



**IHRC AND LAW SOCIETY OF IRELAND
9TH ANNUAL HUMAN RIGHTS CONFERENCE**

**IRELAND'S HUMAN RIGHTS RECORD UNDER THE SPOTLIGHT: IMPLICATIONS
OF THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW**

22 OCTOBER 2011

**IHRC PERSPECTIVE
BY
EAMONN MAC AODHA, CEO, IHRC**

Good morning and thank you all for being here.

What I want to do today is to reflect briefly how the Commission engaged with UN Universal Periodic Review (UPR) process, the issues we prioritised, the degree to which they featured in the draft report on Ireland and what the next steps might be in relation to these issues.

The IHRC has taken the UPR process very seriously, in keeping with its role as Ireland's National Human Rights Institution. This unique, peer-review process provides an extremely important overview of the situation of human rights in Ireland, and the areas where the State is committed, and not committed to making positive changes.

National Human Rights Institutions, such as the IHRC, have an important role to play in the UPR process. Indeed, this has been recognised in the second phase of such reviews which will begin next year when all 190 UN member states have been reviewed for the first time. Under the next phase of reviews there will be an enhanced role for NHRIs.

As an independent body, we provide our own input into the so-called 'stakeholders report' i.e. one of the three reports that forms the basis for the review. We also have a role to play in linking other actors. The IHRC therefore engaged in consultations with Civil Society in Ireland and held regional briefings outside of Dublin on UPR to support stakeholders in Ireland to make their reports.

We engaged constructively with the State in the preparation of the State's own report. We saw some positive results from our work, with 34 of our 36 recommendations appearing in the UN Stakeholder Report. In addition to our own report, we published a list of so-called voluntary commitments that the State could make prior to UPR. All States undergoing UPR have the possibility to take the positive step of making such commitments prior to or during the UPR. Unfortunately, Ireland chose not to go this route. We also directly briefed delegations of Member States who participated in the review to highlight our concerns and recommendations.

Attending the hearing itself, we were pleased with the level of engagement shown on the day, and the positive attitude of the Irish Delegation.

This is only rights as UPR is in fact a positive process in terms of international scrutiny of our human rights record. One place where it falls down however, is the lack of specificity in the recommendations made. The next phase of the Commission's engagement – and indeed that of others - must surely be how we can ensure that the commitments made by the State become a reality.

I wanted to briefly focus this morning on the five thematic areas that will be considered in today's parallel sessions, namely; Women's Rights, the human rights of persons with disabilities, a human rights based approach to tackling poverty, Human Rights in prisons and places of detention, and Traveller's Rights.

Equality and Women's Rights

Under UPR the Commission raised a number of concerns about equality in Ireland in its report to the UN and in discussions with Member State's representatives. In particular, in relation to the stereotypical attitudes in Article 41.2 of the Constitution and the considerable underrepresentation of women in elected political structures, and in the Civil Service at the higher grades, on the boards of public bodies and in the highest levels in educational institutions and business.

The Government has accepted recommendations to "continue action" and "take additional measures" to remove gender based inequalities, and to eliminate under-representation of women in decision making roles. It has taken under consideration recommendations relating to the adoption of a gender-parity law and assessment of the National Women's strategy among other areas. It is of note that there is a strong emphasis in the UPR recommendations on combating domestic violence, and this focus, and Ireland's stated commitments, is particularly welcome. The next step is for the State to clearly identify how it is going to improve the representation of women and counter stereotypical laws and attitudes.

Rights of Persons with a Disability

In relation to the rights of people with a disability, in addition to ratifying Disability Convention, we recommended that Ireland should fully commence existing legislation in order to ensure independent statutory inspections of care homes for persons with disabilities. We also highlighted that the commitment to educate children with disabilities in mainstream education has also not been matched by an adequate allocation of resources and called on States to emphasise this in their recommendations on this area.

