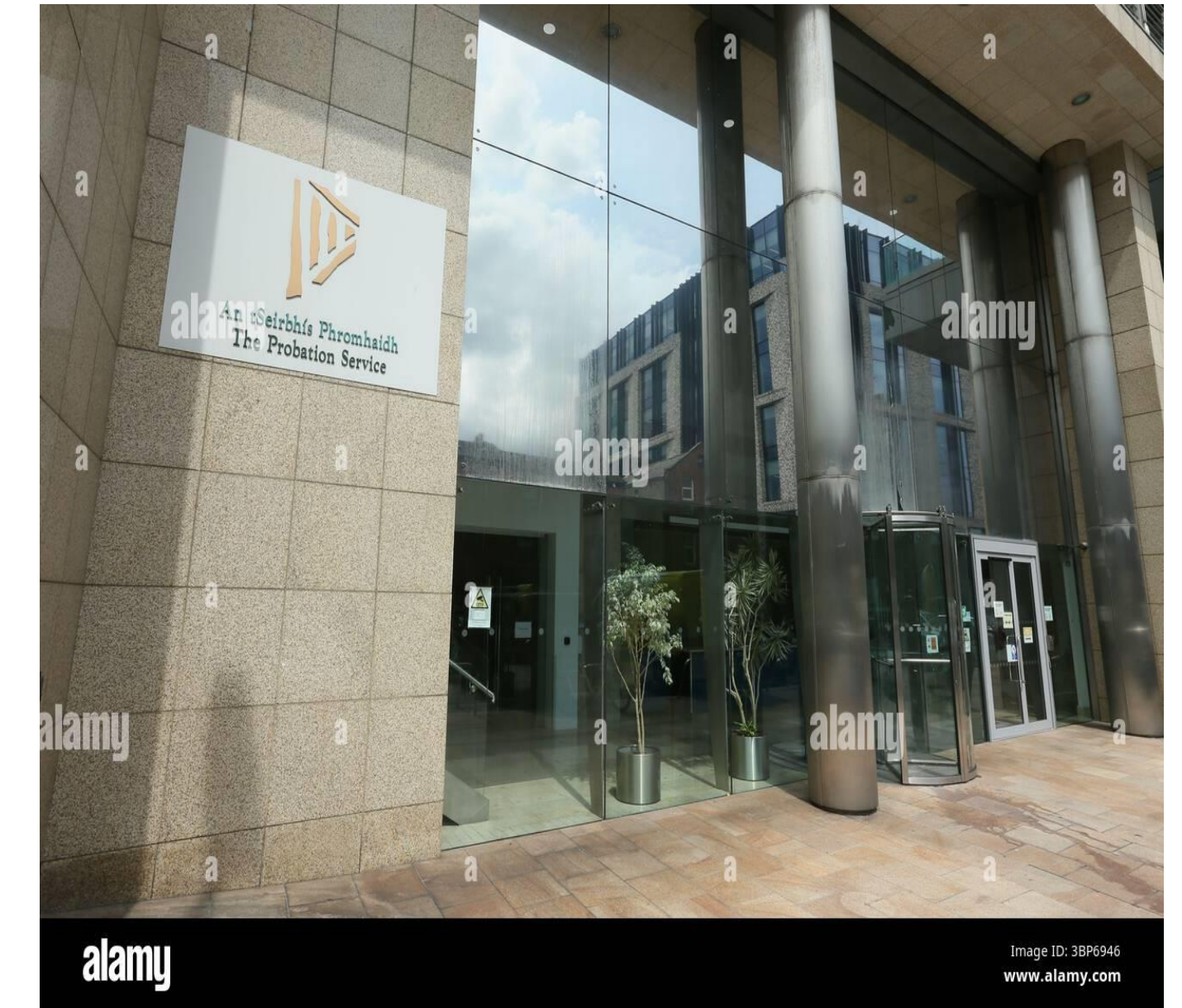
- FD947 was transposed into Irish Legislation in the Criminal Justice (Mutual Recognition of Probation Judgments and Supervision of Probation Measures) Act 2019.
- The Act was commenced on 23rd September 2019.
- The International Desk of the Probation Service operates as the competent authority in Ireland for the processing of FD947 application.



Practical Operation of FD 947



- Ireland has a single point of contact for incoming and outgoing applications provided for in the Criminal Justice (Mutual Recognition of Probation Judgments and Supervision of Probation Measures) Act 2019
- The Probation Service International Desk is modelled on the Reclassering Nederland(RN) approach and was established in 2009 to deal with all international requests and applications.
- Requests and applications are received at internationaldesk@probation.ie and managed by the International Desk team based at the Probation Service head office in Dublin.
- Consent, data protection and residency in Ireland are fundamental issues in considering applications under FD 947.
- EU nationals with residency entitlement remaining in Ireland -v- requirement in other jurisdictions??



