

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**  
**COMITE EUROPEEN DES DROITS SOCIAUX**



30 October 2003

**COMPLAINT No. 18/2003**  
**World Organisation against Torture (OMCT)**  
**v. Ireland**

**Observations from the Irish Government  
on admissibility**

**registered on 30 October 2003**





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Our Reference: 532/205

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30 October 2003

Mr. Regis BRILLAT  
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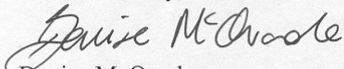


**Re: European Social Charter, complaint no. 18/2003, World Organization against Torture (OMCT) v. Ireland**

Dear Mr. Brillat,

I refer to your letters of 29 August and 3 October 2003 and am please to enclose Ireland's observations on the admissibility of complaint no. 18/2003, World Organization against Torture (OMCT) v. Ireland.

Yours sincerely,

  
Denise McQuade  
Agent of the Government of Ireland

**COUNCIL OF EUROPE**

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**

**Collective Complaint No. 18/2003**

**WORLD ORGANIZATION AGAINST TORTURE (OMCT) v. IRELAND**

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**OBSERVATIONS OF IRELAND ON THE ADMISSIBILITY  
OF THE COMPLAINT**

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**30 OCTOBER 2003**

## **INTRODUCTION**

1. By letter dated 25 July 2003, the Executive Secretary of the European Social Charter informed the Government of Collective Complaint No. 18/2003, World Organization against Torture (OMCT) v. Ireland. By letter dated 29 August 2003, the Government was invited to present its observations on the admissibility of the complaint to the European Committee of Social Rights. In response to the Committee's invitation the Government are pleased to present these observations.

## **ADMISSIBILITY OF THE COMPLAINT**

2. The Government submit that this complaint is manifestly ill-founded and, as such, is inadmissible. At page 4 of the complaint the OMCT state that the Children Act 2001, when brought fully into force, will repeal the Children Act 1908, including section 37 thereof. In fact, section 37 has already been repealed, with effect from 1 May 2002. The OMCT correctly quotes the National Children's Strategy, at page 5 of the complaint, that "As part of a policy of ending physical punishment, parenting courses will focus on alternative approaches to managing difficult behaviour in children." Furthermore, the current rules applicable in relation to schools, pre-school establishments, childminders, foster-care and residential care institutions are correctly stated at page 6 of the complaint.
3. In these circumstances, the Government submit that it has taken "all appropriate and necessary measures designed to protect children and young persons against negligence, violence and exploitation" and, as such, is complying with its obligations under article 17 of the Revised Social Charter. The Government consider that it would be neither necessary nor appropriate to prohibit, by legislation, all corporal punishment of children, in circumstances where in addition to the legislation, regulations and standards cited by the OMCT at pages 4 to 6 of the complaint, violence against children is also prohibited under the general criminal law.
4. Furthermore, the Government submit that this complaint falls outside the scope of the Charter, as the OMCT seeks to require the Government to take measures which are neither necessary nor appropriate in order to ensure that the State fulfils its obligations under Article 17 of the Revised Social Charter.
5. Should the European Committee of Social Rights find, contrary to the submissions of the Government, that this complaint or any aspect thereof, is in fact admissible, the Government submit that Ireland is complying with its obligations under Article 17 of the Revised Social Charter, and would wish to submit further observations in due course, on the merits of the complaint.

Denise McQuade

Agent of the Government of Ireland