



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Sixtieth session

### Summary record of the 1548th meeting

Held at the Palais Wilson, Geneva, on Thursday, 27 July 2017, at 10 a.m.

*Chair:* Mr. Modvig

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Second periodic report of Ireland (CAT/C/IRL/2 and CAT/C/IRL/QPR/2)*

1. *At the invitation of the Chair, the delegation of Ireland took places at the Committee table.*
2. **Ms. O'Brien** (Ireland), introducing her country's second periodic report (CAT/C/IRL/2), said that the promotion and protection of human rights had always been at the centre of her country's foreign policy. Her Government was proud to have played a part in the treaty body strengthening process and took its international obligations under the treaty body system extremely seriously.
3. **Mr. Stanton** (Ireland) said that there had been many positive developments in key areas of interest to the Committee since Ireland's previous review, demonstrating his country's unwavering commitment to honouring the letter and the spirit of the Convention.
4. He was pleased to report that children in conflict with the law were no longer detained in adult prisons. St. Patrick's Institution had been closed in April 2017 and minors were now housed at the children's detention centre in Oberstown. The Government had invested €56 million in the construction of new residential units and educational, recreational, administrative and medical facilities at the centre.
5. The authorities were close to achieving the complete elimination of the practice of "slopping out" in the prison system. The construction of a new prison in Cork and the refurbishment of Mountjoy prison meant that 99 per cent of prisoners now had access to in-cell sanitation. The remaining 1 per cent were in single-occupancy cells in Limerick and Portlaoise prisons, where building work to end "slopping out" would be completed in late 2020 under the Irish Prison Service's Capital Strategy 2016-2021.
6. The Government had fully accepted all the recommendations made by the independent Inspector of Prisons in connection with the complaints system for prisoners. The authorities were working to establish an oversight role in the system for the Office of the Ombudsman and to set up a computerized process for the recording of complaints. Both tasks were expected to be completed by the end of 2017.
7. Work on the Inspection of Places of Detention Bill was at an advanced stage. The aim of the draft legislation was to provide for the inspection of all places of detention, including prisons, Garda stations and courts, and for the ratification of the Optional Protocol to the Convention. The Government was undertaking an extensive consultation process on the establishment of a national preventive mechanism for the purposes of inspections under the Optional Protocol.
8. In connection with the issue of solitary confinement, the Minister for Justice and Equality had issued the Prison (Amendment) Rules 2017 (Statutory Instrument No. 276 of 2017), which incorporated the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).
9. Since 2007, more than 900 new prison spaces had been constructed in an effort to reduce overcrowding. The capacity available for women prisoners in Limerick prison was to be doubled and step-down facilities to assist offenders in their transition from custody to community would be operational in the Dublin region by 2018, easing overcrowding at the Dóchas Centre. In addition, legislation had been passed in connection with alternatives to custody. The Fines (Payment and Recovery) Act 2014 made provision for the financial circumstances of offenders to be taken into account when fines were imposed on them.
10. The International Protection Act 2015, which had come into effect at the end of 2016, ensured that the asylum, subsidiary protection and permission to remain aspects of claims were considered concurrently, significantly accelerating the assessment of applications.

11. In the area of domestic violence, the Government had published its Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021. The Domestic Violence Bill, which was before parliament, included measures to enhance protection and support for victims and took into account the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). The Criminal Justice (Victims of Crime) Bill, which introduced statutory rights for all victims of crime, including victims of domestic violence, had passed its second reading.

12. In 2016 and 2017, the Citizens' Assembly had held a series of meetings to consider constitutional amendments regarding the complex and divisive issue of abortion. The Assembly's recommendations would be considered by a special Oireachtas Committee which would be required to report to parliament within three months of its first public meeting.

13. The *ex gratia* Magdalen Restorative Justice Scheme remained open to new applications and had paid out more than €25.5 million in compensation to 677 women. As at 17 May 2017, the Residential Institutions Redress Board had finalized all but one of the 16,650 applications it had received. The average amount of the payments made through the Board stood at €62,250, with overall expenditure on the scheme expected to reach €1.25 billion. The independent Commission of Investigation into Mother and Baby Homes had issued two interim reports in 2016, both of which had been made public by the Government. The Commission's final reports were due by February 2018 and the Government was committed to providing a comprehensive response to the Commission's findings and recommendations.

