

## **Spirasi Medico-Legal Report guidance note to referrers**

### **Who we are:**

Spirasi is the National Centre in Ireland for the Rehabilitation of Victims of Torture. We provide therapeutic, psychosocial, medical and educational support to victims of torture and their families through a holistic model of care. Referrals for rehabilitation services are accepted from GPs and health care professionals. We are implementing the State obligations in Art 14 of the UN Convention Against Torture (UNCAT) and are as such governed by this remit. Spirasi is also an independent and objective provider of medico-legal reports (MLRs) for international protection-related cases. An MLR is an important legal document which is used to provide objective medical evidence in relation to a torture survivor's international protection claim. Referrals are accepted for MLRs from legal representatives.

### **What we do – Medico-Legal Reports:**

We provide MLRs, where an examining physician provides an expert opinion on the degree to which the physical and psychological findings of an examination support the client's allegation of torture. This is reported in accordance with the Istanbul Protocol\* recommendations for interpreting both the physical findings (paragraph 187) and the psychological findings (paragraph 287).

### **When should you request an MLR:**

When a client's experience falls within our remit, as further defined below, and where they have made an application for international protection where medical evidence is vital to their claim.

The purpose of an MLR in refugee status determination is outlined, for example, in the International Protection Appeals Tribunal IPAT Guideline 2017/6: Medico-legal Reports, paragraph 4.1 and 4.2:

*“Expert medical evidence serves the following purposes in refugee status determination:*

- *To substantiate claims of ill-treatment;*
- *To establish a correlation between the physical and psychological injuries and the alleged torture or ill-treatment;*
- *To reduce the need for the Appellant to give testimony about traumatic events;*
- *To address the possible effect of removal and return to the country of origin upon a person's physical or mental well-being;*
- *To explain an Appellant's difficulties in giving evidence or recounting events by providing possible explanations for inconsistencies within the Appellant's narrative of events and by providing possible explanations for reticence or reluctance in divulging a full account of events.”*

The remit of Spirasi is primarily restricted to referrals pertaining to torture as understood within the United National Convention Against Torture (UNCAT) definition in Article 1. On an exceptional basis, and within our context as a non-governmental organisation with limited resources, we may consider referrals which encapsulate severe harm as defined by the Qualification Directive (Directive 2011/95/EU) and related jurisprudence. The limits of our Remit mean that we cannot accept referrals in relation to violence of a primarily domestic or familial nature, or where the violence inflicted is of a strictly criminal classification.

### **When should you not request an MLR?**

- The application does not meet our remit criteria.
- There is an imminent deadline (i.e. an upcoming interview or appeal hearing). We regret that may not be able to accept referrals in this instance. We are working towards a timeframe where MLRs are produced within five months of the date that a referral is received.
- The individual has access to other medical evidence available which a MLR is unlikely to add to.

### **What is covered in a report?**

The MLR contains a relevant history regarding the circumstances related to the claim, personal history of the applicant, their current situation and medical background, findings of the physical and psychological medico-legal assessment and the interpretation of such findings.

Where applicable, the examining physician will also:

- highlight the significance of the clinical findings in the case of a client who is easily re-traumatised or has difficulty in recalling or recounting specific events, as outlined in paragraph 4.1 of the IPAT guideline.\*
- state where the return of the client to their country of origin would have negative effects on their physical and mental well-being as outlined in paragraph 4.1 of the IPAT guideline.\*

### **What information do we require?**

We require the following documentation:

- Completed MLR referral form
- Copy of International Protection Application Questionnaire
- Copy of S39 report containing the analysis and decisions on the refugee and subsidiary protection applications if the client is at appeal stage.
- Medical notes or medical letters if available or upon request (GP, psychiatry, specialist letters).
- Copy of IPF1 Form if available

**What is the cost?** The cost of the report is €492

\* **Istanbul protocol** means the 'Istanbul Protocol, Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment', United Nations Office of the High Commissioner for Human Rights Professional Training Series No. 8/Rev.1 (2004)

\* **Guideline No 2017/6 Medico-legal reports.** The international protection appeals tribunal (IPAT).