



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

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## Committee against Torture Sixty-first session

### Summary record of the 1551st meeting

Held at the Palais Wilson, Geneva, on Friday, 28 July 2017, at 3 p.m.

*Chair:* Mr. Modvig

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(*continued*)

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*The meeting was called to order at 3 p.m.*

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

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

1. *At the invitation of the Chair, the delegation of Ireland took places at the Committee table.*
2. **Mr. Stanton** (Ireland), noting that many of the questions raised by Committee members related to legacy issues, said that his Government recognized and apologized for the serious wrongs of the past and would try to remedy those wrongs. Some of the statistical data requested would be provided later, in the interests of the effective use of time.
3. **Mr. Donnellan** (Ireland) said that, over the previous five years, the prison population had fallen by almost 1,000 and the number of prisoners on temporary release had dropped by 750. Significant capital investment was enabling the building of a new prison and the complete refurbishment of Mountjoy prison in order to provide single cells with in-cell sanitation throughout. The refurbishment of Limerick prison would be put out to tender later in 2017. The priority in that refurbishment would be to replace units that required “slopping out” and build a stand-alone facility to house women so that they were no longer accommodated in the middle of the men’s prison. Staffing issues were being resolved since recruitment had been resumed after an eight-year hiatus. The number of prisoners slopping out had been reduced to 60.
4. As at July 2017, women constituted 4 per cent of the prison population and were housed in Dóchas Centre and Limerick prison. A joint strategy of the Irish Prison Service and the Probation Service to divert women from custody had been successful. Short-term beds in the community had been established with help from other government departments, while transitional bed provision was being established for long-term female prisoners from Dublin. A review of penal policy had emphasized the need for a whole of government approach to respond to the issues uncovered, including that of women in prison.
5. Prisoners on remand were ordinarily held in the nearest regional prison, or, for Dublin, in Cloverhill prison. Women were currently being held on remand in Dóchas Centre and Limerick prison. Prisoners and their families had been upset by attempts to move remand prisoners to central units in Dublin. Figures for prisoners on remand were not currently collected.
6. The filling of posts for nurses and better cover by doctors had improved health care in prisons. The Department of Health and the Department of Justice and Equality had agreed the terms of reference for a review of health care in prisons that would be carried out by an independent body and analyse the needs of staff and patients. A clinical lead would be appointed to lead health care in prisons. With respect to mental health, there was psychiatric cover for all prisons, including from nurses and psychologists, and high support units in Cloverhill and Mountjoy prisons. The Quality Network for Prison Mental Health Services had given the high support unit in Cloverhill prison one of the highest ratings in its network. When a prisoner was receiving treatment, handcuffs could be removed at the request of the doctor, following consultation with the chief prison officer.
7. Safety observation cells were managed by doctors and provided access to outdoor exercise and sanitation. Their dimensions were not recorded for statistical purposes. Close supervision cells were intended for persons displaying disruptive or violent behaviour and could be used for a maximum of five days. Every 24-hour extension to that time frame was subject to his approval, as Director General of the Irish Prison Service. The Community Return Programme, which had proven successful, placed prisoners in three categories: basic, standard and enhanced. Prisoners in the enhanced category were drug-free, dealing with their offending behaviour and attending workshops and classes.
8. A report by the State Claims Agency in 2016, which had been the first independent review of violence in prisons, had contained recommendations that the Irish Prison Service was committed to implementing. Inter-prisoner violence was most often drug-fuelled or

related to gang issues. Portlaoise prison housed violently disruptive prisoners, which explained the use of control measures there. Sexual violence took place in prisons but was hidden. He was aware of only two cases, which had been referred to the Garda Síochána. A helpline had been introduced to encourage reporting and the Irish Red Cross was working on a peer-led approach.

9. His Government did not have a policy of detaining asylum seekers in prison. Persons sometimes spent one or two nights in prison awaiting return to their country of origin if they had been refused permission to land or were due to be deported the following day. Such persons rarely moved beyond the committal unit, where prison entry screening took place, and were allowed to apply for asylum during their detention period. The separation of asylum seekers from other prisoners was under review. In 2016, one such person had remained in detention for five weeks due to the process of a legal challenge.

10. Prison statistics were published quarterly. There had been a recent increase in requests from prisoners for protection on their first night in prison, although it was unclear why. The use of solitary confinement had been reduced and the law now complied with the United Nations Standard Minimum Rules for the Treatment of Prisoners.

11. The system for prisoner complaints — with assessment by an independent panel — had been introduced in 2012 and the Ombudsman had been made the final arbiter following a review in 2015. A new system was being developed.

