

Strategic Human Rights Advisory Committee



Annual Report

2020



Commissioner's Foreword

In common with all State agencies, An Garda Síochána faced unprecedented challenges in 2020. Nevertheless, underpinned by a human rights based approach to policing, An Garda Síochána rose to the challenge of meeting the complex needs of the communities we serve, placing the rights of individuals and society at the forefront of all decisions and actions taken by An Garda Síochána. These are important principles that will continue to be at the core of our policing approach.



All interactions between An Garda Síochána and society begin with the consideration of what rights are in issue and how best they can be respected and protected. This professional approach leads to an effective police service and one which society can be justifiably proud. Nowhere can this be more clearly seen than by An Garda Síochána and our graduated policing response to the Covid-19 pandemic; Engaging, Explaining, Encouraging and Enforcing as a last resort.

A key element of successful strategies such as this is the ability for An Garda Síochána to call upon expert and timely feedback from the Strategic Human Rights Advisory Committee (SHRAC). Since its re-establishment, SHRAC has developed into an invaluable aid to An Garda Síochána and I would like to take this opportunity to thank each of its members for their invaluable insights and contributions to the work of the committee. It gives me great pleasure to present the first Annual Report of the SHRAC setting out the work of the committee in 2020.

J A Harris
Commissioner
An Garda Síochána

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SHRAC Membership

The following representatives make up the membership of the Strategic Human Rights Advisory Committee:

- Commissioner, An Garda Síochána (Chairperson)
- Deputy Commissioner, Policing and Security, An Garda Síochána
- Executive Director, Legal, An Garda Síochána
- Acting Executive Director, Human Resources and People Development, An Garda Síochána
- Director of Communications, An Garda Síochána
- Assistant Commissioner, Organised and Serious Crime, An Garda Síochána
- Assistant Commissioner, Roads Policing and Community Engagement, An Garda Síochána
- Assistant Commissioner, Governance and Accountability, An Garda Síochána
- Department of Justice
- Bar Council of Ireland
- The Law Society of Ireland
- Garda Síochána Ombudsman Commission
- Garda Inspectorate
- The Policing Authority
- Office of the Director of Public Prosecutions
- Irish Human Rights and Equality Commission
- Irish Centre for Human Rights, NUI Galway
- Dublin Rape Crisis Centre
- National Disability Authority
- An Garda Síochána External Human Rights Legal Advisor
- Chief Superintendent, Crime Legal, An Garda Síochána
- Chief Superintendent, Director of Training and CPD, An Garda Síochána
- Chief Superintendent, Garda National Protective Services Bureau, An Garda Síochána
- Superintendent, Crime Legal and Human Rights Legal Advisor (internal) An Garda Síochána
- Superintendent, Garda Ethics and Culture Bureau, An Garda Síochána

SHRAC Terms of Reference

- To advise on the general strategy for embedding and ensuring compliance with the human rights standards, described in the Human Rights Framework, in all aspects of the work of An Garda Síochána.
- To provide evaluation of compliance of An Garda Síochána with the human rights standards, described in the Human Rights Framework and make appropriate recommendations on ways to strengthen compliance.
- To evaluate delivery and make recommendations on training in human rights in An Garda Síochána.
- To report annually on the work of the committee during the previous year.

Schedule of Meetings

The SHRAC aim to meet every quarter, however, due to the emergence of the Covid-19 pandemic in March 2020, the scheduled March meeting was cancelled. Thereafter, the SHRAC held three virtual meetings on the following dates:

- 17 July 2020,
- 16 October 2020 and
- 4 December 2020.

Key Issues

Due to the exceptional nature of the Covid-19 pandemic and the restrictions imposed by the Government to combat the virus, the SHRAC met three times in 2020 and these meetings took place using a virtual format.



The following is a breakdown of the key issues raised:

- **Covid–19 Policing Response**

The practical application of the Covid–19 policing response was of particular interest to the SHRAC. As a result, briefings were given in relation to Operation Fanacht, Operation Navigation and Operation Faoiseamh.

- **Anti-Spit Guard**

The Anti-Spit Guard (ASG) was introduced into An Garda Síochána on the 2nd of April 2020. The ASG was introduced as personal protective equipment (PPE) for members of An Garda Síochána, recognising the increased risk to Garda members and members of the public presented by Covid-19.

