



UN Human Rights Council
A LEGACY FOR IRELAND?
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Universal Periodic Review of Ireland

Interim Reporting Stage

Progress Scorecard, Government's Interim
Report and NGO Stakeholder Review

March 2014



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Universal Periodic Review of Ireland
First Cycle
Interim Report Compendium

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This Compendium has been prepared by the Irish Council for Civil Liberties (ICCL) as part of

UN Human Rights Council - A Legacy for Ireland?

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Ireland's Human Rights Record UPR Recommendation Scorecard

21 March 2014

COLOUR CODE

Change has occurred (recommendation has been implemented)
Some progress has been made
No movement

STATISTICS

4 % Change has occurred
89 % Some progress has been made
7 % No movement



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106.1. Complete the ratification process (Indonesia), consider the ratification (Chile, Ecuador) or the possibility of ratification (Argentina, Peru), ratify the Convention on the Rights of Persons with Disabilities (Austria, Canada, Greece, Iran, Iraq, Spain) already signed in 2007 (Algeria), at the earliest possible time/as soon as possible (France, Hungary);

106.2. Become a party (Estonia), consider accession (Brazil), ratification (Chile), ratify the Optional Protocol to the Convention against Torture (OP-CAT) (France, Greece, Slovenia, United Kingdom) and set up a national prevention mechanism that meets the criteria and guarantees under this instrument (Switzerland);

106.3. Continue the efforts for a speedy ratification of the Optional Protocol to the Convention against Torture (Peru);

106.4. Pursue efforts to ratify (Iraq), complete the ratification process (Indonesia), consider the possibility of ratifying (Argentina, Ecuador), ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Spain) as soon as possible (France);

106.5. Continue the process of accession to or ratification of the pending main international human rights instruments, in particular CED and the Convention on the Rights of Persons with Disabilities (CRPD) (Costa Rica);

106.6. Consider the ratification (Chile, Ecuador), ratify the Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography (OP-SCR) (Portugal, Slovenia, Turkey), as soon as possible (France);

106.7. Reinforce the independence and the capacity of the Irish Human Rights Commission to fulfil its mandate effectively in accordance with the Paris Principles (Moldova), by endowing it with adequate and sufficient resources (Ghana);

106.8. Ensure and strengthen the independence of its national human rights infrastructure (Egypt);

106.9. Implement its commitment to holding a constitutional referendum on children's rights with a view to incorporating those rights into the Irish Constitution (Australia);

106.10. Ensure a comprehensive and effective incorporation of children's rights into its legal framework in line with the Convention on the Rights of the Child (CRC), by incorporating children's rights into the Constitution (Portugal);

106.11. Give further effect to international human rights instruments in the domestic legislation, including from the provisions contained in the CRC (Indonesia);

106.12. Ensure that the current budget cuts do not result in stifling the activities of human rights bodies (Turkey);

106.13. Work with all sectors to ensure the Human Rights and Equality Commission is an effective agent for enhancing the country's commitment to human rights (Australia);

106.14. Continue to provide support for human rights education and training domestically in order to enhance awareness and respect for human rights (Moldova);



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106.15.Take measures to make access available to people with disabilities, on an equal footing, to education, employment, housing, transport and cultural life and facilitate their access to public places and services (Costa Rica);

106.16.Continue with the efforts related to the protection of the rights of people with disabilities (Ecuador);

106.17.Enact laws that protect adequately the rights and the well-being of separated and unaccompanied minors seeking asylum, in conformity with standards established under international laws (Uruguay);

106.18.Take the measures required to respect economic, social and cultural rights (Iraq);

106.19.Continue the efforts to ensure the exercise of human rights by the sections of society needing special attention from the authorities (Romania);

106.20.Continue action including legislation to remove gender-based inequalities in the workplace, including wage disparities between men and women (Sri Lanka);

106.21.Take additional measures to eliminate inequalities between women and men (Moldova);

106.22.Continue its efforts to ensure that migrants and women belonging to minorities continue to be the focus of government programmes specifically geared towards the protection of their rights (Argentina);

106.23.Take measures to tackle racial discrimination and to combat more resolutely all forms of racism, xenophobia and religious intolerance against foreigners and religious minorities, including Muslims (Iran);

106.24.Fight Islamophobia and support its Muslim citizens, by enabling them to practise their religion (Iran);

106.25.Ensure that any person involved in xenophobic and Islamophobic acts is investigated and prosecuted (Iran);

106.26.Take more effective measures to combat racial discrimination and intolerance, including by promptly investigating and taking stern action against perpetrators of racism, xenophobic and discriminatory acts and by promoting intercultural understanding and tolerance between the different ethnic and faith groups in the country (Malaysia);

106.27.Strengthen its efforts to protect the human rights of all Ireland's citizens, including those from sub-Saharan Africa (Indonesia);

106.28.Ensure that any persons involved in racial discrimination acts are investigated and prosecuted, and, if found guilty of such incidents, punished with appropriate penalties (Azerbaijan);

106.29.Maintain the strategies of holistic health and provisions of health care, with special emphasis on vulnerable groups, despite the budget cuts due to the economic crisis (Chile);