12. The previous week, the Department of Health had introduced a new drug strategy that focused on harm reduction and supporting recovery. Harm reduction support was available in the prison system, at the clinic at Mountjoy prison and through dog searches and searches of staff. An independent review carried out in 2012 had indicated that there were few opiate users in Irish prisons and therefore no pressing need for a needle exchange scheme. The service to tackle drugs and alcohol received funding in excess of €3 million.

13. A report on the effect of prison on families had been published by the Irish Penal Reform Trust and had led to a pilot scheme to improve families' experiences of prison and prevent intergenerational imprisonment by working with children outside prison and parents inside prison. The pilot had been successful and the scheme was being expanded. Visiting facilities had also been made more family-friendly through the introduction of round tables. A quality of life tool had been applied to seven establishments — male, female, open and closed prisons — to produce a benchmarking report. The process would be repeated in a few years to measure the impact of policies on prisoner and staff attitudes. With respect to debt in prison, there had been no prosecutions but internal disciplinary measures had been applied in some cases.

14. **Ms. O'Halloran** (Ireland) said that mental health policy emphasized community-based care, while acute in-patient care had been modernized. Since 2012, €140 million had been allocated to improving mental health care, including by replacing the Central Mental Hospital by 2020. In the meantime, the Health Service Executive had provided ten additional beds in the Central Mental Hospital.

15. The complex health needs of refugees in relation to torture and other trauma were recognized and the Health Service Executive was involved in the Irish refugee resettlement programme. Refugees were registered with a doctor and provided with medical cards and primary care services, including counselling. Interpretation was provided where needed. The Irish Refugee Protection Programme received support at the national and community levels.

16. **Mr. Harding** (Ireland) said that the First Report and Recommendations of the Citizens' Assembly on the Eighth Amendment of the Constitution had recommended the replacement of that amendment with a provision that explicitly authorized legislation on the termination of pregnancies, the rights of the unborn and any rights of the woman. The inclusion of a number of reasons for lawful termination of pregnancy and gestational limits on termination were also recommended. The report would be considered by a committee established by the two houses of parliament, which would report in turn. The Prime Minister of Ireland and the Minister for Health had stated that they would like to hold a referendum on the issue.

17. The Regulation of Information (Services outside the State for Termination of Pregnancies) Act, 1995, prohibited doctors from advocating the termination of pregnancy but did not prevent the provision of full information on a woman's health and the effect of pregnancy on her health or life, or prevent a woman from being provided with her medical or other records. Relevant views and decisions by United Nations treaty bodies were widely published in Ireland and NGOs had contributed to the ongoing legislative process.

18. **Ms. Flynn** (Ireland) said that the Surgical Symphysiotomy Payment Scheme had received support from two out of three symphysiotomy survivors' groups. A judge had been appointed assessor for the scheme, and her report had been published on the Department of Health's website. Payments totalling €8.5 million had been made to 399 women. The scheme was voluntary and women were not required to waive their right to launch court proceedings, which only needed to be suspended on acceptance of the payment. An estimated 33 cases had remained before the courts at the closure of the scheme. Under the scheme, women were provided with independent legal advice funded by the State and payments were made at one of three levels — €50,000, €100,000 or €150,000 — and there was no right of appeal following the decision of the assessor. Women were, however, entitled to request a judicial review of any aspect of the scheme. The scheme had been designed as a non-adversarial, fair and comprehensive response to the issue.

19. Approximately two children were born each year in Ireland with ambiguous genitalia. Their cases were referred to a specialist centre. Only medically necessary procedures were performed, including surgery, and informed consent was required. Parents received support throughout the process and a number of specialists, including a senior paediatric endocrinologist and a senior paediatric urologist were involved. Complex cases were reviewed at a regular national meeting that included a professor of paediatric endocrinology from Great Ormond Street Hospital, London. All procedures were documented in the child's medical records. Disaggregated data on intersex children who had been treated were not available. Clinical negligence claims were the responsibility of the State Claims Agency.

20. The Health Information and Quality Authority carried out independent inspections of residential nursing homes, all of which had been registered and inspected since 2009. Chemical restraint was unacceptable and Government policy was to restrict the use of all forms of restraint to exceptional or emergency cases. National policy on restraint had been published in 2011. Nursing homes were required to have a written policy on restraint and to keep detailed records of any use of restraint. Further legislation was being drafted to tackle restrictive practices like chemical restraint.

