



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Sent by email: leo.varadkar@oireachtas.ie

Leo Varadkar T.D.
Leinster House
Kildare St
Dublin 2
D02 XR20

8 April 2020

Dear Leo Varadkar T.D.,

I write on behalf of the Irish Human Rights and Equality Commission, Ireland's national human rights institution and national equality body.

As negotiations are underway to establish our next Government, the Commission would like to take this opportunity to urge you to ensure that human rights and equality are central to the next Programme for Government.

The Commission has recently written directly to you specifically on the human rights implications of responses to the Coronavirus pandemic to date (attached with this letter). While the crisis currently facing our country is stark and unprecedented, it is important that Ireland's legal human rights and equality norms continue to be understood, protected, and indeed reasserted as soon as possible.

The consequences of this crisis for our people, for the economy, and for public services, will also be significant and far-reaching. Shaping that recovery will be the overriding task of the next Government. The Commission believes that there is an opportunity to build progress in human rights and equality in Ireland into this critical work, and makes the following recommendations for inclusion in the forthcoming Programme for Government:

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1. Legislative reform to positively promote rights and prevent discrimination

Recent emergency legislation to secure continued housing tenure and support incomes, and action to secure universal access to healthcare, underscores the need to provide a basic floor of rights which will support both individual dignity, and the resilience of our society. The Commission recommends that the next Government takes action to permanently strengthen socio-economic and cultural rights including, subject to referendum, by amendment to the Constitution.

Legislative reform which would positively assert equality and human rights in the State should be prioritised, including reform of the Employment Equality Acts to prohibit discrimination on socio-economic grounds; modernisation of hate crime law and practice, including the outdated *Prohibition of Incitement to Hatred Act 1989*; and legislation providing for dissuasive action for local authorities which do not fulfil their obligations in relation to Traveller accommodation.

The Commission also recommends that the next Government prioritise the commencement, reform and enactment, as appropriate, of legislation which supports actions to bring Ireland into compliance with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This includes the provision of a legal mechanism to give effect to the Commission's role as the Independent Monitoring Mechanism, which has been subject to delay.

2. Implement the Public Sector Equality and Human Rights Duty across all bodies of the State through a comprehensive and systemic approach.

This statutory duty is integral to the realisation of public service values in service delivery, and to a key objective of the public sector reform agenda, namely promoting equality, diversity and inclusion. All Government departments and public bodies are required to assess the human rights and equality implications of their core work, and to take actions to progress any rights issues arising. The Commission asks that the next Programme for Government contains a clear commitment that all public bodies will implement the Public Sector Duty, and be supported to do so through training and capacity-building for civil and public servants.

3. Continue to reform Ireland's system for applicants for international protection

The Programme for Government should commit to implementing the Committee on the Elimination of Racial Discrimination (CERD) recommendation that Ireland develops an alternative reception model, and takes concrete steps to phase out the Direct Provision system. In the interim, actions should be taken to improve living conditions, halt the use of emergency accommodation, and regulate and inspect such centres.

The Commission also recommends that the law governing family reunification to allow for a definition of family in line with international human rights law, and to permit applications from naturalised refugees.

4. Provide for ratification of outstanding international treaties

The Commission recommends that the next Government prioritise the ratification of the Optional Protocol on the Convention Against Torture, and the Optional Protocol to the CRPD.

Finally, given the Commission's formal role under the Good Friday Agreement, together with our colleagues in the Northern Irish Human Rights Commission, we would ask that the next Government continues to prioritise human rights and equality protections in the context of Ireland's evolving relationship with the United Kingdom.

The Commission will, of course, continue to uphold its own mandate to protect and promote human rights and equality in Ireland over this period. We are ready to assist members of the Oireachtas and Government in this, our shared endeavour. Should you need any further information on the policy and legislative issues raised here, please do not hesitate to contact us.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Geoghegan', written over a horizontal line.

Tony Geoghegan
Acting Chief Commissioner
Irish Human Rights and Equality Commission