

**IN THE UNITED NATIONS COMMITTEE AGAINST TORTURE  
IN THE MATTER OF A COMPLAINT PURSUANT TO ARTICLE 22 OF  
THE UNITED NATIONS CONVENTION AGAINST TORTURE**

**BETWEEN:**

**ELIZABETH COPPIN**

**Complainant**

**- and -**

**IRELAND**

**Respondent State Party**

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**REPLY OF THE COMPLAINANT  
TO OBSERVATIONS MADE BY IRELAND ON 8 JUNE 2021**

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**I. Introduction**

1. In Ireland's lengthy further observations of 8 June 2021 it makes a wide range of further submissions. Much of those submissions are either repetitious, tendentious, or relate to matters on which the Committee cannot be expected to adjudicate. In this short Reply, Mrs Coppin does not repeat arguments already made but addresses the key outstanding issues shortly, so that the Committee may have the relevant points before it. Mrs Coppin, aged 72, is in failing health and respectfully requests the Committee to bring as swift an end as possible to these proceedings.
2. In summary, Mrs Coppin reiterates that none of the arguments put forward by Ireland are capable of negating the complaint that she has put before the Committee, which is that Ireland has breached its obligations under Articles 12, 13, 14 and 16 of the Convention.

**II. Short reply on key issues arising from Ireland's Observations**

**A. Introductory submission**

3. Ireland suggests in §3 of the Executive Summary and §4 of the Observations that the Committee may revoke its decision on admissibility. Yet no grounds for such revocation have been given (or exist). A dissatisfied State Party cannot, without more, suggest that the Committee's decision may be called into question. The question now before the Committee is that of the substantive complaints made.

B. The applicability of the Convention

4. Ireland makes three key interrelated points on the applicability of the Convention, by which it seeks to contend that Mrs Coppin has failed to demonstrate that the abuse she was subjected to amounted to mistreatment prohibited by the Convention. Each are flawed.
5. **First**, Ireland contends that there is insufficient contemporaneous medical evidence to uphold her complaint (see Observations §§12, 18-19). There is no such requirement in the Convention or its jurisprudence (and none is cited): it would be prohibitive and overburdensome.
6. Moreover, in this case, the State Party has not disputed that Mrs Coppin was interned as a child in the Magdalene Laundries. The State Party has also not disputed the medical evidence which demonstrates that she has suffered severe medical issues as a result of that internment. Mrs Coppin does not allege further physical injuries which would require evidencing. In the circumstances, no further medical evidence is necessary.
7. **Second**, Ireland reiterates its qualitative submission that while the living conditions in the Magdalene Laundries were “*harsh and physically demanding*”, they were insufficiently poor to fall under the Convention (see e.g. §§11-20). In particular, the State Party focuses on *VK v Russia*. Mrs Coppin does not contend that her position is directly covered by a previous decision of this Committee: clearly there are distinguishing factors in many of the different cases. But, as Mrs Coppin has set out very clearly in her previous submissions, where a State party had significant involvement in interning a vulnerable child in a prison-like regime for being “bold”, subjecting that child to denigration, forcing that child to work, requiring that child to change her name, requiring that child to be subjected to exceptionally harsh conditions, applying that regime only to women and girls, and giving that child no knowledge of when (if ever) she would be released, plainly meets that standard.
8. **Third**, the State Party goes to great lengths to set out its own interpretation of the Children Act 1908, by which it appears to be suggested that the State was permitted to detain children (see §§22-30). Mrs Coppin rejects that interpretation. No authority supports this proposition.
9. However, in any event, it is clear that the Committee cannot adjudicate on this question, which is one of national law. In Mrs Coppin’s submission, whichever interpretation is correct, it is plain that she has suffered (at least) ill treatment under the Convention:
  - a. In Mrs Coppin’s submission, on her interpretation of the law, the State did not have the power to imprison her as it did.

- b. However, even if Ireland's interpretation were correct, the Children Act 1908 permitted Mrs Coppin to be punished for her escape from the industrial school and Magdalene Laundries in which she was detained. This demonstrates its own complicity in the abuse she suffered.
10. In the premises, none of the submissions raised alter the plain position that Mrs Coppin was subjected to torture, or at the least cruel, inhuman or degrading treatment or punishment. In any event, such a submission does not and cannot absolve the State Party of its obligations under Articles 12 and 13, which require only that there be a reasonable grounds to believe that there has been such treatment (it being entirely circuitous to require a complainant to prove that there had been torture when the allegation is that the State has not investigated whether or not that is the case).
- C. Articles 12 and 13
11. As to Mrs Coppin's complaint under Articles 12 and 13, **first**, Ireland impugns Mrs Coppin's honesty by suggesting that she knowingly withheld from the Committee knowledge of what steps were (and, importantly, were not) taken by An Garda Síochána. Mrs Coppin stands by her submission that she was never informed of any specific investigative steps (Reply of the Complainant §§ 3.16-3.18; 3.36). Ireland accepts that it never released the Garda files to Mrs Coppin before these proceedings.
12. **Second**, Ireland continues to emphasise what it claims was its investigation of the facts disclosed by Mrs Coppin to An Garda Síochána in 2012 in the course of the IDC's work (see §§32-49). Ireland does not dispute that the Gardaí in 2012 made no attempt to retrieve or consider Mrs Coppin's previous file or to progress an investigation of her case. Ireland further ignores entirely its abject failure to detect or investigate the abuse when, or even close to when, it occurred; yet it was those failures by the State Party that meant that any criminal investigation decades in the future would be doomed to fail (as, under the State Party's position, if the relevant individuals were deceased no further investigation could take place).
13. Ireland's desultory efforts (Reply of the Complainant §§3.15-3.38) cannot be said to be an effective or adequate investigation for the purposes of Article 12 of the Convention: if that were correct, all a State Party would have to do is wait for the elapse of time and then say there was no ability for further steps to be taken.
14. Mrs Coppin maintains (as she did in her original submission) that Ireland has failed to institute a prompt, impartial and thorough investigation into her complaints. Ultimately the proof is in the fact that the State Party does not know, because it never investigated, the treatment to which Mrs Coppin was subject. The IDC was expressly prohibited from looking at this issue, as the State Party has emphasised. It did not consider the treatment to which the women were subject and whether that treatment amounted to torture. That position is no different in Mrs Coppin's own case: An Garda Síochána, whether in 2012 or when originally presented with a complaint, has not investigated whether or not Mrs Coppin's treatment amounted to torture or ill-treatment, because it