21. The Health Service Executive had developed recommendations for health professionals caring for girls and women who had been subjected to female genital mutilation and funds had been provided for awareness-raising. Female genital mutilation was included in maternity records as a risk factor for obstetric care and support was provided. A clinic in Dublin offered free, specialist medical care for women and girls who had been subjected to female genital mutilation. Funds to pay for travel to attend that clinic could be obtained through a supplementary allowance scheme, including by persons within the prison system.

22. **Mr. Garry** (Ireland) said that, as Ireland had a dualist legal system, all ratifications of international instruments required the development of domestic legislation to ensure compliance with attendant obligations. The Government was committed to ratifying and implementing the Optional Protocol to the Convention at the earliest opportunity. Consultations with civil society on the structure of the national preventive mechanism revealed a move away from a criminal justice inspectorate. The final consultation stage would involve the establishment of an inventory of all places of detention that would be subject to inspection, which would include Garda stations. Under current plans, the national preventive mechanism would comprise a small number of subsidiary mechanisms with authority over the different sectors exercising powers of detention. Where an inspection body already existed for a sector, the functions of the national preventive mechanism would be assigned to it. The national preventive mechanism on criminal justice would be designated the coordinator and single point of contact for all mechanisms. The bill

concerning the ratification procedure for the Optional Protocol would be submitted to parliament in 2018.

23. With regard to access to a lawyer for persons deprived of liberty, although that right was not laid down in law, all detainees had the right to legal counsel before and during their detention. In 2014, the Director of Public Prosecutions had issued a directive to all Garda officers to grant all requests for a lawyer. In 2015, a Code of Practice had been published on the arrangements for securing the assistance of a lawyer. Legislation in that regard was to be passed at the end of 2017. The Government would be exercising its right to a derogation from article 44 (3) of the Istanbul Convention in relation to the abolition of the principle of dual criminality.

24. **Mr. Ó hAonghusa** (Ireland) said that the Ryan Report had been the most significant report published on social affairs in Ireland, condemning the historical abuse in children's homes and paving the way for future management of such establishments. Some 15,600 persons had been compensated by the Residential Institutions Redress Board, to a total of around €1 billion. Other support measures for victims included a national counselling service and a family tracing service.

25. Pursuant to recommendations in the Ryan Report, robust child protection measures had been adopted in schools and other institutions to prevent abuse and address allegations of abuse. Trainee teachers were subject to statutory vetting prior to registration and a retrospective vetting procedure was in place for practising teachers, 75 per cent of whom had already undergone vetting. The only restriction placed on persons who had received compensation from the Residential Institutions Redress Board was the prohibition against publishing names of particular institutions or persons. The Board was due to be dissolved in the near future, having set a closing date for applications for redress after some 2,000 had been received.

26. Caranua, the Residential Institutions Statutory Fund, had been established in 2013 to provide support in the areas of education, health and housing to victims of abuse. A review of the eligibility of applicants to the Fund had been undertaken pursuant to implementing legislation providing for a review two years after the establishment of the Fund. Any changes to eligibility criteria would require legislative amendments. The lifetime of the Fund was dependent on its funding, which derived from the religious orders that had run the institutions and amounted to €110 million, €97 million of which had been received. The Fund would be dissolved when all funding had been expended. The State had funded most awards for victims of abuse in residential homes to the amount of more than €1 billion. The application process to the Fund had been designed to facilitate the submission of requests and prevent retraumatization of victims of abuse, who were not required to prove that they had been abused if their case had already been presented to the Residential Institutions Redress Board. Around 5,000 persons had been awarded compensation from the Residential Institutions Statutory Fund.

27. Guidelines on the operations of the Residential Institutions Redress Board had been amended in light of the challenges it had faced, such as a backlog of applications and a number of customer service complaints. In addition, applicants had a statutory right to appeal to an independent appeals officer and to bring cases before the courts. The Board, which included four former residents of institutions, was answerable to the Ombudsman. A proposal to erect a memorial to victims of child abuse in residential institutions in Dublin had been rejected by the planning appeals board, and options in that regard were therefore under review. Further to the judgment handed down by the European Court of Human Rights in the *O'Keefe v. Ireland* case, the Government had awarded compensation to Louise O'Keefe and provided a review of the case to the Court in accordance with its judgment.

28. **Mr. Gibbs** (Ireland) said that responsibility for the provision of services to victims of domestic, sexual and gender-based violence lay with the Child and Family Agency (Tusla), established in 2014. The Agency's budget for domestic violence services had increased to €22.1 million in 2017, to support around 60 organizations in the country. In 2016, it had provided funding for 150 family shelters for victims of violence.

