



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues in relation to the fifth periodic report of Ireland*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please provide further information about the constitutional and legal framework within which the Covenant is implemented. In this regard, and in light of the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 5), please indicate whether the State party's legal framework has been changed to ensure that the provisions of the Covenant are directly applicable within national law. Please indicate whether there is any intention to withdraw the State party's reservations to articles 10 (1) and 20 (1). In addition, please provide information on the status of the Judicial Council Bill and discuss how funding is being ensured for the bodies that form the institutional framework within which the Covenant is implemented.

2. With reference to the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 6), please provide further information about the functioning and efficacy of the Irish Human Rights and Equality Commission. Please discuss whether there have been any revisions to the Irish Human Rights and Equality Commission Act 2014 within the reporting period to apply a definition of human rights which includes the State party's international and domestic human rights obligations. Please also provide information on the Commission's budget since 2018, comment on whether the overall funds provided are adequate for the organization to effectively fulfil its mandate and discuss whether any austerity measures affecting the funding of the Commission are in place or envisaged.

Anti-corruption measures (arts. 2 and 25)

3. Please discuss measures taken by the State party to tackle and prevent corruption and build trust in public institutions. In particular, please provide information about: (a) the provisions and implementation of the Criminal Justice (Corruption Offences) Act 2018; (b) the status of Public Sector Standards Bill 2015 and other measures taken in response to the work of the Tribunal of Inquiry into Certain Planning Matters and Payments (Mahon Tribunal); and (c) efforts to investigate and eradicate corruption within the police.

Accountability for past human rights violations (arts. 2, 6–7 and 14)

4. Please provide information about the steps that the State party has taken to guarantee accountability and remedies for past institutional abuse of women and children, including in schools, care institutions, religious institutions, the Magdalen laundries and mother and baby homes, and discuss steps that have been taken to foster a process of truth telling, reconciliation and learning. In particular, with reference to the Committee's previous recommendations (CCPR/C/IRL/CO/4, para. 10), please: (a) provide information about the status and findings of all current and past investigations into the institutional abuse of women

* Adopted by the Committee at its 130th session (12 October–6 November 2020).



and children, including those of the Commission of Investigation into Mother and Baby Homes and certain related matters and the Commission to Inquire into Child Abuse, and the investigations at the level of dioceses and archdioceses into child abuse in institutions run by the Catholic Church, including those in Dublin, Ferns and Cloyne; (b) respond to reports that investigations into abuse have been insufficient in scope and that, notwithstanding the work of the Inter-Departmental Committee set up to establish the facts of State involvement with the Magdalen laundries, no full investigation into institutional abuses in this setting has been initiated; and (c) discuss the exact number of criminal investigations opened, prosecutions conducted and convictions secured in the context of investigating institutional abuse in care settings, as well as the remedies provided to victims. Please also discuss the legislation and protocols governing access for victims of abuse and/or their family members to their personal data.

5. Bearing in mind the Committee's previous recommendations (CCPR/C/IRL/CO/4, para. 11), please provide further information about measures taken to address the historical use of the practice of symphysiotomy within the reporting period. Please indicate how the degree of support provided by the Symphysiotomy Payment Scheme to individuals is accessed. Please provide further information, particularly in light of the lack of consent among women affected, about the assessment communicated in paragraphs 81–82 of the State party's periodic report (CCPR/C/IRL/5) that the individuals who perpetrated symphysiotomy should not face criminal liability.

Derogations (arts. 4, 9, 12 and 21–22)

6. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic. In particular, please discuss the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Bill 2020 and specify whether its provisions and/or any other measures taken to address COVID-19 derogate from the State party's obligations under the Covenant, including with respect to the rights to freedom of assembly, freedom of movement, liberty and due process. If they do, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic (CCPR/C/128/2), and whether other States parties were informed of the measures through the Secretary-General of the United Nations.