14. **Ms. Gaer** (Country Rapporteur) said that she wished to learn whether the right of persons deprived of their liberty to have legal representation present during interrogations had now been enshrined in legislation. She would like to know how the State party intended to ensure that An Garda Síochána (the National Police Service) provided safeguards against torture for persons deprived of their liberty, including the consistent use of closed-circuit monitoring in interview rooms and regular, independent and effective inspections of police custody by national institutions. She would appreciate the delegation's comments on whether the Inspection of Places of Detention Bill included provisions for the establishment of an independent monitoring body to carry out unannounced visits to Garda stations.

15. Although some progress had been made in the implementation of the Government's response to the findings of the Commission to Inquire into Child Abuse, known as the Ryan Report, significant shortcomings remained. It was unclear how the Government intended to ensure that the persons who had suffered physical and sexual abuse as children at residential industrial schools and reformatories received redress, including guarantees of non-repetition. Additional data would be welcome on all prosecutions and convictions of perpetrators of violence against children in such institutions run by the Catholic Church, irrespective of whether they correlated with the cases dealt with specifically in the Ryan Report.

16. The Committee would be interested to learn how the Government ensured that all persons who appeared before the Residential Institutions Redress Board were aware that they were not prohibited from reporting their claims of abuse to the Garda Síochána. It would welcome the delegation's comments on whether a broader investigation would be launched to probe allegations of the deaths of children in institutions in the light of the discovery of the remains of almost 800 babies and children at the mother and baby home in Tuam. There were concerns that the religious orders involved had not adopted any new measures to prevent the recurrence of abuse against children. It would be useful to hear how the Government ensured that the alleged perpetrators of such abuse were no longer working with children.

17. While she welcomed the fact that the Residential Institutions Redress Scheme had provided compensation in many cases, she was concerned about the arbitrary exclusion from the Scheme of certain individuals. She would be grateful for information on whether the Government was considering revising the Scheme to enable unaccompanied children in mother and baby homes to obtain redress. Noting that the Scheme had been closed to new

applicants, she wished to learn whether the Government intended to make provision for victims who had not applied to the Scheme by 2011 to be able to receive compensation.

18. Further details would be welcome on whether and when the Government would review the eligibility parameters of the Scheme. She would like to hear the delegation's response to reports that the Scheme was to be closed and that Caranua, the State body providing assistance to those eligible for the Scheme, would be dissolved in 2019. If those reports were accurate, were those steps being taken because the Government had exhausted the funds it had received from the Religious Congregations? If so, she would be interested to learn whether the Government would provide funding from other sources and ensure that redress was provided in line with the needs of the victims. She also wished to know whether the Government had evaluated the effectiveness of Caranua and intended to review its procedures to ensure that victims were not retraumatized when attempting to obtain redress. An update would be welcome on the status of the Journey of Light memorial project and the projected timeline for its completion.

19. The Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries had found that confinement in the Laundries had not been voluntary and that there had been substantial State involvement. She wished to know whether the Government was aware of complaints by survivors about their treatment in the Laundries and why no specific criminal investigation had been launched. How could the Government claim that the Inter-Departmental Committee's report (the McAleese report) had established no "systematic" ill-treatment when its terms of reference did not extend to investigating allegations of abuse, it had made no public appeal for evidence and it had no power to issue summonses? She wished to know whether the Government recognized that a great deal of information about past abuses at such institutions had yet to be uncovered. The State party should also confirm whether the Inter-Departmental Committee had thoroughly investigated the archives of the religious orders concerned, including those located abroad, as well as the diocesan archives related to religious congregations that had operated the Magdalen Laundries.

20. If the Government's position was that women who had been abused had a responsibility to pursue justice for themselves, she would like to know why it was not providing public access to the archive of State records assembled by the Inter-Departmental Committee. She asked whether the Government had considered the information in the Galway diocesan archive, and whether the fact that such information was discovered outside the Inter-Departmental Committee's process had any impact on its claim that an independent investigation into the Magdalen Laundries was unnecessary.