106.30.Strengthen the measures to improve the representation, education and protection of Travellers (Chile);

106.31.Continue its work for the full realization of human rights of the Traveller community in the country (Sweden);



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106.32. Continue pursuing appropriate policies designed to provide for equal opportunities to members of the Traveller community, with special focus on access to health care, education and housing, including ensuring Travellers' participation in public life related decision-making process (Slovakia);
106.33. Improve social and economic conditions of the members of the Traveller community (Pakistan);
106.34. Continue action to protect the conditions of migrant workers by improving existing legislation (Sri Lanka);
106.35. Ensure specifically that economic measures do not disproportionately impact upon the elderly (Netherlands);
106.36. Take effective measures to improve prison conditions (Algeria);
106.37. Give priority to bringing conditions and treatment of detainees in Irish prisons into line with international human rights standards, including through implementing outstanding recommendations from international human rights bodies (Norway);
106.38. Improve conditions for detainees in Irish prisons to bring them in line with international standards (Australia);
106.39. Continue its efforts to incorporate in-cell sanitation in all prison facilities (USA);
106.40. Further improve the conditions of detainees in line with international human rights standards (Hungary);
106.41. Take effective measures as soon as possible in order to avoid overcrowding in prisons and other detention facilities, in line with the Standard Minimum Rules for the Treatment of Prisoners (Austria);
106.42. Give due attention to the results of the expert group examining the possibility of the construction of a new prison (Austria);
106.43. Increase the use and promotion of alternative, non-custodial measures (Austria);
106.44. Continue its effort to secure satisfactory sanitary facilities in Irish prisons, including in-cell sanitation, and to mitigate overcrowding (Denmark);
106.45. Urgently and comprehensively bring conditions for the prison population into line with international human rights standards (Sweden);
106.46. Carry out all efforts to reduce overcrowding in prisons and to ensure that imprisonment is a measure of last resort (Spain);
106.47. Continue with the implementation of measures to improve adverse conditions in prisons, in particular the renovations required to improve the health situation in prisons and effective programmes for education and rehabilitation of prison inmates (Peru);
106.48. Complete the review of prison conditions in order to increase the quality of the prison management system (Indonesia);
106.49. Continue to strengthen its policies and laws against domestic violence (Algeria);
106.50. Strengthen its policies and laws against domestic violence towards women (Moldova);
106.51. Continue efforts with the aim of establishing protection campaigns and programmes for women against domestic violence (Argentina);



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106.52. Submit rapidly its national report to the Committee on the Elimination of Discrimination against Women (CEDAW) that was due in 2007 and include a section on violence against women as requested by the Committee (Switzerland);

106.53. Fully implement the relevant laws, policies and programmes aimed at combating domestic violence in the country (Malaysia);

106.54. Pass legislation to combat trafficking in human beings in the form of sham marriages (Latvia);

106.55. Support its Muslim citizens in enabling them to practise their religion (Turkey);

106.56. Make available adequate budgetary allocations, despite financial constraints, for the continued provision and improvement of education and health services which are essential to protect the rights of the poorest and the most vulnerable members of society (Sri Lanka);

106.57. Ensure the principle of equality and non-discrimination while guaranteeing the enjoyment of the right to health (Brazil);

106.58. Ensure the national availability and accessibility to contraceptive services and methods, including through the dissemination of information and education to boys, girls and adolescents, taking into account prevention of discrimination based on geographic status, disability or migrant status (Mexico);

106.59. Further measures to eliminate the underrepresentation of women in decision-making roles, particularly in the political arena and as members of corporate boards (Ghana);

106.60. Establish a consolidated framework relating to immigration and asylum issues, including an independent Appeals body (United Kingdom);

106.61. Ensure that all asylum-seekers in Ireland can effectively accede to the process of determination of their refugee condition and that decisions on the necessity for international protection can be reviewed and are subject to independent judicial supervision (Mexico);

106.62. Continue to allocate financial assistance for developing countries in the framework of Official Development Assistance (ODA) and meet the commitment made in this regard at the international level (Algeria).

107.1. Sign and ratify the Optional Protocol to the CRPD (Austria, Spain);

107.2. Continue the process of accession to or ratification of the pending main international human rights instruments, in particular OP-CRPD (Costa Rica);

107.3. Withdraw its reservations to the International Covenant on Civil and Political Rights (ICCPR) (Brazil);

107.4. Consider incorporating the right to health and the right to housing (Portugal) and sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Ecuador);

107.5. Withdraw its reservations to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ICESCR and ICCPR (Iran);



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107.7. Adopt practical and legal measures to curb racial discrimination and discrimination against migrants and look at the appeal by UNESCO to ratify the Convention against Discrimination in Education (Uzbekistan);

107.8. Continue the implementation of the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD) (Iraq);

107.9. Ensure the comprehensive and effective incorporation of children's rights into Ireland's legal framework in line with the United Nations Convention on the Rights of the Child by incorporating children's rights into the Constitution (Cambodia);

107.10. Urgently take measures necessary to ensure that the United Nations Convention on the Rights of the Child is fully implemented and incorporated into the legal and administrative system of Ireland (Sweden);

