



Strategic Human Rights Advisory Committee Annual Report 2023

An Garda Síochána — Keeping People Safe



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Commissioner's Foreword

I am pleased to introduce the Strategic Human Rights Advisory Committee (SHRAC) Annual Report 2023. This report demonstrates our continued commitment to upholding human rights within our organisation and beyond. We recognise that upholding human rights is not just a matter of compliance, but one of our organisations fundamental responsibilities. Over the course of 2023, An Garda Síochána continued to progress the actions of the Human Rights Strategy 2022-2024, embedding human rights across our organisation through training, operations and through refining our policies and procedures, thereby ensuring that human rights is at the centre of all our decision making. I would like to thank all Garda personnel for their ongoing support and engagement in this critical endeavour.



Over the course of 2023, the SHRAC has discussed many issues and has played a pivotal role in our consistent endeavour towards a human rights-based approach to policing. This committee ensures that community perspectives are heard and considered, enabling unbiased and diverse evaluations. The expertise of the SHRAC is a guiding force, enabling best practice that aligns with cutting edge standards.

The dedication and advocacy of the SHRAC has pushed us, as an organisation, to further examine the impact of our decisions and actions, on individuals and communities across Ireland. The publication of this annual report reflects the scope of this work. I would like to take this opportunity to thank each member of the SHRAC for their dedication and for sharing their valuable expertise. I believe the guidance of the SHRAC has been integral to our continued development as a human rights-focused policing organisation.

As we reflect on the positive work of the SHRAC, let us acknowledge that our journey towards human rights excellence is not over. The impactful work of the SHRAC will continue in 2024, bringing awareness to the issues that face the most vulnerable members of society. There may be challenges ahead and lessons to be learned. However, with our collective resolve and commitment, I am confident that we will make a meaningful contribution to our shared goal of creating a more equitable and just society.

It gives me great pleasure to present the fourth annual report of the SHRAC, setting out the work of the committee in 2023.

J A Harris
Commissioner
An Garda Síochána



SHRAC Membership

The membership of the Strategic Human Rights Advisory Committee (SHRAC) is as follows:

- Commissioner, An Garda Síochána (Chairperson)
- Deputy Commissioner, Policing and Security, An Garda Síochána
- Deputy Commissioner, Strategy, Governance and Performance, An Garda Síochána
- Chief Administrative Officer, An Garda Síochána
- Executive Director, Legal, An Garda Síochána
- Executive Director, Human Resources and People Development, An Garda Síochána
- Director of Communications, An Garda Síochána
- Assistant Commissioner, Roads Policing and Community Engagement, An Garda Síochána
- Assistant Commissioner, Garda National Crime and Security Intelligence Service, An Garda Síochána
- Assistant Commissioner, Organised and Serious Crime, An Garda Síochána
- Assistant Commissioner, Governance and Accountability, An Garda Síochána
- Chief Superintendent, Crime Legal, An Garda Síochána
- Chief Superintendent, Garda College and Director of Training and CPD, An Garda Síochána
- Chief Superintendent, Louth Cavan Monaghan, An Garda Síochána
- Detective 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
- Superintendent, Corporate Services, An Garda Síochána
- An Garda Síochána External Human Rights Legal Advisor
- Department of Justice
- Bar Council of Ireland, represented by a nominee of the Bar Council Human Rights Committee
- The Law Society of Ireland
- Garda Síochána Ombudsman Commission
- Garda Inspectorate
- Office of the Director of Public Prosecutions
- Irish Human Rights and Equality Commission
- National Disability Authority
- Mental Health Commission
- Irish Centre for Human Rights, NUI Galway
- Dublin Rape Crisis Centre



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 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. In 2023, the SHRAC held meetings on the following dates:

- 24th March 2023
- 23rd June 2023
- 22nd September 2023
- 15th December 2023

Guest Speakers

The SHRAC had guest speakers who presented to the committee on a number of different subject matters in 2023. These were as follows:

- Lorraine Leeson, Professor in Deaf Studies at the Centre for Deaf Studies at Trinity College Dublin, presented on the topic of *'Irish Sign Language'*.
- Ralph Roche, Lawyer specialised in human rights, judicial administration and policing, and former Human Rights Legal Advisor to the Police Service of Northern Ireland, presented on *'Policing Protests'*.
- Superintendent Andrew Lacey and James Harrington from the HSE, presented on the *'Community Access Support Teams (CAST) pilot project'*.
- Superintendent David Butler presented on the *'Management and Use of the Anti-Spit Guard by An Garda Síochána'*.