21. She would welcome information on whether the Government would consider amending the statute of limitations so that civil claims could be brought. Would the Government consider creating a public archive of material about institutions, including Magdalen Laundries, to which the religious congregations, the Catholic hierarchy and the State would be compelled to contribute? Would the Government consider launching a broader truth-telling process in respect of historical abuses, and extending an invitation to the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to visit Ireland? Lastly, could the Government confirm whether or not it still stood behind the Taoiseach's 2013 apology to the Magdalen survivors and the findings of the McAleese report?

22. Regarding redress, it was unclear why the Government was not allowing women who had worked in Magdalen Laundries as girls but lived in children's residential schools on the same grounds to participate in the redress scheme. It would be helpful to know whether the Government was considering undertaking additional outreach activities to alert survivors living outside Ireland to the existence of the redress scheme. The delegation should indicate how it was providing survivors living abroad with health care, and whether all known Magdalen survivors living abroad, for example in the United States, had been notified of their health-care entitlements. Was the State party considering expanding the range of health-care services to which Magdalen survivors were entitled, and ensuring that they had access to rehabilitation? An update on the status of the Government's efforts to consult with Magdalen survivors on the establishment of a memorial would be welcome.

23. She wondered whether the Government was considering extending the terms of reference of the Commission of Investigation into Mother and Baby Homes to cover 70 additional institutions, and how it would ensure that appropriate investigations and prosecutions took place. Would the Commission be tasked with identifying the remains of deceased infants that had been found in mass graves at the sites of former mother and baby homes? Was the Government considering granting the public, or those affected, access to the documentary evidence that the Commission was examining?

24. Regarding women on whom symphysiotomy (a surgical procedure to facilitate childbirth) had been performed without their free and informed consent, she wished to know whether the State party intended to revise the “deed of waiver and indemnity requirement” for their participation in the Symphysiotomy Payment Scheme. The State party should indicate how it would ensure that investigations were carried out and that women had the right to legal counsel and independent medical assessments, and whether it was considering providing women with an opportunity to challenge their awards.

25. The State Claims Agency had recently stated that it would offer out-of-court settlements to survivors of child sex abuse only if they could demonstrate that they had been abused by a school employee against whom a complaint of sexual abuse had previously been made. The Government should indicate whether it was prepared to review that policy and refrain from imposing that condition on victims. Further information should be provided on measures taken to guarantee the independence of the South East Commission of Investigation, established to investigate allegations of abuse in a former foster home, and the means of redress to be offered to victims. She would welcome additional information on the timetable for full implementation of the Children First Act of 2015 and efforts to provide the Child and Family Agency, Tusla, with adequate resources to protect vulnerable children.

26. The State party should clarify what it expected the Committee to infer from the data presented in Appendix A of the State party report. It should also provide updated statistics on incidents of domestic violence against girls and women, as requested in the List of issues prior to submission of the second periodic report of Ireland (CAT/C/IRL/QPR/2), and update the Committee on the Government’s efforts to ensure data collection concerning violence against women. She wished to know what measures the Government was taking to more effectively investigate complaints and prosecute perpetrators of violence against women. She wondered whether the Government was considering enhancing the training of police and prosecutors to recognize the gravity of such crimes and to ensure that perpetrators of serious crimes such as rape, including marital rape, faced appropriately serious criminal charges. Did the Government consider that the current level of funding provided for protection and support services to victims of domestic violence was adequate? Was the Government taking steps to ensure that migrant women fleeing domestic violence were always able to access emergency welfare benefits and safe emergency accommodation, and would it be providing a legislative basis for them to request an independent immigration status? The Government should explain whether it was intending to include a definition of gender-based violence, articulate the reasons for which protection orders should be granted and provide an exception for those unable to afford the minimum contribution for legal aid in the Domestic Violence Bill 2017. The Committee would welcome information on whether the Government would be in a position to ratify the Istanbul Convention by early 2018, as stated in December 2016.

