



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: CAT/Follow-up

21 May 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the second periodic report of Ireland, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 61st session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/IRL/CO/2, para. 37) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 20 and 26 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 9 August 2018 providing your Government's response on the above-mentioned paragraphs (CAT/C/IRL/CO/2/Add.1) and to make the following comments:

Independent monitoring of places of deprivation of liberty and the Optional Protocol to the Convention (para. 8)

The Committee appreciates the explanations provided by the State party regarding the action taken by the Department of Justice and Equality to develop a policy position on the ratification and implementation of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. It regrets, however, that the State party has not yet ratified this core international human rights treaty and that it is only at the stage of requesting stakeholders to consider recommendations of the Irish Human Rights and Equality Commission and offers no timetable for completion. The Committee also notes with concern that the State party has not provided information concerning the implementation of the recommendations contained in paragraph 8 (b) of the concluding observations in particular for "repeated and unannounced visits" (1/C).

.../...

H. E. Mr. Michael Gaffey
Ambassador Extraordinary and Plenipotentiary
Permanent Mission of Ireland
to the United Nations Office at Geneva
Email: genevapmun@dfa.ie

Police complaints mechanism (para. 20)

The Committee takes note of the ongoing review, considered a “comprehensive examination” of all aspects of policing, including with the aim of enhancing the independence of the Garda Síochána Ombudsman Commission (GSOC), and notes that a report from GSOC was due in September. The Committee regrets that the State party’s response does not address the rest of the recommendations contained in paragraph 20 of the concluding observations, particularly those in paragraphs 20 (b) to (e), concerning: the prosecution of persons suspected of acts of violence or ill-treatment; the request for information on the number of complaints filed with the GSOC; the access to effective remedies and reparations; and, the measures taken to sensitize the public about the existence and functioning of the GSOC (1/C).

Investigations, accountability and redress in the context of the Magdalen Laundries (para. 26)

While taking note of the repeated arguments put forward by the State party, the Committee regrets the decision not to set up a thorough, independent and impartial investigation regarding the Magdalen Laundries in spite of the alleged incidents of physical punishment and ill-treatment both in light of facts covered by the McAleese Report, and particularly in view of the non-judicial nature of the Inter-Departmental Committee. In this regard, the Committee reiterates the importance of investigating in a thorough and impartial manner all allegations of ill-treatment in these institutions and conducting criminal proceedings when necessary. The Committee also regrets that even the right of the victims to bring civil actions appears to be limited by the requirement to sign an undertaking not to take an action against the State and its agencies, as indicated in the follow-up replies. Nevertheless, the Committee appreciates the efforts made by the State party to publicize the existence of the *ex gratia* scheme to some of the survivors of the Magdalen Laundries living abroad. It also appreciates the information provided on the implementation of some of the recommendations made by Mr. Justice John Quirke in his report on the establishment of an *ex gratia* scheme and related matters for the benefit of those women who were required to work in the Magdalen Laundries (3/C).

Implementation plans (para. 37)

The Committee appreciates the additional information provided by the State party in connection with paragraphs 4(g), 11, 32 (e) and 38 of the concluding observations on: the referendum on the 8th amendment to the constitution and 36th amendment; the draft legislation to regulate termination of pregnancy; reception conditions for international protection applicants; provision of post-abortion health care; and, the ratification of the International Convention on the Rights of Persons with Disabilities by Ireland on 20 March 2018 (B).

The Government of Ireland is asked to provide additional information aimed at further contributing to the Committee’s analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee’s request in its concluding observations on the second periodic report of Ireland.



The Committee looks forward to a continued constructive dialogue with the authorities of Ireland on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Abdelwahab Hani'.

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture