



International Covenant on Civil and Political Rights

Distr.: General
7 September 2022

Original: English

Human Rights Committee 135th session

Summary record of the 3887th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 July 2022, at 10 a.m.

Chair: Ms. Pazartzis

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* Reissued for technical reasons on 7 September 2022.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fifth periodic report of Ireland (continued) (CCPR/C/IRL/5; CCPR/C/IRL/Q/5; CCPR/C/IRL/RQ/5)

1. *At the invitation of the Chair, the delegation of Ireland joined the meeting.*
2. **Mr. Yigezu** said that he would welcome statistics on complaints of human rights violations received during the reporting period, including data on complainants disaggregated by ethnicity, sex and national origin. It would also be useful to have figures, disaggregated by age, sex, disability, ethnicity and racial and national origin, for the number of persons who had died in long-term institutional care settings during the coronavirus disease (COVID-19) pandemic. Clarification would be appreciated regarding the measures adopted by the State party to assess the impact of the regulatory and protection framework for COVID-19 patients and others in institutional care on the implementation of the Covenant, including in relation to the right to life of vulnerable groups in long-term institutional care settings in the context of the COVID-19 response. Clarification was also required regarding the circumstances in which individuals could be imprisoned for failing to pay fines and the compatibility of such sentences with the Covenant, along with information on the number of persons imprisoned for such offences during the reporting period, disaggregated by age, sex, disability, ethnicity and racial and national origin.
3. Although the introduction of a single procedure for applications for international protection represented a positive step towards improved application processing times, current times, as well as the time taken to process appeals, remained well in excess of the State party's own targets. He therefore wished to know what specific measures were planned to deliver first-instance decisions on applications for international protection within the State party's target of 9 months and to accelerate decisions of the International Protection Appeals Tribunal. It would also be useful to have information on the time frame for the transition to the new accommodation system for persons seeking international protection and on the likely impact of the new system on their human rights and dignity. He wished to know how the State party planned to address the reported outbreaks of COVID-19 among refugees and asylum-seekers housed in Direct Provision Centres, the lack of measures to mitigate the spread of the virus in those Centres, and the harassment and threats experienced by residents who were lesbian, gay, bisexual, transgender or intersex. Lastly, clarification was required regarding the reported disappearance of significant numbers of unaccompanied minors seeking asylum, including details of any plans for an independent review of the child protection measures applicable to them.
4. **Mr. Ben Achour** said that it would be useful to know whether the use of symphysiotomy in the State party was motivated by religion. He wished to know whether the actions of the police during the COVID-19 pandemic had been evaluated to ensure respect for human rights, and particularly non-discrimination against marginalized and vulnerable groups, and to what extent private security companies had participated in maintaining public order at protests during the pandemic. Details of how the Education (Admission to Schools) Act of 2018 ensured an equitable approach in school admissions policies would be welcome, as would an update on draft legislation that would remove the requirement for the President, judges and members of the Council of State to take a religious oath upon assuming office. It had been reported that the Constitutional Convention had yet to consider the possible removal of that requirement and that the State party had defended it before the European Court of Human Rights in the context of *Shortall and Others v. Ireland* – a case heard in 2021 in which the Court had addressed the religious language contained in the declarations required under the Irish Constitution.
5. He wished to know what forms of discrimination were excluded under the Equality (Miscellaneous Provisions) Act of 2015 and would welcome clarification regarding the requirement for employers to demonstrate that any favourable treatment accorded to certain employees was limited to religious grounds. Did that provision mean that discrimination on grounds of religion was permitted? Lastly, he would welcome an explanation of the extent to

which the Censorship of Publications Act of 1929 complied with the Covenant and an update on the status of the bill to amend that Act.

6. **Ms. Kpatcha Tchamdja**, commending the State party for its comprehensive review of prison regulations, said that she would nevertheless appreciate the delegation's comments on reports of deaths in detention owing to a lack of physical and mental health services and a failure to respect monitoring protocols for persons at risk of self-harm, including an explanation of the reasons for those shortcomings and information on the current situation in places of detention. She wished to know why, despite the fact that the State party's prison service was currently operating below capacity, the reverse was true at the women's prison in Limerick. It would be useful to have information about the current situation at Cloverhill Prison, and specifically on reports that it was not always possible to separate pretrial detainees from convicted prisoners even though Cloverhill was the State party's only dedicated remand prison, and to learn whether mechanisms similar to the National Violence Reduction Unit at Portlaoise Prison had been established at other detention facilities. She also wished to know whether the State party had ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – and, if it had not, why the process had been delayed – and to express the Committee's concern about the fact that two reports commissioned by the Government on the situation of women in detention would apparently not be made public.