Key Issues

In 2023, the key issues raised at the SHRAC meetings were as follows:

Human Rights Strategy 2022-2024 Update



The Human Rights Strategy 2022-2024 was published in May 2022, and outlines a number of action plans for how An Garda Síochána will achieve key human rights goals during the lifetime of the Strategy. The Strategy requires the whole organisation of An Garda Síochána to take ownership in delivering these goals, with the Human Rights Section being a key stakeholder in supporting the delivery.

In 2023, updates on the implementation of the Human Rights Strategy 2022-2024 were provided to the SHRAC, which gave committee members an opportunity to provide their feedback, guidance and expertise on this topic.

The Human Rights Strategy 2022-2024 will continue to be delivered through 2024, embedding human rights across the organisation and ensuring compliance with human rights standards.

The Role of the SHRAC and Terms of Reference

The Terms of Reference and the overall role of the SHRAC were an area of interest to the SHRAC in 2023. Regular discussions arose, prompting views around the role of the SHRAC across the ever-changing landscape of a human rights focused policing organisation.

The SHRAC acknowledged that the current Terms of Reference were too broad and there was a need to emphasise the advisory and consultative nature of the SHRAC. It was decided that the Terms of Reference would be re-examined. Both Garda personnel and external SHRAC members provided their views and recommendations on the updated Terms of Reference for approval in 2024.

To maximise participation and the contribution of the SHRAC at its quarterly meetings it was decided that external submissions would be invited and encouraged, which would serve to increase the value of the SHRAC to the Garda Commissioner.



Embedding Human Rights Across An Garda Síochána

In 2023, two more groups of Garda Personnel completed the 'Certificate in Policing and Human Rights Law in Ireland' course with the University of Limerick. By the end of 2023, over 3,000 Garda Personnel of all ranks and grades have had the opportunity to complete this course and become Human Rights Champions.

It is anticipated that another 1,000 personnel will have an opportunity to complete the course by the end of 2024, with Intake 7 beginning at the end of January 2024.

Graduation ceremonies for Intake 4, 5 and 6 will be held in 2024.

All Garda Personnel who complete the course have the opportunity to continue their development on understanding a human rights based approach to policing by engaging in additional learning via the Garda Educational Training System.



Irish Sign Language



An Garda Síochána is committed to ensuring equal access to justice for deaf people. Irish Sign Language (ISL) is the first language of approximately 5,000 Deaf people in Ireland and approximately 40,000 people communicate through ISL.

In 2023, the SHRAC received a presentation on the topic of ISL, which emphasised the complexity of the area of ISL in interacting with the criminal justice system in Ireland.

An Garda Síochána is committed to work and development in this area and are currently supporting the following initiatives:

- The *Justisigns 2 Project*, which is a Deaf Awareness e-learning training, is at a stage where it has been rolled out to the Garda audience.
- A victim's booklet and recordings are currently under development, which will be available to Garda members via mobility devices.

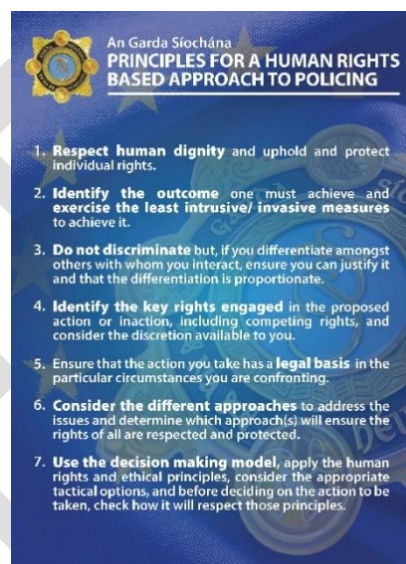


- Ongoing training of Human Rights Champions on the use of sign language and barriers for people in the deaf community.
- In August 2023, an internal Garda instruction regarding the translation of the Judges Rules Caution into ISL and a separate instruction which communicates the main provisions of the Irish Sign Language Act 2017, were issued to Garda Personnel.