Characteristics of FD applications (incoming)



- Offences generally similar under Irish law
- Community service common but hours vary.
- Offender is in Ireland at time of application – sometimes difficult to find them.
- Orders often some years old by the time the application is made – applications generally quite detailed but still some back and forth to finalise.
- Quick responses from European colleagues which assists and speeds things up.
- Application forms and judgements are translated before being sent which is very helpful.

Statistics



The great majority of requests and applications received by the International Desk are from Northern Ireland and parts of the United Kingdom, and therefore outside the scope of FD 947 and the Criminal Justice (Mutual Recognition of Probation Judgments and Supervision of Probation Measures) Act 2019.

FD 947 related requests 2022-2025

- Incoming Applications = total 26
- Outgoing Applications = total 6



FD947 – Domestic Legislation



- To date one order has been successfully transferred out and one order has been successfully transferred in.
- Currently 9 cases with the Department of Justice waiting to be listed before a court.
- Also 8 cases with the Probation Service as the competent authority being processed.
- Some cases refused for various reasons



What Works Well



- Generally open to legal migration from EU MS
- Flexibility to respond to situations when persons present without prior arrangement
- Case-by-case approach
- Attempts to facilitate planned transfers out
- Flexibility of common law system to facilitate the peculiarities of orders outside Ireland that do not directly translate.

Challenges



- Understanding the complexities of each individual country's *Test?!?*
- Then understanding the complexities of each individual country's system of transfer
- What is *Ordinarily Resident* and what relevance does/should it have in decision making??
- Coping with the rigidity of Roman Law interpretation
- Flexibility, Trust and Perception
- Bureaucracy and Silence

The Parole Board in Ireland



- Independent agency within the Department of Justice
- Created by Parole Act 2019 and commenced business in 2021.
- We work with the Probation Service, An Garda Síochana, the IPS etc
- 1st Parole order 13.2.22 and Released 3.7.23
- 15 Board Members and approx. 30 staff
- Responsibility for the management of life sentenced persons in Ireland since 30 July 2021
- Approx 350-400 people convicted of murder or serious sexual offences and serving life sentences.
- 20 Parolees in community, 3 are foreign nationals.



Life Sentenced Persons



- In Ireland, life sentences can be imposed for a range of offences
- The offence of murder attracts a mandatory life sentence in Ireland
- Ireland does not have a tariff system; a structured minimum period of custody imposed by the Court at sentencing



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Life Sentenced Persons



- Life sentences are for the entirety of the person's life.
- These sentences, post release, include Probation supervision until the person's death.
- Ireland presently has a dual system for the management of life sentenced persons - Criminal Justice Act 1960 and the Criminal Justice (Temporary Release of Prisoners) Act 2003 and the Parole Act 2019.
- Prior to the Parole Act 2021 final decisions on release of life sentence prisoners were made by the Minister for Justice using Temporary Release powers.



Life Sentenced Persons



- Section 9 of the Criminal Justice (Mutual Recognition of Probation Judgments and Supervision of Probation Measures) Act 2019 defines the Orders to which the Act applies
- Temporary Release Orders for a defined period are transferable with Section 9.
- Parole Orders, introduced in the Parole Act 2019, are not included in the Criminal Justice (Mutual Recognition of Probation Judgments and Supervision of Probation Measures) Act 2019.
- Parole Orders will not be transferable until that legislation is amended...

Life Sentenced Persons



- Life sentence prisoners, prior to the Parole Act 2019, were released on Temporary Release for specified periods by order of the Minister for Justice.
- As a life sentence does not have an expiry date, such life sentence supervision cannot be ended and, in practice, cannot be transferred outside the jurisdiction.
- Would another EU jurisdiction accept an obligation to enforce lifetime supervision?
- Currently, for persons subject to a life sentence seeking to move outside the jurisdiction, the practical option is to seek transfer while still a prisoner under FD 909 (Transfer of Prisoners) Criminal Justice (Mutual Recognition of Custodial Sentences) Act 2023



