



Irish Council for
Civil Liberties

ICCL Opening Statement for Justice Committee
Hearing on the General Scheme of the Inspection
of Places of Detention Bill 2022

18 October 2022

Thank you chairperson and the Committee for the opportunity to share our observations today. The ICCL has long called for a proper independent inspection mechanism for all places where people are deprived of their liberty in this state. When deprived of their liberty people are more vulnerable to abuse, ill treatment and torture and proper safeguards must be in place.

Ireland ratified the Convention against Torture in 2000 and signed its Optional Protocol (OPCAT) in 2007 but for the past fifteen years we have failed to ratify this treaty and put in place proper independent inspections in Ireland that comply with the highest international standards.

This Bill proposes a framework for a National Preventative Mechanism, or NPM, to prevent torture and ill-treatment - this is a most welcome advance for the protection of human rights in Ireland, and something ICCL has called for, for more than 20 years.

We do however have significant concerns about the General Scheme as presented when compared to the standards of OPCAT.

The first is that the Government is refusing to ratify OPCAT before this Bill becomes law. While this reflects general government policy regarding international treaties, this treaty is significantly different because on ratification we can avail of the expertise of its special advisory group known as the Sub Committee on Torture, or SPT, on getting this legislation right. Ireland can and should ratify this treaty today to avail of the expertise of this Committee.

We also urge Government to expand the NPM to cover all places where people are deprived of their liberty in Ireland. We must include social and care settings such as psychiatric hospitals, nursing homes, and crucially Direct Provision Centres- both

permanent and emergency centres, to ensure everyone in Ireland who is confined in any way is safe in the place they call home.

Of crucial importance for compliance with OPCAT is enshrining the functional independence of the NPM. The UN SPT has set out standards in this regard and there are a number of areas in which this Bill falls short: in particular we recommend that the NPM is clearly independent from Government departments and is accountable only to the Oireachtas.

One specific flaw in the Bill is its prohibition on the new Inspectorate issuing observations of Government policy. This runs directly counter to OPCAT's requirement that the NPM be invited to make observations on legislation and therefore must be amended.

A glaring gap in Ireland's inspection regime has been the lack of statutory based independent inspections of police custody. The creation of such a mandate in this Bill is welcome but we are concerned that the Bill does not contain provisions for appropriate policing expertise in the NPM, nor does it address the relationship that will exist between other policing oversight bodies and the new mechanism. This must be put on a statutory basis to ensure clarity and consistency with the draft Policing, Security and Community Safety Bill.

We encourage Government to enshrine collaboration with civil society in the Bill, as recommended by the UN SPT and we recommend that IHREC as the national coordinating body must be given sufficient staffing, resourcing and information to fulfil its functions. Finally, the design of the NPM must be founded on wide, inclusive consultations with all relevant stakeholders, not least with all support groups and communities with expertise and lived experience in the area of deprivation of liberty.

