



General Assembly

Distr.: General
28 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 6

Universal Periodic Review

Written statement* submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Consideration of the UPR outcome report of Ireland¹

Your Rights Right Now² welcomes the positive interaction by Ireland with the UPR Working Group on 6 October 2011. Ireland's acceptance of 62 recommendations is also to be welcomed. Provided that the Government's words are followed by deeds, implementation of these recommendations could result in tangible improvements in the lives of people in Ireland.

It is especially important that recommendations that would enhance effective domestic monitoring of human rights compliance be implemented rapidly. Ireland's acceptance in principle of the need to ratify the International Convention on the Rights of People with Disabilities (ICRPD)³ and the Optional Protocol to the UN Convention against Torture and other Inhuman or Degrading Treatment or Punishment (OPCAT) is encouraging.⁴ Ireland signed both of these international treaties almost five years ago (ICPRD: March 2007 and OPCAT: October 2007). Notwithstanding repeated statements of intent, ratification has not taken place, nor has any clear timescale been given within which Ireland will meet its international obligations in this regard.

It is positive that, on 10 February 2012, Minister of State Kathleen Lynch TD, announced that draft legislation on mental capacity will be published shortly.⁵ When enacted, this should provide an appropriate legal framework for adults with intellectual disabilities and remove any residual legal obstacles to Ireland's ratification of ICRPD.⁶

Regarding OPCAT, although legislation has been promised for some years and notwithstanding calls from the UN Committee against Torture in June 2011 to "expedite" the ratification of OPCAT and the establishment of a National Preventative Mechanism (NPM), the development of an NPM has yet to commence.

We believe Ireland should progress these ratifications in a timely manner in order to demonstrate meaningful engagement with the UPR process. We also look forward also to Ireland's ratification of the OP to the CRC on the Sale of Children, Child Prostitution and Child Pornography, which according to Minister Shatter, will occur shortly.⁷

Ireland's state-funded human rights infrastructure is currently in the process of transformation following a period of severe budgetary cuts.⁸ We look forward to viewing

¹ This submission was compiled by the Irish Council for Civil Liberties on behalf of the UPR Cross Sectoral Steering Group of Your Rights Right Now. The Your Rights Right Now Civil Society UPR Stakeholder Submission was referenced as JS1 in the Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1(A/HRC/WG.6/12/IRL/3). The Cross Sectoral Steering Group members that have approved this submission are: Irish Council for Civil Liberties; Disability Federation of Ireland; Union of Students in Ireland; Irish Congress of Trade Unions; National Women's Council of Ireland; Irish Traveller Movement; Educate Together; Free Legal Advice Centers; Transgender Equality Network Ireland; Integration Centre; Irish Penal Reform Trust; Irish Family Planning Association. This submission spans a wide range of issues. The views expressed in this submission do not necessarily reflect the policies and positions of each of the Steering Group members as in some instances the topic may fall outside of any one individual Steering Group member's area of work.

² www.rightsnow.ie.

³ Paragraph 105.1.

⁴ Paragraphs 105.2 and 105.3.

⁵ O'Regan, M., (10/2/2012), "Mental capacity Bill to be issued shortly", Irish Times.

⁶ Paragraphs 405.15 and 105.16.

⁷ Paragraph 7.

⁸ Paragraph 34.

the Government's plans to "reinforce the independence and capacity of the Irish Human Rights Commission"⁹ by "endowing it with adequate and sufficient resources".¹⁰

We are eager to see the Government honour its long-standing promise to hold a constitutional referendum on children's rights. Minister Shatter informed the UPR Working Group that a referendum dealing with the rights of children would be forthcoming "early in the New Year";¹¹ however, by mid February 2012, no concrete measures in relation to this referendum had been announced.

It is encouraging that the Government accepted many recommendations to improve the rights of Irish Travellers;¹² women;¹³ migrants,¹⁴ asylum seekers,¹⁵ and measures to bring the Irish prison system in line with international human rights standards.¹⁶

Furthermore, the Government's current review of its overseas development aid programme provides a forum to implement the UPR recommendation regarding financial assistance and to "meet the commitment made in this regard at the international level."¹⁷

We consider that Ireland is in a position, economically, legally and politically, to accept the remaining 49 recommendations currently under consideration. It is crucial that a State aspiring to membership of the UN Human Rights Council should accept all UPR recommendations pertaining to the availability of legal remedies and accountability in relation to violations of human rights. These should include recommendations on the signature and ratification of the Optional Protocols to ICRPD¹⁸ and ICESCR,¹⁹ and extending the remit of the Ombudsman for Children in relation to children in prisons and asylum seeking children.²⁰

The current Programme for Government²¹ sets out commitments which directly correspond to certain UPR recommendations under consideration:

- Equality of access to education, including patronage and religious affiliation²²
- Services to the Traveller Community, particularly education.²³
- Reformed domestic violence legislation.²⁴
- Right to engage in collective bargaining.²⁵
- Reform of equality laws which allow religious orders providing public services to discriminate against employees on the basis of moral ethos.²⁶

⁹ Paragraph 105.7.