29. Broad and ongoing investigations by the Commission of Investigation into Mother and Baby Homes covered the period from 1922 to 1998. Such institutions no longer existed in Ireland and various support services were in place for unmarried mothers and their children. The scope of the investigation included interviews of the individuals concerned and extensive fact-finding activities; consideration would be given to extending the Commission's terms of reference to cover other events and institutions, further to legislative amendments. Establishments that did not meet the criteria for provision of extensive antenatal and postnatal services in sheltered accommodation were excluded from the scope of the investigation. However, those that served as entry and exit pathways to mother and baby homes, some of which had been subject to previous inquiries, were included. All data would be analysed prior to a decision to amend the terms of reference. The cases, circumstances and rates of infant mortality in the institutions concerned, as well as the deaths of any persons in those institutions and post-mortem practices were also under investigation. The terms of reference covered allegations of forced adoptions of children; the extent of mothers' participation and their full, free and informed consent in respect of relevant decisions; and the concealment of children's parentage. Any criminal matters that were brought to light by the investigation would be referred for further examination.

30. With regard to the infant remains discovered in Tuam, a technical group of international experts had been appointed and a report would be published in September 2017 with a view to determining future action. Respecting the dignity and memory of the children who had died and their families was a central concern. The State party had extended a standing invitation to United Nations special rapporteurs and would therefore welcome a visit of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

31. The Children First Act had been introduced in 2015 and ensured that child protection concerns were brought to the attention of the Child and Family Agency without delay. It provided for, inter alia, mandatory reporting, risk assessment and registration of non-compliance; implementation would begin at the end of 2017. Pursuant to the Children First Act, provisions permitting a defence of reasonable chastisement had been repealed and children were fully protected, by law, from physical assault and punishment.

32. With regard to events at the Oberstown children's detention campus, all evidence of physical injuries was documented, additional medical staff had been recruited to the campus and all incidents were reported irrespective of whether the young person wished to pursue a complaint. New processes had been introduced to deal with the management of medication, thereby addressing the concerns raised by the Health Information and Quality Authority. A policy introduced in 2006 provided for stricter criteria for the use of single separation on the campus, improved registration of the practice and closer involvement of medical staff during detention.

33. **Mr. Heylin** (Ireland) said, with regard to the Ryan Report, that while only 15 prosecutions had been carried out, all 181 complaints made via the helpline had been investigated. Statistical data from various bodies, including the European Union, informed current policymaking on violence against women. The possibility of conducting a new study on domestic violence was under consideration despite the estimated cost of €1 million. A new bill on domestic violence was before parliament, which was discussing domestic violence offences and criteria for the issuance of protection orders. The Legal Aid Board examined cases of domestic violence on an individual basis. The Board had submitted a proposal to the Department of Justice and Equality for the waiving of all fees in domestic violence cases.

34. With regard to extraordinary renditions, the Government considered that the introduction of an inspection regime was not necessary, useful or justified. The identification of certain suspicious aircraft passing through Irish airports had been carried out on the basis of extensive information following the events. Any individuals seeking to carry out extraordinary renditions in the future would be likely to avoid aircraft and patterns previously identified as suspicious, thereby rendering an inspection regime ineffective or impractical. The Government was not aware that such a regime was in operation in other countries. An Garda Síochána (the National Police Service) was empowered to search any aircraft where there were grounds for suspecting illegal activity and to conduct

corresponding investigations. Diplomatic assurances must not undermine the principle of non-refoulement and could not be used where there were substantial grounds for believing that the individual concerned would be at risk of torture upon return. However, the Government considered that, when used properly, diplomatic assurances could facilitate compliance with article 3 of the Convention and human rights standards in general.

35. With regard to trafficking in persons, the Garda Síochána was competent to identify victims and had latitude to provide them with access to services. The Garda also worked in close cooperation with NGOs, which regularly referred victims to the national referral mechanism for victims of trafficking. The Government was committed to undertaking a formal review of the identification process. The Reception and Integration Agency, which was responsible for providing shelter for refugees, also provided housing for adult victims of trafficking, since replicating accommodation structures in a small country proved challenging. However, as part of the Second National Action Plan, reviews would be conducted into accommodation provisions for victims of trafficking.

36. Extensive engagement with NGOs had not highlighted any particular concerns relating to social assistance payments for victims from outside the European Union. Data collection regarding trafficking in persons would be improved within the framework of the second national strategy on trafficking in persons. European Economic Area nationals did not require special permission to remain in the country and victims of trafficking from the European Economic Area, who had accounted for 71 per cent of all victims of trafficking in the State party in 2016, were offered full assistance and services. The Director of Public Prosecutions provided specific training for the Garda Síochána on prosecutions for breaches of domestic violence orders.