Policing Protests

Over the course of 2023, An Garda Síochána were involved in the planning, preparation and policing of a number of demonstrations and protests across Ireland. These operations represented significant policing challenges and required professionalism, diligence and expertise by all members on the ground to uphold the human rights of the most vulnerable and identify areas of risk.

A presentation was made to the SHRAC on the ‘Policing Protests’. Key points surrounding the legality, necessity and proportionality of the use of force by An Garda Síochána were highlighted. It was noted that the Use of Force policy document, which was discussed during 2022 SHRAC meetings, has been approved in principle. A separate guidance document in relation to policing protests issued in May 2023.



An Garda Síochána was commended for maintaining a human rights based approach to policing of protests. The Committee acknowledged how An Garda Síochána has to strike a careful balance when policing protests with due consideration for the rights of all.

The SHRAC discussed how An Garda Síochána can continue to uphold community confidence and remain accountable, with a particular focus on how debriefing occurs and how An Garda Síochána can ensure lessons are learned and shared to continue to strengthen human rights protection when policing protests.

Community Access Support Teams (CAST) Project

The SHRAC received a presentation on the Community Access Support Teams (CAST) pilot project, which aims for Gardaí to work with mental health professionals across the HSE to provide a rapid and integrated 24/7 response to persons experiencing a mental health crisis.

Much of the daily work of Gardaí is concerned with non-crime related activity such as preventing harm coming to people with addiction or mental health conditions and resolving issues for those who are homeless, the elderly, children and others at risk.



It was explained that at the core of CAST is a desire to explore, identify and operationalise alternatives to detaining vulnerable persons and to enhance assessments and non-conditional referrals that are more aligned to the community healthcare model. This would allow for interventions to be made at the points of arrest, detention, charge, prosecution, trial and sentencing, which would permit alternatives to criminalisation and incarceration to be considered in the appropriate circumstances.

The following three-tier model is proposed within the CAST Project:

- (i) A call-handling service
- (ii) A co-response team
- (iii) A community response hub, which is a collaboration between the key agencies in the region.

The Limerick based CAST pilot is currently under development and aims to not only help individuals in crisis, but all agencies involved.

Work with the Mental Health Commission



**World Health
Organization**

All individuals have the right to liberty, independence and inclusion in the community, independent of any mental health conditions they may have. The Mental Health Commission as a member of SHRAC, highlighted how people with mental illness are more likely to be involuntarily

detained by An Garda Síochána than by the HSE under Section 12 of the Mental Health Act.

The Mental Health Commission offered training to An Garda Síochána, facilitated by the World Health Organisation. *'Mental Health, Recovery and Community Inclusion'* is an online training programme aimed at professionals who have cause to interact with people with psychosocial, intellectual and cognitive disabilities and aims to improve the quality of care in mental health and related services and to promote the rights of these individuals. The Human Rights Section reviewed this training and the outcome was provided to the SHRAC.

The topics of this course include taking care of one's own mental health; supporting friends, family and colleagues with their mental health; tackling stigma, discrimination, abuse and coercion in mental health services; and taking action in support of transformation of mental health services towards a person-centred, rights-based recovery approach.

The Human Rights Section are engaging with the Mental Health Commission with the view of adjusting the training specific to the legislative requirements in Ireland and the needs of An Garda Síochána.



Management and Use of Anti-Spit Guards

A presentation was made to the SHRAC on the use of Anti Spit Guards (ASGs) under the Use of Force Policy.

The statutory obligation to ensure the safety, health and welfare of staff in the place of work as provided by Section 8 of the Safety, Health and Welfare at Work Act 2005 was presented. An explanation was provided on how the decision to use ASGs by Gardaí is based on an assessment of the situation and the level of risk involved. ASGs can be used by members of An Garda Síochána in accordance with policy guidelines and ethical principles to ensure the safety and well-being of both members and individuals being apprehended or detained.

The legal basis for the use of ASGs and necessity to adhere to Human Rights principles were discussed, which included the necessity to ensure standards are consistent, use in appropriate circumstances and the planning and control of operations is maintained to minimise recourse to the Use of Force.

Conclusion

The SHRAC will continue to meet quarterly in 2024 and continue to report on its outcomes. The secretariat function of the SHRAC rests with An Garda Síochána Human Rights Section, who can be contacted by phone at 01 666 0331 and/or by email at crimelegal.humanrights@garda.ie.

