



Legal Protection of Economic, Social and Cultural (ESC) Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects rights such as adequate housing, access to healthcare, education, and the right to just and favourable conditions of work. Ireland ratified the ICESCR in 1989, yet it retains two reservations to the ICESCR: one regarding the favourable consideration given to Irish language speakers for certain occupations under Article 2(2); and the other concerning the right of parents to home-school their children under Article 13(2)(a).

The majority of the rights contained in the ICESCR are not legally enforceable under Irish law. In 2014, the Constitutional Convention, a Government-established body tasked with examining issues of constitutional reform, recommended that these rights be given greater protection in the Constitution, and that they should be enforceable before the courts.

Despite an undertaking by the Government to provide a response to the Constitutional Convention's recommendation by July 2014, a formal response was delayed until January 2016. In its official response, the Government failed to indicate whether it accepted the Convention's recommendation, referring it instead to an Oireachtas (parliamentary) Committee for yet

Recommendations

Withdraw the State's reservations under ICESCR and ratify OP-ICESCR

Accept the recommendation of the Constitutional Convention on ESC rights and ensure that further consideration of this issue by an Oireachtas (parliamentary) Committee is underpinned by the human rights principles of participation, transparency and accountability

Bring Ireland's equality legislation in line with Article 2(2) ICESCR by widening the grounds upon which discrimination is prohibited, including socio-economic status

further consideration. As of yet, no details on this process have been made available. In line with human rights principles, this process should be transparent, involve experts from civil society and academia, and be conducted in a timely manner.

The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights creates a complaints mechanism, whereby people can make a complaint to the UN if they believe that their economic, social or cultural rights have been breached, and if they have tried to access all possible remedies at a domestic level.

Ireland signed the OP-ICESCR in 2012, yet no steps have been taken towards its ratification. This is so despite the fact that Ireland has signed up to similar complaint mechanisms for all other UN human rights treaties it has ratified. The Government has noted that a screening of obligations and consultations is necessary in order to progress towards ratification.

Furthermore, equality legislation does not outlaw the full range of grounds of discrimination prohibited by ICESCR.

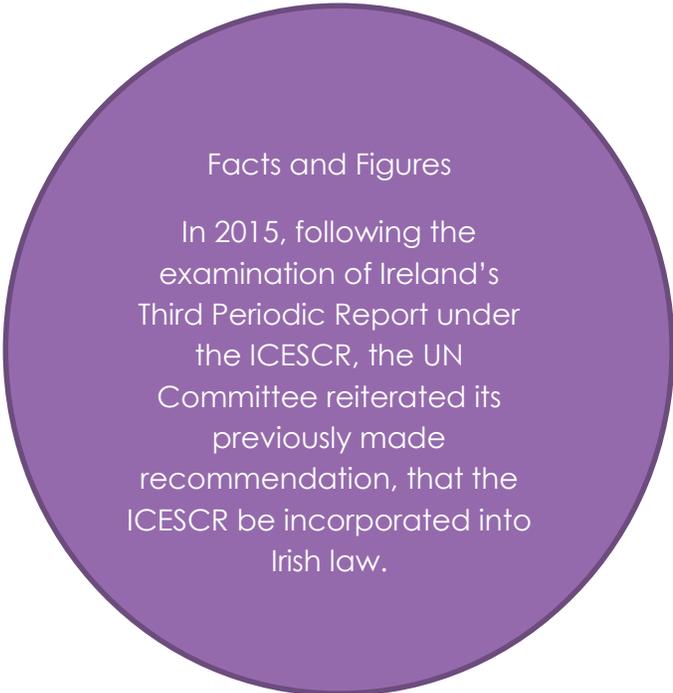
About Your Rights. Right Now

Your Rights. Right Now is a coalition of 17 Irish NGOS, trade unions and civil society groups established by the Irish Council for Civil Liberties (ICCL) in 2010 to coordinate the civil society response to Ireland's first examination under the Universal Periodic Review. This group was re-convened in 2015 in advance of Ireland's second examination. The coalition conducted a number of general and thematic consultations and invited written submissions to inform its report which was submitted to the UN in September 2015.

Members of the coalition are:

- Age Action
- Educate Together
- Free Legal Advice Centres
- Gay and Lesbian Equality Network
- Immigrant Council of Ireland
- Irish Congress of Trade Unions
- Irish Council for Civil Liberties
- Irish Family Planning Association
- Irish Penal Reform Trust
- Irish Traveller Movement
- Mercy Law Resource Centre
- National Women's Council of Ireland
- NUI Galway, Centre for Disability Law and Policy
- Pavee Point Traveller and Roma Centre
- Transgender Equality Network Ireland
- Union of Students in Ireland
- Disability Federation of Ireland

For more information see www.rightsnow.ie



Facts and Figures

In 2015, following the examination of Ireland's Third Periodic Report under the ICESCR, the UN Committee reiterated its previously made recommendation, that the ICESCR be incorporated into Irish law.