37. **Mr. Martin** (Ireland) said that the Department of Justice and Equality had approved payments to 677 women in connection with events in the Magdalen Laundries. Possible criminal abuse had been invoked in only two of those cases: the solicitor in the first case had raised the concern but the victim had objected to any further investigation; in the second case, the police had interviewed the woman in question who had not been willing to make a formal statement to support a criminal investigation. The investigation of criminal abuse in the Magdalen Laundries was not part of the remit of the McAleese Committee but the Chairperson of that Committee had interviewed a number of women who had been housed in those institutions, as well as doctors and other relevant actors, the vast majority of whom reported not having witnessed any physical abuse or injury. The Chairperson had also considered the question of unlawful detention, as there had been no legal basis for holding any person over the age of 21 in those institutions. A small number of women had reported not having been free to leave, but all of them had come through the industrial schools, where deprivation of liberty up to the age of 21 years had been provided for by law.

38. There was no reason to believe that there was an existing body of evidence not taken into account by the McAleese Committee, but any evidence of criminal abuse would be examined. The Galway diocese had been covered in inquiries conducted by the McAleese Committee and the Department of Justice and Equality had received evidence justifying payments to victims from that diocese.

39. All persons who had been placed in a Magdalen Laundry had access to the relevant archives and personal data records. No statute of limitations applied for criminal offences in the State party. Two criteria were applicable under the payment scheme recommended in the Quirke Report on restorative justice, namely that the person had been admitted to and worked in a specific institution. Only girls under the age of 18 who had been transferred from industrial schools to Magdalen Laundries were entitled to compensation under the rules of both the Residential Institutions Redress Board and the Magdalen compensation scheme. Medical assistance was provided on an ad hoc basis for women from those institutions currently residing abroad. Efforts to construct a memorial were under way.

40. Adequate resources were provided to the Inspector of Prisons, but an extension of the latter's remit to cover other places of detention would require additional resources. The Inspector's recommendations were almost invariably put into effect.

41. The Assisted Decision-Making (Capacity) Act had been passed in 2015 and a new support system would be set up with a view to implementing the substantive provisions of the Act and repealing the Lunacy Regulation of 1871.

42. **Mr. Quinn** (Ireland) said that the Irish Naturalisation and Immigration Service had published immigration guidelines for victims of domestic violence to ensure that victims whose immigration status was that of a dependant of an Irish national or of a foreign national with a residence permit would not have to fear the revocation of their permission to remain as a result of making a complaint. Where it was necessary for victims to work to support themselves, permission to work would be considered, though all such decisions rested within ministerial discretion. The relevant application could be made by the victims themselves or through a solicitor; there were no application fees and normal registration fees applied when an application was successful.

43. Victims who were in the country illegally would not be further disadvantaged because of their immigration status, which would also not be a factor in other areas, in particular access to legal aid. In addition, the guidelines noted that permission to remain was contingent on the holder being of good character. Abusing a family member, spouse or partner was not indicative of good character and could result in the revocation of the abuser's permission to remain. The guidelines responded to victim needs, were flexible and non-bureaucratic and were working well, so there were currently no plans to enact them into law.

44. Regarding the number of persons denied permission to enter the country, it should be noted that passenger traffic had grown significantly in recent years, but that only 0.025 per cent of incoming passengers were denied entry. Most of those who were refused leave to land were nationals of Brazil, Albania, South Africa, the United States of America or Pakistan. It was possible to apply for asylum at the airport, and interpreters were automatically called in when the person who was refused leave to land did not speak English.

45. Legal aid was an option of which persons were informed at the time of arrest, but since most persons who were denied entry returned to their point of departure on the next available flight, they tended not to avail themselves of the service. There was absolutely no question of removal when the appeal of a deportation order was pending. Legal aid was available in all international protection and permission to remain procedures, including appeals. Work on the construction of a new Garda Síochána facility at Dublin Airport to hold persons detained on immigration offences pending their removal would begin in September 2017. There were no restrictions on persons who arrived by sea applying for international protection or asylum.