Ireland has accepted the recommendations to ratify the Disability Convention and to continue efforts to protect the rights of people with disabilities including ensure access to education, employment, housing, transport, and cultural life. It has kept under consideration recommendations relating to bringing the Mental Health Act 2001 into line with the Disability Convention. The Commission, as well as a large number of Civil Society organisations has repeatedly called for the ratification of the Disability Convention. It is unclear why it has taken already over 4 years to bring this convention into force in Ireland. We should however be leaders rather than followers in relation to this landmark international convention and the Commission hopes that the additional impetus provided by UPR will lead to early movement on this issue.

A key element to this Convention will be the establishment of an independent mechanism to promote, protect and monitor implementation of the Convention. Internationally, NHRIs – which are bodies considered by the United Nations as compliant with the Paris Principles – have assumed either the role as monitoring mechanism or taken on the lead coordinating role. Whatever the final structure of the monitoring mechanism, it is vital that its independence is assured – in line with the Paris Principles – and that the Government consults with the IHRC and with NGOs working in this area in designating the mechanism. It would be appropriate to have the Commission play a key role – with other relevant bodies deemed independent – in the monitoring mechanism envisaged under the Convention.

Poverty and Social Welfare

In relation to poverty issues, the Commission highlighted the closure of the Combat Poverty Agency and the cumulative effect of cuts to social welfare, child benefit, the minimum wage, the introduction of the Universal Social Charge and the reduction of tax credits for the most vulnerable people that will seriously damage the State's ability to meet its commitment to eradicate consistent poverty by 2016. While there are some references in the UPR Report relating to the situation of people at risk of poverty, including the elderly, unfortunately this did not feature as strongly as we would have wished in the UPR report. This may point to one of the deficiencies of the UPR process, in that States can be reluctant to make recommendations on issues that they themselves are unable to fulfil. This area requires renewed consideration and the forthcoming ICESCR process may provide an opportunity to address these issues more fully.

Prison Conditions

A large number of recommendations were made in the UPR process regarding prison conditions. These recommendations reflected those raised by the Commission, and many other groups, including increased levels of incarceration and persistent overcrowding, high levels of inter-prisoner violence and inadequate sanitation facilities. There were also a number of recommendations made relating to then Optional Protocol to the UN Convention against Torture (OPCAT).

While the State has accepted most of the recommendations, their implementation will be of particular interest. One area where progress should be made urgently is the *immediate* ratification of OPCAT and establishment or designation of a National Preventative Mechanism that meets the Paris Principles. This is urgently required to ensure oversight of places of detention in Ireland. This mechanism is not only for prisons however, but also for police stations, psychiatric institutions, care institutions (for children and the elderly), airports and places of asylum/immigration detention and places of 'secret' detention. A key requirement for the OPCAT mechanism is independence in line with the United Nations Paris Principles. Internationally, national human rights institutions – which are bodies considered by the United Nations as compliant with the Paris Principles – have assumed either the role as NPM or taken on the lead coordinating role. This is in part because in most countries, including Ireland, the NHRI is the only Paris Principle compliant independent institution. A single structure in Ireland for the NPM, with a strong consultative role, will help to improve the situation in Ireland for people in all forms of detention.

Travellers

There are also a large number of recommendations in the UPR Report relating to the rights of Travellers. The IHRC and many civil society and Traveller organisations have previously highlighted these issues, including in the areas of health, housing and education. Accepted recommendations include strengthening of measures to improve the representation, education and protection of travellers, and pursuing policies for equal opportunities for Travellers including ensuring Traveller participation in the decision making process. A comprehensive, inclusive approach is now needed by the State to ensure that the recommendations in this area are carried out.

I hope that the discussions today will be the start of the process of identifying how we can work constructively both in our own respective roles and with the State to ensure the realisation of the UPR recommendations, and in monitoring their implementation.

In short following the UPR exercise we now know better than ever what the priorities are – we now need to work on them.

Thank You.