Non-discrimination (arts. 2–3, 14, 20, 23 and 26–27)

7. Bearing in mind the Committee's previous recommendations (CCPR/C/IRL/CO/4, para. 23), please indicate the legislative and other measures taken within the reporting period to combat laws and social practices which are discriminatory on the basis of sex, Roma and Traveller status, race, sexual orientation, religion, disability and/or nationality status. Please include information on: (a) how the effective application of the Equal Status Act 2000 is ensured, including a summary of complaints brought under this legislation during the reporting period and their outcomes; (b) the outcomes of equality-related strategies, such as the National Traveller and Roma Integration Strategy 2017–2021, the LGBTI+ National Youth Strategy 2018–2020 and the Migrant Integration Strategy 2017–2020, as well as when the National LGBTI+ Inclusion Strategy will be in place; (c) any measures taken by the State party to ensure that the COVID-19 pandemic does not exacerbate inequality, discrimination and exclusion, including among older persons, women, persons living in poverty, persons with disabilities and persons experiencing homelessness.

8. Please provide information about the prevalence of hate speech and hate crime, including against religious and racial minorities, Roma and Traveller individuals and/or migrants, and the measures taken to address this within the State party. Please indicate whether there has been any increase in such crimes related to the COVID-19 pandemic and, if so, what specific measures have been taken in response. Finally, please indicate whether the State party intends to enact legislative reform to update the Prohibition of the Incitement to Hatred Act 1989.

Gender equality (arts. 2–3 and 26)

9. Bearing in mind the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 7), please elaborate on the State party's progress towards achieving full gender equality. In this regard, please provide information on: (a) the status of the public consultative process on article 41.2 of the Constitution and any broader measures to tackle stereotypical and/or harmful views about the role of women in society; (b) the outcomes of the 2017–2020 National Strategy for Women and Girls; (c) any plans in place to further increase the representation of women within public and political life and decision-making roles within the private sector, including the use of the statutory quotas in areas where women continue to be under-represented.

Violence against women, including domestic violence (arts. 2–3, 6–7, 24 and 26)

10. With reference to the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 8) and following the 2019 ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, please discuss further the measures taken by the State party to tackle gender-based violence against women and girls, including domestic violence. In this regard, please provide information on: (a) the provisions and implementation of the Domestic Violence Act 2018, describing the provisions in place to protect vulnerable women, including Roma and Travellers, migrants, asylum seekers and women from racial, ethnic and/or religious minority groups, and the outcomes of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016–2021; (b) the specific actions taken to change societal attitudes through awareness-raising and any data about their efficacy; (c) the data collection mechanisms in place to gather information about all forms of violence against women, including any results from the sexual violence prevalence study. Please also provide data from the reporting period on the number of investigations conducted into such offences, prosecutions of alleged perpetrators and convictions, including the penalties imposed, and describe the remedies and psychosocial and logistical support provided to victims, including the number and geographical coverage of shelters. Please also describe the measures that have been taken to protect women from domestic violence during the COVID-19 pandemic.

Termination of pregnancy, maternal mortality and reproductive rights (arts. 2–3, 6–7 and 24)

11. Following the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 9) and the significant changes which occurred within the reporting period, please provide further information on the provisions of the Health (Regulation of Termination of Pregnancy) Act 2018 and on the implementation of this legislation to date. In this regard, please discuss: (a) the inclusion in section 12.3 of the Health (Regulation of Termination of Pregnancy) Act of a mandatory three-day waiting period after a woman requests an abortion, including its application in cases where the gestational age of the fetus is close to the 12-week cut-off point, and the effects of such provisions on women's access to services, including reports of women being denied abortions and/or having to travel abroad for such care; (b) reports that the provisions in section 11 of the Act concerning exceptions to the 12-week limit on the basis of fetal abnormalities convey overly restrictive requirements, which could, in certain cases, limit access to abortion in cases of serious risk to the future health of the unborn child; (c) barriers to the provision of abortion services as now mandated by the law, including resistance to provision of services among general practitioners, the continued criminalization of medical professionals for undertaking abortions outside the scope of the new law and the reported chilling effect on their interpretation of such provisions, and efforts by those opposed to abortion to undermine the legal rights of Irish women to safe, legal and free abortion services; (d) the disproportionate impact of continued barriers to abortion services on migrant women, survivors of domestic violence, asylum seekers and women living in rural areas.

