

## IRELAND

### Follow-up - Jurisprudence Action by Treaty Bodies

CCPR A/56/40, vol. I (2001)

#### Chapter IV. Follow-up Activities under the Optional Protocol

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180. The Committee's previous annual report (A/55/40, vol. I, chap. VI) contained a detailed country-by-country survey on follow-up replies received or requested and outstanding as of 30 June 2000. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not take into account the Committee's Views adopted during the seventy-second session, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

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Ireland: Views in one case finding violations: 819/1998 - Kavanagh (annex X, sect. J); follow-up reply, dated 1 August 2001, proposing a payment of £1,000 to Mr. Kavanagh.

**CCPR A/57/40, vol. I (2002)**

Chapter VI. Follow-up activities under the optional protocol

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228. The previous annual report of the Committee (A/56/40, vol. I, chap. VI) contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2001. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-fourth and seventy-fifth sessions, for which follow-up replies are not yet due. In many cases there has been no change since the previous report.

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Ireland: Views in one case with findings of violations:

819/1998 - Kavanagh (A/56/40); for follow-up reply, see below.

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229. For further information on the status of all the Views in which follow-up information remains outstanding or in respect of which follow-up consultations have been or will be scheduled, reference is made to the follow-up progress report prepared for the seventy-fourth session of the Committee (CCPR/C/74/R.7/Rev.1, dated 28 March 2002), discussed in public session at the Committee's 2009th meeting on 4 April 2002 (CCPR/C/SR.2009). Reference is also made to the Committee's previous reports, in particular A/56/40, paragraphs 182 to 200.

Overview of follow-up replies received during the reporting period, Special Rapporteur's follow-up consultations and other developments

230. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results. The follow-up replies received during the period under review and other developments are summarized below.

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241. Ireland: With regard to case No. 819/1998, Kavanagh (A/56/40), the State party informed the Committee by submissions of 1 and 13 August 2001 that it had offered the author £1,000 for the individual violation suffered. With respect to the systemic issue, the State party provided an interim Committee report on possible modifications to Special Criminal Court system. By letters of 22 August 2001 and 5 October 2001, counsel rejected the State party's offer of £1,000 compensation

as an inadequate and ineffective remedy. By letter of 21 February 2002, the author informed the Committee that the Government had taken no action to change the law or the procedure in relation to the power of the Director of Public Prosecutions to refer cases to the Special Criminal Court. The author stated that the Committee established to review the Offences Against the State Acts had not yet completed its full report although it was said to be near to doing so. When the report would be completed, it would be submitted to the Government but there was no commitment as to when the Government would decide whether or not to act on its recommendations. The author concluded that no Government action to change the law or practice to avoid further breaches of the Covenant was any closer to being realized. By letter of 6 March 2002, the author provided the rejection by the Supreme Court of an appeal from the rejection of the High Court of the author's motion for judicial review on the basis of the Committee's Views, noting therewith the Court's rejection of the applicability within Ireland of the Covenant or the Committee's Views. By letter of 21 May 2002, the author advised the Committee that there had been no response from the State party subsequent to the rejection of its offer in August last year, and that the Director of Public Prosecutions continues to send people for trial before the Special Criminal Court without providing reasons.

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CHAPTER VI. Follow-up activities under the Optional Protocol

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223. The previous annual report of the Committee<sup>1</sup> contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2002. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the seventy-seventh and seventy-eighth sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.\*

...

Ireland: Views in one case with findings of violations:

819/1998 - *Kavanagh* (A/56/40); for follow-up reply, see A/57/40, paragraph 241 and paragraph 240 below.

...

Overview of follow-up replies received during the reporting period, Special Rapporteur's follow-up consultations and other developments

224. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties that have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results. The follow-up replies received during the period under review and other developments are summarized below.

...

240. **Ireland:** case No. 819/1998 - *Kavanagh* (A/56/40; see also annex VI): by letter of 25 February 2003, counsel noted that the State party, in its follow-up submission of 1 August 2001, enclosed only an interim report by the Government's Committee on the Review of the Offences against the State Act. This interim report dealt with the Views of the Committee in the case and made suggestions for amending the legislation to avoid future breaches of the Covenant. Counsel considered that the Government did not address nor take into account the opinion of several members of the Committee urging review of the Offences against the State Act, including the opinion of the then Chairperson, who felt that none of the measures suggested would remedy the problem. The full report was published in May 2002. The section dealing with the issues raised by the Committee in the case remained unchanged. Since then, the State party had given no indication of the steps it envisaged taking to avoid further violations of the Covenant. Legislation had recently

been introduced which would amend the Offences against the State Act, but the draft contained nothing on this issue. The author added that the State party had taken no action to publicize the Committee's Views.