27. Regarding the criminal prohibition on abortion in all cases except where the life of the mother was imperilled, she would like to know whether the Government was actually encouraging the Oireachtas to call for a referendum on the Eighth Amendment of the Constitution. The State party should indicate whether it was consulting with NGOs to prepare draft legislation in case the Eighth Amendment was repealed. She would appreciate further information on whether the Government intended to propose that the Oireachtas should repeal the Protection of Life During Pregnancy Act of 2013 and the Regulation of Information (Services outside the State for Termination of Pregnancies) Act of 2015, as recommended by other United Nations human rights treaty bodies. Was the Government advocating for a new legislative scheme that would decriminalize abortion in all cases and

guarantee women, at a minimum, the right to obtain abortions in Ireland in cases of rape, incest, threat to the life or health of the mother or severe fetal impairment?

28. The Committee would be grateful if the State party could provide up-to-date statistics on the number of women affected by female genital mutilation in Ireland. She would be grateful for data on the number of investigations and prosecutions carried out on the basis of the Criminal Justice (Female Genital Mutilation) Act of 2012 since its adoption. It was unclear whether Ireland had adopted a second national action plan to combat female genital mutilation, or whether it had a draft national action plan with performance indicators. The Government should explain how it ensured free, confidential specialist treatment to victims of female genital mutilation who lived outside the capital. What measures had the Government taken to prevent and discourage the implementation on intersex children of unnecessary medical or surgical treatments?

29. In relation to abuses against older persons in care homes, she wished to know whether the Government had a timetable for the repeal of the Lunacy Regulations (Ireland) Act of 1871, and whether it was considering extending the mandate of the Office of the Ombudsman to allow receipt of complaints about clinical judgments in private nursing homes. Would the Government make sure that the Inspection of Places of Detention Bill currently under consideration ensured that the national preventive mechanism arrangement it established would include residential and congregated care centres for older people and people with disabilities in the places it monitored? She would like to know whether the Government was considering ensuring in legislation that State agencies had the right to access premises and documents in relation to allegations of abuse of vulnerable adults. The State party should confirm whether it was considering enacting legislation that would ensure better monitoring and use of chemical restraint and provide legal assistance for individuals undergoing the new capacity reviews under the Assisted Decision-Making (Capacity) Act.

30. With regard to article 3 of the Convention against Torture, she wished to know whether Irish airports had been used to refuel aircraft linked to extraordinary renditions, and whether the Government was considering creating a monitoring and inspection regime for aircraft. The Committee would welcome data on the number of individuals who had been denied leave to land and not subsequently allowed to enter the country as asylum seekers in 2016. It was unclear whether all individuals denied leave to land had access to legal aid and interpretation. The State party should clarify whether individuals whose refugee status claims were rejected faced the prospect of being deported even if they had appealed the decision. Were there plans to expand access to legal aid for persons facing deportation orders? Would the Government seek to amend the International Protection Act of 2015 in order to make it clear that domestic violence and statelessness were grounds for granting asylum requests? She wished to know whether the State party would be increasing the funding it provided for the preparation of medico-legal reports.

31. The State party should indicate whether it had adopted measures to ensure that immigrant detainees were separated from regular remand prisoners at all times at Cloverhill prison. She wondered whether the Government still intended to open a dedicated immigration centre at Dublin Airport, and whether the detainees held at the new centre would be informed of their rights and have access to counsel and interpretation services. Lastly, she wondered whether the Government was considering measures to separate immigrant detainees who might have international protection claims from those who did not, and what the Government was doing to ensure that it systematically carried out vulnerability screenings.

32. **Ms. Racu** (Country Rapporteur) said that it was important for torture prevention to be a mandatory part of the training given to law enforcement officials. In that light, the Committee was pleased to see that the training available to prison personnel included such subjects as human rights and child protection, as well as special modules for staff who worked with women. It would be interesting to learn whether the training also covered staff interaction with other vulnerable categories such as drug users, migrants and Roma. She hoped that the delegation could provide further details on a number of aspects that had not been made sufficiently clear in the periodic report. For example, was training on the Convention mandatory for court officials, law enforcement officers and prison personnel?

Was that training based on the real needs of the target groups and how many persons had received it? Did it also cover domestic violence and human trafficking?