7. The delegation's comments on reports that the authorities tasked with monitoring protests had broad discretion to prohibit, and even criminalize, demonstrations for reasons of public order would be helpful, as would an indication as to whether private security companies were involved in enforcing public order during gatherings, and, if they were, how the State party ensured that their actions respected the provisions of the Covenant. Lastly, she asked whether the requirement for trade unions to register remained in force since the adoption of the Industrial Relations Amendment Act of 2015, noting that the requirement hindered the exercise of freedom of association.

8. **Mr. Santos Pais** said that the State party's national plans on gender equality and gender-based violence appeared to suffer a number of shortcomings, including a lack of coordination at the political level and inadequate oversight. There were also problems with the accessibility of complete, reliable and disaggregated data and the general public's access to the justice system.

9. He wished to know why the several hundred complaints of trafficking in persons lodged over the previous decade had led to relatively few convictions; why the first two convictions had been handed down only recently, in June 2021; and what sanctions had been imposed on the perpetrators in that case. It would be useful to know which parts of the country were covered by the services of the Reception and Integration Agency; how many persons had benefited from those services in the previous four years; and when the National Referral Mechanism would be fully operational. He would also appreciate the delegation's comments on the decreasing number of persons, particularly children, being officially identified as victims of trafficking, and on allegations that ineffective identification systems led to victims being misidentified as suspects and remanded in custody for lengthy periods. Information on the number of victims dealt with by the police in the last four years in comparison with the number preferring to seek the assistance of non-governmental organizations (NGOs) would likewise be appreciated, along with details of the emergency accommodation, counselling, health care and legal services, including legal aid, provided to them.

10. The Committee wished to know how many public officials who might come into contact with child victims of trafficking had received training, and what that training entailed. It would also like to know how age assessment processes were used and whether they were subject to review; how many children had been identified as victims of trafficking; what type of assistance they had received; how many of them had been unaccompanied minors; and how many had later gone missing. His understanding was that at least 45 unaccompanied minors had been reported missing in recent years.

11. He wondered whether the State party's third action plan on trafficking in persons would address the shortcomings of its predecessor, including its failure to establish which agencies were responsible for different actions and to specify budget allocations and

implementation timelines, and when an independent assessment of the second plan would be conducted. He wondered whether the third plan would include measures to establish separate accommodation for male and female victims of trafficking; whether the requirement for victims to cooperate with investigators in order to receive assistance would be removed; and whether the persistent obstacles to victims' interaction with investigators and prosecutors would be addressed.

12. The Committee would welcome more information about the Electoral Reform Bill and the time frame for its finalization. It would particularly like to know whether the new Electoral Commission would set, monitor and enforce standards in political discourse, including specific obligations to address discriminatory rhetoric and hate speech, and whether it would have specific obligations with a view to increasing the electoral participation of women, young people, migrants and ethnic minority groups including Travellers and Roma.

13. **Ms. Tigroudja** said that she would appreciate a response to her question regarding victims of mother and baby homes who had apparently been asked to renounce the right of access to justice in exchange for €5,000 in compensation. She wished to know why the State party had failed to adopt a human rights-based approach in its public apologies and programmes and why the Commission of Investigation into Mother and Baby Homes had not been given a human rights-based mandate. Survivors, their families and Irish society as a whole should be provided with a list of the human rights violations that had been committed for decades against women and children. She would also appreciate information about measures taken to guarantee effective access to voluntary termination of pregnancy, particularly for women in rural areas and for women asylum-seekers who were unable to travel abroad for the purpose. The delegation's comments on reports that cases of racial profiling of the Roma and Traveller communities by the police had given rise to very few complaints, that the police undertook searches of peoples' homes without a warrant, and that Travellers were overrepresented in the criminal justice system would be helpful.