¹⁰ Paragraphs 105.7, 105.12, 105.13.

¹¹ Paragraph 18.

¹² Paragraphs 105.30 - 105.33.

¹³ Paragraphs 105.20 - 105.22, 105.49, 105.53, 105.59.

¹⁴ Paragraphs 105.27, 105.34, 105.60.

¹⁵ Paragraphs 105.61, 105.17, 105.60.

¹⁶ Paragraphs 105.36 to 105.48.

¹⁷ Paragraph 105.62.

¹⁸ Paragraphs 106.1, 106.2, 106.16.

¹⁹ Paragraph 106.4.

²⁰ Paragraph 106.11.

²¹ Towards Recovery - Programme for a National Government 2011 – 2016.

²² Ibid pages 12, 13. Paragraphs 106.27, 106. 48.

²³ Page 23. Paragraph 106.31.

²⁴ Page 21. Paragraphs 106.36 to 106.38.

²⁵ Page 24. Paragraph 106.46.

²⁶ Page 13. Paragraph 106.45.

A Constitutional Convention²⁷ has also been promised to consider “comprehensive constitutional reform”, including on matters relevant to UPR recommendations under consideration:

- Same-sex marriage.²⁸
- Amending the clause on women in the home and encouraging greater participation of women in public life.²⁹
- Removing blasphemy from the Constitution.³⁰

Some matters in the Programme for Government have been progressed; however, to fully meet its obligations under the UPR, Ireland must indicate how it intends to translate these political commitments into reality.

We also urge the Government to demonstrate its commitment to the eradication of racism by accepting the UPR recommendations pertaining to combating racism, or, failing that, provide reasons setting out the specific barriers in law and its plans to address them.

Moreover, Ireland should take steps to recognise the Irish Traveller Community as an ethnic minority³¹ and accept the UPR recommendations regarding unaccompanied minors, family reunification and the detention of immigrants in prisons.³²

Despite Minister Shatter’s reiteration of the Government’s pledge to “expeditious implementation” of the judgment of the European Court of Human Rights in the case of *A, B and C v. Ireland*,³³ Ireland indicated its outright rejection of the UPR recommendations of its European Union (EU) peers on this issue.

Minister Shatter referred to the expert group established to make recommendations on the implementation of the judgment.³⁴ On 13 January 2012, the Government submitted a two-page Action Report to the Committee of Ministers of the Council of Europe,³⁵ where it announced the formalisation of an expert group with the following terms of reference:

- To examine the *A, B and C* judgment.
- To elucidate its implications for health care services to pregnant women.
- To recommend options on implementation of the judgment considering constitutional, legal, medical, and ethical dimensions and the over-riding need for speedy action.

The group must report to the Government in six months. However, there is no public information regarding the sitting of the group and/or whether the report is due in June 2012 (i.e. six months from establishment) or six months from their first meeting. Thus, we remain without a clear and definitive timeframe for delivery of the report or meaningful action to implement the judgment.

In the meantime, the rights of women in Ireland continue to be violated by the absence of a clear legal framework for the provision of safe and legal abortion.

²⁷ Page 17.

²⁸ Paragraph 106.44.

²⁹ Paragraph 106.14.

³⁰ Paragraph 106.17.

³¹ Paragraph 106.33.

³² Paragraphs 106.20, 106.21, 106.35.

³³ Paragraph 50.

³⁴ *Ibid.*

³⁵ http://www.dohc.ie/publications/pdf/Action_Report.pdf?direct=1.

Ireland aspires to human rights leadership positions abroad while failing fully to respect the human rights of all people on its own territory.

At present, Ireland is campaigning to secure a seat on the UN Human Rights Council, but it has yet to ratify, let alone to implement in practice, some of the core UN human rights instruments.

Important commitments were made by Minister Shatter during Ireland's UPR hearing. However, five months have elapsed and it is time for the Minister's words to be translated into deeds.

We urge members of the Council to press Ireland further on the precise modalities through which the 62 UPR recommendations accepted by Ireland are being translated into practice.

In relation to the outstanding 49 UPR recommendations, there are few if any economic, legal or political impediments to prevent Ireland from enhancing the protection of human rights in the manner proposed by representatives of its fellow nations. Consequently, we anticipate that Ireland will be in a position not only to accept those recommendations, but also to provide specific details regarding the concrete steps that it intends to implement them.

Ireland should also be asked to clearly explain the rationale for its outright rejection of UPR recommendations intended to encourage it to overhaul its antediluvian abortion regime.

On Human Rights Day 2011, the Irish Deputy Prime Minister and Minister for Foreign Affairs reiterated that Ireland is "committed to a robust and effective Human Rights Council at the heart of international endeavours." He pledged that, if elected to the Council, Ireland "will seek clear and strong action by the Council in addressing human rights violations and in promoting universal respect for human rights and fundamental freedoms".³⁶

Ireland's next appearance before the Council provides an ideal occasion for it to demonstrate that it genuinely understands that human rights leadership begins at home.

³⁶ Mr Eamon Gilmore TD 10 December 2011, <http://www.dfa.ie/home/index.aspx?id=87370>.