

Universal Periodic Review  
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IRELAND  
6<sup>th</sup> October 2011

Madam President,

Thank you for your kind words of welcome.

I look forward to this interactive dialogue with the UPR working group of the Human Rights Council.

As Minister for Justice Equality and Defence of a Government elected to office as of the 9<sup>th</sup> of March last I want to assure you of our commitment to a human rights agenda.

Over the next few months Ireland will give the fullest consideration to the comments and recommendations from member States with a view to making a full response at the Human Rights Council early next year when the final UPR report on Ireland will be adopted

I also want to assure you that Ireland is fully committed to the UPR process. We view it as one of the outstanding achievements of the Human Rights Council.

We pay close attention to the deliberations and observations of the United Nations Treaty Monitoring Bodies.

I would like to welcome the presence of the President of the Irish Human Rights Commission here this morning and to acknowledge the Commission's valuable contribution to the compilation of the stakeholders submission.

The Irish Government engaged in a wide-ranging consultation process with civil society actors and NGOs, including the Trade Union movement. A public Forum for civil society organised by the Department of Foreign Affairs was held in December 2010. My Department followed up with a series of 7 public meetings throughout Ireland. The Government also welcomed the consultations held by various civil society actors and NGOs and the consultations held by the Irish Human Rights Commission. All of these initiatives have led to a very high level of public awareness of the Universal Periodic Review mechanism. We were delighted to engage with our active civil society and I look forward to working with them on the implementation of the recommendations that Ireland accepts from this process.

I would like to extend a particularly warm welcome to those in Ireland, and elsewhere, who are following our proceedings on the web.

I want to thank those Member States who have submitted written questions in advance.

I will outline some areas where there have been changes since our national report was presented in July and offer some comments of a more general nature regarding human rights and the

attitude of the Irish Government to those rights.

At this point, Madam President, I will set out, briefly, some commitments we are making as part of UPR process: some of these I will address at more length in the course of this intervention, others are set out in our national report.

- A Criminal Justice (Withholding Information on Crimes against Children and Vulnerable Adults) Bill and a National Vetting Bureau Bill are being drafted and will be presented to Parliament as soon as possible.
- Revised Children First guidelines will be placed on a statutory basis.
- We will very shortly be in a position to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- We are working on the necessary Mental Capacity Bill to allow ratification of the Convention on the Rights of Persons with Disabilities.
- We hope to be in a position to sign the Optional Protocol to the International Convention on Economic, Social and Cultural Rights before the end of this year.
- Ireland's reservation to Article 19.2 of the International Covenant on Civil and Political Rights, concerning the licensing of broadcasting enterprises, will be withdrawn.
- The Government is committed to developing a system of universal health care.
- The Government is committed to reducing the time taken to process applications for citizenship to an average of six months. In regard to immigration and asylum matters generally, I can say that I am taking steps to reduce unacceptable delays in parts of the system. I have draft legislation before Parliament which will simplify procedures so that decisions on asylum, protection and immigration can be taken speedily and in a transparent manner.

I should emphasise, to reassure Member States, that our current system, while overly bureaucratic and time consuming, meets our international obligations as confirmed by the European Court of Human Rights in a recent case.

- Legislation is being prepared to enable ratification of the Optional Protocol to the Convention on Torture.
- Legislation is before Parliament to outlaw the practice of Female Genital Mutilation.
- The Government is committed to ratification of the Aarhus Convention.
- The Government is committed to reviewing family law and the law on domestic violence.
- Ireland is committed to having in place measures to promote respect for human rights and

proper procedures so any violation of those rights can be speedily rectified.

The Government of which I am proud to be a member was appointed in March this year.

The Government parties have an agreed programme for Government which contains many commitments in the field of human rights.

Before I say something about our programme I want to emphasise that our commitment to human rights is based on the bedrock principle that governments, no matter where they are in the world, must always act with the honest intention of respecting the rights of the individual and human dignity.