33. The delegation should provide more information about the effectiveness of the new interrogation techniques that had been introduced, and about how many police officers had been trained to use them. Did the police also receive adequate training in crowd control and the use of force, and was similar training offered to the military, intelligence officers and security guards? The Committee sought assurances that medical personnel and other professionals involved in the documentation and investigation of torture received systematic training on the Istanbul Protocol. She welcomed the recent publication of a code of ethics for the Garda Síochána but shared the view of the Irish Human Rights and Equality Commission that the Code needed to make explicit reference to the prohibition of torture under the Convention.

34. In its 2011 concluding observations on the State party's initial report (CAT/C/IRL/CO/1), the Committee had called on the authorities to expedite the ratification of the Optional Protocol to the Convention against Torture and the establishment of a national preventive mechanism. She would greatly appreciate an update on the latest developments in that process. Official bodies such as the Inspector of Prisons carried out visits to places of detention and had issued important thematic reports on matters such as deaths in custody. However, an inspection system could only be effective if the inspection mechanism was provided with sufficient resources. Could the delegation confirm that the Inspector of Prisons did indeed have the resources it needed to conduct systematic visits and prepare reports? She also wished to know whether NGOs could carry out monitoring visits to places of deprivation of liberty in addition to the visits carried out by official bodies.

35. The Committee had been pleased to note improvements in the prison infrastructure and the State party's ongoing concern for penal reform, which included a 2014 strategic review of penal policy and a commitment to align the Prison Rules 2007 with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Although the average prison population had been falling for a number of years, the Committee was concerned that the average population of female prisoners seemed to be increasing. Furthermore, overreliance on imprisonment as a punishment meant that some prisons were operating above their recommended capacity. What measures were being envisaged by the Government to reduce overcrowding?

36. She hoped that the delegation could update the Committee on recent prison construction projects and provide assurances that the new facilities complied with international standards. Although the Government had made progress towards eliminating the practice of "slopping out", members remained particularly concerned about sanitation. More than 1,500 inmates were still required to use toilet facilities in the presence of another prisoner and those facilities were provided in cells where prisoners also ate their meals, which amounted to inhuman and degrading treatment. She would be interested to hear details about the policy governing close supervision cells and safety observation cells, used respectively for violent or distressed prisoners and for prisoners with medical conditions. Were those cells equipped with adequate sanitation, did the inmates benefit from outdoor exercise and what was the average length of time they spent there?

37. The Committee welcomed the publication of regular official statistics on prison occupancy. However, in the light of the fact that the State party maintained its reservation to article 10 (2) of the International Covenant on Civil and Political Rights and separated remand and sentenced prisoners only "as far as practically possible", the delegation should give details about the number of remand detainees, including juveniles, held in mixed accommodation. What was the average period of time that remand prisoners had to spend in prisons, and had the State party set a concrete timeline for the separation of remand and convicted prisoners?

38. Although progress had been made towards reducing violence within prisons, violent incidents were still frequent. The vast majority involved inter-prisoner violence, although episodes of self-harm and assaults on prison staff were not uncommon. Apart from classic causes such as overcrowding, the phenomenon also seemed to be due to factors such as

illicit drug use and the limited availability of meaningful activities. Strangely, the prison with the lowest recorded levels of violence had the highest number of control and restraint incidents. Could the delegation explain that anomaly and, more generally, could it provide statistics on the incidence of violence, including sexual violence? The Committee would also appreciate information about violence prevention measures, including specific actions such as a drug strategy and a system of recording violent incidents. How many complaints by prisoners related to allegations of the excessive use of force by prison officers? Had the Incentivized Regimes Policy, introduced in 2012, contributed in any way to a less violent prison environment?

39. Recent reports by the Inspector of Prisons and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had identified shortcomings in internal investigations into deaths in prison, in particular the lack of any internal review mechanism. The authorities had since informed the CPT that the methodology for dealing with deaths in custody had been improved: measures had been put in place to prevent such incidents occurring, and henceforth each incident that did occur would be subject to an internal review to assess the circumstances and determine accountability. Could the delegation provide updates on the effectiveness of the new measures, give recent statistics concerning deaths in custody and indicate whether any prosecution had been carried out as a result of the newly introduced internal review procedure?

