

Summary of the UN Committee against Torture: Concluding Observations for Ireland

In July 2017, the Irish state delegation, led by Minister of State at the Department of Justice and Equality, David Stanton TD, appeared before the UN Committee against Torture as part of Ireland's examination under the UN Convention against Torture and Other Inhuman and Degrading Treatment or Punishment (UNCAT). The Irish Delegation of NGOs Last Friday, 11 August the Committee published the Concluding Observations (recommendations) for Ireland.

Below is a summary of the Concluding Observations relating to children and young people. A full unedited version of the Concluding Observations can be found [here](#).

The Committee welcomed:

- The State party's accession to and ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2014;
- The adoption of the Children (Amendment) Act 2015, repealing legislation that permitted the detention of children in adult prison facilities; and the closing of St. Patrick's Institution for the detention of juveniles, following the signing on 30 March 2017 of a Ministerial Order ending the sentencing of children to adult prisons in Ireland, on 7 April 2017;
- The rolling out of Garda Victim Service Offices to 28 Garda divisions, in 2015; and the launching on 20 January 2016 of the National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021;
- The adoption of the Criminal Justice (Female Genital Mutilation) Act, on 2 April 2012; and the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act, which entered into force in August 2012;
- The adoption of the Child and Family Agency Act, regarding protection and welfare

services, in 2013; the establishment of the Child and Family Agency (CFA), on 1 January 2014; and the adoption of the Children First Act 2015, which removed the defence of “reasonable chastisement” from the laws regarding assaults on children;

- The adoption of the International Protection Act 2015, replacing the Refugee Act 1996; and the introduction of Immigration Guidelines for Victims of Domestic Violence by the Irish Naturalization and Immigration Service, in 2012.

Situation of asylum seekers and migrants

Recommendation:

- Establish a formalized vulnerability screening mechanism for torture victims and other persons with special needs, provide them with care and protection to avoid re-traumatization, including during international protection procedures.

Training

Recommendation:

- Provide mandatory training on gender-based and domestic violence for police and other law enforcement officials, social workers, lawyers, prosecutors, judges and other public officials dealing with victims of gender-based, including domestic and sexual violence.

Inter-prisoner violence

While noting the progress made to reduce the level of violence in prisons, the Committee is concerned:

- At the violent incidents that took place in Oberstown detention centre for juveniles in 2016 and 2017;
- At the reported placement of juveniles presenting disciplinary issues for weeks in “single separation” which may amount to solitary confinement;

Recommendations:

- Provide training to prison staff and medical personnel on communication with and the managing of inmates, including juveniles, and on detecting signs of vulnerability and disciplinary issues.
 - Abolish solitary confinement of minors as a disciplinary measure, strengthen existing and develop new educational and rehabilitation programmes aimed at encouraging pro-social behaviour and improve extra-regime activities for minors.
-

Investigations, accountability and redress in the context of reformatory and industrial schools – The Ryan Report

Recalling the Committee’s previous recommendations concerning the report of the Commission to Inquire into Child Abuse, known as the Ryan Report, and allegations of torture and ill-treatment at reformatory and industrial schools, and noting the provision of redress to more than 15,000 victims by the Residential Institutions Redress Board, the Committee remains seriously concerned that the State party did not provide further information in support of the statement that its authorities have carried out “a sizeable number of investigations” into allegations of abuse at institutions that have resulted in prosecutions and convictions of perpetrators or information requested by the Committee on the steps the State party has taken to encourage victims of criminal acts to come forward. The Committee is also concerned that the Government affirmed that it has no intention of continuing to deliver any funding that may be required for assistance to victims beyond 2019, at which point the Redress Scheme and Caranua, the State body responsible for providing assistance, will be dissolved.

Recommendations:

- Encourage victims of abuse suffered in residential institutions to cooperate with An Garda Síochaná and ensure that all participants in the Redress Scheme are aware that they are not “gagged” from doing so.
- Collect data on all criminal investigations undertaken by An Garda Síochaná into allegations of abuse at institutions dealt with in the Ryan Report, as well as on whether these resulted in prosecutions and convictions, and any sentences handed down to perpetrators, and include this information in the State party’s next report to the Committee.
- Ensure that the State party continues to fulfil its obligation to ensure that victims of torture or ill-treatment obtain redress, including the means for as full rehabilitation as possible.

Accountability for past institutional abuses-Mother and Baby Homes

While the Committee appreciates the State party’s creation of a Commission of Investigation into Mother and Baby Homes in February 2015, it is concerned at reports that its Terms of Reference do not allow it to investigate all institutions in the country at which abuses including forced and illegal adoptions may have occurred and that following the expected conclusion of the Commission’s work in February 2018, its archives will be closed and will not be made available to the public.

Recommendation:

- The State party should ensure that it carries out an independent, thorough, and effective investigation into any allegations of ill-treatment, including cases of forced adoption, amounting to violations of the Convention at all of the Mother and Baby Homes and analogous institutions, that perpetrators of any such acts are prosecuted

and punished and that all victims of violations of the Convention obtain redress. The State party should ensure that information concerning abuses in these institutions should be made accessible to the public to the greatest extent possible.

Violence against women, including domestic and sexual violence

Recommendations:

- Amend the Domestic Violence Bill to include a specific criminal offence of domestic violence that encompasses physical and psychological abuse committed within a relationship and to exempt women seeking protection from domestic violence from the minimum required contribution for legal aid if they cannot afford it;
- Ensure the full implementation of the National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021, including by gathering data on the extent of such violence;
- Ensure that State funding for domestic and gender-based violence services is sufficient to ensure that all victims of these offenses, including migrants and the indigent, have access to medical and legal services, counselling, safe emergency accommodation and shelters;

Female Genital Mutilation

Recommendation:

- The Committee recommends that the State party investigate and prosecute the crime of removing a girl from Ireland for the purpose of committing female genital mutilation (FGM), step up the State party's efforts to deter this practice, and reconsider the State party's position regarding amending the double criminality requirement in its domestic legislation, noting that another State party's failure to criminalize FGM does not relieve Ireland of its obligations under the Convention against Torture.

Should you have any questions on any aspect of the Children's Rights Alliance work [email us](mailto:info@childrensrightrights.ie) or visit our website at www.childrensrightrights.ie



[Click to view this email in a browser](#)

If you no longer wish to receive these emails, please reply to this message with "Unsubscribe" in the subject line or simply click on the following link: [Unsubscribe](#)

Children's Rights Alliance
7 Red Cow Lane
Smithfeild
Dublin, Dublin 7
IE



[Read](#) the VerticalResponse marketing policy.