Most fundamentally, they must never show contempt for an individual's humanity and dignity.

It is our belief that it is a universal human-rights requirement that government must act toward each person on the basis, first, that he or she has an irreducible, non-tradable, intrinsic value and, second, that he or she has a sovereign right and responsibility for achieving an authentic life of character and value for himself or herself consistent with others having a similar right.

And so it is never acceptable for any government to treat national or religious or ethnic minorities as inferior; or to discriminate against women or gay men or gay women; or to discriminate against children and to fail to recognise their vulnerability; or to exclude disabled persons from inclusion; or to repress freedom of expression because it fears or disagrees with the speakers' opinion save where such opinion constitutes incitement to hatred.

And, of course, it is never acceptable for government to allow genocide, rape or child sexual or physical abuse; or women to be treated as second class citizens; or human neglect through indifference; or individuals to be targeted and pilloried because of their race, colour, religion or national or ethnic origins or identity.

On the question of human rights, there is no room for moral relativism or selectivity - respect for dignity and human rights that secure that bedrock value is the incontestable baseline of decent politics everywhere. It is also crucial that states which ask human rights questions of others stand on a sound foundation of protecting the human rights of their own citizens. This is crucial to ensure that credibility attaches to questions put to others and so that they are not simply perceived as opportunistic political positioning on the chessboard of international politics.

In our programme for Government we committed ourselves to forging a new Ireland, built on fairness and equality.

We devoted 14 pages of our programme to what we described as fairness issues covering much of the human rights agenda.

Health, Mental Health, Care of the Elderly, Education, Housing and other issues are dealt with in that special section.

In our programme we have made commitments with a strong human rights dimension - for example in an area in which I have a particular interest, family law, as I was a practicing lawyer specialising in family law prior to my appointment as Minister. In the late 80s and 90s, I was privileged, as an opposition member of Parliament, to introduce legislation to reform family law.

Our concern about the welfare of the most vulnerable in society, our children, and our view that not sufficient attention had been given to children in the past led us to commit ourselves to reorganise the business of Government so as to create a separate Government Department, headed by a senior member of the Government with sole responsibility for children and young people.

That commitment has been honoured.

As an example of concern about those less well off in society we committed ourselves to restoring the national minimum wage which had been reduced by the previous Government.

That commitment has also been honoured.

We are committed to having structures, policies and bodies in place which will promote the values which we seek to uphold.

Our population is growing and becoming more diverse – about 15% of those living in Ireland are non citizens, for example, most of whom have come to Ireland in the last 10 years.

We know, from the experiences of other States, the challenges and opportunities that large scale migration poses – challenges in areas such as education and health, for example and opportunities in the form of new skills brought to our work places in, for example, the technology sector.

Strategies are in place in health, education and other sectors to promote integration and combat racism.

A few words on racism

Racism has no place in Society.

Ireland has not experienced the virulent anti-immigrant campaigns which we have seen in other countries nor have we seen the rise in so called hate crime, targeting minorities.

There is however no room for complacency and the Government is committed to combating and challenging any and all manifestations of racism.

I make these general remarks, Madam President, so as to illustrate the approach of my Government - Human Rights must be at the centre of Government policy.

The Irish Government is developing proposals for a Constitutional Convention which will review the current Constitution which was adopted in 1937.

As set out in the national report at paragraph 23, the current Constitution contains explicit guarantees in respect of certain fundamental rights. Paragraph 25 of the report outlines other fundamental rights identified by the Courts as also being provided for in the Constitution.

Discussion in the Convention will clearly focus on rights issues as well as other matters.

Clearly the deliberations of the Convention will take time and there are urgent amendments which are needed before any Convention report could be expected.

A referendum dealing with the rights of children will be held early in the New Year.

Subsequent to the submission of our National Report, the Minister for Children and Youth Affairs and I jointly published a Commission of Investigation report into the Catholic Diocese of Cloyne as the difficulties regarding publication set out in paragraph 118 had been resolved.