14. The Committee would welcome additional information on levels of prison overcrowding, which had been criticized by representatives of the Council of Europe following their visit to Ireland in 2019. It would also welcome information on physical and mental health-care services in prisons, especially during the COVID-19 pandemic, and on the alignment of COVID-19 measures with the right to family and conjugal visits and to diverse activities. The delegation might also comment on the alarming increase in solitary confinement reported between 2017 and 2022 and on the fact that the Violence Reduction Unit in Portlaoise Prison had been criticized for extending the duration of detainees' confinement without any rehabilitation or reintegration activities.

15. The Committee had been informed of cases of forced administration of medication in psychiatric establishments, of patients consenting to treatment without being aware of the procedures and the option of refusal, and of the use of electroshock therapy and forced confinement. Noting that the amendment to the Mental Health Act could facilitate the adoption of an approach based on human rights and non-discrimination, she asked what measures were being taken to enhance respect for patients' right of consent, even when their intellectual capacities were limited, and to prohibit the administration of non-consensual psychiatric treatment. Although children with intellectual disabilities were particularly vulnerable in psychiatric hospitals, 27 children had been admitted to adult services, according to the Mental Health Commission, in 2020. She wished to know when that practice would be abolished.

16. The Committee would also like to hear whether the settlement reached between the Department of Social Protection and the Data Protection Commission had resolved the concerns raised by the Commission in 2019 regarding the collection, storage and processing of personal data without a legal basis for the issue of the Public Services Card, which seemed to play a somewhat intrusive role in the private lives of beneficiaries of public services. Information about the status of the inquiry into Real-Time Bidding and the Google Authorized Buyers system undertaken by the Data Protection Commission in 2019 would be helpful, as would details of the complaint that had apparently been filed pursuant to the General Data Protection Regulation.

17. She would also welcome the delegation's comments on reports that the surveillance powers of the law enforcement authorities were greatly increased under the Digital Recording Bill of 2021, which would seriously jeopardize the protection of privacy and personal data, and that the provisions governing the use of technology such as cameras, facial recognition, drones and what was vaguely described as a "recording device" were not accompanied by the necessary guarantees and controls.

18. **Mr. Muhumuza** said that, while the Committee welcomed the exhumation of mass burial sites, the State party should allow public access to archives for the purpose of ascertaining the facts of State involvement and should provide timelines for dignified compensation. Prompt action to finalize and implement the programme of action to mark the International Decade for People of African Descent was also needed. She commended the action taken on behalf of Ukrainian refugees and called on the State party to extend similar facilities to equally needy people from Afghanistan and African countries; the European Union Temporary Protection Directive should be applicable to all persons in similar situations, regardless of their origin.

19. **Ms. Kran** said that the dualist legal system in the State party seemed to have delayed the ratification of the Optional Protocol to the Convention against Torture significantly and asked whether there was a specific timeline for ratification and whether an implementation plan would be developed. It would also be useful to know whether the Inspection of Places of Detention Bill would meet the international standards of functional and financial independence of the International Protection Office. She wondered when the State party planned to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities and, in view of reports of persons with psychosocial disabilities being confined to prison, would welcome information regarding the support and services that they received as well as those provided to persons with addiction problems.

20. **Mr. Bulkan**, noting that the State party had undertaken four years previously to prohibit conversion therapy, asked whether there was a timeline for enactment of the relevant legislation. Noting also that surgery was apparently still performed on intersex children and that such surgery entailed irreversible and harmful procedures, he asked whether the State party would undertake to end the practice, especially for children who were unable to provide informed consent, unless it was absolutely necessary for medical reasons and in line with international human rights standards.

21. According to the State party, the Criminal Justice (Hate Crime) Bill was subject to comprehensive pre-legislative scrutiny. However, the Committee had been informed that many impacted communities, such as lesbian, gay, bisexual, transsexual and intersex persons, persons with disabilities and women, had not been consulted. He wished to know whether the State party would address the concerns expressed by civil society and impacted communities regarding the threshold of incitement and the scope of exceptions, notably for political discourse, and thus ensure that restrictions were compatible with the Covenant. He further enquired whether a national action plan would be devised to raise public awareness of hate crime and hate speech and to train public officials to combat such offences.

