



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Ninety-second session
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**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE THIRD PERIODIC REPORT OF IRELAND
(CCPR/C/IRL/3)**

**Constitutional and legal framework within which the Covenant and the Optional Protocol
are implemented (art.2)**

1. Please indicate whether the State party intends to incorporate the Covenant into its domestic legislation (previous concluding observations of the Human Rights Committee, A/55/40 (vol.1), paras. 432-433). Please also indicate if there have been any cases in which the Covenant has been applied or used as an aid to interpret domestic law by the courts.
2. Please indicate whether new factors have emerged since the submission of the third periodic report that would enable Ireland to envisage a withdrawal of its reservations to article 10 paragraph 2, article 14, article 19, paragraph 2, and article 20, paragraph 1 (see A/55/40 (vol.1), para. 450 (a) and CCPR/C/IRL/3, paras. 215-218, 334-337)?
3. Please provide further information as to how the State party has addressed the recommendations contained in the Committee's previous concluding observations.

Non-discrimination and equal rights of women and men (arts. 2, 3, 26)

4. Please indicate what measures have been adopted to address the reported gaps in the protection of women from domestic violence, in particular the continuing impunity, the under-funding of services for victims, and the lack of public education initiatives. Please provide recent statistics on violence against women, including the rates of prosecution and conviction, and the average sentences and penalties, as well as compensation to the victims.
5. Please indicate whether there has been any progress regarding a change to Article 41.2 of the Constitution since the submission of the Committee's previous concluding observations (A/55/40 (vol. 1), paras. 441-442). Please provide further information on the National Women's Strategy. The Committee is particularly interested in the steps taken to ensure its implementation

and whether these measures have subsequently been subject to evaluation (CCPR/C/IRL/3, paras. 110-112).

6. Please indicate whether the State party intends to introduce legislation aimed at the recognition of same-sex partnerships or other non-married relationships, as well as a legal mechanism permitting transgender persons to change their gender.

Counter-terrorism measures and respect of Covenant guarantees

7. Please provide further information on the compatibility of counter-terrorism related laws in the State party with the Covenant (see CCPR/C/IRL/3, paras. 382-389). Information should indicate, *inter alia*, whether legislation includes a definition of terrorism and any derogation from ordinary law stipulated in existing or proposed counter-terrorism legislation. Please indicate how the State party addresses concerns about the use of Irish airspace and airports for so-called renditions. Does the State party continue to accept diplomatic assurances in that regard? Does the State party intend to initiate a public inquiry into renditions?

Derogation (art.4)

8. Please provide information on the enactment of any constitutional or other legislative measures designed to restrict derogations only to those permissible under Article 4 of the Covenant (A/55/40 (vol. 1), para. 440).

Right to life (art. 6)

9. Please indicate what measures have been taken following the referendum on abortion. Please also provide information on the steps taken to make sure that women are not compelled to continue pregnancies where these are incompatible with obligations arising under article 6 of the Covenant and the Committee's general comment No. 28 (2000) on article 3 (The equality of rights between men and women) (see CCPR/C/IRL/3, para. 132, 138 and A/55/40 (vol. 1), paras. 444-445).

Prohibition of torture and cruel, inhuman or degrading treatment, and prohibition of slavery, security of the person and the right not to be subjected to arbitrary detention, and treatment of detainees (arts. 7, 8, 9, 10)

10. Please provide further information on the newly established Garda Síochána Ombudsman Commission, in particular on the steps taken to guarantee its independence (CCPR/C/IRL/3, paras. 158-161). If available, please provide detailed information on the number and nature of complaints against members of the Garda Síochána that have so far been dealt with by the Commission and their outcome (A/55/40 (vol. 1), para. 434-435). Have allegations of ill-treatment decreased since the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited the State Party in October 2006? Please also indicate whether audio-video recording is now mandatory for all interrogations at Garda stations. What measures have been taken to ensure that judges and prosecutors respond appropriately to allegations of police ill-treatment? Does the State party intend to modify its practice of not permitting lawyers to be present during police interviews?

11. Please indicate whether the 2006 Prisons Bill has been enacted and if so, please provide further information on how it improves the conditions of detention. In light of the fact that the construction of new detention facilities has yet to be completed, how does the State party address the most serious problems of the present regime, in particular the overcrowding and “slopping out procedure” (A/55/40 (vol. 1), para. 446)? Does the State party consider alternative sanctions to detention and if so, which ones?

12. While the legislation on human trafficking mainly addresses this issue from a criminal law angle, please provide further information on other measures and programmes carried out by the State party to assist the victims of human trafficking. Please specify the legal provisions regarding the protection of victims of trafficking.

13. As the maximum detention period for asylum applicants has been increased through the Immigration Act, 2003, in order to relieve the resource constraints of the courts and the Garda Síochána, does the State party intend to increase this budget in the future? Please provide further information on how the detention facilities for asylum seekers fully comply with the provisions of the Covenant (CCPR/C/IRL/3, paras. 195-202).

Imprisonment for failure to fulfil a contractual obligation (art. 11)

14. Are any steps being taken by the State party to repeal the provisions of the legislation permitting imprisonment for failure to fulfil a contractual obligation?

Expulsion of aliens and right to a fair trial (arts. 13, 14)

15. Please explain the compatibility of the Immigration, Residence and Protection Bill of 2007 with the Covenant, in particular the power of the State party to arrest, detain and remove any person who is unlawfully on the State territory without advance notice and without the possibility to make representations within 14 days (Sections 5, 51 and 52 of the bill).

16. Please provide information regarding the Nationality and Citizenship Act 2004 and the Supreme Court ruling, which reportedly makes it possible that the non-Irish parents of an Irish child may not be entitled to reside in Ireland or may even be deported.

17. Please explain under what circumstances the State party could envisage ending the jurisdiction of the Special Criminal Court (A/55/40 (vol. 1), para. 436-437), in light of, *inter alia*, the Committee’s Views regarding Communication no. 819/1998 (*Joseph Kavanagh v. Ireland*). Please also provide further information as to why the Government considers it necessary to be able to establish additional special courts (CCPR/C/IRL/3, paras. 343-381).

18. Please indicate whether the State party has taken any steps to address the backlog of cases under the Civil Legal Aid Scheme. Please also indicate what measures are being taken by the State party to ensure that those who need civil legal aid will receive it following a test regarding the person’s ability to have a fair hearing, without regard to the category of civil law or type of court or tribunal involved (CCPR/C/IRL/3, paras. 395-396)?

Freedom of religion (art. 18)

19. Please indicate whether the State party has taken any steps to initiate a review of the constitutional provision requiring judges to make a declaration with religious references (A/55/40 (vol. 1), para. 450 (b)).

Rights of minorities (arts. 26, 27)

20. Please provide more information on how the recommendations issued by the High Level Group on Traveller's Issues and the related projects have effectively improved the situation of the Traveller community, especially with regard to their low standard of living, as well as their participation in political life. Furthermore, please provide more detailed information on how the State party addresses the issue of low achievements in school by a majority of Traveller children and the low employment level of members of the Traveller community (A/55/40 (vol. 1), para. 448-449 and CCPR/C/IRL/3, paras. 597-601).

21. Please provide detailed information on measures taken to ensure adequate opportunities for children of minorities to receive instruction in and about their language, religion, and culture.

Dissemination of information relating to the Covenant and the Optional Protocol (art.2)

22. Please provide more detailed information on the steps taken to disseminate information on the Covenant and on the submission of the present report, as well as on the involvement of representatives of civil society and of minority groups in the preparatory process.
