

Council of Europe contribution for the 39th UPR session (Apr-May 2021) regarding Ireland

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Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

The CPT's report on the 2019 periodic visit to Ireland:



**CPT_inf_2020_37_Irela
nd.pdf**

This report reviewed the progress in the implementation of the CPT's recommendations since its previous visit in 2014 in relation to prison matters. Particular attention was also paid to the treatment and conditions of detention of persons deprived of their liberty by the police, the treatment of patients in three psychiatric facilities and, for the first time in Ireland, residents with intellectual disabilities in social care establishments.

The corresponding Government response:



**CPT_inf_2020_38_Irela
nd.pdf**

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance ([ECRI](#)) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Fifth report on Ireland (adopted on 2 April 2019 / published on 4 June 2019)



**ECRI_2019_18_Ireland.
pdf**

Steering Committee on Anti-Discrimination Diversity and Inclusion (CDADI)

Under the authority of the Committee of Ministers and bearing in mind the Council of Europe's legal standards, the jurisprudence of the European Court of Human Rights and the findings and recommendations of the relevant monitoring mechanisms, the CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies, offering effective protection from discrimination and hate and where diversity is respected. The work of the CDADI shall take into account the work of the European Commission against Racism and Intolerance (ECRI), without prejudice to the latter's mandate.

The CDADI advises the Committee of Ministers on all questions within its mandate, including preventing and combating hate speech and discrimination on the grounds covered by ECRI, with a particular focus on fighting anti-Gypsyism and improving the active participation and inclusion of Roma and Travellers in society, safeguarding the rights of persons belonging to national minorities and the use of regional or minority languages, and promoting intercultural integration.

The CDADI promotes and facilitates thematic exchanges and peer reviews of experience and good practice among Council of Europe member States to develop common policy responses, analyse implementation and fulfil any other task assigned to it by the Committee of Ministers.

Based on the study "[COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states](#)" adopted in 2020, Committee formed a working group with a task to compile promising and good practices and draft Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the COVID-19 and similar crises, which is expected to be adopted by the Committee of Ministers during 2021.



COVID-19_an
analysis of the anti-di

Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted the 4th Opinion in respect of Ireland on 10 October 2018.



ACFC_OP_IV_2018_00
5_Ireland.pdf

[Resolution CM/ResCMN\(2019\)14](#) on the implementation of the Framework Convention for the Protection on National Minorities by Ireland was adopted by the Committee of Ministers on 16 October 2019 at the 1357th meeting of the Ministers' Deputies



CM_Res_CMN_2019_1
4_Ireland.pdf

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. Since the entry into force, in July 2019, of the reform of the monitoring mechanism, the subsequent reports are presented at five-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

n/a

Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the Committee of Ministers. The [terms of reference](#) - which have been renewed by the Ministers Deputies for the years 2018-2019 - place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. European Union institutions, international organisations, the European Roma and Travellers Forum and other relevant (Roma and Traveller) organisations are associated as observers to the CAHROM.

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in

particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA evaluation report (2nd evaluation round)/



GRETA_2017_28_Ireland.pdf

[Press release](#)

Preventing and combating violence against women and domestic violence (GREVIO)

The Council of Europe Convention on preventing and combating violence against women and Domestic violence ([Istanbul Convention](#), [CETS No. 210](#)) is the most far-reaching international treaty to tackle this serious violation of human rights. It aims at zero tolerance for such violence and is a major step forward in making Europe and beyond safer. Preventing violence, protecting victims and prosecuting the perpetrators are the cornerstones of the convention. It also seeks to change the hearts and minds of individuals by calling on all members of society, in particular men and boys, to change their attitudes. In essence, it is a renewed call for greater equality between women and men, because violence against women is deeply rooted in the inequality between women and men in society and is perpetuated by a culture of intolerance and denial.

The Council of Europe Istanbul Convention provides for two types of monitoring procedures:

1. a country-by-country evaluation procedure;
2. and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention.

[GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

n/a

Protection of children against sexual abuse (Lanzarote Convention)

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as “[the Lanzarote Convention](#)”, requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The “Lanzarote Committee” (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme. At the end of each round, the Lanzarote Committee adopts “implementation reports” which contain its assessment of the situation with respect to the monitored Parties.

Ireland ratified the Lanzarote Convention on 21 December 2020 and it will enter into force in its respect on 1 April 2021.

Since Ireland became a Party to the Convention after the launching of the 1st monitoring round and the urgent monitoring round, the Lanzarote Committee did not assess the situation in its respect on the “Protection of children against sexual abuse in the circle of trust” and on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”.

Fight against corruption (GRECO)

The 'Group of States against Corruption' (GRECO) monitors all its 50 members through a peer review evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a “compliance procedure”, assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report. GRECO has also an Ad hoc procedure for situations requiring urgent action.

Ireland was evaluated under the Fourth Evaluation Round: “Corruption prevention in respect of members of parliament, judges and prosecutors”. Here is the most recent compliance report, adopted on 25 September 2020:



GrecoRC4(2020)8-Final-eng-Ireland-2ndint

The evaluation of Ireland under the on-going Fifth Evaluation Round (“Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”) is planned for April 2021.

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

On 31 December 2020, there were three cases against Ireland pending before the Committee of Ministers (“CM”) for supervision of their execution (2 cases were pending on 31 December 2019). Among these three cases, two were leading cases evidencing different problems and one of them was under enhanced supervision, the specific procedure for complex and/or structural problems. In 2020, there was one new repetitive case against Ireland submitted for supervision by the CM. No cases were closed by the adoption of a final resolution in 2020. Two cases were closed in 2019, one of them was a leading case ([Independent Newspapers \(Ireland\) Limited v. Ireland](#)) and one was a repetitive case (O’Leary v. Ireland) where the general measures continue to be examined in [McFarlane v. Ireland](#), described below.



Main cases / groups of cases under the Committee of Ministers’ supervision

1. [McFarlane v. Ireland](#), Grand Chamber judgment of 10 September 2010, enhanced supervision. This group of cases concern excessive length of both criminal and civil proceedings and the lack of an effective remedy for these problems (Articles 6 § 1 and 13).



2. [O’Keeffe v. Ireland](#), Grand Chamber judgment of 28 January 2014, standard supervision. This case concerns the Irish State’s failure to protect the applicant from sexual abuse in the 1970s because it had entrusted the management of primary education to non-state actors (National Schools owned and managed by the Catholic Church), without putting in place any mechanism of effective state control against the risks of such abuse (Article 3). The Court also found that none of the domestic remedies were effective as regards the applicant’s complaint concerning the State’s failure to protect her from abuse (Article 13).



For a fuller overview of the pending cases against Ireland, as well as the main reforms adopted in the past, see the Department for the Execution of Judgments of the European Court of Human Rights’ [Country Factsheet](#) and in the Committee of Ministers’ [Annual Reports](#) on its supervision activity. More detailed information on the status of execution of closed and pending cases can also be found on [Hudoc EXEC](#).



Important cases closed recently

In 2019, the Committee of Ministers decided to close its supervision of a case where a newspaper's freedom of expression was violated due to the imposition of a disproportionately high award of damages for defamation (Article 10). The proceedings in question had been conducted under a legal regime that has since changed with the adoption of the Defamation Act 2009. Inter alia, the law now requires judges to give more detailed directions to juries and the courts must consider a defined set of circumstances when determining damages for defamation. [Independent Newspapers \(Ireland\) Limited v. Ireland](#), judgment final on 15 September 2017, see [Final resolution](#)).



Social and Economic Rights (ECSR)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.



The Conclusions 2020 will be made public on 24 March 2021 on the [ESC website](#).

Venice Commission

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.

n/a for the European Commission for Democracy through law for the period 2015-2020