

**Buan-Mhisean na hÉireann chuig na Náisiún Aontaithe agus  
Eagraíoch idirnáisúnta eile | An Ghinéiv**  
Permanent Mission of Ireland to the United Nations and  
Other International Organisations | Geneva  
Mission Permanente de l'Irlande auprès de l'Office des Nations Unies et  
des autres organisations internationales | Genève



TPN/040/2026

The Permanent Mission of Ireland to the United Nations and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to refer to communication JAL IRL 3/2025.

With reference to the aforementioned communication, please find enclosed a response from Minister for Foreign Affairs and Trade and Minister for Defence, Ms Helen McEntee T.D.

The Permanent Mission of Ireland to the United Nations and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 25 March 2026



Office of the High Commissioner for Human Rights



To: The Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

25<sup>th</sup> March 2026

**Re: Joint Communication from Special Procedures, OHCHR JAL IRL 3/2025**

Dear Special Rapporteurs,

I would like to thank you for sharing the information you have received regarding the acquisition and use of less lethal weapons by An Garda Síochána for crowd control and protest management, and the questions you have posed in this regard.

In addressing your Joint Communication, let me reiterate Ireland's support for your respective mandates. Ireland is proactively engaged at the United Nations on a range of initiatives and processes relevant to your mandates.

Ireland fully supports the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. At the 59th session of the UN Human Rights Council, which convened June 2025, Ireland co-sponsored the Resolution on the Rights to Freedom of Peaceful Assembly and Association, which extends the mandate of the Special Rapporteur for a further three years. Ireland also took the opportunity to deliver national statements on this important topic at every opportunity in United Nations fora.

The prevention and eradication of torture and other forms of cruel, inhuman or degrading treatment or punishment has been a cornerstone of Ireland's approach to human rights for decades, and we strongly believe that the absolute prohibition of torture is one of the cornerstones of the international human rights framework. Ireland is a traditional co-sponsor, and strong supporter of, the Resolution on Torture and other cruel, inhuman or degrading treatment or punishment, which extends the mandate of the UNSR for a further three years currently under negotiation at the Human Rights Council. Recently, at the 61st session, we delivered a National Statement at the Interactive Dialogue with the Special Rapporteur, in which we recalled that freedom from torture is an absolute and non-derogable right under international law that must be upheld in all circumstances. Ireland is a proud supporter of the UN Voluntary Fund for Victims of Torture and is honoured to be co-Chair of the Fund.

Concerning the specific questions you have raised in your Communication, I have consulted with the Department of Justice and An Garda Síochána and respond to each in turn below. I and my officials stand ready to provide any further detail or clarification that may be required.

***Question 1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations?***

An Garda Síochána is committed to providing a human rights focused policing service that seeks to protect and vindicate the rights of all people with whom Garda personnel interact.

The human rights ethos of An Garda Síochána is embedded at the very heart of the Garda Code of Ethics and the Garda Decision Making Model. An Garda Síochána has a proud tradition of policing by consent and values its continued strong support amongst members of the public.

An Garda Síochána has a robust Human Rights infrastructure including an emphasis on Human Rights Screening for new Garda Policy and operational orders. An Garda Síochána's third Human Rights Strategy (2025-2027) was recently approved and An Garda Síochána continues to report to the Strategic Human Rights Advisory Committee (SHRAC) in relation to matters of Human Rights concern.

***Question 2. Please explain in detail the analysis that was performed to demonstrate the operational need to adopt the use of the double-pepper spray in the context of peaceful demonstrations. Also, include information about the selection and testing process, and data concerning the use of these sprays in the past, including injuries incurred, complaints and any administrative or judicial action implemented for alleged misuse.***

The correspondence of the UN Special Rapporteurs raises concern with An Garda Síochána's use of incapacitant spray with a Major Capsaicinoids (MC) formulation of 1.33%. An Garda Síochána has not provided its membership with incapacitant spray with a formulation containing 1.33% (MC). However, in early 2024 An Garda Síochána did make the decision to introduce increased incapacitant spray with a formulation of 0.67% (MC), replacing the previous formulation of 0.33% MC.

It should be noted that the European Court of Human Rights (ECtHR) has not set a maximum chemical concentration or formulation for incapacitant spray. Incapacitant spray is regularly considered by the Court in the context of Article 3 ECHR, the prohibition on torture and inhuman or degrading treatment or punishment. The context, necessity and proportionality of the use are the primary considerations, rather than the specific formulation.