107.11. Consider alternative (legislative) measures that will enhance the position of children in the short term (i.e. extending the remit of the Ombudsman to children in prisons and asylum-seeking children) (Netherlands);

107.12. Strengthen the legal framework for the protection of the rights of children and the rights of other vulnerable groups such as women, the elderly, people with disabilities and the community of Travellers (Peru);

107.13. Enhance legal action against all forms of discrimination on the basis of race, ethnic, language, religion or national origin, in particular comprehensive respect for human rights of foreigners regardless of their migratory status (Ecuador);

107.14. Develop and adopt a gender parity law (France);

107.15. Pursue efforts aimed at strengthening the protection of all people from racial discrimination and by improving the existing draft pieces of legislation and passing them into law (Ghana);

107.16. Adopt laws to deal with the situation of persons not enjoying the highest level of physical and mental health with regards to the 2001 Act on Mental Health and bring its provisions in line with the CRPD (Spain);

107.17. Withdraw the provisions which entered into force on 1 January 2010 making blasphemy punishable as they may constitute an excessive limitation to the freedom of expression (France);

107.18. Take steps to ensure that the current economic crisis does not erode human rights, in particular by developing a National Action Plan on Human Rights as well as by providing continued support and shared experience on human rights worldwide (Cambodia);

107.19. Develop provisions of a training programme to raise the awareness of the judiciary to the racial dimension of crime and to ensure that judges take into account racist motivation as an aggravating circumstance when they sentence in criminal cases (Uruguay);

107.21. Enact laws setting principles on law, rights and obligations that govern family reunification (Uruguay);

107.22 Draw up an integrated and comprehensive human rights plan of action (Indonesia);

107.23. Ensure the full implementation and undertake an independent assessment of the National Women's Strategy (Austria);



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107.24.In line with the recommendations made by CERD, adopt and implement immediately legislation prohibiting any form of racial discrimination and ensure humanitarian treatment for migrants and persons of non-Irish origin, including through adequate training for judicial and police personnel (Mexico);

107.25.Consider strengthening its National Action Plan against Racism (Brazil);

107.26.Fully explore the possibility of putting in place a new National Plan of Action against Racism (Malaysia);

107.27. Accelerate efforts in establishing a national network of schools that guarantee equality of access to children irrespective of their religious, cultural or social background (Malaysia);

107.28.Strengthen the protection of all people from racial discrimination by improving the existing draft pieces of legislation and passing them into law (Pakistan);

107.29.Establish appropriate mechanisms to encourage the reporting of racist incidents and crimes (Azerbaijan);

107.30.Investigate the reports of "knife stabbings" against people mainly from sub-Saharan Africa and ensure that the perpetrators are prosecuted and, when convicted, punished with appropriate penalties (Azerbaijan);

107.31.Introduce a complete integration policy for this specific group (referring to Travellers who continue to suffer from discrimination) (Czech Republic);

107.32.Introduce measures to improve the conditions of Travellers in the society and introduce a comprehensive system for the monitoring of racist incidents (Turkey);

107.34.Activate efforts to improve the living conditions of detainees pretrial and after conviction and also to implement all the requirements of minimum standards of treatment of inmates (Uzbekistan);

107.35.Take the necessary measures to avoid detention of asylum-seekers and to avoid situations which may equate the condition of immigrants to that of felons (Brazil);

107.36.Enhance its efforts at the local level to better carry out the campaign against domestic violence (Switzerland);

107.37.Sign the Council of Europe Convention on Violence against Women and Domestic Violence (Austria);

107.38.Strengthen its policies and laws against domestic violence and prepare adequate statistics, including sex, age and family relationship of victims and perpetrators (Pakistan);

107.39.Implement the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the "Bangkok Rules" (Thailand);

107.40.Institute a comprehensive statutory inquiry and compensation scheme in order to guarantee accountability and assist the (women and children) victims (of violence) (Thailand);

107.41.Explicitly prohibit any form of corporal punishment in the family and continue developing awareness-raising campaigns and education for parents and for the public in general (Uruguay);



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107.42.Promote forms of discrimination and non-violent discipline as an alternative to corporal punishment, taking into consideration general comment No. 8 (2006) of the Committee on the Rights of the Child on the protection of children from corporal punishment and other cruel or degrading forms of punishment (Uruguay);

107.43.Amend the Civil Registration Act empowering the registers and the Garda (police) to intervene against sham marriages and to amend the criminal law to criminalize the organizers and facilitators of sham marriages (Latvia);

107.44.Further reform the law on same-sex marriage and change the concept of the traditional family as enshrined in the Constitution (Spain);

107.45.Amend Article 37 of the 1998 Employment Equality Act in order to prevent such discrimination against homosexuals and unmarried parents (Switzerland);

107.46.Enact legislation to make the right to collective bargaining through trade unions in line with international commitments (Norway);

107.47.Encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief (Turkey);

107.49.Adopt necessary measures to legally recognize the human rights of all minorities and ethnic groups that are residing in the country (Ecuador);

107.50 Continue public consultations with NGOs and civil society in the follow-up to the UPR (Austria).



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THE FOLLOWING RECOMMENDATIONS WERE REJECTED BY IRELAND:

107.6. Ratify the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960) (Hungary) and incorporate it into law (Iran);
107.20. Adopt immediate measures to assign an ad litem tutor or adviser to unaccompanied minors independently of whether an application for protection has been submitted (Uruguay);
107.33 Recognize Travellers as an official minority (Slovakia);
107.48. Eliminate religious discrimination in access to education (Egypt);
108.1. Consider becoming a party to (Turkey); the possibility of (Argentina, Ecuador, Peru) signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (Algeria, Egypt), incorporate it into law (Iran), and accede to its principles (Mexico);
108.2. Enact laws and design plans and strategies in the area of combating racism, racial discrimination, and racial profiling and investigate relevant cases to ensure provision of reparations to victims (Egypt);
108.3. Consider reviewing its law on the minimum age of criminal responsibility, to be in conformity with international human rights standards (Timor-Leste);
108.4. Bring its abortion laws in line with ICCPR (Norway);
108.5. Introduce legislation to implement the European Court of Human Rights judgement in the A, B and C versus Ireland case (United Kingdom);
108.6. Take measures to revise the law on abortion with a view to permitting termination of pregnancy in cases where pregnancy is a result of rape or incest, or in situations where the pregnancy puts the physical or mental health or well-being of the pregnant woman or the pregnant girl in danger (Denmark);
108.7. Allow abortion at least when pregnancy poses a risk to the health of the pregnant woman (Slovenia);
108.8. Adopt legislative measures that guarantee greater integration of women as well as safeguards for their personal rights and reproductive health care and reform the Offences against the Person Act of 1861 to decriminalize abortion under certain circumstances (Spain);
108.9. Ensure that the establishment of an expert group on abortion matters will lead to a coherent legal framework including the provision of adequate services (Netherlands);
108.10. Legislate against racial profiling and strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by law enforcement officers (Iran);
108.11. Consider adopting measures to prohibit any form of racial profiling by police and law enforcement officials (Brazil);



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108.12. Adopt legislation that prohibits any form of racial profiling and furthermore strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by the Garda Síochána and other law enforcement personnel in accordance with international human rights law (Azerbaijan);

108.13. Strengthen its laws to prohibit racial profiling and strengthen its efforts to promote humane, dignified and non-selective treatment for migrants and other persons who are not of Irish origin (Honduras);

108.14. Ensure the protection of the rights of domestic migrant workers, the majority of whom are women whose rights are not protected under the 2004 Law on parity (Uzbekistan);

108.15 Introduce a law allowing for family reunions as well as a law granting refugees the right to work (Czech Republic).

Universal Periodic Review
Ireland
National Interim Report



March 2014

Introduction

The promotion and protection of human rights is at the heart of Ireland's domestic and foreign policies. The 1937 Constitution of Ireland, *Bunreacht na hÉireann*, places a strong emphasis on fundamental rights and predates both the Universal Declaration of Human Rights and the European Convention on Human Rights. Ireland viewed the interactive UPR dialogue in October 2011 as a useful tool to assist in and support the ongoing work in the field of equality and human rights and welcomes the role that the UPR has played in raising awareness of human rights both nationally and internationally. At this mid-point between Ireland's 2011 interactive dialogue and our next review in January 2016, Ireland welcomes the opportunity to present this voluntary interim report to the Human Rights Council.

As a State under review, Ireland received 127 recommendations, of which 108 were accepted or partially accepted. This report outlines the measures taken by Ireland to date to address the issues raised in the accepted and partially accepted recommendations. Further significant developments in areas that were not specifically addressed in any of the recommendations made are summarised below.

Right to life, liberty and security of the person

Abortion

The Protection of Life During Pregnancy Act 2013 was signed into law by the President on 30 July 2013 and commenced on 1 January 2014. The Act provides legal clarity, by way of legislation and regulations, of the circumstances where a medical termination is permissible where there is real and substantial risk to the life – as opposed to the health – of a woman as a result of a pregnancy. This meets the requirements of the European Court of Human Rights Judgment in the ABC case and places a legal framework on an already existing provision set down by the 1992 Supreme Court Judgment in the X Case.

Access to Justice

The Programme for Government made commitments to bring about significant reform of the courts and legal services, and many reform measures have already been put in motion. A Referendum on establishing a Court of Appeal was passed by 65% of voters in October 2013 and the Constitution has been amended to allow for a new court between the High and Supreme Courts. It is intended that the Court of Appeal will be established for the start of the new law term in autumn 2014. Once established, it is expected that the Court of Appeal will clear a significant backlog in cases and enable the Supreme Court to deal with purely constitutional cases. In addition, the Government obtained approval for the appointment of an additional two judges to the Supreme Court to tackle lengthy waiting times, thus allowing for speedier access to justice.

The Courts and Civil Law Act 2013 increases the financial jurisdictions of the Circuit and District Courts, and introduces important changes to the in-camera rule to provide transparency in family law and child protection procedures. (See below under *Right to privacy, marriage and family life*).