The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.

22. **A representative of Ireland** said that the Fines (Recovery and Payment) Act of 2014, which had entered into force in January 2016, provided for alternatives to imprisonment in the event of non-payment of a court-imposed fine. As a result, the number of short-term prison sentences had declined from 9,883 in 2015 to 861 in 2019. However, the fine collection system introduced by the Act was cumbersome and was being reviewed in order to streamline the system.

23. **A representative of Ireland** said that the impact of the COVID-19 pandemic had been particularly severe in congregated settings where 10 or more persons were housed together, and especially among older persons in nursing homes. The number of deaths recorded as at 25 June 2022 totalled 7,400, of which some 2,500 had resulted from outbreaks in nursing homes. The response to the pandemic had focused on breaking the chains of transmission of the virus, and a structured support system had been established for residential care settings to mitigate its impact. Multidisciplinary clinical support had been provided at the local level by 23 response teams, personal protective equipment and medical oxygen had

been made available for all residential care centres and a serial testing programme had been implemented for all staff in nursing homes. A substantial regulatory framework, which was applicable to all residential care settings, including nursing homes and mental health-care facilities, provided for independent inspections to ensure compliance with the regulations and a number of strategic reform programmes were currently being implemented.

24. With regard to symphysiotomy, the three independent reports issued contained a detailed analysis of the role played by religion in such cases. The reports also noted that, although caesarean sections had proved highly successful at the time, the related maternal mortality rate had been far higher than in cases of symphysiotomy. According to the judge who had produced the third report, a detailed forensic examination of the available medical records had failed to find any evidence of religious as opposed to obstetric grounds for symphysiotomy.

25. **A representative of Ireland** said that Public Order Acts were used sparingly, pursuant to a decision by the Garda Commissioner, when incidents occurred. Excessive force had not been used in policing protests against the restrictions imposed during the COVID-19 pandemic. In the event of non-compliance with public health regulations or outbreaks of violence, the police intervened in an appropriate manner to restore public safety. The private security industry was regulated by the Private Security Authority, which was an independent body, and the services that were licensed by the Authority were not deemed to constitute law enforcement activities.

26. **A representative of Ireland** said that the International Protection Office sought to issue recommendations on international applications for protection promptly so that persons requiring protection could start rebuilding their lives in a safe and secure environment. Such action complied with the recommendations of an advisory group of experts and the commitments set forth in the Government's White Paper on Ending Direct Provision. A 191 per cent increase in the number of applications had been recorded at the end of June 2022 compared to 2019.

27. A multidisciplinary team had published a review of the international protection process and new procedures aimed at enhancing its efficiency would continue to be implemented. One of the practices recently adopted by the International Protection Office was to identify applications that, based on available evidence, could proceed without the need for an interview and should lead to the granting of refugee status. A case management unit had been established to prevent unnecessary delays and additional staff had been trained to conduct interviews. A shorter and less complex questionnaire, which had been issued on 28 June 2021, was available online in 12 languages. As interpreters were available in the reception area, 99 per cent of applications could be promptly registered. The International Protection Office had greatly increased its productivity through continuous reforms and first-instance recommendations in the first half of 2022 had totalled approximately 2,500.

28. **A representative of Ireland** said that, according to the International Protection Appeals Tribunal, in 2019, prior to the COVID-19 pandemic, the average processing time for appeals had been 7.8 months. That average had increased to 9 months in 2020 and to 13.5 months in 2021, largely owing to the impossibility of arranging on-site hearings. The report of the Advisory Group on the Provision of Support, Including Accommodation, to Persons in an International Protection Process had recommended a processing time frame of 6 months. The Tribunal was confident that it would achieve that goal by the fourth quarter of 2023 and had in fact processed 188 of the 318 appeals received in the second half of 2021 within 5.1 months.