The report makes sorry reading for all of us who view child protection as a matter of fundamental principle.

The report details a litany of failures which placed children at risk of harm, again and again.

The Government has decided, following consideration of the Commission report, to take the following measures.

A Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Bill and a National Vetting Bureau Bill, to provide a statutory basis for vetting of applicants for employment and employees working with children are being drafted and will be presented in final form to Parliament as soon as possible. The initial draft Bills were furnished to our Parliament's Committee on Justice, Defence and Equality at the end of July and I am at present awaiting that Committee's observations.

In addition revised Children First guidelines have been published which will be placed on a statutory footing. It is intended to place a statutory obligation on every organisation working with children to protect and safeguard those children when in their care - including statutory, private, community and voluntary organisations.

Legislation to enable ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography is at an advanced stage of preparation.

As indicated at paragraph 119 of our national report, there have been failings in the State protection system.

The Department of Children and Youth Affairs has now been established. As indicated in our

national report, work on creating a stand alone agency to deal with child protection issues has started. A working group which includes among its members people working in the voluntary sector has been established.

The Agency will be created as soon as possible.

The Minister for Children and Youth Affairs will oversee an implementation framework for each Government Department and sector working with children. The framework will have a strong emphasis on inspection and the need to provide demonstrable evidence that the guidelines are being properly implemented across all sectors.

In the case of the Health sector, the remit of the Health Information and Quality Authority, is being extended to include oversight of the Health Service Executive's Child Protection Services.

The Government is determined to improve the position of children in Ireland.

As outlined in the national report at paragraph 29, Ireland has a dualist system under which international agreements to which Ireland becomes a party do not become a part of domestic law unless so determined by Parliament through legislation.

While Treaty Committees have recommended that the Conventions which they variously monitor should be incorporated into domestic law, it is not intended to alter current practice. The matter will be considered by the Constitutional Convention to which I have referred.

In so far as ratification of the Convention on the Rights of Persons with Disabilities is concerned, work on the preparation of the necessary Mental Capacity Bill is proceeding.

A Parliamentary Committee sought submissions on a Draft Mental Capacity Bill over the Summer. Over 60 submissions were made to the Committee which is now examining those submissions and may hold public hearings.

As an indication of ongoing work in the field of disabilities my colleague the Minister for Housing will launch a revised strategy for housing for people with disabilities later this morning.

On taking office the Minister for Disabilities reviewed arrangements for monitoring implementation of the national disability strategy. As a result of that review new monitoring and consultation arrangements have been agreed.

The Government attaches great importance to having accessible, affordable arrangements in place in order that those whose rights have been infringed can vindicate their rights, especially the most vulnerable in society.

The Courts are, obviously, of crucial importance.

Legal costs are often cited as a disincentive to people going to Court to assert their rights.

There are, as set out in the national report, schemes of civil and criminal legal aid in place, designed to assist people who cannot afford to pay their own legal costs. These schemes are means tested.

The issue of legal costs remain for those who do not qualify for assistance under the schemes.

This week I announced publication of a Legal Services Bill which will provide greater transparency to the calculation of legal costs, provide alternative structures for the delivery of legal services and protect consumer rights. Enactment of the Bill should effect a reduction in legal costs.

Paragraphs 40 to 60 of the national report gives details of a number of non-judicial bodies which are designed to help people vindicate their rights.

The Government is committed to ensuring that people can access processes to vindicate their rights but, as our national report demonstrates, there is a myriad of processes which often overlap. I firmly believe that rationalisation and simplification is required and that this is in the interest of the individuals involved.

In the employment field, for example, cases can be brought to up to five different bodies.

This has led to unnecessary complications for individuals seeking to vindicate their rights.

My colleague, the Minister for Jobs, Enterprise and Innovation, has completed a public consultation process on reforming the bodies. His intention is that one agency will deal with all complaints.