Life Sentenced Persons



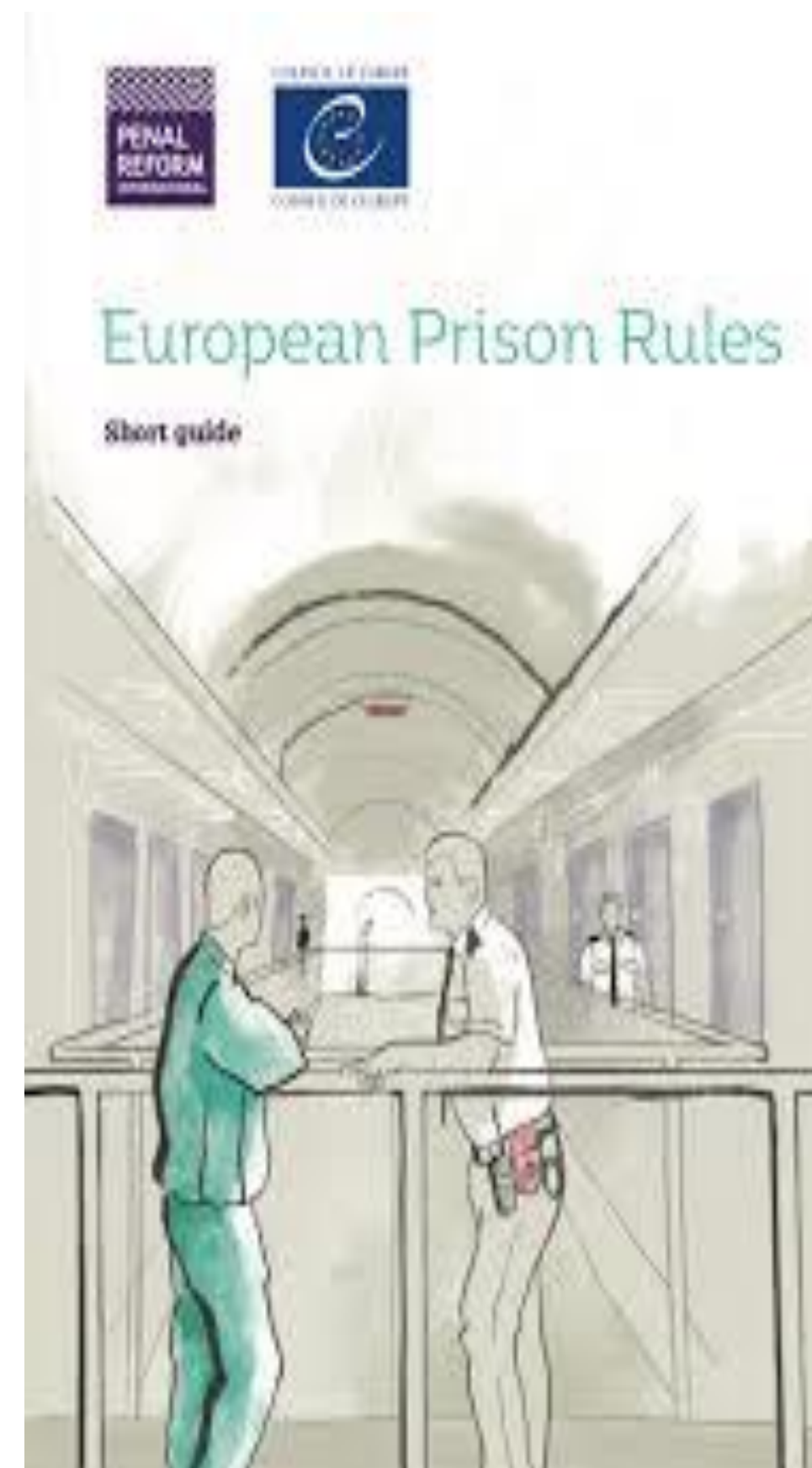
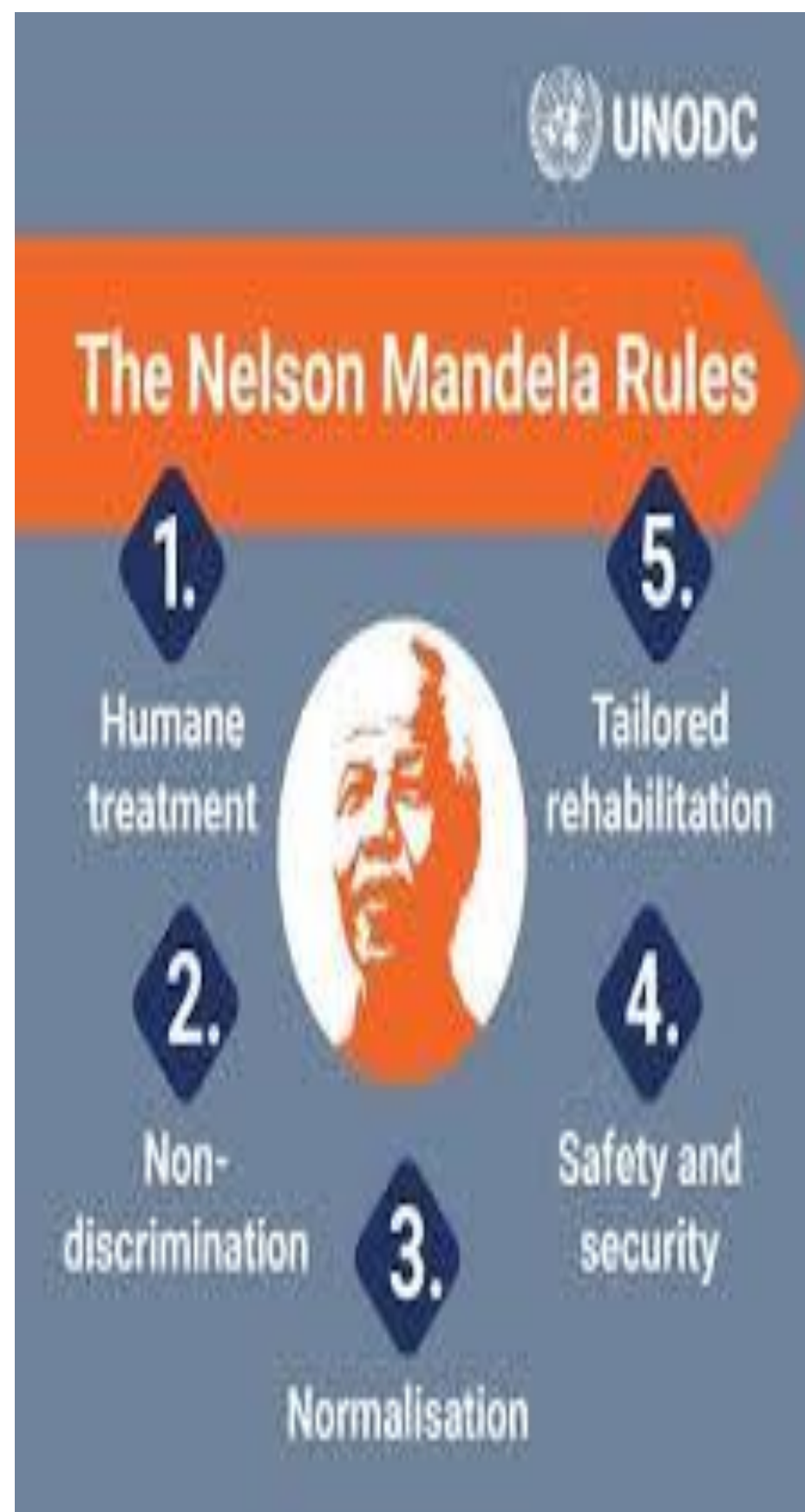
- Transfer of Sentenced Persons Act 1995 and the Transfer of Sentenced Persons (Amendment) Act 1997 - the Probation Service provides assessment reports on non-Irish national prisoners who are being considered for transfer to their country of origin
- The Transfer of Sentenced Persons Act 1995 and the Transfer of Sentenced Persons (Amendment) Act 1997 now apply primarily to prisoners from outside the EU?