29. **Mr. O'Gorman** (Ireland) said that a transition team, a board composed of representatives of various ministerial departments and experts from the private sector, and a three-person independent oversight group had been established to implement the White Paper on Ending Direct Provision. Action had been taken in conjunction with the Department of Housing, Local Government and Heritage and the Housing Agency to create a funding model that could be used by NGOs to purchase properties to accommodate persons during the international protection process and local authorities would receive funding for NGOs who promoted the integration of applicants into their local communities. Persons who had been in the international protection system for 6 months could seek employment, obtain driving

licences and open bank accounts. Vulnerability assessments had also been conducted since 2021, and a number of policies were in place to protect vulnerable applicants against sexual and gender-based violence, critical incidents and suicidal ideation. A special policy was being developed on behalf of lesbian, gay, bisexual, transgender and intersex persons, who were particularly vulnerable. There had been a dramatic increase in the number of people seeking international protection in Ireland, especially since the war in Ukraine. The White Paper had estimated the annual number of applicants at about 3,500, but between 12,000 and 15,000 applicants were expected in 2022.

30. **A representative of Ireland** said that there had been eight deaths in Irish prisons in 2021 but that, as the inquests were all pending, she was unable to share the particulars of the specific cases. However, the Office of the Inspector of Prisons conducted an independent investigation into every death in custody and the entire prison service had endeavoured to ensure effective COVID-19 control, including by amending prison rules to enable governors to suspend inmates' rights to visits, physical recreation, exercise or training, where necessary and for a defined period, taking into account orders from the Director General of the Prison Service and any guidelines issued by the Government or any health authority. As levels of vaccination against COVID-19 had risen, the Irish Prison Service had been able to relax those restrictions.

31. The Minister for Justice and the Minister for Health were leading a high-level task force investigating the challenging issue of the welfare of prisoners with mental health and addiction issues – a task that entailed examining their interactions with officers and persons of authority from the time of their arrest until after their release. The work was nearing conclusion and the outcome of the review and the resulting recommendations should be available in the near future.

32. **A representative of Ireland**, speaking via video link, said that the Education (Admission to Schools) Act of 2018 required schools to accept all applications, regardless of a child's background, unless the school was oversubscribed, which only a small number were. The Equal Status Act of 2000 had been amended to ban the use of religion as a selection criterion in primary school admissions, except where necessary to guarantee children from minority religions access to religious education consistent with their beliefs. Under the Education (Admission to Schools) Act, all schools were required to draw up new admissions policies, including selection criteria, in consultation with staff and parents and their patron (usually the church authorities or, for multi-denominational schools, a board of trustees). Provided that the criteria were non-discriminatory, fair and equitable, they were at the school's discretion, although parents and guardians had recourse to an independent appeal committee to challenge decisions to refuse admission. Schools were required to detail arrangements for students who did not wish to attend religious instruction in their admission policies and work to increase the number of multi-denominational schools was ongoing; since 2012, a total of 127 schools had been established under or had transferred to a multi-denominational model.

33. **A representative of Ireland** said that the purpose of recent amendments to section 37 of the Employment Equality Act of 1998 had been to protect employees against discrimination while also respecting the religious freedoms guaranteed by the Constitution. A comprehensive review of the Equal Status Act and the Employment Equality Act was under way; consultations had been completed, with many detailed submissions having been received, the results were being examined and legislative proposals were expected to be available in late 2022.

34. **A representative of Ireland** said that employee-employer relations were based on voluntary collective bargaining. While current legislation required trade unions to have a licence in order to represent employees, the right to form and to join a union was constitutionally protected. The Constitution allowed the adoption of legislation regulating that right but banned any regulation that discriminated on grounds of politics, religion or class. Voluntary bargaining processes were supported by a variety of statutory provisions and several duly ratified international instruments that the State was bound to uphold. Terminating a worker's contract on the ground of trade union membership had been unlawful since 1977.

35. **A representative of Ireland** said that, on 4 July 2022, there had been 4,151 persons in custody in Irish prisons. The prison service was required to admit all persons committed by the courts and, with the number of committals 19 per cent higher in the first four months of 2022 than in the equivalent period of 2021, almost all the country's prisons were currently operating at or near peak capacity. Limerick Prison was undergoing a major redevelopment, including a replacement of the entire women's facility that would result in 22 additional spaces becoming available. While the constitutional presumption in favour of granting bail meant that pretrial detention had historically been avoided, bail was refused in some circumstances, particularly when very serious offences were involved. The courts' right to refuse bail in those circumstances had been approved in a referendum in 1996 and had been further strengthened by legislation enacted in 2007, 2015 and 2017. It was not always possible to keep pretrial detainees separate from convicted prisoners at Cloverhill Prison because the authorities' ability to maintain a separation was dependent on the number of persons in each category that the courts referred to the facility.