This will improve the experience of individuals bringing cases and is intended to result in a more timely resolution of disputes.

In my own area of responsibility, the Government has accepted my proposal to merge the Irish Human Rights Commission and the Equality Authority to form a new strengthened Human Rights and Equality Commission.

The Government is determined that the new body will be able to build on the work of the Commission and Authority, in advancing the Human Rights and Equality agendas.

The Government will take steps to ensure that the new body will comply fully with the Paris Principles and I am confident that the International Coordinating Committee will be able to grant 'A' status to this new body.

I have noted the submissions mentioned in the compilation report proposing that funding of the Human Rights Commission and the Equality Authority should be restored to 2008 levels and that both should be exempt from the general restrictions on public spending and staff recruitment.

In common with many of the States represented here, the fiscal position of Ireland is severe.

While there are encouraging signs of stability returning to the public finances and a restoration of confidence, with slight growth in the economy over the last two quarters the Government is obliged to maintain control of expenditure.

Having said that I can, nevertheless, give an assurance that funding will be provided to enable the new Human Rights and Equality Commission to function effectively and independently in accordance with the Paris Principles.

I firmly believe that these steps will further strengthen human rights protections in Ireland.

One of, if not the greatest, challenges facing Ireland is the rise which has taken place in recent years in the number of those who are out of work. Currently, unemployment stands at a little over 14 per cent.

The Government has introduced some measures - an intern scheme with 5,000 places, reduction in Valued Added Tax for certain businesses, as examples - designed to allow people to improve their skills or to find employment and has encouraged unemployed people to return to education.

In addition, the State Work Training Agency has been reorganised and refocused to improve and make more relevant the training it provides.

As I have said, dealing with unemployment is a great challenge for Ireland - a key element is the restoration of confidence in the fiscal position and there are encouraging signs that the steps being taken by the Government are helping to restore confidence and competitiveness to our economy.

I think I have covered most of the areas where there have been significant change since the national report was presented in July and, in the limited time this morning, I would like to respond to some of the issues raised in the compilation and summary reports prepared by the Office of the High Commissioner for Human Rights and the questions submitted by States.

On matters to do with prisons, I can tell this Council that I share the concerns expressed by treaty monitoring bodies about the number of persons committed to custody and I have taken measures to encourage the use of non-custodial penalties. The Criminal Justice (Community Service) (Amendment) Act 2011, which was signed into law on 2<sup>nd</sup> August, introduced a requirement on judges when considering the imposition of a sentence of twelve months or less, to firstly consider the alternative sanction of community service.

Particular concern was expressed by the Committee against Torture on a proposed large scale prison building project designed to reduce overcrowding.

I share the concern of the Committee and I appointed an expert group to examine the proposals.

That group reported that smaller units of accommodation would be sufficient for our needs and would also meet the objective of ensuring that the prisoners have hygienic, in-cell sanitation facilities.

The Government remains committed to protecting the position of the most vulnerable in society.

I want to assure Member States that a core principle of our social protection system is that both nationals and non nationals can access it equally. Several of the submissions referred to in the compilation report have raised the treatment of migrants in our social protection system. The habitual residence condition has been specially commented on as a barrier to non nationals receiving payments.

That condition is applied to both Irish and non Irish applicants.

In the last month, some form of supplementary welfare payments were made to 115,000 non Irish nationals. In addition child benefit payments were made to the non Irish parents of over 215,000 children. Incidentally about 20% of those aged 18 or under living in Ireland are the children of non Irish parents.

Where a claim is rejected an appeals mechanism is available to ensure that the system is administered in a fair and equitable manner.

The right to health is dealt with in the national report at Section I, paragraphs 104 to 112 but, in view of the comments made in several of the submissions, I think I should clarify some matters.

Ireland is committed to providing healthcare to all of our people. In common with many States, there are challenges to achieving this.

