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Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Information presented by the Irish Human Rights Commission*

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Irish Human Rights Commission,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Annex

[English only]

Statement of the Irish Human Rights Commission (National Human Rights Institution) to the Human Rights Council Report of the Special Rapporteur on Extreme Poverty

20th Session of the Human Rights Council (18 June - 06 July 2012)

The Irish Human Rights Commission (IHRC) is Ireland's National Human Rights Institution (NHRI), accredited with 'A' status by the International Coordinating Committee of NHRIs.

The IHRC welcomes the Report of the Special Rapporteur on Extreme Poverty following her visit to Ireland. The IHRC had the opportunity to meet with the Special Rapporteur during her visit and outline some of its concerns of particular relevance to her mandate.

The IHRC very much welcomes the role afforded to NHRIs by Special Rapporteurs and other Special Procedure Mandate Holders and the attention given to the issue of creating strong, independent, 'A' status institutions. We believe that NHRIs have a unique role in linking the international human rights system with the national level and the work of national Institutions is key to ensuring the national application of international human rights standards, including the recommendations of Special Procedures Mandate Holders.

The IHRC welcomes the wide range of issues raised and recommendations made by the Special Rapporteur in her report. We believe that her report can act as a template for progressing human rights issues relating to poverty in Ireland.

The IHRC welcomes the focus placed by the Special Rapporteur on the importance of ratification of key international conventions including the Optional Protocol to the International Covenant on Economic, Social and Cultural and introduction of legislation to permit ratification of other treaties. The status of international treaties when unincorporated into Irish law remains a concern for the IHRC. We have repeatedly called on Ireland to ensure that all international treaties and conventions that it has ratified are directly incorporated into Irish law so that they provide the best protection possible for everyone in Ireland. Without direct incorporation, Irish people cannot vindicate their rights before the Irish Courts on a range of human rights issues. This is particularly the case for Economic, Social and Cultural rights, which are not properly provided for in existing Irish law.

We welcome the Special Rapporteur's recommendations regarding the merger of the Irish Human Rights Commission with the Equality Authority; namely that the merger "must be accompanied by measures to ensure that the independence and active engagement of the body is maintained, particularly with respect to the appointment of Commissioners and the recruitment of staff, and the budgetary resources are increased to pre-budgetary adjustment levels." We wish to highlight to the Council that the Irish Government has recently published draft legislation on the establishment of the merged body – the Irish Human Rights and Equality Commission – which will be the new NHRI in Ireland. While welcoming a number of elements of the proposals, we have expressed concern that some elements may not fully meet the Paris Principles, and we trust that the Council will pay particular attention to this issue in the coming period, particularly in light of Ireland's application for membership of the Council.

The IHRC considers that Ireland needs to make serious, sustained and quantifiable efforts in a number of core areas raised in the Special Rapporteur's Report. In particular, the need

to undertake human rights impact assessments of the Budget, the need to reform the Habitual Residence Condition requirements, the cuts to Community and Voluntary organisations providing vital supports and services, the impact of the Direct Provision system on refugees and asylum seekers, and the need to provide specific supports for children, persons with disabilities and members of the Travelling community.

The IHRC also welcomes the overall recommendations of the Special Rapporteur in relation to the need to establish an institutionalized follow-up procedure, establishing a national mechanism to follow up recommendations and strengthening partnerships with NHRIs. We consider that these proposals have considerable potential to strengthen the work of Special Procedures Mandate Holders and their interaction with NHRIs. We call on the Council and the OHCHR to examine ways of implementing these recommendations. For its part, the IHRC stands ready to work with sister NHRIs to strengthen these partnerships.

Irish Human Rights Commission
June 2012