36. **A representative of Ireland**, speaking via video link, said that the Electoral Commission would be accountable to the parliament as a whole and independent of the Government. It would take on existing functions, such as raising awareness about referendums and maintaining the register of political parties, but would also be assigned new functions, including outreach and awareness-raising related to the electoral system, with a particular emphasis on increasing the participation of marginalized or traditionally underrepresented groups, oversight of the electoral register, which had been modernized to allow online registration and greater accessibility, and the regulation of paid-for political advertising. The Commission would also produce ex-post reports on electoral events, highlighting best practice with a view to improving consistency, in particular in relation to the assistance provided to persons with disabilities under the Electoral Acts. The Electoral Reform Bill was expected to be enacted before the end of July 2022 and, since preparations for the Commission's establishment were already under way, it should become operational shortly thereafter. The Commission would not have a role in regulating the content of political discourse during electoral events because any form of discriminatory rhetoric or hate speech was being addressed separately in the Criminal Justice (Hate Crime) Bill of 2021.

37. **A representative of Ireland** said that the Inspection of Places of Detention Bill would create the new body that would allow for the ratification of the Optional Protocol to the Convention against Torture. The process had taken longer than expected because Ireland did not generally ratify an international instrument until the relevant legislation was in place and the legislation in question had required several consultations and approval from the numerous different arms of the State that would be directly affected by the Optional Protocol. The Bill would be published by the end of 2022 and the Protocol should be ratified early in 2023. Planning with the relevant government departments was already under way. The Government had been advised that the legislation met the requirements established under the Optional Protocol and was thus of the view that any national preventive mechanism established thereunder would meet international standards of functional and financial independence.

38. **A representative of Ireland** said that the low number of convictions secured for offences of trafficking in persons was attributable to the difficulties associated with investigations, and specifically the fact that police officers were reliant on testimony from victims who were often so traumatized or so affected by coercive control that they required years of support from NGOs before they could accept their status as victims. Other difficulties included a lack of trust in the police, fear for the safety of family members and concerns about outstanding debt. Furthermore, the moral obligation to act swiftly made it difficult for the police to collect evidence. The number of recognized victims had fallen in 2020, probably because of the decline in overall economic activity, but had risen again in 2021. According to a research project supported by the Department of Justice and its counterpart in Northern Ireland, the true incidence of trafficking was 38 per cent higher than the official figures suggested.

39. The new National Referral Mechanism was being created, in part, to open up new pathways for victims to come forward and seek protection. An Garda Síochána (the national police service) would remain one of the competent authorities, but other government agencies, including the Department of Justice, the Department of Social Protection and the

Health Service Executive, would also assume support and protection responsibilities. A mechanism whereby NGOs willing to assume the responsibility could also become members of the National Referral Mechanism was due to be created, but many NGOs perceived a potential conflict of interest in membership and were therefore reluctant to sign up. The third action plan on trafficking in persons would make clear where responsibility for the various actions envisaged thereunder lay, as had the second action plan. Where actions had logical start and end dates, precise timelines would be set, and where additional funding was required, it would be provided; however, to improve performance, it was often enhanced cooperation between statutory bodies rather than additional expenditure that was required.

40. **A representative of Ireland** said that the statutory functions of the Department of Social Protection included authenticating the identity of a person through a process called SAFE (Standard Authentication Framework Environment) registration and issuing them with the Public Services Card that served as proof of identity for access to services and benefits provided by specified public bodies. The personal data used for the issue of the Public Services Card was collected via an in-person interview, in either one of the Department's public offices or a mobile SAFE registration unit, during which applicants were photographed and asked to provide proof of identity, address and signature.