40. Prisoners who believed that there was a threat to their safety in the general prison population could seek to go “on protection”. However, the Committee had been informed by various sources that such prisoners were subjected to a harsh regime akin to solitary confinement. Could the delegation tell the Committee exactly how many prisoners were “on protection”? While ensuring the safety of all prisoners, the authorities should strive to minimize the effects of segregation and steps should be taken to provide appropriate conditions and recreational activities for prisoners who were placed “on protection” for more than a few weeks.

41. Serious deficiencies in standards of health care in Irish prisons had been highlighted by the CPT, the Inspector of Prisons and prison visiting committees, and had been one of the major concerns expressed by the Committee in its 2011 concluding observations. Following its periodic visit to Ireland in 2014, the CPT had observed that health-care provision in some prisons “was in a state of crisis” as a result of, inter alia, poor management and a lack of personnel to escort prisoners to medical appointments in the community. Such shortcomings could and did contribute to deaths in custody. For its part, the Inspector of Prisons had reported on unmanageable workloads, the reduction of nursing staff to dangerous levels and the absence of overnight and weekend medical cover. The provision of health care to prisoners had to be the sole responsibility of medical professionals and should not be dependent on operational considerations. Another factor that had aroused the concern of the Committee was the practice of handcuffing a prisoner to a prison officer during external medical consultations, which was unacceptable from the standpoint of both medical ethics and human dignity.

42. The CPT had also drawn attention to the lack of structured activities, adequate therapy and properly trained prison staff to deal with prisoners with serious mental health illnesses. Furthermore, a 2015 report had found a number of deficiencies in the psychological care available to prisoners, which was disconnected from other services, oversubscribed and subject to stringent access requirements and long waiting periods. In that regard, she understood that a new 120-bed hospital was being built to replace the current Central Mental Hospital and she wished to know if the new structure would have sufficient space to accommodate all prisoners with serious mental health issues who required secure care. A 2016 review had identified a lack of services for dealing with comorbidity, where mental health issues were accompanied by drug or alcohol abuse, and the Committee was disappointed that certain harm reduction measures that operated in the wider community, such as needle exchange programmes, were generally unavailable in prisons, despite the fact that around 70 per cent of the general prison population and 85 per cent of the female prison population were estimated to have addiction issues.

43. On the basis of those findings, the Committee would be interested to hear about the State party's plan to improve health-care services in prisons. What concrete steps did the Government envisage in order to implement the recommendations of international bodies and the Inspector of Prisons? Could the delegation comment on any projects to bring prison health-care services under the responsibility of the Ministry of Health?

44. Another specific concern of the Committee related to recording the injuries of juveniles in detention. Although they underwent a full medical assessment upon arrival in Children Detention Schools when any allegations of assault were duly examined and recorded, the CPT had noted that there was no register for allegations or signs of injuries, nor any record of allegations forwarded to child protection officers. She wished to remind the State party that any injuries needed to be photographed and filed, and that injuries consistent with allegations of ill-treatment needed to be reported immediately to the Garda Síochána Ombudsman Commission regardless of the wishes of the young person concerned or of his or her parents.

45. The Committee had been pleased to learn that the number of juveniles in detention had declined since 2010, that responsibility for them had passed to the Department of Children and Youth Affairs and that there was a commitment to stop placing minors in adult prisons. It welcomed the fact that the much criticized St. Patrick's Institution was being closed down and that a modern child detention facility had been opened in Oberstown. Nonetheless, some reports indicated that children were not always safe in the new structure and pointed to shortcomings in medical care, staffing and management. In addition, there had been a number of violent incidents, including a major fire that had broken out after young offenders had climbed on to the roof of the building during a protest. Issues had also been raised before the national judiciary concerning the use of solitary confinement in the facility. The Committee would therefore like to be informed about any concrete measures the authorities had taken to prevent violence and limit the use of solitary confinement. It would also appreciate any information the delegation could provide about educational or vocational programmes available to the young inmates, including activities such as sports, arts therapy, anger management, and other rehabilitation programmes aiming at reducing recidivism.

46. The Committee was concerned that the mandatory formal investigations of the Garda Síochána Ombudsman Commission (GSOC) into death or serious harm resulting from Garda activity were of limited scope; that GSOC could only investigate the Garda Commissioner at the discretion of the Government; that the Garda continued to be involved in investigating disciplinary matters; and that Garda officers, rather than independent GSOC investigators, were used in GSOC investigations.