Real Life Scenarios



- Life imprisonment is compatible with the **European Convention on Human Rights**, as long as prisoners have some chance of being released and it is possible for their sentences to be reviewed. (Vinter and Others v. United Kingdom, Application nos. 66069/09, 130/10, and 3896/10, ECtHR, 2012)
- According to the **European Court of Human Rights**, national laws concerning life imprisonment must be sufficiently clear and certain.
- What are the options for Life Sentence Prisoners from European jurisdictions who receive a life sentence in a country to which they no have no ties?

Life Sentenced Persons



- The UN Standard Minimum Rules for the Treatment of Prisoners 2015 (also known as the Nelson Mandela Rules) set out the core human rights standards for prisoners within the UN system.
- Within the Council of Europe (CoE) system, the Revised European Prison Rules 2020 (Revised EPRs), the Committee of Minister's Recommendation (2012) concerning foreign prisoners (Recommendation CM/Rec (2012)12), and their commentaries set out for Member States the primary rules that apply to FNPs.

Life Sentenced Persons



- Collectively, the Nelson Mandela Rules, the Revised EPRs and Recommendation (2012)12 cover a wide range of areas including conditions of imprisonment, rehabilitation, and preparation for release.
- The CoE's penal law and policy heavily influence the Irish Prison Rules 2007, which are presently under review



Thank-you