### Notes

1. [*Official Records of the General Assembly*], *Fifty-seventh Session, Supplement No. 40(A/57/40)*, vol. I, chap. VI.

\* The document symbol A/[Session No.] /40 refers to the *Official Record of the General Assembly* in which the case appears; annex VI refers to the present report, vol. II.

## CCPR CCPR/C/80/FU/1 (2004)

### **Follow-Up Progress Report submitted by The Special Rapporteur for Follow-Up on Views**

#### Follow-up progress report

1. The current report updates the previous Follow-up Progress Report, (CCPR/C/71/R.13) [*Ed. Note: CCPR/C/71/R.13 is not publicly available*] which focused on cases in which, by the end of February 2001, no or only incomplete follow-up information had been received from States parties, or where follow-up information challenged the findings and recommendations of the Committee. In an effort to reduce the size of the follow-up report, this current report only reflects cases in which information was received from either the author or the State party from 1 March 2001 to 2 April 2004. It is the intention of the Special Rapporteur to update this report on an annual basis.

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#### IRELAND:

Kavanagh v. Ireland, Case no. 819/1998, Views adopted on 4 April 2001

Violations found: Articles 26

Issues of case: Fair trial, Procedure before a Special Criminal Court

Remedy recommended: State party should ensure that persons are not tried before the Special Criminal Court unless reasonable and objective criteria for the decision are provided.

Deadline for State party follow-up information: 2 August 2001

Follow-up information received from State party: On 1 and 13 August 2001, the State party offered £1,000 for the individual violation and, with respect to the systemic issue, enclosed an interim Committee report on possible modifications to the Special Criminal Court system.

Follow-up information received from author: On 22 August 2001, counsel rejected the State party's offer of £1,000 compensation. On 22 August and 5 October 2001, counsel supplied detailed submissions on the (in)adequacy of the proposed £1,000 compensation payment. On 21 February 2002, counsel stated by email that the Government had taken no action to change the law or the procedure in relation to the DPP's power to refer cases to the Special Criminal Court. The Government had sent the Human Rights Committee an interim report of a Committee set up here to review the Offences Against the State Acts but no action had so far been taken on that interim report. The (National) Committee to Review the Offences Against the State Acts had not yet completed its report although was said to be near to doing so. When the report would be completed, it would be submitted to the Government but there was no commitment as to when the Government would decide whether or not to act on its recommendations. Counsel concluded that one was no nearer a decision on Mr. Kavanagh's domestic proceedings or on any Government action to change

the law or practice to avoid further breaches of the Covenant. On 25 February 2002, counsel advised that the Supreme Court would hand down judgment on 1 March 2002 on a lower court's refusal to grant leave to seek judicial review of a failure to release Mr. Kavanagh after adoption of the Committee's Views. On 6 March 2002, counsel elaborated on the Supreme Court decision (supplying also the original notices of motion and appeal), noting the rejection of the applicability within Ireland of the Covenant or the Committee's Views. On 21 May 2002, counsel advised that there had been no response from the State party subsequent to the rejection of its offer in August of 2001, and that the DPP continues to send people for trial before the Special Criminal Court, without providing reasons. By letter of 25 February 2003, counsel noted, inter alia, that legislation had recently been introduced which would amend the Offences Against the State Act, but the draft contained nothing on this issue. He adds that the State party has not taken any action to give publicity to the Committee's Views. On 25 June and 7 October 2003, counsel reminded the Committee that the author was released from prison in July last after serving his full sentence. In the circumstances, the author requested the Special Rapporteur on Follow-Up to raise this case with a representative of the State party during the 79th session of the Human Rights Committee. On 11 February 2004, author's counsel informed the Secretariat that in January questions were asked about this case in Dail Eireann (the lower House of the Irish Parliament) and written replies to the questions were provided by the Minister of Justice, Equality and Law Reform and the Minister for Foreign Affairs.

Consultations with State party: On 4 November 2003, the Special Rapporteur met with the Permanent Representative of Ireland to Geneva, who reiterated the contents of the information provided by the State party on the implementation of Views; namely, the offer of compensation to the author, the reference to the Committee's findings in the report of the Committee reviewing the Offences Against the State Act, and the intention of this Committee duly to consider the Views in proposing amendments to the Offences Against the States Act.

Special Rapporteur's recommendations: While noting the author's dissatisfaction with the remedy offered by the State party, the Committee does not intend to consider the matter any further under the follow-up procedure.