47. It appeared that the "leaseback" practice, whereby complaints referred to GSOC were referred back to the Garda for investigation, was now used only for service-level complaints rather than alleged criminal offences. She requested clarification of the current use of the practice.

48. She also wished to know how many cases received and handled by GSOC were strictly related to allegations of torture or ill-treatment, including in relation to non-fatal offences. She asked how many of those allegations had led to criminal investigations and what the outcomes of those investigations had been.

49. In view of concerns raised by the Inspector of Prisons during his evaluation of the Prisoner Complaints Procedure, she requested information on the commitment of the Irish Prison Service to review the complaints procedure, and on the drafting of a new complaints procedure. She also wished to know the number of complaints made by prisoners, the number of torture-related complaints, the number of complaints upheld, and the outcomes of successful complaints.

50. Solitary confinement was regularly used as a means of protection or punishment in Irish prisons, and, worryingly, the number of prisoners subjected to more than 19 continuous hours of solitary confinement had increased in 2016. The Committee considered solitary confinement to be an exceptional measure to be used as a last resort for as short a time as possible. In that regard, she would appreciate information on the Government's review of the use of solitary confinement.

51. The number of female prisoners in Ireland had increased dramatically in recent years, and women's prisons had become chronically overcrowded. Noting the steps taken to reduce overcrowding, she asked how the Government planned to further address the problem, and what legislative and policy changes were planned to reduce the rate of women receiving custodial sentences for less serious and non-violent crimes, including through alternative sentencing options. She also requested information on the commitment of the Irish Prison Service and the Probation Service to open a step-down facility, by the first quarter of 2018, for women leaving prison.

52. Despite the existence of protection measures for victims of trafficking in persons, there was a shortage of specialized accommodation for female victims, in addition to deficiencies in the victim identification, referral and compensation processes and in the collection of data on victims. The Government's ability to identify victims, particularly those from European countries, and its efficiency in doing so had been questioned by NGOs. It was also of concern that non-Irish victims could not receive social assistance. She would appreciate information on efforts to improve statistics on suspected victims of trafficking and prosecutions for trafficking offences, and asked how the Government planned to improve State collaboration with NGOs to ensure that victims were identified at an early stage, protected and assisted.

53. The Committee was concerned at reports of intersex genital mutilation, particularly involuntary and non-urgent genital surgery, which was often performed on children and without the consent of the person concerned. She wished to know whether there were any data, disaggregated by type of intervention and age, on treatments for intersex persons paid for by the Health Service Executive, including cases of children sent abroad for surgery; and whether any legislative measures were planned to prevent involuntary treatment and ensure access to redress.

54. **Mr. Touzé**, referring to the 2014 judgment in the *O'Keeffe v. Ireland* case by the European Court of Human Rights in relation to sexual abuse in schools in the 1970s, said that he wished to know how that judgment had been followed up in legislation and in practice, what had happened to other related ongoing cases and pending issues following the judgment, what measures had been adopted at the national level to address the situation referred to in the judgment, and what criteria had been used to investigate complaints of sexual abuse in schools.

55. Noting that 47 complaints of sexual abuse in schools had been on file in January 2017, he asked whether those complaints were new or whether they had been made prior to the European Court's ruling and held in abeyance, and how they had been addressed.

56. Moreover, he wished to know what the Government intended to do to address violence within families and whether it planned to end the use of "reasonable chastisement" as an excuse for violence against children.

57. **Mr. Zhang** said that he would appreciate further information on the use of designated liaison persons and family liaison officers in the prison system. He asked whether there was an evaluation mechanism to determine the effectiveness of the practice in protecting child detainees and prisoners.

58. **Mr. Bruni** said that the State party had provided similar information, in both its initial report (CAT/C/IRL/1) and its second periodic report (CAT/C/IRL/2), on its work to facilitate implementation of the Optional Protocol to the Convention after ratification. In that regard, he asked whether the ratification of the Optional Protocol could be accelerated and whether specific legislative measures could be adopted to allow it to be ratified.

59. In 2014, the European Commission for the Prevention of Torture had found that conditions in Cloverhill prison were unsuitable for the many non-sentenced immigrant prisoners held there. Moreover, noting that the opening of a dedicated facility for immigrants at Dublin Airport had been delayed, he requested information on the current status of the facility and, if it had been opened, on its features.

