



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Andrew Munro

Head of Legislation for Civil Justice, Head of Policy for Civil Justice

Department of Justice

51 St Stephen's Green

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cc: Dr Niall Muldoon, Ombudsman for Children

cc: Caoilfhionn Gallagher KC, Special Rapporteur on Child Protection

9 June 2025

Re: Human rights oversight and monitoring of pre-deportation detention and deportation flights

Dear Andrew,

I write further to your letter dated 15 May and my colleagues' subsequent meeting with Minister Callaghan and you and your colleagues. Further to our engagement and recent developments, I write to request information on human rights oversight and monitoring of pre-deportation detention and deportation flights.

A [press release](#) issued by your Department on 5 June announced the completion of a deportation operation to Nigeria and stated that 35 people -30 adults and 5 children - had been removed from Ireland to Nigeria pursuant to enforcement of deportation orders. The press release referred to an unscheduled stop of the flight due to a medical incident. It stated that further operations will be conducted throughout the year.

I note the contents of an [RTÉ article](#) which referenced a statement of your Department confirming that 28 of the 35 deported individuals were detained prior to the deportation, with the average length of detention stated to be 27 days. The statement cited in the article indicated that women were amongst those detained.

Related to above operation, I would be grateful if you could please advise:

- On what legal basis the affected individuals were detained prior to the date of the deportation flight;
- For how long each affected individual (rather than average length), broken down by gender, were detained prior to deportation and in what location(s);



- If the affected individuals were detained in prisons, what notice was given to the Irish Prison Service of the incoming additional ‘prisoners’, and what consideration was given by the Department of Justice to prison capacity prior to the detention, noting indications of overcrowding in the [daily prisoner population numbers](#);
- Whether any children were detained;
- Whether any members of a family unit were detained with others in the same family unit not detained, and what consideration was given by the Department to family unity in respect of any such deportation; and
- What human rights oversight and monitoring mechanism is in place for pre-deportation detention in the absence of a functioning National Preventive Mechanism (‘NPM’) pursuant to OPCAT ratification.

You will recall that in my previous letter I requested the identity of the “human rights observer” that participated in a previous deportation flight to Georgia. I refer to your response on 15 May in which you advised that the Department had sourced a former senior civil servant as an “independent human rights observer” in that instance and that the Department was exploring options for this role in the future.

I note with concern the lack of reference made to the presence of a “human rights observer” on the latest flight as was made in previous [press releases](#) regarding such operations.

Could you please clarify the following matters:

- If an “independent human rights observer” was present on the charter flight to Nigeria on 5 June 2025 and if so, their identity and whether this was the same individual who participated in the previous deportation flight to Georgia;
- Any issues that were reported on by any “independent human rights observer” in respect of the flight on 5 June 2025;
- The criteria the Department has used to determine the independence of such human rights observers and what, if any, training specific to this specialised function those selected have undertaken;
- What record/report is provided by the observer to the Department in respect of monitoring of deportation flights and whether such reports are available, albeit in a redacted form as required;
- What options are being explored for more formal and transparent arrangements in sourcing independent human rights observers for any future operations intended by the Department; and
- Whether the Department has considered giving this function to a NPM as is standard in a number of other jurisdictions where OPCAT has been ratified.



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Human rights monitoring of places of detention, including prisons and deportation flights, are within the scope of OPCAT and is highly relevant to IHREC in its role as prospective designate Coordinator for the Protocol and more broadly as the National Human Rights Institution.

I thank you for your continued engagement on these important issues.

Le meas,

Deirdre Malone
Director

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