



REFERENCE:KF/fup-116

15 April 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the examination of the fourth periodic report of Ireland.

At the end of its 111th session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 25 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 10, 11 and 15 of the concluding observations.

On 20 July 2015, the Committee received the reply of the State party. At its 116th session, held in March 2016, the Committee analysed this information and adopted the following decisions:

- **Paragraph 10: [B2]:** With respect to investigations into all allegations of human rights violations, the Committee welcomes the establishment of the Commission of Investigation (Mother and Baby Homes and certain related matters) and requests that the State party provide information on the progress of the investigation to the Committee. However, the Committee regrets that such a statutory inquiry has not been established to investigate all allegations of abuse in Magdalene Laundries and children's institutions and reiterates its recommendation that the State party conduct an independent and thorough investigation.

[C2]: The SP has not provided new information regarding prosecutions and punishment of perpetrators. The Committee reiterates its recommendation that the State party prosecute and punish the perpetrators with penalties commensurate with the gravity of the offence.

[B2]: The Committee welcomes the compensation schemes in place for victims of Magdalene Laundries and children's institutions. However, additional information is required on:

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- (a) Access to the compensation schemes for victims living abroad;
- (b) The requirement that qualifying Magdalene survivors must waive any right of action against the State;
- (c) The situation of victims who were not formally admitted to the Magdalene Laundries but were nonetheless forced to work there, including with regard to access to the redress scheme;
- (d) Women still living in the care of the religious orders responsible for the Laundries and their rights to advocacy services under legislation or as part of the redress scheme.

The Committee recommends that the State party ensure that victims receive the full range of restitution, rehabilitation and measures of satisfaction to which they are entitled, in accordance with the Committee's recommendation. The Committee requests an update regarding redress for the victims of Mother and Baby Homes.

- **Paragraph 11: [C1]:** The Committee notes the commissioning of the Walsh and Murphy reports, but requests information on measures taken after the adoption of the Committee's concluding observations (14 August 2014) on investigations carried out into cases of symphysiotomy as well as information on prosecutions and punishment of perpetrators. The Committee reiterates its recommendation.

[C1]: The Committee welcomes the establishment of the Surgical Symphysiotomy Payment Scheme, but requires additional information on the scope and requirements, including:

- (a) the assessment criteria for providing compensation to victims;
- (b) the requirement that participants waive all rights and entitlements to seek compensation outside of the Surgical Symphysiotomy Payment Scheme and the lack of a right to appeal under the Scheme.
- (c) the time limit imposed on applicants (20 days) which may have hindered applicants from seeking independent advice in making their decision and may affect women residing outside Ireland; and
- (d) the standards of proof required to seek damages under the Surgical Symphysiotomy Payment Scheme.

[C2]: The Committee reiterates its recommendation that the State party should facilitate access to judicial remedies for victims opting for the ex gratia scheme, including allowing them to challenge the sums offered to them under the scheme.

- **Paragraph 15: [B1]:(a)** The Committee notes the efforts of the State party to address overcrowding and prison living conditions and requires information on the progress of these initiatives. The Committee also requires information on:
 - (a) the number of inmates in each detention facility and its capacity; and
 - (b) measures taken to address overcrowding in Mountjoy, Cork and Limerick detention facilities.



[B1]:(b) Committee notes the efforts of the State party to address the practice of “slopping out” and requires information on the progress of these initiatives, particularly in the Cork, Limerick and Portlaoisie detention facilities.

[C1]:(c) The Committee reiterates its recommendation that the State party establish a concrete timeline for the achievement of complete separation of remand and sentenced prisoners, juvenile and adult prisoners and detained immigrants and sentenced prisoners.

[B2]:(d) The Committee notes the State party’s intention to fully implement the complaints mechanism in 2015 and requests the State party to provide further information on its implementation, including the measures in place to ensure its independent functioning and the progress of any new legislative reforms.

The Committee would appreciate it if the information referred be forwarded to the Secretariat **by 10 June 2016**. The reply should be sent in Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: kfox@ohchr.org and Fernanda Santana: fsantana@ohchr.org). The information will then be scheduled for consideration at a future session.

The Committee looks forward to pursuing its constructive dialogue with the Irish authorities on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee