



Coimisiún na hÉireann um Chearta an Duine agus Comhionannas

**Irish Human Rights and
Equality Commission**



An easy-to-read guide to

Country report on Torture in Ireland

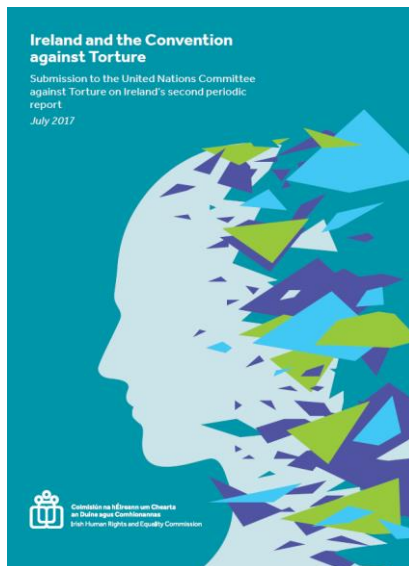
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Introduction



**Coimisiún na hÉireann
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Irish Human Rights and
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The Irish Human Rights and Equality Commission is an organisation that promotes greater equality and the human rights of every person in Ireland.



The Commission made a report to the United Nations on torture in Ireland. The United Nations is an international organisation that has made rules on torture and bad treatment under a treaty called UNCAT.

Torture is when a person is being hurt physically or mentally on purpose by another person for a specific reason.

The Commission talked to people, the government departments and different organisations for information to put into this report.



There are problems with torture in Ireland some of them are because the government has not completed all the steps on the laws for the human rights of people with disabilities and those experiencing domestic violence.

Stopping torture in Ireland



The government has not completed all of the steps needed on part of the international law against torture. This part of the law is called OPCAT and it is meant to stop torture from happening.

At the moment, the government does not look into all of the places where torture and bad treatment can happen.



The government should put better processes in place to look into places like prisons and hospitals where people are being held.

A meeting with the government should take place with all organisations that will be affected by OPCAT.



It is important that the government count all these places where people are held, like prisons.

The government should put recommendations from the United Nations into practice around women's rights.



The numbers on sexual violence and abuse need to be updated.

The new law on domestic violence must be passed by the government as soon as possible.



The government should publish a plan for woman and girls who are affected by a particular kind of physical and sexual violence, called female genital mutilation.

The Irish Human Rights and Equality Commission supports the United Nations in wanting to make Irish laws better for women with unwanted pregnancies.



The government should improve the laws that help people who are forced to stay in one place and to work against their will.

People who need Protection



People come to Ireland from other countries where they are in danger and need protection from torture and bad treatment.

The new way of deciding applications for people that need protection should cut the delays that built up in the past. Enough staff should be given jobs to make this happen.



The government should give more rights to refugees and all people needing protection to have their families with them.

The government should sign up to take more refugees into Ireland. There should be a plan for refugees who have mental health problems.



Make sure the government offices that help children who need protection have enough money and staff.



The government cannot turn away people who need protection at airports without looking into each case.

Returning people in need of protection to other countries because you have an agreement with them is not right by international law if they could be treated badly.



People needing protection should not be kept in prison. Where this must happen it should not be for a long time.

The European organisation on torture and bad treatment has a guide on putting people needing protection in prisons. It is important that the government use this guide for Irish prisons at all times.



Sexual violence in places where refugees live should be looked into more under the rules that the government already made.

The government should make a law on how people needing protection are being cared for while in Ireland. Refugees should not live in centres for longer than 6-9 months. They should be allowed to live independently.



The government should allow people needing protection to work because the Courts decided it was the right thing for all people equally.



Police in Ireland

The Garda Síochána Ombudsman Commission (GSOC) is an independent office that looks into complaints from people about the police, An Garda Síochána. The government must make the powers of this office stronger.

Enough staff should be employed in the Policing Authority to help it work better.



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The Irish Human Rights and Equality Commission supports the government's plan to make the Policing Authority more independent.



An Garda Síochána can listen to private conversations and collect information about these when they are looking into crimes. The government must improve the law on how these powers are used.



A person that is being questioned by Garda should by law be given a solicitor. Garda stations should be visited when it has not been scheduled by an independent national organisation.