46. In early 2017, the Government had agreed to increase the funding of Spirasi, an NGO that helped torture survivors who claimed asylum or refugee status in Ireland, to help bridge the gap between the previous level of funding and the cost of preparing medico-legal reports needed for international protection applications. Domestic violence and statelessness could be considered as grounds for international protection under the category of persecution. Applications for international protection were assessed primarily on the basis of the Convention relating to the Status of Refugees and European Union norms. There were no plans to disaggregate data on the basis of types of persecution, but the situation in that regard would be kept under review. Applicants for international protection underwent medical screening on arrival at the reception centre and the medical card they were provided with allowed them to be referred to a specialist where appropriate. A psychologist also visited the centre.

47. **Ms. Connolly** (Ireland) said that the Garda Síochána Ombudsman Commission was the independent body that investigated complaints of police misconduct; details of its operations would be provided in writing. Given that Commission statistics on complaints were divided between disciplinary matters and criminal allegations, there currently was no reference to the Convention. However, the Department of Justice and Equality would raise the point with the Commission. The Department was not aware that any allegations of torture had been made to the Commission but some of the alleged acts might amount to ill-treatment. All complaints of police misconduct were referred to the Commission, which



was specifically required to investigate complaints containing criminal allegations. The Commission could refer non-criminal complaints to the Garda Síochána for disciplinary action and had the authority to supervise the subsequent investigation.

48. The Commission was more than a complaints-based system: it could initiate an investigation into any matter in the public interest *ex officio* or upon referral by the Minister of Justice, and into Garda policies, practices and procedures. Furthermore, the Garda Commissioner was required to refer incidents of death or serious harm to the Commission for investigation. The reason why the Commission needed to obtain authorization to investigate allegations relating to the Garda Commissioner was because the Commissioner was also head of the National Security Committee and could only be dismissed by decision of the Government. Nevertheless, the Minister of Justice was required to justify any refusal to authorize an investigation into the Garda Commissioner.

49. Ireland was committed to providing professional law enforcement services; accordingly, human rights were incorporated in all basic police training, all officers received in-service training and officers involved in interviewing suspects received targeted training. The module on custody regulations contained a gender perspective and a focus on other vulnerable groups, such as persons with mental disorders. New questions were being included in the custody form with a view to ascertaining a person's vulnerability, welfare, fitness for interview and need for support to participate in an interview. The Garda Code of Ethics was based on policing principles set out in the Garda Síochána Act, including respect for human rights, and had been developed through extensive consultations with the public and civil society at various stages of the process. Explicit reference to the range of international instruments and other statutes underpinning the Code had not been considered as being in line with the style of the Code because the goal was for it to be easily accessible and understood by the wider public, in addition to members of the police service. The introduction clearly stated that the Code did not apply in isolation and should be read in conjunction with relevant national and international laws.

50. **Ms. Gaer** (Country Rapporteur) said that the Committee appreciated that it was not an easy task to apologize for the actions of past institutions. Regarding the Magdalen Laundries and the McAleese Committee, it would be interesting to know: whether the Department of Justice and Equality would consider itself bound by the recommendations of the Ombudsman for Children, which was conducting a general review of the Department's procedures for deciding on eligibility for redress; whether any of the recommendations had been accepted thus far; whether steps had been taken to review the information from dioceses other than that of Galway to identify survivors; whether persons other than the survivor could access information on a case; and whether the Government intended to conduct outreach to alert survivors living abroad to the existence of the redress scheme. It would also be interesting to know whether the State party planned to amend the Commissions of Investigation Act so that individuals could make their allegations publicly and without fear of reprisals or criminal prosecution. In the interests of justice, would the State party consider amending provisions on the statute of limitations to enable the filing of civil claims?

51. Noting that the Eighth Amendment to the Constitution appeared to be incompatible with the Convention not only in the matter of abortion, she said that she would appreciate information on any plans to ensure that women were not subjected to unnecessary medical procedures, notably during childbirth, especially without their consent. She would also appreciate information on how access to a lawyer before and during a police interview was safeguarded and enforced if the right had not been enshrined in the law, whether there had been cases where a suspect had been denied access to a lawyer and, if so, whether the police officers concerned had been disciplined.

52. It would be useful to know whether there had been a study of historical abuse in the psychiatric system. It would also be useful to know whether the Government favoured amending the International Protection Act to make it clear that asylum seekers should be placed in detention only as a last resort and for the shortest possible time and to give priority to alternative forms of accommodation. She would appreciate a reply regarding whether or not the Government intended to make up the budget shortfall of Caranua, an organization that provided support to survivors of institutional abuse, in order to ensure its

long-term viability. The delegation's comments on discussions to conduct a study of sexual violence would be welcome. How did the mechanism for refusing leave to land work? Were data collected at the various entry points and were the consequences of refusals covered?