Enactment of the Legal Services Regulation Bill 2011 is expected to take place in the first half of 2014. When enacted, the legislation will provide for independent oversight of legal practitioners by a new Legal Services Regulatory Authority; a new Office of the Legal Costs Adjudicator to ensure greater transparency and public awareness when it comes to legal costs; a new independent complaints structure to deal with complaints about professional misconduct, and new Alternative Business Structures, forms of which already exist in England, Wales, Australia, Germany, the Netherlands and

Canada that enable greater business and employment opportunities and flexibility within the professions, and greater choice and competition for their clients.

Magdalen Laundries

The Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries, which was independently chaired by the then Senator Martin McAleese, presented its final report to Government in February, 2013. The Taoiseach issued an apology to all the former residents of these institutions.

The Government appointed Mr Justice Quirke to establish an ex-gratia scheme for the benefit of those who were admitted to and worked in the Magdalen Laundries. The Government accepted the recommendations made in the Quirke Report, which was published in June 2013, and approved the immediate establishment of an ex-gratia compensation scheme.

A special unit was established to process applications and to determine whether an applicant resided and worked in an institution covered by the scheme, the duration of their stay and the calculation of the capital sum due to be paid to them. Over 650 applications have been received and almost €5.6 m has been paid in lump sum payments to date.

Right to privacy, marriage and family life

Family law issues: In-camera rule

The Courts and Civil Law Act 2013 introduced important changes to the in-camera rule to provide greater transparency and confidence in family law and child protection procedures. On 12 January 2014, the Minister for Justice, Equality and Defence, Alan Shatter TD, announced the immediate coming into operation for the start of the new legal term of reforms to the in-camera rule for family law and childcare proceedings. The changes that came into force allow the media to report on family law and childcare proceedings according to strict conditions. These reforms are designed to address the need for public access to important information on the operation of family and child care proceedings in the courts. The changes are part of the Government's commitment in the Programme for Government to reform and modernise aspects of family law.

Recognition of additional foreign registered relationships

An Order made under the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 by the Minister for Justice and Equality in December 2013 prescribes certain registered relationships entered into by same sex couples in other jurisdictions as entitled to be treated as equivalent to civil partnership under Irish law.

The additional registered relationships now being afforded recognition are: marriages registered in Australian Capital Territory (Australia), Brazil, France, Quintana Roo (Mexico), New Zealand, Delaware (United States of America), Maine (United States of America), Maryland (United States of America), Minnesota (United States of America), New Jersey (United States of America), Rhode Island (United States of America) and Uruguay; civil partnerships registered in Jersey; and civil unions registered in Colorado (United States of America). The Order came into effect on 31 December 2013 and brings the number of categories of recognised registered relationships to 57, from 45 jurisdictions.

Irish-based couples in any of these relationships are now subject to the same legal regime and the same rights and obligations as a couple who register a civil partnership in Ireland. This includes rights and obligations in relation to shared property, pensions, inheritance and on break-up of the relationship. Civil partners are also treated in the same way as spouses under the tax, social welfare and domestic violence codes.

Transgender issues:

The General Scheme of the Gender Recognition Bill was published in July 2013 and was brought forward by the Government in response to a ruling of the High Court that the State was in contravention of its obligations under the European Convention on Human Rights by not having a process to legally recognise the acquired gender of transgender persons. The commitment of the Government to address the issue is reflected in its inclusion in the Programme for Government 2011-2016¹. Once enacted, it will mean that a person over the age of 18 who transitions gender will have their acquired gender fully recognised by the State for all purposes, including the right to marry or enter a civil partnership in the acquired gender and the right to a new birth certificate. The early publishing of the General Scheme of the Bill followed consultation with stakeholders through all stages of the drafting process and this consultation is ongoing. The Bill was one of the first to undergo a new pre-legislative scrutiny procedure, whereby the General Scheme of the Bill was referred to the Joint Oireachtas Committee on Education and Social Protection. The Committee undertook a process of public consultation that generated submissions from 13 groups and individuals, and organised public hearings over two days in October 2013. The Committee's Report on the General Scheme of the Gender Recognition Bill was published in January 2014². Following Government consideration of the Report, the General Scheme of the Bill, with any agreed revisions, will be referred to the Office of the Parliamentary Counsel for drafting, with a view to legislation being published later in 2014.

Right to an adequate standard of living

Personal insolvency

Commencement of the Personal Insolvency Act 2012 completed substantial reform of personal insolvency and bankruptcy, allowing for the establishment of the Insolvency Service of Ireland³, the introduction of three new modern and humane debt settlement arrangements⁴, and the reduction in the discharge from bankruptcy to three years from twelve years. In addition to commencing this legislation in 2013, the required instruments and rules of court necessary to facilitate commencement of the legislation were put in place, the required insolvency specialist judges were appointed and the licensing of Personal Insolvency Practitioners was undertaken.

Rights of the child

Child protection

The Child and Family Agency Act 2013 established the Child and Family Agency with effect from 1 January 2014. Child and family services will now be the sole focus of a single dedicated State agency, overseen by a single dedicated Government Department.

This was a key commitment in the Programme for Government and represents an essential response to recent reports on child protection failings, including inconsistency and fragmentation in service provision.

The Agency brings together key services relevant to children and families, including child protection and welfare services currently operated by the HSE, the Family Support Agency, the National Educational Welfare Board.

