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CC: Dr Niall Muldoon, Ombudsman for Children
Caoilfhionn Gallagher KC, Special Rapporteur on Child Protection

1 July 2025

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

Dear Andrew,

I write further to my previous letter dated [9 June](#) which set out several queries regarding the deportation flight to Nigeria on 5 June. No response has been received to date.

[Recent comments](#) by the Minister for Justice in response to Parliamentary Questions have raised further concerns in relation to this matter. It was indicated by the Minister that the 'independent human rights observer' procured was not able to accompany the flight on 5 June. It is of serious concern that unforeseen 'technical reasons' prevented an 'independent human rights observer' carrying out their function and furthermore that the deportation flight subsequently proceeded in the absence of such observation. The observer was instead debriefed by a nominated member of An Garda Síochána, which clearly falls far short of an adequate monitoring process.

As set out in previous correspondence and further to above information, specifically in relation to the role of 'human rights observers' and removal flights, please can you provide responses to the following queries:

- The nature of the 'technical reasons' that prevented the observer from accompanying the flight;
- Any issues reported by the Garda contact to the 'observer' in respect of the flight on 5 June;
- The identity of the 'human rights observers' whose services have been relied on to date and who was due to observe the flight on 5 June;
- The criteria the Department has used to determine the independence of these 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.

As set out in previous correspondence, I would be grateful if you could please provide responses to below queries:

- 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

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 and look forward to receiving your response.

Le meas,

Deirdre Malone
Director



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

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