53. **Ms. Racu** (Country Rapporteur) said that the Committee was very pleased at the steps taken to improve the training of law enforcement officers in human rights in general and the Convention in particular. However, she had not received a reply regarding the provision of specific training on torture prevention, especially for investigators, judges and prosecutors, on crowd control and the appropriate use of force or, for medical personnel, on the Istanbul Protocol. Training on the Convention should be mandatory for law enforcement, judicial and medical personnel who came into contact with detained persons, and the effectiveness of training should be assessed in order to respond to the actual capacity-building needs of law enforcement officers and other public servants. The State party was strongly encouraged to speed up the establishment of its national preventive mechanism.

54. Notwithstanding the improvements made to address overcrowding and sanitation issues in prisons, the Committee remained concerned at the situation and reiterated its position that the State party should install in-cell sanitation in all prisons and, in particular, definitively eliminate the "slopping out" system. She would appreciate information on the length of time spent in close supervision cells and safety observation cells and whether that time was continuous or intermittent. The State party was reminded that health care in prisons should be provided by independent professional doctors, nurses and psychologists. It would be useful to know about plans to transfer responsibility for prison health care to the Department of Health and about progress on transferring detainees with psychological disorders too severe to be treated in prison to the newly built hospital. What was being done to resolve the system-wide shortage of psychologists?

55. While the implementation of the incentivized scheme referred to in paragraph 285 of the State party's report (CAT/C/IRL/2), was a commendably progressive approach to sentence enforcement, it was discriminatory that prisoners subject to protection did not benefit from the scheme. Notwithstanding the satisfactory material conditions at the child detention facilities in Oberstown, the Committee remained concerned by some practices, such as solitary confinement, and the prevalence of violent incidents. Given the importance of regime activities, prevention and rehabilitation for the development of appropriate social behaviour, it would be useful to receive an update on the relevant measures planned at Oberstown. Lastly, the Committee would welcome the delegation's comments on the outcome, including disciplinary measures, of any complaints of ill-treatment or torture by prison personnel.

56. **Mr. Touzé** said that his question concerning the *O'Keefe v. Ireland* case had not been about the enforcement of the judgment of the European Court of Human Rights, but rather the 47 complaints of sexual abuse that had been on file in the State party as at January 2017. He would welcome specific information on those complaints and how they had been handled. Were they new or had they been made before the judgment in the *O'Keefe v. Ireland* case?

57. **Ms. Belmir** said that she had heard reports that immigrants who had been denied access to the State party were detained along with ordinary criminals. She would appreciate clarification as to whether that was the exception or the rule, or whether the reports were inaccurate. Noting that the country's guidelines for assessing asylum applications made reference to "persecution" and not "torture", which were entirely different concepts, she wished to hear the delegation's comments in that regard.

58. She wished to know whether the maximum of 19 hours in solitary confinement was respected, what rights such prisoners held and how those rights were guaranteed. She would also appreciate information concerning solitary confinement of minors. Was it considered necessary and, if so, what safeguards were in place?

59. She would also welcome a response to her question from the previous meeting concerning reference to the Convention in the police Code of Ethics.

60. **Mr. Hani** said that he hoped that the State party would soon ratify the Optional Protocol to the Convention, as it was 10 years since it had signed that instrument.

61. The Inspection of Places of Detention Bill did not sufficiently provide for all places of detention as required by the Optional Protocol to the Convention; psychiatric hospitals, homes for the elderly and places of residence for persons with disabilities should also be subject to inspection.

62. He would also appreciate a response to the question regarding the use of handcuffs when transporting prisoners, which appeared to be a systematic practice in the State party, especially since the Committee had stated that they should only be used where required according to a risk assessment.

63. He urged the State party to increase its contributions to the United Nations Voluntary Fund for Victims of Torture, since the Fund's needs were enormous.

64. **The Chair** asked if the independent review of the prison system would lead to major structural changes, including the transfer of medical services to the Department of Health, and what the expected timetable for such changes would be.

65. He would appreciate an answer to his question as to whether reports of prisoners having been kept in isolation for more than 100 hours were true.

66. He requested clarification as to whether the rehabilitation centres in Dublin would be extended across the country to provide services to victims of torture and ill-treatment in rural areas, and if so, how they would meet the standards set out in general comment No. 3 (CAT/C/GC/3) of the Committee.

67. **Ms. Gaer** said that she specifically wished to know how the State party ensured that the perpetrators of child abuse who had been identified by the victims no longer worked with children. Furthermore, it would be helpful if the delegation could explain precisely how the State party ensured that such victims were not silenced when filing their complaints before the Residential Institutions Redress Board.