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CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

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230. The previous annual report of the Committee<sup>1</sup> contained a detailed country-by-country survey of follow-up replies received or requested and outstanding as of 30 June 2003. The list that follows updates that survey, indicating those cases in which replies are outstanding, but does not include responses concerning the Committee's Views adopted during the eightieth and eighty-first sessions, for which follow-up replies are not yet due in the majority of cases. In many cases there has been no change since the previous report.\*

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Ireland: Views in one case with findings of violations:

819/1998 - *Kavanagh* (A/56/40); for follow-up reply, see A/57/40, paragraph 241, A/58/40, paragraph 240, and paragraph 241 below. The Special Rapporteur had consultations with a representative of the Permanent Mission of Ireland to the United Nations Office at Geneva during the seventy-ninth session. In the follow-up report (CCPR/C/80/FU1), adopted by the Committee during its eightieth session, the Special Rapporteur, while noting the author's dissatisfaction with the remedy offered by the State party, recommended that this case should no longer be considered under the follow-up procedure.

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OVERVIEW OF FOLLOW-UP REPLIES RECEIVED DURING THE REPORTING PERIOD, SPECIAL RAPPORTEUR'S FOLLOW-UP CONSULTATIONS AND OTHER DEVELOPMENTS

231. The Committee welcomes the follow-up replies that have been received during the reporting period and expresses its appreciation for all the measures taken or envisaged to provide victims of violations of the Covenant with an effective remedy. It encourages all States parties which have addressed preliminary follow-up replies to the Special Rapporteur to conclude their investigations in as expeditious a manner as possible and to inform the Special Rapporteur of their results. The follow-up replies received during the period under review and other developments are summarized below.

...

244. Ireland: as to case No. 819/1998, *Kavanagh* (A/56/40 and A/58/40): on 11 February 2004, author's counsel informed the Secretariat that in January questions were asked about this case in the Dail Eireann (the lower House of the Irish Parliament) and written replies to the questions were



provided by the Minister of Justice, Equality and Law Reform and the Minister for Foreign Affairs.

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Notes

1/ Ibid., *Fifty-eighth Session, Supplement No. 40* (A/58/40), vol. I, chap. VI.

\* The document symbol A/[session No.]/40 refers to the *Official Records of the General Assembly* in which the case appears; annex IX refers to the present report, volume II.

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**CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL**

224. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for the follow-up on Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

225. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights. A total of 391 Views out of the 503 Views adopted since 1979 concluded that there had been a violation of the Covenant.

228. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party has in fact given effect to the Committee's recommendations, even though the State party did not itself provide that information.

229. The present annual report adopts a different format for the presentation of follow-up information compared to previous annual reports. The table below displays a complete picture of follow-up replies from States parties received as of 28 July 2005, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of complying with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

230. Follow-up information provided by States parties and by petitioners or their representatives since the last annual report is set out in a new annex VII, contained in Volume II of the present annual report. This, more detailed, follow-up information also indicates action still outstanding in those cases that remain under review.

## FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT

State party and number of cases with violation	Communication number, author and location <sup>a</sup>	Follow-up response received from State party and location	Satisfactory response	Unsatisfactory response	No follow-up response	Follow-up dialogue ongoing
...						
Ireland (1)	819/1998, <i>Kavanagh</i> A/56/40	X A/57/40, A/58/40	X A/59/40, A/60/40			

<sup>a</sup> The location refers to the document symbol of the *Official Records of the General Assembly, Supplement No. 40*, which is the annual report of the Committee to the respective sessions of the Assembly.

**CCPR, A/60/40 vol. II (2005)**

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Annex VII

**FOLLOW-UP OF THE HUMAN RIGHTS COMMITTEE ON INDIVIDUAL COMMUNICATIONS UNDER THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

This report sets out all information provided by States parties and authors or their counsel since the last Annual Report (A/59/40).

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<b>State party</b>	<b>IRELAND</b>
<b>Case</b>	Kavanagh, 819/1998
<b>Views adopted on</b>	4 April 2001
<b>Issues and violations found</b>	Trial before Special Criminal Court; non-reviewable decision by DPP - article 26.
<b>Remedy recommended</b>	In accordance with article 2, paragraph 3 (a), of the Covenant, the State party is under an obligation to provide the author with an effective remedy. The State party is also under an obligation to ensure that similar violations do not occur in the future: it should ensure that persons are not tried before the Special Criminal Court unless reasonable and objective criteria for the decision are provided.
<b>Due date for State party response</b>	2 August 2001
<b>Date of reply</b>	1 and 13 August 2001
<b>State party response</b>	See A/57/40, A/58/40, A/59/40 and A/60/40
<b>Author's response</b>	In a letter dated 15 March 2005, author's counsel requested that the follow-up procedure be reopened in this case. He reiterated his arguments previously provided, inter alia, that the only remedy offered was the sum of IR £1,000 (1,269.74 Euro) without any explanation, which the author had rejected as inadequate and returned to the Government immediately, and that in the interim the Government has taken no steps to ensure that no one is tried before the Special

Criminal Court unless “reasonable and objective criteria” are provided for the decision to send them to that Court. He requested that the Special Rapporteur initiate a further meeting with the State party.

