



Re: Pre-legislative scrutiny of the General Scheme of the Policing, Security, and Community Safety Bill 2021 by the Joint Committee on Justice

ICCL Opening Statement¹

Wednesday, October 20 2021

The Irish Council for Civil Liberties (ICCL) thanks the Committee for the opportunity to participate in the Hearing today. In this statement we will summarise our key concerns with the Policing, Security, and Community Safety Bill, as outlined in more detail in our written submissions – both our earlier submission to the Committee on the Bill and a supplementary submission addressing specific questions about oversight bodies.

ICCL strongly welcomes the provisions for reformed police oversight mechanisms in this Bill, which we regard as being broadly in line with recommendations from the Commission on the Future of Policing in Ireland (CFP). Robust oversight is crucial in order to ensure that An Garda Síochána (AGS) is complying with its human rights obligations and is held accountable to the people it serves.

While ICCL recognises that some welcome reforms have taken place and are ongoing within AGS, we must not lose sight of the centrality of strong and effective oversight of policing to reform process. The CFP was clear that reform of Irish policing is impossible without significant strengthening of our police oversight structures including additional resources. The proposed establishment of a new Policing and Community Safety Authority, an Independent Examiner of security legislation, and a reformed Ombudsman are particularly welcome. The increased references to human rights contained in the Bill are also encouraging.

Nevertheless, there are several aspects of the Bill which ICCL urges the Committee to look at in more detail with a view to ensuring the effectiveness of the revised

¹ Delivered by Doireann Ansbro, Head of Legal and Policy, ICCL.

structures. Our submission made eight recommendations and today we will highlight four:

1. Remove all prosecutorial powers from AGS. The removal of gardaí from non-policing functions was a key recommendation of the CFP. This will require additional resources for the DPP but will greatly assist resources management within AGS. Both victims and accused persons have the right for their case to be prosecuted by an impartial legal professional.
2. Insert a provision providing for the collection of disaggregated data on policing and police powers. This separation of data should be based on equality grounds, socio-economic status, geographic location and ethnicity, as required under international human rights law.² The public dissemination and availability of this information will shed light on how marginalised groups interact with the gardaí. This data can then be used to inform AGS policies on effectively combatting discrimination.
3. The Garda Code of Ethics should expressly include human rights standards. A breach of the Code should constitute a disciplinary offence.
4. While we welcome provisions for independent inspections of Garda stations, ICCL calls on government to provide for wholly unannounced visits, unconnected to a “planned inspection”.³ Independent visits to Garda stations and other places where people deprived of their liberty is an important safeguard against abuse and are a requirement under the Optional Protocol to the UN Convention against Torture (OPCAT) which the government must ratify and implement as a matter of urgency.

In conclusion, ICCL urges government to ensure that the oversight bodies foreseen by this legislation are properly resourced and given sufficient powers to ensure that this legislation’s vision is delivered.

² The seven UN treaties Ireland has ratified all oblige States to prohibit discrimination and demand equality before the law. To fulfil these obligations States must collect and assess disaggregated and comparative statistical data. See for example Article 31 of the Convention on the Rights of Persons with Disabilities (States must collect appropriate information, including statistical and research data).

³ Head 114(3)(a) and Head 114(10), see also Head 104(2)(c).