The Government announced in December 2013 that the General Scheme of the Criminal Law (Sexual Offences) Bill would be published early in 2014. The purpose of the Bill is to improve the protection of children from sexual abuse and sexual exploitation by creating new offences and strengthening existing law against sexual

abuse, defilement and the grooming of children for sexual exploitation over the internet. New provisions are also being introduced to make it easier for child victims of sexual offences to give evidence. The Scheme, which has over 70 sections, will give effect to:

- the Directive 2011/93/EU of the European Parliament and of the Council on combating the sexual abuse and sexual exploitation of children and child pornography
- the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention)
- the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- certain recommendations of the Joint Committee on Child Protection and the Joint Committee on the Constitutional Amendment on Children
- the review and public consultation on updating the law on the monitoring of sex offenders under the Sex Offenders Act 2001.

Right to education

New anti-bullying procedures for all primary and post-primary schools

In September 2013, the Minister for Education and Skills published new anti-bullying procedures to be adopted and implemented by all 4,000 primary and post primary schools⁵. The new procedures require that the prevention of bullying must be an integral part of a school's anti-bullying policy and there is a strong focus on education and prevention strategies to deal with bullying behaviour including, in particular, cyber-bullying and identity-based bullying such as homophobic and transphobic bullying. All schools are required to immediately commence the necessary arrangements for developing and formally adopting an anti-bullying policy that fully complies with the requirements of the new procedures. This is expected to be completed by each school as early as possible in the 2013/14 school year but in any event by no later than the end of the second term of the 2013/14 school year.

Rights of persons with disabilities

Registration and inspection of residential services for people with disabilities

A new scheme of registration and inspection of residential services for people with disabilities came into effect on 1 November 2013. The Scheme is delivered by the Health Information and Quality Authority (HIQA), which is now authorised to set and monitor standards for designated centres which include residential services provided to persons with disabilities. HIQA is also now empowered to undertake investigations as to the safety, quality and standards of these residential services⁶.

Governance

Establishment of Charities Regulatory Authority

The Minister for Justice and Equality has announced the establishment of a Charities Regulatory Authority by Easter 2014. An early priority for the new Authority will be the creation and publication of a statutory register of charities. All registered charities will be required to provide reports to the Authority each year on their activities and these reports will be made available to the public. This will provide a much needed increase in transparency and accountability in the charitable sector, and will support the good practice in charity governance and management that is critical to a vibrant charity sector that commands the trust and confidence of donors and beneficiaries alike.

Recommendations and status of implementation

106.1 - Complete the ratification process (Indonesia), consider the ratification (Chile, Ecuador) or the possibility of ratification (Argentina, Peru), ratify the Convention on the Rights of Persons with Disabilities (Austria, Canada, Greece, Iran, Iraq, Spain) already signed in 2007 (Algeria), at the earliest possible time/as soon as possible (France, Hungary);

ACCEPTED

Ongoing.

The Government intends to proceed to ratification of the Convention as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. Ireland does not become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

An Interdepartmental Committee on the Convention is monitoring the remaining legislative and administrative actions required to enable ratification. The Committee has identified as part of its work programme issues to be considered by various Government Departments. It is a matter for those Departments to determine whether any actions are required in relation to these issues in advance of ratification and report back to the Committee. This work is ongoing in all Departments. At the Committee's request, the National Disability Authority⁷, the lead statutory agency for the sector, is also assisting it to assess remaining requirements for ratification to ensure that all outstanding issues will be comprehensively addressed.

106.2 - Become a party (Estonia), consider accession (Brazil), ratification (Chile), ratify the Optional Protocol to the Convention Against Torture (OP-CAT) (France, Greece, Slovenia, United Kingdom) and set up a national prevention mechanism that meets the criteria and guarantees under this instrument (Switzerland);

ACCEPTED

Work is progressing on the Draft General Scheme of the Inspection of Places of Detention Bill. Enactment of this Bill is a necessary prior step to ratification.

106.3 - Continue the efforts for a speedy ratification of the Optional Protocol to the Convention against Torture (Peru);

ACCEPTED

See response to recommendation 106.2.

106.4 - Pursue efforts to ratify (Iraq), complete the ratification process (Indonesia), consider the possibility of ratifying (Argentina, Ecuador), ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Spain) as soon as possible (France);

ACCEPTED

Ongoing.

It is likely that legislation will be required in advance of ratification. Legislative requirements are being examined. Any necessary legislation will be progressed as soon as possible, taking into account other priorities, including ratification of other international human rights conventions.

106.5 - Continue the process of accession to or ratification of the pending main international human rights instruments, in particular CED and the Convention on the Rights of Persons with Disabilities (CRPD) (Costa Rica);

ACCEPTED

Ongoing.

Please see response to recommendation 106.4 on CED.

Please see response to recommendation 106.1 on UN CRPD.

106.6 - Consider the ratification (Chile, Ecuador), ratify the Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography (OP-SCR) (Portugal, Slovenia, Turkey), as soon as possible (France);

ACCEPTED

The criminal law elements of the Optional Protocol have largely been implemented in our existing sexual offences and human trafficking legislation.