The decision to introduce higher strength incapacitant spray was taken in response to incidents of widespread, violent public disorder which occurred in Dublin City on 23rd November 2023, during which, many Garda members found themselves and members of the public, who they have a statutory responsibility to protect, in serious danger. Following this incident, An Garda Síochána commissioned an Operational Debrief Report which included an examination of the challenges with the incapacitant spray issued to the members at that time.

The Senior Leadership Team of An Garda Síochána considered a range of measures to support Garda members to safely fulfil their duties while protecting the public during such incidents. These measures approved the provision of stronger incapacitant spray to all Garda members. While consideration was given to issuing incapacitant spray with an MC of 1.33%, ultimately the decision was taken to introduce incapacitant spray with an MC formulation of 0.67%.

***Question 3. Please provide detailed information on the provisions used to ensure that the pepper spray will be used by law enforcement officials in the context of peaceful demonstrations in compliance with the requirements of legality, necessity and proportionality. Please include protocols, procedures and guidance related to protests and the use of force, including detailed lists of law enforcement units, weapons and equipment used for the facilitation of protests.***

A number of layers of oversight both externally to An Garda Síochána and internally exist to ensure that incapacitant spray is used by Garda members in compliance with legality, necessity and proportionality.

An Garda Síochána is given powers under statute and common law to use force when necessary, including sections 18 to 20 of the Non-Fatal Offences Against the Person Act 1997 as amended. Without these and other powers, it would not be possible for An Garda Síochána to perform its statutory functions as set out in the Policing, Security and Community Safety Act, 2024.

The Use of Force Policy of An Garda Síochána and related policy documents provide guidance to members of An Garda Síochána pertaining to the use of force including the use of incapacitant spray. The documentation is subject to human rights screening. Members of An Garda Síochána receive training prior to being issued with incapacitant spray.

In accordance with internal policy, a detailed use of force report is required to be completed by every Garda member after each use of force, including the use of incapacitant spray. These reports are provided to external independent oversight bodies in the event of any complaints regarding the conduct of members of An Garda Síochána. Fiosrú, the Office of the Police Ombudsman are responsible for dealing with complaints from members of the public concerning Garda conduct. Fiosrú also conducts investigations into circumstances where it appears that the conduct of a Garda or Gardaí may have resulted in the death or serious harm to a person. Such incidents are referred to Fiosrú by An Garda Síochána. Fiosrú may investigate matters in relation to the conduct of Gardaí, when it is in the public interest, even if a complaint has not been received.

Additionally, An Garda Síochána report to the Policing and Community Safety Authority on a statutory basis. This is oversight reporting. Statistics on the use of force, including incapacitant spray, is furnished to them on a monthly basis and reported on their website as publicly available information.

***Question 4. Please provide information about any complaint or internal analysis made on the use of the double-strength pepper spray in recent protests, including the appropriate use according to technical provisions (i.e. appropriate distance), human rights international standards (including the principles of necessity and proportionality, the adequate warning, the response to imminent violence, among others), the medical support provided to victims of the use of the pepper spray, and if it has been used against journalist and other media workers, protest observers, among other relevant monitoring actors.***

It is important to reiterate that An Garda Síochána has provided its membership with incapacitant spray with a formulation of 0.67% (MC) and not double strength 1.33% (MC) as referenced in the report.

An Garda Síochána fully respects the right of citizens to exercise their constitutional and human rights to assemble, subject to statutory provisions, including the Criminal Justice (Public Order) Act 1994, amongst other legislation. Over 600 assemblies are facilitated in Dublin city alone each year, the vast majority of which pass without incident. The use of force at assemblies in Ireland is extremely rare, and any restrictions of the right to assemble are only imposed where necessary to achieve a lawful aim, and force is utilised exclusively to protect Garda members and the public.

The correspondence received from the Special Rapporteurs at paragraphs 6 and 7 refers to a number of serious allegations made against Gardaí present at Dublin Port on 4 October 2025, including that excessive force was used and that those present were 'denied medical attention'.

Many of these allegations have already been publicly responded to in Garda press releases issued on 4 October 2025 and 15 October 2025. The importance of the right to assemble peacefully was highlighted along with the nature of a graduated use of force response on the day, including attempts to verbally engage and seek voluntary dispersal over a prolonged period before incapacitant spray was deployed in response to physical attempts to breach a Garda cordon and a number of projectiles being thrown at Gardaí.