*The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.*

68. **Mr. Garry** (Ireland) said that there had been no reported cases where the Residential Institutions Redress Board had denied victims access to justice. Although there was no official monitoring, a standing advisory committee had been set up in 2010, comprising representatives of the Bar Council, the Law Society and the Attorney General's Office, which oversaw practices and procedures related to the interviewing of suspects by the police.

69. **Mr. Ó hAonghusa** (Ireland) said that the Irish High Court and Supreme Court had found the State not liable in the 47 sexual abuse cases referred to by Mr. Touzé. However, legal counsel were invited to resubmit applications under an *ex gratia* scheme following the judgment of the European Court of Human Rights, as long as there had been a prior report of abuse and the cases were not statute-barred. Twenty-eight cases were open and being handled by the State Claims Agency. Of the 19 that had been rejected, eight were awaiting review by an independent assessor, whose appointment was expected to be announced shortly.

70. No new body would replace Caranua. Existing services, such as counselling, would continue to be available for victims of institutional abuse.

71. **Mr. Martin** (Ireland) said that the overall procedures, rather than any single case, were subject to review by the Ombudsman in the Magdalen Laundries investigation. The Ombudsman's findings were not binding in law, but were taken into serious consideration by the Government. The McAleese Committee had examined the records of all dioceses that had a Magdalen institution except Galway, for which there were no records.

72. It was not the case that the Commission of Investigation prevented victims from reporting abuse; rather, victims were prohibited from disclosing evidence submitted before the Commission's report was published.

73. Asylum seekers were not automatically detained in Ireland unless they had entered the country unlawfully. Illegal migrants would nonetheless be able to apply for asylum.

74. Training for law enforcement personnel in Ireland with regard to torture was based on existing provisions in the country's Constitution, which were similar to those in international instruments on torture. Consideration would nevertheless be given to including specific references to international instruments in such training programmes in the future.

75. A preliminary review of the gaps in the national inspection services had found that inspection was mostly lacking in the justice system, particularly police stations. That issue would be addressed. Psychiatric hospitals and nursing homes were inspected by independent bodies, and the definition of "places of detention" in the Irish legal system would be reviewed.

76. Meetings had been held between the Minister for Health and the Minister for Justice to discuss whether transferring the responsibility for health-care provision in prisons from the prison service to the Department of Health would be possible and how it could be done. The first step was to determine the resources such a move would require. Once the meetings were concluded, the matter would be submitted to the Government for consideration.

77. **Mr. Donnellan** (Ireland) said that, as recommended in the Irish Prison Service review, the number of psychologists within the prison service had been increased by six. The recruitment of additional psychologists was planned for 2018, with the goal of having one psychologist for every 150 prisoners. The delegation could find no reference to prisoners having spent more than 100 hours in solitary confinement, but would continue to look for information.

78. Handcuffs were used in accordance with the Escorting of Prisoners Policy of the Irish Prison Service. Female prisoners were not generally handcuffed as part of that policy, except on the orders of the prison governor or chief officer. It was not permitted to handcuff pregnant prisoners. Following a review of the policy in the wake of a serious security-related incident in a prison hospital two years previously, handcuffs were now used when transporting male prisoners as a security measure.

79. It was not true that prisoners who were subject to protection did not have access to the incentivized scheme referred to in paragraph 285 of his Government's report. A significant number of prisoners subject to protection were in the highest echelon of the scheme. Issues existed, however, with regard to granting such prisoners access to work and training, which some prisons had taken innovative measures to address. The new prison hospital run by the Department of Health would be ready by early 2020. Data on the average time spent in solitary confinement and special observation cells would be published as part of the quarterly statistics.

80. The additional beds in female prisons in Dublin and Limerick would create sufficient capacity for the country. Community-based punishments rather than short custodial sentences were now imposed for minor offences, such as non-payment of fines, following the enactment of a new law. Homelessness was a key factor in the imprisonment of women, and steps had to be taken to tackle that issue. Nevertheless, it should be noted that women accounted for only 4 per cent of the country's prison population.

81. **Mr. Martin** (Ireland) said that some victim rehabilitation services were provided outside of Dublin, though they were not available nationwide. State agencies could refer anyone in need of such services to Dublin, while efforts in that regard were ongoing.

82. **Mr. Stanton** (Ireland) said that the delegation appreciated the Committee's comments and recommendations, and would be happy to submit any further information required.

*The meeting rose at 6.05 p.m.*