Suggestions from different independent garda offices should be taken seriously around crimes and how they are recorded and followed-up on.

The rules for garda should be clear on saying that torture and bad treatment are never accepted.



The Irish Human Rights and Equality Commission believes that training on human rights and equality are very important for Garda and people working with Garda.

Prisons

Again human rights and equality training are very important for people working in prisons. There are rules that can inform the government in keeping prisons safe places, called the Mandela rules.



The numbers on prisoners reported by the Irish Prison Service should be as correct as possible.



The Irish Prison Service should change how things are done in prisons to make them better places.



The office that looks into prisons, the Inspector of Prisons, should be fully independent and have enough staff.

Complaints from prisoners should be looked at by an independent office at all times.



There should be a head person of the Prison Healthcare Services. All prisons should be looked at for their healthcare needs because it is important to do this.



Better services of all types should be available for helping people with drug and alcohol problems in prison.

People with mental health problems should be helped in the community instead of being sent to prison.



Prisoners should not be kept in cells all by themselves for very long periods of time, only in very few situations that are guided by strict rules.

Children should never be kept alone in a prison cell for long periods of time.



Different activities that prisoners would benefit from need to be available in prisons.

There are not many figures on prisoners or research on them. This is a problem for writing plans and policies on prisoners.



The length of time a person goes to prison should not be so strict just because of a certain crime. The person and what they did should be looked at together.

When a person is waiting to go to court for a crime and does not have to stay in prison until then, a reason must be given why they were let out or not. This reason must be in writing or recorded.



Reasons for giving criminals long times in prison for not very serious crimes must be covered in the law.

A new law on people unable to pay back money should start being used as soon as possible.



There should be more programmes for people in prison to help them to learn new skills which they can use when they leave prison. People should be supported back into the community when they leave prison.



Women who carry out crimes should have different options to being held in prison before their court date. Women should also be supported back into the community after prison like everyone else.



The government is not doing well because the law on decision-making is not working in practice yet. This makes it difficult for people with intellectual disabilities to make decisions if they need the support.



The government must complete all steps to be fully responsible under the international law on people with disabilities. This law is called the United Nations Convention on the Rights of Persons with Disabilities.



There needs to be a new national policy for how the government treats people with mental health problems.

This also means that more staff are needed for mental health teams in the community.



The law on mental health should be looked at again because it needs to be changed to include what the individual wants, not what people think is best for them.



When a person is being kept against their will, there should be a right to have this situation reviewed more often.

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The Mental Health Tribunal (MHT) makes decisions about people being kept against their will. The decisions of the Mental Health Tribunal should be made public.

The Government should look at the guidelines around the use of restraint on people. Only in very strict cases should restraint be used. There are European guidelines to help with this.



Children with mental health difficulties must be able to stay in accommodation and hospitals that are child-friendly.

A person with an intellectual disability should not be thought to also have a mental health difficulty under the law.



A person with a disability should not be kept against their will. The international law on people with disabilities has rules on this that the government should put in place. This is best practice.



A person should not have their freedom to move around taken away based on disability. The person should be able to appeal any decision on limiting this freedom.

The Irish Human Rights and Equality Commission believes that community-based living is better for people with disabilities than institutional living. The government must do more to move people out of institutions to live a better life in the community.

How to ensure your Rights



The Government must pass a law to have independent investigations into all kinds of abuse especially those in the past.

It is important that the government look into the bad treatment and abuse experienced by women in the Magdalene Laundries. The people that carried out these crimes should be punished.



The places where pregnant women and their children were kept in Ireland in the past should all be investigated.

There should be a full investigation into how women in Ireland were treated by some doctors when having children. These women should be treated fairly and get enough help and support because of this experience.



All people who experienced sexual abuse in schools in the past should be able to take a legal case against the government.

All investigations should be independent into abuse of children with special needs in foster care, abuse of children without parents in institutions and abuse of children in other government institutions.



The office to protect children from abuse should have enough staff and money to operate. The law on protecting children from future abuse must be fully passed by the government right now.

People who experienced abuse and bad treatment in the past should not have to go through the same experience or feelings again.

This Easy to Read Document was developed by Inclusion Ireland for the Irish Human Rights & Equality Commission.

The document was proof-read by men and women with disability.



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