The introduction of the ASG was supported by robust policy and procedure documents, as well as a mandatory training video. Garda members must sign to acknowledge completion of these tasks before being certified to deploy this equipment. The SHRAC received a presentation on the introduction of the ASG, as well as updates on the continued use of this PPE equipment, including statistical information on its deployment and review.

- **Recording of Ethnicity**

Members of the SHRAC highlighted the importance of collecting this type of data for oversight and equality monitoring purposes. The legal and practical steps necessary for An Garda Síochána to collect ethnic data was discussed by the SHRAC. This discussion culminated in a report being prepared on the recording of ethnicity by An Garda Síochána, for consideration.

- **Victims**

An update was provided to the SHRAC explaining actions taken by An Garda Síochána to comply with the EU Victims Directive and the Criminal Justice (Victims of Crime) Act, 2017. This presentation outlined a number of improvements in service provision that An Garda Síochána has implemented when dealing with vulnerable victims. An update was also provided as to the current status of incorporating the principles of the Istanbul Convention.

- **Human Rights Section Staffing**

Regular updates were provided by Executive Director, Legal on the progress of the requirement for staff within the Human Rights Section. A business case outlined that there is a requirement for fourteen staff members, of which ten are legal professionals.

- **Human Rights Strategy 2020 – 2022**

An Garda Síochána issued a Human Rights Strategy which commenced in January 2020. This Strategy contains a number of actions which were presented to the SHRAC throughout the year.



This included the following:

- **Strategy Action - Human Rights Champions**

The SHRAC received a presentation on the role of the Human Rights Champions, which outlined how they will act as a network of human rights advocates at each rank and grade, in every Garda Division.

- **Strategy Action – Human Rights Training**

To support the Human Rights Champions and to prepare them for their role, a unique bespoke training programme, ‘Policing and Human Rights Law in Ireland,’ was created in collaboration with the University of Limerick. This is a twelve week programme, with a start date of 25th of January 2021, to be delivered online to approximately 600 Garda members and Garda staff who on completion will become Human Rights Champions.

- **Strategy Action – Review of Custody Record Risk Assessment Form C.84 A**

The Government report, ‘A Policing Service for the Future; Implementing the Report of the Commission on the Future of Policing in Ireland,’ placed an obligation on An Garda Síochána to carry out an assessment of those most vulnerable in the criminal justice system. In order to progress this objective, the Human Rights Section, in consultation with Dr. Alan Cusack of the University of Limerick, conducted a review of the Custody Record Risk Assessment Form C84 A.

This review identified four areas of vulnerability which included alcohol addiction, drug addiction, mental health and neurodiversity. The recommendations contained within the report include how An Garda Síochána may further safeguard vulnerable persons by ensuring that as much information as possible is garnered from the custody processes, and that the member in charge has options available as to how best support the person concerned. Recommendations also require An Garda Síochána to consider specific training for staff in recognising and dealing with vulnerable suspects.

The content and recommendations of this report and update on implementation have been presented to the SHRAC, and it has been updated as to the progress of this review at subsequent SHRAC meetings.

- **Strategy Action – Suicide Intervention Training**

The SHRAC were advised of the outcome of the pilot which was run by the Human Rights Section, in conjunction with the National Office for Suicide Prevention (NOSP) resulting in an agreement that this training be continued. In addition, it was reported that the NOSP will train Garda personnel to become trainers in this programme. This will allow An Garda Síochána to become self-sufficient in delivering this training to staff.

- **Strategy Action – Review of Human Rights Framework**

The Human Rights Framework which provides a guideline document on all matters concerning constitutional and human rights, was subject to review and the outcome of this review was presented to the SHRAC.

- **Strategy Action – Identification of Sources for Monitoring Compliance**

The SHRAC were invited to identify what data it believes would be of assistance in verifying compliance with human rights. A number of submissions were provided. This is ongoing and will continue to be raised in this coming year.

- **Strategy Action – Keeping Abreast of Human Rights Developments**

The SHRAC were advised of progress in relation to how the Human Rights Section will develop a system for monitoring court outcomes and their impact on An Garda Síochána.

Conclusion

In conclusion, the Strategic Human Rights Advisory Committee (SHRAC) will continue to meet quarterly in 2021 and report on its outcomes. The secretariat function in respect of SHRAC rests with An Garda Síochána Crime Legal Human Rights Section, who can be contacted at 01-6660331.