Right to life (arts. 6–7)

12. Please respond to reports of high levels of mortality from COVID-19 among persons, particularly older adults, living in institutional care settings in the State party. Please provide

data on the number of deaths from COVID-19 in all care institutions, including residential care homes, mental-health facilities and all social-care settings, and the proportion of total deaths from the virus that this represents. Please describe the steps taken since the outbreak of the pandemic to protect persons living in care settings, including information about the overall safeguarding and regulatory framework for institutional care.

13. Please provide data on the number of deaths in detention, including in migration facilities, during the reporting period, and the results of all subsequent investigations. Please respond to reports that lack of access to health-care services for underlying physical and mental health conditions and non-compliance with protocols for special observation checks for people with heightened risk of self-harm have occurred in cases where those deprived of their liberty have subsequently died. Please also discuss how the detention system within the State party has responded to the COVID-19 pandemic, including information about measures taken to protect detainees from the virus, how effective monitoring and oversight of facilities have been maintained and the impact on detention conditions of measures to control the virus, including the possibility for detainees to have visitors, undertake rehabilitative activities and spend time outside of their cells.

14. Please respond to allegations that excessive force was used by Gardai in handling recent protests against lockdown restrictions imposed to address the COVID-19 pandemic and provide information on the training provided to police forces and any private security companies involved in law enforcement activities in respect of international standards for the use of force and firearms by law enforcement officials.

Trafficking in persons (arts. 6–8 and 24)

15. In light of the Committee’s previous recommendation (CCPR/C/IRL/CO/4, para. 20), please provide up-to-date information about the State party’s response to human trafficking. In this regard, please: (a) discuss the outcomes of the Second National Action Plan to Prevent and Combat Human Trafficking in Ireland; (b) provide more detailed information about the investigations, prosecutions and convictions for trafficking under the Criminal Law (Human Trafficking) Act 2008 and other relevant legislation, including how many of the 53 cases brought before the courts between 2014 and 2017 led to a conviction and what penalties were applied, as well as discussing whether there are plans in place to address the low overall rate of conviction; (c) provide information about the mechanisms in place to identify and provide protection to all victims of trafficking, including assurance of shielding from any form of prosecution.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, the treatment of persons deprived of their liberty and privacy (arts. 7, 9–11 and 17)

16. With reference to the Committee’s previous recommendation (CCPR/C/IRL/CO/4, para. 12), please provide more detailed information about the provisions of the Mental Health (Amendment) Act 2015, including clarification of whether persons with partial capacity can refuse treatment, whether treatments other than medication and electroshock treatment can be refused and whether treatment can be refused within the first three months of involuntary psychiatric admission. Please provide information about the provisions and status of the Assisted Decision-making (Capacity) Act 2015. In addition, please discuss the independent review processes that regulate the provision of non-consensual psychiatric treatment.

17. In view of the Committee’s previous recommendation (CCPR/C/IRL/CO/4, para. 15), please provide more information about measures taken by the State party to improve conditions of detention within the reporting period. In particular, please: (a) respond to reports of continued overcrowding and poor sanitation in some prison facilities, including those housing female detainees; (b) discuss whether the State party has set out a timeline for the complete separation of remand and convicted detainees; (c) provide more information about the establishment of a violence reduction unit in Portlaoise Prison, including any data on its effectiveness in reducing violence among detainees and the availability of similar units in other prison facilities; and (d) provide an update on the status of the Inspection of Places of Detention Bill and any progress made towards ratification of the Optional Protocol to the

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

18. Bearing in mind the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 16), please provide further information about the circumstances under which an individual could be imprisoned for his or her failure to pay a fine and explain the compatibility of the continued legal permissibility of such penalties with the provisions of the Covenant.