The Department of Justice and Equality has been conducting a wide-ranging examination of the law on sexual offences. Arising from that review, the Minister expects to bring legislative proposals, including measures to implement outstanding criminal law requirements in the Protocol and other international instruments, to Government for approval shortly.

106.7 - Reinforce the independence and the capacity of the Irish Human Rights Commission to fulfil its mandate effectively in accordance with the Paris Principles (Moldova), by endowing it with adequate and sufficient resources (Ghana);

ACCEPTED

Ongoing. The Irish Human Rights and Equality Commission Bill was published in March 2014. 14 members-designate of the new Commission were selected in April 2013 according to a process independent of Government and appointed initially to the Equality Authority and the Human Rights Commission so that the two organisations may begin to operate as a cohesive whole. The Government remains committed to doing everything possible to ensure that the Commission has the resources in place to carry out its mandate fully and in full compliance with the Paris Principles and, notwithstanding the current difficult economic climate, has made provision in 2014 for a 45% increase in State funding for the Commission, to €6.299m.

106.8 - Ensure and strengthen the independence of its national human rights infrastructure (Egypt);

ACCEPTED

Ongoing.

Please see response to recommendation 106.7

106.9 - Implement its commitment to holding a constitutional referendum on children's rights with a view to incorporating those rights into the Irish Constitution (Australia);

ACCEPTED

A referendum to amend the Constitution⁸ to acknowledge and affirm the rights of children was passed on 10 November 2012.

A challenge to the Provisional Referendum Certificate was lodged in the High Court and was unsuccessful. However, this matter has been appealed to the Supreme Court which has indicated it will hear the appeal early in 2014.

The matter of referring the Referendum Bill to the President for signing into law, and to give effect to the Constitutional changes concerned, must await determination by the Courts of the issues raised in the legal challenge made.

106.10 - Ensure a comprehensive and effective incorporation of children's rights into its legal framework in line with the Convention on the Rights of the Child (CRC), by incorporating children's rights into the Constitution (Portugal);

ACCEPTED

A referendum to amend the Constitution to acknowledge and affirm the rights of children was passed on 10 November 2012.

Please see information on the status of the referendum result in response to 106.9.

106.11 - Give further effect to international human rights instruments in the domestic legislation, including from the provisions contained in the CRC (Indonesia);

ACCEPTED

Please see response to recommendation 106.9.

The State submitted a combined 3rd and 4th Report to the UN Committee on the Rights of the Child⁹ in August 2013, which gives updates in relation to the Convention on the Rights of the Child.

106.12 - Ensure that the current budget cuts do not result in stifling the activities of human rights bodies (Turkey);

ACCEPTED

Please see response to recommendation 106.7.

106.13 - Work with all sectors to ensure the Human Rights and Equality Commission is an effective agent for enhancing the country's commitment to human rights (Australia);

ACCEPTED

Ongoing. Please see response to recommendation 106.7.

106.14 - Continue to provide support for human rights education and training domestically in order to enhance awareness and respect for human rights (Moldova);

ACCEPTED

Ongoing.

The Human Rights Commission in Ireland provides tailored training to the Civil and Public Service in the field of human rights. Training has been provided to members of

the police force, prison service, local authority officials and civil servants. This training is ongoing. In December 2013 the Commission hosted a conference in Dublin to highlight best practice in human rights education and training for civil and public servants. The event was organised in cooperation with the Office of the UN High Commissioner for Human Rights.

106.15 - Take measures to make access available to people with disabilities, on an equal footing, to education, employment, housing, transport and cultural life and facilitate their access to public places and services (Costa Rica);

ACCEPTED

Ongoing.

Access to Public Places and Services

The Disability Act 2005¹⁰ is a positive action measure which provides a statutory basis for making public buildings and services accessible to people with disabilities. The *Code of Practice on Accessibility of Public Services and Information Provided by Public Bodies*¹¹ was published by the Irish National Disability Authority in order to assist public bodies in meeting their obligations in this regard.

Access to Cultural Life

The Department of Arts, Heritage and the Gaeltacht is committed to improving access to cultural life for people with disabilities. For example, in the arts sector, the Arts Council is committed to the implementation of an Arts and Disability Policy and are working on a number of initiatives such as mainstreaming access to performances across the board, working with selected theatre companies and venues in marketing, preparation and delivery of assisted performances (captioned and audio described), improving access in existing arts venues and provision of the relevant staff training. Work is also ongoing in the Department to improve access to Ireland's natural and built heritage sites.

Access to Housing

The Government's *National Housing Strategy for People with a Disability*¹², which was published in late 2011, sets out the broad framework for the delivery of housing for people with disabilities through mainstream housing policy. The Strategy forms part of a policy framework which will support people with disabilities in community based living with maximum independence and choice.

Access to Employment

People with disabilities have equal access to employment through the Department of Social Protection's national network of Employment Services Offices and its newly launched INTREO service.¹³

The National Disability Strategy Implementation Plan, published in July 2013, has as one of its actions the publication of a comprehensive employment strategy for people with disabilities. A second action is to ensure a coordinated approach to support persons with disabilities to progress into employment through this comprehensive employment strategy.

