



Date: 17 December 2024

Dear Deputy,

In July 2024, you will recall that the Irish Human Rights and Equality Commission ('the Commission') issued its [Key Equality and Human Rights Recommendations for the Next Government](#). The aim of this document was to assist political parties and independents in developing their policy platforms in a way that addresses equality and human rights issues facing Ireland today.

As you are aware, the Commission is Ireland's independent National Human Rights Institution and National Equality Body. We protect and promote human rights and equality in Ireland in line with our founding statute, the Irish Human Rights and Equality Commission Act 2014 as amended. It is within that remit that I am taking this opportunity to re-emphasise some of the urgent actions required of the next Government regarding legislative reform, and which the Commission advises should form part of the next Programme for Government. Some of this work has already commenced during the lifetime of the last Government and should be possible to progress in the early part of the new Government's tenure.

### **Reform of the Equality Acts**

It is essential that the Review of the Equality Acts is progressed, that comprehensive reform to produce next generation equality legislation is brought forward, in line with our submissions (see [Submission on the Review of the Equality Acts](#)). This includes adding socio-economic status and criminal conviction as new protected grounds in the Equality Acts, as well as amending the gender ground to include explicit reference to, and definition of, gender identity, gender expression, and sex characteristics.

### **Disability Rights**

It is important that the next Government commits to the full implementation of the UNCRPD. This includes the review and amendment of key pieces of enabling legislation, including the Equality Acts, the EPSEN Act 2024, and the Mental Health Bill 2024, as well as bringing forward legislation that adequately safeguards individuals at risk and/or deprived of their liberty.

### **Mental Health**

The Mental Health Bill 2024 lapsed with the dissolution of the previous Dáil and Seanad. It is important that the new Government commits to enactment of the necessary reform to mental health legislation, to include a commitment to invest in community based mental health services (see [Submission on the General Scheme of the Mental Health \(Amendment\) Bill](#)).

## **Redress for survivors of historical abuse**

Progress on redress is urgently needed, noting that legislation relating to this, the Supports for Survivors of Residential Institutional Abuse Bill 2024, lapsed with the dissolution of the former Dáil and Seanad. It is also essential that the next Government fully implements the O’Keeffe v. Ireland ECHR ruling by ensuring equal access to redress for survivors of child abuse in primary and post primary schools. Revision of the redress schemes should be in line with the Commission’s recommendations, (see [Submission on the General Scheme of a Mother and Baby Institutions Payment Scheme Bill](#) and [Commission Presents Case to Europe on Failure of State to Implement 2014 European Court of Human Rights Judgment](#)).

## **Reform of Civil Legal Aid**

To amend the Civil Legal Aid Act 1995 to provide for the provision of legal aid for cases involving equality and fundamental rights and to complete and publish the reports produced by the Independent Review Group, including consultation and research reports (see [here](#)).

## **Optional Protocol on the Convention Against Torture**

It has now been over 17 years since Ireland signed the OPCAT, but we remain an international outlier in not having ratified it yet. It is critical that the Inspection of Places of Detention Bill, which was listed for priority drafting in the autumn legislative programme, is prioritised. The next government should proceed with the immediate ratification of OPCAT, and establish a broad based system of National Preventative Mechanisms, including across justice, health and social care. These NPMs and the co-ordinating body need to be provided with adequate, multiannual and costed funding, and access to requested data, to discharge their functions effectively, including to enable long-term planning and specialist staff recruitment and training (see [here](#)).

## **EU Directive on Standards for Equality Bodies**

This Directive establishes the minimum standards and requirements for equality bodies with respect to their mandates, resources, data, powers and independence. Our mandates, as Ireland’s National Equality Body and National Human Rights Institution, are continuing to grow significantly. These include our role as Independent Monitoring Mechanism under the UNCRPD, the proposed co-ordinating National Preventative Mechanism body in relation to OPCAT, and as a designated Article 77 body under the EU Artificial Intelligence Act. The Commission needs to be adequately resourced to carry out its mandate with the resources and independence that are required under these Directives, without impacting on its ability to carry out its existing statutory functions.

Beyond specific legislation, we strongly recommend that the incoming Government asserts its commitment to equality and human rights by ensuring those rights are embedded in our public services. To achieve this, the Government should commit to ensuring that all Government departments and public bodies under their remit fully comply with existing obligations under the statutory Public Sector Equality and Human Rights Duty (‘the Duty’). This would be supported by the incorporation of the Duty into

all relevant governance codes for public bodies, and the issuance of a Public Sector Equality and Human Rights Circular to all relevant public bodies. We also advise that Section 2 of the Irish Human Rights and Equality Commission Act 2014 be amended to extend the definition of a public body to include bodies in the education sector that are wholly or partially in receipt of public funds. This would ensure that the Duty is directly applicable to all schools and educational settings in the State (see [Submission on the Review of the Education for Persons with Special Educational Needs \('EPSEN'\) Act 2004](#)).

The recommendations made in our 'Key Equality and Human Rights Recommendations for the Next Government' set out important legislative steps in protecting equality and human rights in Ireland. However, these recommendations are not an exhaustive catalogue of human rights and equality issues in Ireland today. Our website is the most comprehensive reference point for the Commission's policy positions and can be accessed at [www.ihrec.ie](http://www.ihrec.ie).

The Commission looks forward to working with the Oireachtas and the next government to progress both law and policy that will enhance rights for all, and in particular for those most at risk of discrimination.

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