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## CHAPTER VI FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

227. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

228. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

229. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

230. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

231. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

232. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2006, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

233. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/60/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
Ireland (1)	819/1998, <i>Kavanagh</i> A/56/40	X A/57/40, A/58/40	X A/59/40, A/60/40			
...						



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## CHAPTER VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

213. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

214. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information has been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 452 Views out of the 570 Views adopted since 1979 concluded that there had been a violation of the Covenant.

215. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or only relate to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

216. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's Views.

217. In many cases, the Committee secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

218. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2007, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The Notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

219. Follow-up information provided by States parties and by petitioners or their representatives subsequent to the last annual report (A/61/40, vol. I, chap. VI) is set out in annex VII to volume II of the present annual report.

**FOLLOW-UP RECEIVED TO DATE FOR ALL CASES OF VIOLATIONS OF THE COVENANT**

<b>State party and number of cases with violation</b>	<b>Communication number, author and location</b>	<b>Follow-up response received from State party and location</b>	<b>Satisfactory response</b>	<b>Unsatisfactory response</b>	<b>No follow-up response received</b>	<b>Follow-up dialogue ongoing</b>
...						
Ireland (1)	819/1998, <i>Kavanagh</i> A/56/40	X A/57/40, A/58/40	X A/59/40, A/60/40			
...						

## VI. FOLLOW-UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

187. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up to Views to this effect. Mr. Ando has been the Special Rapporteur since March 2001 (seventy-first session).

188. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 429 Views out of the 547 Views adopted since 1979 concluded that there had been a violation of the Covenant.

189. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

190. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much-belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

191. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

192. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to 7 July 2008, in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up to Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

193. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/62/40) is set out in annex VII to volume II of the present annual report.

State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Ireland (1)	819/1998, <i>Kavanagh</i> A/56/40	X A/57/40, A/58/40	X A/59/40, A/60/40			
...						

## VI. FOLLOW UP ACTIVITIES UNDER THE OPTIONAL PROTOCOL

230. In July 1990, the Committee established a procedure for the monitoring of follow-up to its Views under article 5, paragraph 4, of the Optional Protocol, and created the mandate of the Special Rapporteur for follow-up on Views to this effect. Ms. Ruth Wedgwood has been the Special Rapporteur since July 2009 (ninety-sixth session).

231. In 1991, the Special Rapporteur began to request follow-up information from States parties. Such information had been systematically requested in respect of all Views with a finding of a violation of Covenant rights; 543 Views out of the 681 Views adopted since 1979 concluded that there had been a violation of the Covenant.

232. All attempts to categorize follow-up replies by States parties are inherently imprecise and subjective: it accordingly is not possible to provide a neat statistical breakdown of follow-up replies. Many follow-up replies received may be considered satisfactory, in that they display the willingness of the State party to implement the Committee's recommendations or to offer the complainant an appropriate remedy. Other replies cannot be considered satisfactory because they either do not address the Committee's Views at all or relate only to certain aspects of them. Some replies simply note that the victim has filed a claim for compensation outside statutory deadlines and that no compensation can therefore be paid. Still other replies indicate that there is no legal obligation on the State party to provide a remedy, but that a remedy will be afforded to the complainant on an *ex gratia* basis.

233. The remaining follow-up replies challenge the Committee's Views and findings on factual or legal grounds, constitute much belated submissions on the merits of the complaint, promise an investigation of the matter considered by the Committee or indicate that the State party will not, for one reason or another, give effect to the Committee's recommendations.

234. In many cases, the Secretariat has also received information from complainants to the effect that the Committee's Views have not been implemented. Conversely, in rare instances, the petitioner has informed the Committee that the State party had in fact given effect to the Committee's recommendations, even though the State party had not itself provided that information.

235. The present annual report adopts the same format for the presentation of follow-up information as the last annual report. The table below displays a complete picture of follow-up replies from States parties received up to the ninety-sixth session (13-31 July 2009), in relation to Views in which the Committee found violations of the Covenant. Wherever possible, it indicates whether follow-up replies are or have been considered as satisfactory or unsatisfactory, in terms of their compliance with the Committee's Views, or whether the dialogue between the State party and the Special Rapporteur for follow-up on Views continues. The notes following a number of case entries convey an idea of the difficulties in categorizing follow-up replies.

236. Follow-up information provided by States parties and by petitioners or their representatives

subsequent to the last annual report (A/63/40) is set out in annex IX to volume II of the present annual report.



State party and number of cases with violation	Communication number, author and relevant Committee report	Follow-up response received from State party	Satisfactory response	Unsatisfactory response	No response	Follow-up dialogue ongoing
...						
Ireland (1)	819/1998, <i>Kavanagh</i> A/56/40	X A/57/40, A/58/40	X A/59/40, A/60/40			
...						