considered the relevant suspects to have been deceased. The prosecutorial decision not to pursue matters further cannot transform that failure into an adequate investigation.

15. **Third**, Ireland mischaracterises Mrs Coppin’s arguments concerning redress and access to justice. As Mrs Coppin has previously submitted, due to the rules of the State Party, Mrs Coppin was unable to pursue her claim in the High Court. This is not an attempt to impugn the decision of the High Court (as is suggested by Ireland at §§52-53). It is a true statement of the position in the State Party: it is not possible, due to the rules regarding delay, for the matter to be heard in the State Party.
16. Moreover, as previously submitted, the State Party has employed yet further means to ensure that the matter is not further pursued, tying *ex gratia* payments to the prohibition on further actions (thus, in essence, “*paying off*” victims rather than granting them full redress or an opportunity for the truth).

D. Article 14

17. As to Mrs Coppin’s arguments under Article 14, Ireland maintains that it has established sufficient mechanisms for investigation and redress (§§57-78).
18. In particular, Ireland relies on *LF v. Ireland* (ECtHR, App No 62007.17) in defence of its *ex gratia* schemes. However, in that case, there had been two independent investigations and the domestic courts had held that the symphysiotomy procedure of which LF complained was justified by relevant medical practice standards at the time. Here, there has been no effective investigation, and there can be no argument that Mrs Coppin’s treatment was ever justified by relevant standards at the time. Moreover, while Ireland seeks to “*recall*” that the Magdalen Laundries were not institutions in the ownership or under the control of the State Party (§§60, 62), it fails to note that the only investigation conducted into the laundries (which was tasked with this question and this question alone) considered that there was “*significant State involvement*”.
19. Ireland contends that it is necessary to consider the totality of the forms of the redress awarded to Mrs Coppin (see §§63ff). Mrs Coppin has at all times accepted that there has been some redress in respect of her complaints, including *ex gratia* payments and the provision of apologies, which are welcome. But fundamentally, the State continues, in public forums, before the Committee, and even in these Observations: (i) to deny that any forms of torture or ill-treatment took place; (ii) at the same time, to deny that it is obliged to investigate whether such forms of torture or ill-treatment took place; (iii) to deny individuals the right to bring civil claims to investigate whether such forms of torture or ill-treatment took place (either through the *ex gratia* scheme or through the operation of limitation and delay rules); (iv) to deny that insofar as there was any such torture or ill-treatment, it was the responsibility of the State. Payments, without responsibility, without truth, and without justice, are insufficient to meet the holistic “*comprehensive reparative concept*” in General Comment No 3.
20. Indeed, it is that denial which forms the subject of Mrs Coppin’s Article 16 complaint.

E. Remedies

21. In §§86-106, Ireland essentially contends that not one of the remedies sought by Mrs Coppin are feasible. That claim should be met with considerable scepticism. Mrs Coppin repeats her earlier submissions on remedies, which are necessary to ensure redress in the present case.

**III. Conclusions**

22. Ireland's submissions conclude that there has been no violation of Mrs Coppin's rights.

23. Mrs Coppin reiterates the words of this Committee:

*“While taking note of the repeated arguments put forward by the State party, the Committee regrets the decision not to set up a thorough, independent and impartial investigation regarding the Magdalene Laundries in spite of the alleged incidents of physical punishment and ill-treatment both in light of facts covered by the McAleese Report, and particularly in view of the non-judicial nature of the Inter-Departmental Committee. In this regard, the Committee reiterates the importance of investigating in a thorough and impartial manner all allegations of ill-treatment in these institutions and conducting criminal proceedings when necessary. The Committee also regrets that even the right of the victims to bring civil actions appears to be limited by the requirement to sign an undertaking not to take an action against the State and its agencies...”* [Rapporteur for Follow-up To Concluding Observations of the Committee against Torture, CAT/Follow-up, 21 May 2019]

24. A cursory police investigation, cut short upon the position that certain individuals were deceased, places Mrs Coppin in no better place than the other victims of the Magdalene Laundries. She has sought truth and justice for many decades, but has been frustrated by the mechanisms of the Irish State.

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**10<sup>th</sup> October 2021**