As I said earlier this Government is committed to making Ireland a fairer more equitable country.

The Government is committed to developing a system of universal health care where treatment will be provided on the basis of assessed medical need rather than ability to pay.

This is a radical change and will take time to put in place.

In the meantime the Government is committed to making changes where improvements can be made.

The driving force behind these changes is the improvement of services for patients.

There are delays in people being treated and those who can afford private health insurance or have private means are able to access treatment faster than those who rely on public provision.

This Government was elected with a mandate to bring about a position where, through a universal insurance scheme, access to health care will be solely decided on medical need.

This commitment will be honoured.

I should refer to the position of Travellers where there are particular concerns about health. A study published last year revealed lower life expectancy and other areas of concern, such as a higher suicide rate than in the rest of the population.

To tackle these concerns national and regional fora have been established by the Health Service Executive, with Traveller participation, to advise on how services can best be delivered and, inter alia, advise on implementation of the HSE national intercultural health strategy, particularly on actions set out in the HSE national service plan, as they affect Travellers.

The Government's aid programme, plays an important role in the advancement of our commitment to human rights.

Despite the financial constraints, we are determined to maintain our efforts to help the poorest people and communities in Africa and elsewhere. This year, Ireland has provided €659 million in aid for programmes in some of the poorest regions in the world.

In our aid programme, we have a firm commitment to support state institutions and independent organisations that promote human rights, governance, and democracy in developing countries.

Support is being provided to the Office of the High Commissioner for Human Rights, to a wide range of Non Governmental Organisations working on human rights issues, and to national human rights institutions in a number of developing countries.

Particular emphasis is given to the protection of human rights defenders, the prevention of gender-based violence, and support for the participation and representation of poor and marginalized people in the UN human rights system.

We firmly believe that without a strong culture of human rights and good governance, long-term sustainable development is not possible.

A central tenet of Irish foreign policy is support for the multilateral system of collective security represented by the United Nations. This commitment has found expression in Ireland's longstanding tradition of participation in UN peacekeeping operations. Ireland has participated continuously in UN peacekeeping operations since 1958. Members of our national police force also participate in UN missions and the Department of Foreign Affairs and Trade has also begun to second civilian experts to EU crisis management missions.

Questions raised by Delegations:

Several delegations asked for further information on the establishment of an expert group to advise on implementation of the European Court of Human Rights judgment in the A, B and C v Ireland case and access to therapeutic abortion in Ireland. As stated at paragraph 79 of the national report Ireland is committed to expeditious implementation of the judgment and an expert group will be appointed in November, drawing on appropriate medical and legal expertise with a view to making recommendations to Government on how this matter should be properly

addressed.

The Committee of Ministers of the Council of Europe has noted the action plan submitted by the Government and will discuss the matter in March 2012.

The UK asked about guidelines on citizenship and the possible introduction of an appeals process.

Following my appointment as Minister in March I decided that the length of time taken to process citizenship applications, at about 22 months, was unacceptable and put in train new arrangements to reduce that time to an average of 6 months.

In addition I have brought in legislation to establish citizenship ceremonies for the conferral of citizenship certificates on successful applicants.

I did this to provide a formal ceremony to mark the acceptance of the obligations of citizenship and to give formal acknowledgement by the State of the situation.

I am happy to say that the new arrangements have been welcomed both by the new citizens and by those who were issued with certificates under the old arrangements, as a recognition of their contribution made to Irish society.

I have no plans to introduce appeals in citizenship matters. Decisions are made by me and I am happy to consider any information put forward by an applicant.

The UK also asked about ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. As noted in our national report, on 17 May 2011, the Government approved the preparation of legislation to ratify the Optional Protocol. Work is continuing on the preparation of a legislative scheme, with a view to ratification as soon as possible after enactment.

At this point Madam President I will conclude and I look forward to hearing from the delegations and responding later to questions raised this morning and others of which we have prior notice.