

Ireland's Record on Civil and Political Rights under the UN Spotlight Today

Ireland is recognised as having a strong record of promoting human rights globally. This week, Ireland's own record on human rights will be scrutinised by the United Nations (UN) over a two-day hearing in Geneva. Frances Fitzgerald TD, Minister for Justice and Equality will appear before the UN Human Rights Committee which monitors how countries comply with the International Covenant on Civil and Political Rights (ICCPR).

Ireland ratified the ICCPR in 1989 and in so doing agreed to be bound by its legal standards. Ratification committed Ireland to adopting laws and measures to give effect to the human rights in the Covenant and to protect all people, especially the most vulnerable. The human rights set out in the ICCPR are grounded in the principles of the Universal Declaration of Human Rights (UDHR) and include the right to life, freedom from torture, freedom from slavery, freedom of speech, religious freedom and the protection of minority rights.

This is the fourth time Ireland will appear before the UN Human Rights Committee, a group of 18 independent human rights experts from around the globe. Before the hearing, these experts will study detailed reports provided by the Irish Government and by Civil Society Organisations in the form of 'shadow reports'.

The Irish Human Rights and Equality Commission Designate (IHREC Designate) has engaged actively with the monitoring process and provided an extensive submission to the Committee. Our report examines how Ireland is performing against its international civil and political rights obligations, highlighting both advances and the shortcomings since Ireland last appeared in front of the UN Committee in 2008.

Progress has been made on Marriage Equality including the Government's commitment to hold a referendum to amend the Constitution. Advances in gender equality include legislation for gender recognition and the introduction of quotas in politics, though more change is required at a Constitutional level. The regulation of access to lawful termination of pregnancy is welcome, as are steps to protect survivors of trafficking.

However action is required in a number of areas, some of which are long standing issues where change has been slow or non-existent. It is unfortunate that the State has not incorporated the ICCPR into Irish law despite numerous recommendations from the UN Committee. This may seem an academic point. After all the Constitution protects our human rights, does it not? While it is true that the Constitution does protect certain rights, serious gaps remain in relation to remedies and many of these have been exposed in Irish cases before the European Court of Human Rights. Most recently Louise O'Keeffe won her case against the State for failing to protect her from abuse in a national school.

Time after time we see difficulties in carrying out effective and timely investigations which meet human rights standards and lead to effective redress for victims, for example the Magdalen Laundries. With the Commission of Investigation into Mother and Baby Homes, the State has an opportunity to develop a robust human rights and equality based inquiry.

The IHREC Designate sees the systemic delay in processing asylum applications as an undue hardship which threatens people's fundamental dignity. A process which should take six months may last between five and ten years and sees families left to struggle in cramped conditions with little money, privacy or access to work or education. A single application procedure for everyone seeking protection that leads to timely and fair outcomes is long overdue.

Travellers in Ireland continue to experience significant discrimination and disadvantage in their lives. Recognition of ethnicity would afford the Traveller community greater human rights protection and the Oireachtas Committee on Justice, Defence and Equality has unequivocally called for this. It is time now for the Government to act. A similar pattern of discrimination faces the Roma community and needs immediate attention by the State.

Domestic, sexual and gender-based violence remains a serious problem and adequate and appropriate measures are required to protect women, especially vulnerable groups such as Traveller women, migrant women, women who are seeking asylum and women with disabilities.

Overcrowding and "slopping out" continue to be the most pressing issues affecting prisoners. The development of non-custodial sanctions as an alternative to imprisonment is progress. Such initiatives have the potential to reduce the prison population and address chronic overcrowding and inter-prisoner violence; benefiting both prisoners and prison staff. All assaults or deaths in detention should be clearly documented and all investigations carried out in a robust, independent and transparent way.

When Ireland's hearing is completed, the UN Human Rights Committee will issue its 'Concluding Observations' on Ireland's record. These recommendations indicate the changes needed to comply with the Covenant and ensure Ireland is a human rights leader at home and abroad. We will be closely monitoring Ireland's progress.

David Joyce BL

Acting Chair of the Irish Human Rights and Equality Commission Designate