60. **Mr. Heller Rouassant** said that he wished to know whether the Government had a policy to raise public awareness of Ireland's international human rights obligations, and whether the population was aware of recommendations made by United Nations treaty

bodies that could affect ongoing legislative reviews and lead to a referendum on legalizing abortion. He also asked about the status of the Inspection of Places of Detention Bill, and whether the Government would create a road map for establishing a national preventive mechanism.

61. **Ms. Belmir** said that the Government's positive attitude towards Syrian refugees and unaccompanied minors could be reflected in improved treatment, particularly as many of them sought to arrive in Ireland by sea but were unable to do so. She requested further information on the use of the Convention in granting refugee status. Similarly, the Convention should be referred to in regulations relating to solitary confinement, close supervision cells and safety observation cells, as well as in the police Code of Ethics.

62. Regarding violence and drug use in prisons, she asked how the Government addressed those issues, particularly among the Traveller community, and requested information on prison conditions, specifically the conditions in which asylum seekers were held.

63. **Mr. Hani** said that he commended the State party for its work on the Inspection of Places of Detention Bill. However, he requested confirmation that the Optional Protocol to the Convention would be fully respected as it covered all places where people could be deprived of their liberty, not only prisons. Moreover, noting the widespread use of chemical restraints, he asked what measures were in place to end that practice, which was contrary to the spirit of the Convention.

64. Handcuffing was common during the transportation of prisoners, despite concerns that handcuffed prisoners with no safety belts could be harmed in traffic accidents. He wished to know whether the Government could adopt a policy of using handcuffs only in extreme cases.

65. Regarding the rehabilitation of torture victims, he would appreciate statistical information on rehabilitation services for victims, particularly in reference to the nationality of the victims, and asked whether rehabilitation services were available nationwide. He also wished to know whether the Government planned to increase its contributions to the United Nations Voluntary Fund for Victims of Torture; democratic countries had an obligation to respond to international crises, as well as domestic issues.

66. **The Chair** said that he would appreciate clarification of the number of prisoners detained in solitary confinement for more than 100 days, and asked whether that practice had been used as a disciplinary measure or whether it was voluntary isolation. He also wished to know whether efforts to improve the quality of prison life had positively affected the way the system was managed.

67. It was important that refugee determination procedures were able to identify refugee victims of torture who could require special treatment. Proof of torture could also have an impact on the success of claims for refugee status. He asked how the Government ensured that victims of torture were effectively and systematically identified in screening processes, whether those victims were housed in conditions that would assist their rehabilitation and avoid traumatization, and whether the Government collected or intended to collect data on asylum seekers identified as torture victims.

68. **Mr. Donnellan** (Ireland) said that the number of deaths in custody had remained relatively stable since 2009. All such deaths were reported to coroners, as well as to the Garda Síochána and the Inspector of Prisons for independent investigation. The reports of those investigations were made publicly available. In response to the finding by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that the internal review system for deaths in custody was insufficient, a system of immediate preliminary internal review of every such death had been instituted. In addition, the National Suicide and Harm Prevention Steering Group, whose membership included medical experts and employees of the Department of Justice, reviewed all deaths in custody on a quarterly basis.

69. The majority of deaths in custody were the result of natural causes, suicide and drug overdoses. In 2017 an academic from Trinity College Dublin had been commissioned to conduct a thematic review of the annual reports on deaths in custody to discover how

services could be improved. In addition, the Samaritans provided a listener scheme in all prisons in which trained volunteers listened to prisoners' problems confidentially. The psychology service had also undertaken a large-scale review since 2015, in which a Canadian expert had produced a report on reforming psychological services in prisons to make them holistic and client-centred. New psychologists and other staff had been appointed, and the Government was making efforts to address mental health in the prison system as a whole.

70. The Irish Human Rights Commission had helped to develop a bespoke training course on human rights awareness which had been taken by most staff. New prison officers were once again being recruited following the financial crisis, and their training included courses on human rights and the role of the United Nations Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Serving staff were also given new training on human rights every three years.

*The meeting rose at 1 p.m.*