

Response of Ireland to request for information pertaining to implementation of UNGA resolution A/RES/68/166, “International Convention for the Protection of All Persons from Enforced Disappearances”

a) Steps taken to consider signing and ratifying or acceding to the Convention as a matter of priority (paragraph 2 of the resolution);

1. Ireland signed the International Convention on the Protection of All Persons against Enforced Disappearance in 2007. It is likely legislation will be required to fully ratify the convention. Ireland is committed to ratification of the Convention as soon as competing legislative priorities permit.
2. A number of legal and constitutional measures are already in place, which protect persons against unlawful detention.
3. Article 40.4.1 of the Constitution provides that no citizen shall be deprived of their liberty save in accordance with law.
4. Section 15 of the Non Fatal Offences Against the Person Act 1997 provides for an offence of false imprisonment which addresses circumstances where a person is taken or detained, or whose personal liberty is restricted by another person without the consent of the person involved. A person guilty of false imprisonment is liable, on conviction on indictment, to imprisonment for up to life.
5. Consent is deemed to be absent where the person responsible obtains the other's consent by force or threat of force, or by deception causing the other to believe that he or she is under legal compulsion to consent.
6. The Act also provides for a child abduction offence.

b) Steps taken to consider the option provided for in articles 31 and 32 of the Convention (paragraph 2 of the resolution);

7. N/A as Ireland has not yet ratified the convention

c) Assistance requested and received by the Secretary-General and the United Nations High Commissioner for Human Rights to become State Party to the Convention (paragraph 5 of the resolution);

8. N/A (see para 1 at (a) above)

d) Assistance received by the United Nations agencies and organizations, intergovernmental organizations, non-governmental organizations and the Working Group on Enforced Disappearances in the understanding and implementation of the obligations under the Convention (paragraph 6 of the resolution).

9. N/A

25 April 2014