



**Launch of the
Irish Human Rights and Equality Commission (IHREC) Designate Report
on Ireland's Fourth Periodic Review of its compliance
with the International Covenant on Civil and Political Rights**

**Address by Betty Purcell, Acting Chair of the IHREC Designate
11am, Monday 16 June 2014
Jervis House, Dublin 1**

CHECK AGAINST DELIVERY

As the Acting Chair, I would like to welcome you here today to a briefing on the Irish Human Rights and Equality Commission Designate's report to the UN Human Rights Committee. We are publishing it in advance of Ireland's 4th Periodic review of its compliance with the human rights obligations set out in the International Covenant on Civil and Political Rights (ICCPR) signed by Ireland in 1973 and ratified in 1989. As you know the Irish Human Rights and Equality Commission Bill 2014 is making its way through the Oireachtas and will soon see the merger of our two bodies into a new enhanced Commission.

The Irish State was last reviewed by the Committee in 2008 and at the end of the Hearing the Committee set out, in its Concluding Observations, a list of recommendations that Ireland needed to address to meet its human rights obligations. While progress has been made on some of the issues highlighted by the Committee, more work remains to be done and since then new concerns have emerged.

The IHREC designate report is comprehensive and wide ranging. It is not possible to highlight every issue this morning but in my presentation I hope to address our concerns in relation to the establishment of the new Irish Human Rights and Equality Commission, the issues of Austerity measures, Direct Provision, Traveller ethnicity and institutional abuse. My colleague, Professor Siobhán Mullally, will address a number of additional issues.

At the outset, I would like to specifically acknowledge the progress made in relation to Marriage Equality. Since Ireland's report on the ICCPR in 2008, Civil Partnership has been enacted and the Government has committed to holding a referendum on marriage equality to amend the Constitution to allow for civil marriage for all adults, providing an opportunity to bring Ireland into closer compliance with international human rights standards particularly the right to equality under Article 26 of the ICCPR. A legislative process is also underway in relation to Transgender recognition and it is vital that Transgender people have a central role in shaping that legislation.

Independence of IHREC

Currently the Irish Human Rights and Equality Commission Bill 2014 is before the Houses of the Oireachtas. In our report we welcome the broad scope of the Bill and are very impatient that it is quickly enacted, having been appointed 14 months ago to the new Commission. There are however some areas of the Bill we have recommended be further strengthened to ensure the IHREC is in full compliance with the UN Paris Principles and meets the criteria to continue to be recognised by the UN as Ireland's National Human Rights Institution (NHRI) with "A" Status. Thus in our Observations on the Bill we have expressed concerns about the proposal to use a narrower definition of human rights in relation to the exercise of our compliance functions, restricting our ability to use the standards set out in the ICCPR and other international treaties not yet incorporated into domestic law. This issue again raises concerns about the State's commitment to incorporate the ICCPR rights into domestic law. We also recommend that in order to discharge our functions effectively and ensure our independence that the new

Commission be ensured a stable and sufficient budget over which it has autonomous control. The legislation we believe could be strengthened on this point. In parallel to the new IHREC, we recommend that the successor body to the Equality Tribunal, crucial for ensuring equality rights, must maintain effective protection for those with a complaint under both the Equal Status Acts 2000-2012 and the Employment Equality Acts 1998-2011. For this to happen, the specialist knowledge and expertise of the Tribunal must be maintained. It must be allocated the necessary resources to bring down the 2 year backlog of complaints and ensure claims can be adjudicated upon comprehensively and swiftly.

Austerity

In our report we raise concern that austerity measures have weakened the civil and political rights of the most vulnerable in our society on a number of levels. Budget cuts have in the past disproportionately affected the human rights and equality infrastructure and its ability to hold the State to account. Accountability mechanisms are weakening under the privatisation of public functions. Discretionary budget cuts to the voluntary sector have impacted on the effective protection of civil and political rights, including persons with disabilities, members of ethnic minority groups and non-nationals. The rights of marginalised groups have been impacted through direct cuts to social security, housing and other support services and indirectly through pre-requisite requirements to certain support services, such as the habitual residence condition. Making ends meet leaves little time and energy for anything else. In the upcoming budget, the State needs to provide more information on how it is ensuring the budget cuts are not impacting on the civil and political rights of vulnerable and minority groups. Social progress should not be dependent on economic well-being. In times of austerity, human rights and equality still matter and when it is not possible to make an economic difference to people's lives the State can still make an immeasurably positive difference to people's lives.

Direct Provision

The systemic and pernicious delays in processing asylum applications and their appeals undermines fundamental rights and good administration. How can we as a society account for the wasted years families and children spend in direct provision centres caused by these delays? For many a six months process becomes five to ten years in these inappropriate settings. In 2008 legislative reform was to be introduced without delay. Six years on we still await a single application procedure for protection. Long stays in direct provision centres caused by these delays by the State with little or no money, denied privacy, the right to work or access education if not of school going age is having an enormous impact on the dignity and mental and physical well-being of residents, compounded by the lack of independent complaints procedures. If there is one area where we could introduce administrative reform in the morning it is surely in relation to these centres.

Persons with Disabilities

It is with some concern that we note that Ireland has yet to ratify the Convention on the Rights of Persons with Disabilities although we signed the Convention in 2006. In our report, we point out that linked to this is the precise interplay between the Assisted Decision-Making (Capacity) Bill 2013 on which we have a number of serious concerns and the Mental Health Act 2001. We remain concerned that the definition of a voluntary patient under the 2001 Act is not sufficiently precisely drawn to protect the right to liberty of all persons, including persons with an intellectual disability who may be compliant but incapacitated and who might be admitted to an approved centre on a so-called “voluntary” basis.

Traveller and Roma Communities

Since their establishment the Irish Human Rights Commission and the Equality Authority have expressed concern about the human rights and equality of the Traveller community. We warmly welcomed the recent recommendation of the Oireachtas Joint Committee on Justice, Defence and Equality calling for the State to now recognise Traveller ethnicity as a historic step. Next month Ireland will be asked by the Human Rights Committee why it continues to refuse to

take this step. In our report we also express concern at four “crucial areas” of Roma disadvantage, namely access to education, employment, healthcare and housing, underpinned by a lack of data collection and analysis and calls for a National Roma Integration Strategy in consultation with the Roma community.

Racism

Racism and racial discrimination is a problem in Ireland. The State needs to fully review the Prohibition on the Incitement to Hatred Act, 1989 in light of the Report from the Commission to the European Parliament and Council on the implementation of Council Framework Decision 2008/913/JHA, and to make any necessary amendments. The IHRC is also concerned that the Prohibition on the Incitement to Hatred Act 1989 may be out dated in light of developments in online technology and urges the State to review and amend the legislation accordingly in this regard.

Institutional Abuse

Since Ireland’s last periodic review in 2008 the scale of institutional abuse of children and women continues to be uncovered. The fourth and final monitoring report on the Ryan Implementation Plan was due to be published at the end of 2013 and remains outstanding. It is vital that a replacement mechanism ensures the full delivery of the Ryan Implementation Plan. The IHRC produced two reports on the situation of women in Magdalen Laundries. The first report in 2010 called for a statutory inquiry, a call reiterated by the UN Committee Against Torture in 2011. Our second report was a review of the report published by the Inter-Departmental Committee (IDC) chaired by Senator Martin Mc Aleese. The limited remit of the IDC means that the IHREC Designate continues to be concerned that the recommendation for a prompt, thorough and independent investigation into the alleged abuse perpetrated in the Magdalen Laundries remains unaddressed and is partly caused by the absence of speedy and timely statutory investigative mechanisms. We also called for a statutory inquiry into recent revelations concerning Mother and Baby Homes and welcomed the recent Government announcement. We addressed many of these issues in our 2010 report, including the vaccine

trials inquiry, adoption practices and the linkages between the Magdalen laundries and mother and baby homes and will be writing to An Taoiseach shortly on what it must now do to ensure a human rights and equality framework is used to design the Commission of Investigation. As we know, the announcement of a new inquiry will not suffice if it is not properly designed to ensure the full truth can emerge and that where violations are found, that redress for victims can be provided.

I will now pass over to my colleague Professor Siobhán Mullally who will speak to you on our concerns about effective remedies, policing, prisons, violence against women and human trafficking. Thank you.