Where public order tactics are considered necessary, the Garda National Public Order Unit may be deployed. This unit consists of Garda members, who are specifically trained to manage public order and public safety incidents, including in the appropriate use of incapacitant spray and medical or other supports for subjects of incapacitant spray.

An Garda Síochána is aware that independent human rights or legal observers attending at public assemblies is an entirely lawful and well established practice aimed at enhancing oversight and transparency to ensure that the rights of freedom of assembly and freedom of expression are protected by the State and any policing response to public demonstrations. Their role is facilitated by Gardaí and considered in the policing plans for such events.

In accordance with internal policy, a detailed use of force report is required to be completed by every Garda member after each use of force, including the use of incapacitant spray. These reports are provided to external independent oversight bodies in the event of any complaints regarding the conduct of members of An Garda Síochána. Fiosrú, the Office of the Police Ombudsman are responsible for dealing with complaints from members of the public concerning Garda conduct. Fiosrú also conducts investigations into circumstances where it appears that the conduct of a Garda or Gardaí may have resulted in the death or serious harm to a person. Such incidents are referred to Fiosrú by An Garda Síochána. Fiosrú may investigate matters in relation to the conduct of Gardaí, when it is in the public interest, even if a complaint has not been received.

***Question 5. Please indicate if the tasers are planned to be deployed in the context of peaceful demonstrations. If so, please indicate the provisions and protocols put in place to avoid misuse that could affect the right to freedom of peaceful assembly and other rights.***

An Garda Síochána does not require the use of force at any peaceful demonstration. As stated at the outset, An Garda Síochána has a long and proud history of policing by consent.

To specifically address the question, An Garda Síochána does not intend to use CED devices 'in the context of peaceful demonstrations'. Training provided to Garda members issued with CED devices highlights why use in crowd control situations may be inappropriate. However, should a situation arise where an individual attending a demonstration poses an immediate risk to the life of another it is possible that a responding Garda may deploy a CED in such circumstances, although such situations are unlikely.

The CED pilot is subject to robust independent oversight as well as ongoing human rights monitoring which will be reported to the Strategic Human Rights Advisory Committee.

The CED pilot is conducted in compliance with the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and relevant international human rights law. The use of less-lethal weapons is in line with principle 2 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and enables An Garda Síochána to employ a differentiated use of force as operational situations evolve.

***Question 6. Please indicate how the use of both type of weapons is compliant with the principle of non-discrimination, and how the differentiated impacts on ethnic minorities, women, children, elders and persons with disabilities are taken into account.***

The Conductive Energy Device (CED) pilot has been implemented with the explicit aim of determining the impact of equipping some frontline Garda members with CEDs, given the emergence of new policing challenges and dynamic risk incidents in modern society. An assessment of the pilot will be conducted before any wider rollout. The pilot is structured to align with Ireland's human rights obligations and the threshold for use of a CED is just below the use of lethal force. Additionally, CED devices are only allocated to members of An Garda Síochána issued with and utilising body worn cameras.

Extensive consideration has been given to human rights in all aspects of the use of force in An Garda Síochána including the use of incapacitant spray and CED devices. CED policy and training highlights the human rights concern and implications surrounding the use of CED devices and expressly highlights issues surrounding their use on the elderly, vulnerable, pregnant people or children. As with peaceful protests it is not intended to use CED devices on pregnant women and children. An operational reality of policing that a situation could conceivably arise where an individual who is posing an immediate risk to life may be subject to the use of force utilising a CED device.

The fundamental principle underpinning An Garda Síochána's policy on the use of force is that any Garda action taken must comply with the fundamental principles of legality, necessity, proportionality and accountability and is applied in a non-discriminatory manner in accordance with the principles of the European Convention of Human Rights.

Additionally, the use of force is subject to oversight and reporting to both the Policing and Community Safety Authority and Fiosrú. This information is published publicly by the Policing and Community Safety Authority.

An Garda Síochána's use of CED's during the pilot will be reported to the Department of Justice, Home Affairs and Migration on completion of the six month review. However, the devices during this pilot have yet to be discharged. They have been drawn on four (4) occasions.

Yours Sincerely,



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Ms Helen McEntee TD

Minister for Foreign Affairs and Trade and Minister for Defence