41. A summary of developments relating to the investigation conducted by the Data Protection Commission in respect of the data processing carried out by the Department of Social Protection in connection with the issuance of Public Services Cards was provided in paragraphs 189 to 192 of the replies to the list of issues ([CCPR/C/IRL/RQ/5](#)). In December 2021, the Department and the Commission had reached an agreement that allowed the Department to continue to process personal data as necessary and proportionate in order to authenticate a person's identity for the purpose of issuing their Public Services Card, so long as the Card was acquired solely for the purpose of using the services of specified bodies, including the Department. Other specified public bodies could continue to use the Card as a means of verifying the identity of users but must also accept other means of identity authentication, such as a passport or driver's licence. It had also been agreed that the Department and other specified bodies could continue to use the MyGovID portal as the sole means of authenticating identity for access to online services. The Commission and the Department had further agreed to work together on the development and implementation of a programme of work on data retention and transparency. In that context, changes had been made to the SAFE registration process, copies of supporting documents provided as proof of address were no longer being retained, existing scanned copies of such documents were being deleted and the privacy statement had been amended for the sake of greater transparency.

42. **A representative of Ireland** said that the 2021 bill to amend the Mental Health Act of 2001 provided for substantial changes to the provisions governing consent to treatment for persons involuntarily admitted to psychiatric institutions. The bill established safeguards against coercive treatment, save in exceptional circumstances, and gave the persons concerned greater decision-making powers, in line with the Assisted Decision-Making (Capacity) Act of 2015. Additional details were provided in paragraph 128 of the replies to the list of issues. Children were admitted to adult facilities only in the event of capacity constraints or where there was a clear clinical imperative. Measures had been taken to reduce the admission of minors to adult units and the number admitted had thus dropped significantly between 2018 and 2022.

43. **A representative of Ireland** said that the question concerning the legal waiver associated with the mother and baby homes payment scheme would be answered in writing.

44. Given the difficult access to witnesses and documentation, and the need for sensitivity towards survivors and respect for the rights of all parties to fair proceedings, the conduct of robust investigations into historical abuses was challenging. The Commissions of Investigation Act had been developed to enable independent and effective investigations within a framework capable of establishing facts and truth. The Commission of Investigation into Mother and Baby Homes had been given full powers of compellability, enabling it to secure the testimony and documentation required to establish and duly verify allegations of human rights abuses. The Commission's investigative work had been complemented by an academic social history analysis and a confidential committee had been established to provide a forum for hearing the voices of survivors. The Commission's final report included a chapter

on human rights and associated human rights considerations were reflected in its findings. The Government Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions set forth measures to ensure that there were opportunities for recording, preserving and formally acknowledging the experiences of survivors that had not been heard thus far.

45. The State had repeatedly acknowledged that it had failed in its duty to protect vulnerable citizens in mother and baby homes. The apology issued by the Taoiseach (Prime Minister) on 13 January 2021 built on previous State apologies for past institutional abuse and acknowledged the deeply regretted failure to uphold the fundamental dignity and rights of mothers and children who had spent time in such institutions. The Government Action Plan contained 22 measures intended to provide support, generate opportunities for reconciliation, and rebuild the trust of those who had previously been failed.

46. **A representative of Ireland** said that access to termination of pregnancy services was facilitated through the general practice system at the community level. Coverage was good across the country, including in rural areas. Termination of pregnancy services were available free of charge to all women ordinarily resident in Ireland. A modified model of care had been introduced in response to the COVID-19 pandemic, which had enabled the first of the two mandatory consultations to be conducted remotely, obviating the need for travel and thus expediting access in rural areas and removing barriers for working women. A review of the modified model of care was currently under way in order to evaluate the potential benefits of retaining the new system in the post-COVID-19 era.

47. **A representative of Ireland** said that training and operational matters related to the prison and police services came under the purview of the Garda Commissioner, who had placed the emphasis on equality, diversity and inclusion. Efforts to embed human rights principles in policing were reflected in the establishment of the An Garda National Diversity and Integration Unit, the publication of the Equality, Diversity and Inclusion Strategy Statement and Action Plan 2020–2021, and the concerted efforts to recruit members of minority groups, including Travellers, into the police force.

48. In the light of the overrepresentation of Travellers in the criminal justice system, action had been taken to better meet their specific needs, including with regard to rehabilitation and social reintegration. Efforts were being made to align the engagement of the Irish Prison Service and the Probation Service with the individual needs of offenders, with a focus on prison-based education as a tool for improving post-release outcomes. Within the framework of the Travellers in Prison Initiative, which was a partnership between the St. Stephens Green Trust, the Irish Prison Service and the Probation Service, culturally appropriate education programmes were being designed to encourage uptake and outcomes for Traveller detainees. The Peer Mediation in Prisons Initiative and the Midland Traveller Conflict Mediation Initiative had also proven highly successful. Awareness-raising activities were also conducted to sensitize prison staff to specific issues that arose for Traveller detainees.