Rights of refugees and asylum seekers (arts. 2 and 13)

19. With reference to the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 19), please provide information about the system in place to promote and protect the rights of refugees and asylum seekers. In particular, please: (a) discuss the implementation of the International Protection Act 2015, providing detailed data on the number of pending international protection claims, the number of claims made under the Act and their processing time; (b) provide more information about the work of the Refugee Appeals Tribunal, including data on the cases it has overseen since the Act came into force; and (c) provide more detailed information on work undertaken to improve the situation of refugees and asylum seekers in direct provision housing, on the status of the Immigration and Residency Reform Bill, on measures taken to ensure the safety of refugees and asylum seekers living in such facilities during the COVID-19 pandemic and on the response to COVID-19 outbreaks in direct provision centres in County Kildare.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

20. Please report on the measures taken to ensure that the right to freedom of conscience and religious belief is fully respected, in law and in practice, on a non-discriminatory basis. In this regard, and bearing in mind the Committee's previous recommendation (CCPR/C/IRL/CO/4, para. 21), please: (a) provide information about the implementation of the Education (Admission to Schools) Act 2018 and indicate whether progress has been made in the implementation of other measures recommended by the Committee to improve access to secular schools; (b) indicate whether there have been any changes to the constitutional provisions requiring persons who take up certain senior public positions to take religious oaths; and (c) indicate whether amendments have been made to section 37 (1) of the Employment Equality Act 1998 to bar any discrimination in employment in the fields of health and education.

Freedom of expression, assembly and association (arts. 2, 19 and 21–22)

21. Please discuss the compatibility of the Censorship of Publications Act 1929 with the provisions of the Covenant and constitutional guarantees of freedom of expression and indicate whether the State party intends to repeal this legislation.

22. Please provide information about the legal and institutional frameworks in place to respect the rights to freedom of association and assembly. In particular, please: (a) respond to reports that the Criminal Justice (Public Order) Act 1994 gives significant discretion to law enforcement personnel in policing protests on the basis of public order and has been used to criminalize peaceful assemblies; (b) bearing in mind paragraph 93 of general comment No. 37 (2020), discuss whether private security providers have become involved in the policing of assemblies, particularly those arising around evictions and business activities and, if so, how the State party has ensured that their use is compatible with provisions under the Covenant; (c) indicate whether, following the adoption of the Industrial Relations (Amendment) Act 2015, the State party continues to operate a licensing system for trade unions that creates barriers to the right to freedom of association.

Right to privacy (art. 17)

23. Please provide information about respect for the right to privacy within the State party, including details of the regulatory framework governing the collection, storage, use and retention of people's personal data, by both Government and non-State actors. In this regard, please: (a) discuss how data pertaining to users of the Public Services Card is collected and

retained and discuss the compatibility of such practices with article 17 of the Covenant; (b) clarify whether use of the Public Services Card is mandatory for those who want to access public services; and (c) discuss the 2019 findings of the Data Protection Commission that the Public Services Card scheme involved large-scale data collection, storage and processing, not all of which had a basis within the national legal framework, and include information about the status of implementation of the Commission's conclusions. In addition, please provide information about the status of the complaint submitted to the Data Protection Commission regarding the privacy concerns associated with real-time bidding and discuss the compatibility of such practices with article 17 of the Covenant.

Participation in public affairs (arts. 7, 14 and 25–26)

24. Please provide up-to-date information about measures taken to establish an Electoral Commission, including on the status of the Electoral Commission Bill 2019. Please indicate when the State party thinks such a body will be established and the role it will play in upholding human rights standards within future election processes.