49. **Mr. O’Gorman** (Ireland) said that information on progress towards ratification of the Optional Protocol to the Convention on the Rights Of Persons with Disabilities would be provided in writing.

50. As regarded access to archives relating to the legacy of institutional abuse, the Department of Children, Equality, Disability, Integration and Youth had facilitated access to personal records for more than 600 former residents of mother and baby homes and an awareness-raising campaign had been launched to inform the public of their right to access personal records and the records of relatives who had died in institutions. Furthermore, the Institutional Burials Bill had recently been adopted. Access to the institutional records of mother and baby homes, industrial schools and Magdalen laundries would be addressed in the context of the establishment of the National Centre for Research and Remembrance, including through legislation.

51. A programme of activities to mark the International Decade for People of African Descent 2015–2024 was currently being prepared.

52. Government action to assist the approximately 39,000 displaced persons from Ukraine currently in Ireland was governed by Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. True to the commitment expressed in the White Paper on Ending Direct Provision issued in 2021, the Government was endeavouring to improve the international protection regime, including by accommodating applicants for international protection in the community to facilitate their integration during the application process.

53. Research had been conducted to ascertain the extent and circumstances of conversion therapy and inform relevant legislation. The Government also engaged with NGOs such as Intersex Ireland to ensure that the concerns of intersex persons were taken on board. Legislation banning conversion therapy was expected to be adopted in 2023.

54. **A representative of Ireland** said that all children born with ambiguous genitalia were referred to Children's Health Ireland at Crumlin paediatric hospital, where an interdisciplinary team of specialized health professionals conducted a full assessment and advised parents on possible courses of action. Consent protocols included a requirement to discuss risks, benefits, and alternatives to treatment. Only medically necessary treatment was performed.

55. **A representative of Ireland** said that the new legislation on hate crime and incitement to hatred would draw on broad consultations with civil society organizations and communities. More than 3,500 submissions had been received, including from witnesses and victims of hate crimes. The legislation would repeal the 1989 Prohibition of Incitement to Hatred Act and would establish specific hate aggravated offences motivated by prejudice against protected characteristics including gender and disability. The definitions of those characteristics, including ethnicity, would be in line with international best practice and explicit reference would be made to the Traveller community.

56. In response to concerns regarding thresholds of incitement and the scope of exceptions, the Bill had been revised to adequately reflect the experience of hate crime victims. In addition to the importance of robust legislation to prosecute hate crimes, the Government recognized the concomitant need to encourage reporting, and there was thus a concerted effort within the police force to encourage hate crime reporting, with some 460 Garda ethnic liaison officers working across divisions to liaise with minority communities and support victims during criminal proceedings. In addition, policies and procedures had been developed to provide clear guidance for recording, investigating and prosecuting hate crimes, the police information system had been updated to allow for hate crimes to be recorded as such and thus enhance their visibility, and online hate crime training for police officers was being rolled out. Reporting had increased as a result of those efforts.

57. **Ms. Tigroudja** said that, regrettably, the delegation's responses to the Committee's questions about the unpublished reports on the situation of women detainees and about steps taken to increase access to secular education remained outstanding. The Committee would also have appreciated clarification regarding the waiver on legal action required to access redress for past institutional abuse during the dialogue. It would likewise have been helpful to receive an oral response to the question about the obligation for State officials to take a religious oath.

58. **Mr. O'Gorman** (Ireland) said that interactive dialogue with the Committee provided a useful opportunity to outline progress and reflect on areas where further efforts were required. The Government would continue to engage with civil society in developing human rights legislation and policies. Any outstanding information would be provided in writing.

59. **The Chair**, summarizing the discussions, said that the State party might wish to consider incorporating the provisions of the Covenant directly into domestic legislation in order to ensure effective remedies for any violation of the rights set forth therein.

The meeting rose at 1.05 p.m.