The aim of these actions is to ensure that more people with disabilities can access work and that services at local level are coordinated and there is joined up access across agency boundaries to deliver more seamless supports to people with disabilities.

Access to Transport

The latest edition of *Transport Access for All*¹⁴, the Department of Transport Tourism and Sport's Sectoral Plan under the Disability Act 2005, provides a roadmap for further advancements in public transport accessibilities improvements. It aims to build on the

progress already achieved and was prepared following an extensive consultation process. This Plan was completed in 2012 and has since been approved by both Houses of the Oireachtas.

Access to Education

The preamble to the State's Education Act 1998¹⁵, makes specific reference to provision for the education of persons with disabilities or special educational needs. A stated objective of the Act is 'to give practical effect to the constitutional rights of children, including children who have a disability or other special educational needs.'

The statutory framework for the education of children with special educational needs is contained in the Education for Persons with Special Educational Needs (EPSEN) Act 2004¹⁶. The EPSEN Act promotes inclusive education for children with special educational needs; it outlines the duties and responsibilities of Boards of Management of schools and of principal teachers with regard to education provision for children with special educational needs; it deals with the development and implementation of education plans for children with assessed special educational needs; and it confers on parents a series of rights in relation to their child with special educational needs.

The National Council for Special Education (NCSE)¹⁷, established under the EPSEN Act, is responsible for the provision of a range of educational services at local and national level for students with special educational needs. In particular, its network of Special Education Needs Organisers (SENOS) co-ordinates special needs education provision at local level and arranges for the delivery of agreed educational services.

106.16 - Continue with the efforts related to the protection of the rights of people with disabilities (Ecuador);

ACCEPTED

The Irish Government launched the National Disability Strategy¹⁸ in September 2004 to underpin the participation of people with disabilities in Irish society. The strategy builds on existing policy and legislation, including the policy of mainstreaming public services for people with disabilities. The key elements of the strategy are:

- the Disability Act 2005;
- sectoral plans prepared by six Government Departments that set out how each department will deliver specific services for people with disabilities;
- the Citizens Information Act 2007¹⁹;
- the Education for Persons with Special Educational Needs Act 2004;
- a multi-annual investment programme 2006-2009 targeted at high-priority disability support services.

Implementation of the Strategy continues to be the focus of Government policy for the sector. However, a specific implementation plan for the strategy had not previously been developed. This Government is now addressing this.

An Implementation Plan²⁰ has been developed with the identification by Departments of actions, timelines and key performance indicators. Significant discussion was undertaken between the Disability Stakeholders Group and Government Departments to reach agreement on the suite of actions contained in the Plan, which was published in July 2013.

The aim of the Implementation Plan is, through engaging with the disability sector and building on the traditional problem-solving and constructive approach of the community and voluntary sector, to make progress to achieve common interests. More targeted, innovative and flexible services, designed and delivered on the basis of the evidence drawn from systematic evaluation will help ensure that available resources are used to deliver services that meet the needs of the community as efficiently and effectively as possible.

106.17 - Enact laws that protect adequately the rights and the well-being of separated and unaccompanied minors seeking asylum, in conformity with standards established under international laws (Uruguay);

ACCEPTED

The immediate and the ongoing needs of unaccompanied minor asylum seekers relating to accommodation, medical and social needs, as well as their application for refugee status, are the responsibility of the Health Service Executive in accordance with the Refugee Act 1996²¹ (as amended) and the Child Care Act 1991²²(as amended).

The Refugee Act 1996 (Asylum Procedures) Regulations 2011²³ further provides for the best interests of unaccompanied minors by setting out certain procedures which the Refugee Applications Commissioner²⁴ must ensure are followed before, during and after the personal interview of a minor. These procedures specifically relate to the special needs of minors and the requirement that officers involved in the process possess the necessary knowledge relating to such special needs.

106.18 - Take the measures required to respect economic, social and cultural rights (Iraq);

ACCEPTED

Ireland is a party to the International Covenant on Economic, Social and Cultural Rights, having signed the Covenant in 1973 and ratified it in 1989. Following an announcement by the Minister for Foreign Affairs and Trade and the Minister for Justice, Equality and Defence, Ireland signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in March 2012.

Detailed information on the legislative and policy measures in place to respect and protect economic, social and cultural rights is available in Ireland's *Third Periodic Report to the UN Committee on Economic, Social and Cultural Rights (E/C.12/IRL/3)* on the website of the UN High Commissioner for Human Rights.²⁵

106.19 - Continue the efforts to ensure the exercise of human rights by the sections of society needing special attention from the authorities (Romania);

ACCEPTED

The Government is committed to protecting the rights of all members of society, particularly the most vulnerable. The human rights of all residents are comprehensively protected by Ireland's Constitution and by equality legislation, which is continuously under review. Public bodies are under clear statutory and constitutional obligations in relation to the treatment of individuals from a human rights and equality perspective. The existing legislative framework includes the Equal Status Acts, the Employment Equality Acts²⁶, the Human Rights Commission Acts²⁷, the European Convention on Human Rights Act 2003²⁸ and the Irish Human Rights and Equality Commission Bill, which was published in March 2014.

Insofar as proposals for significant legislation are put to Government, there is an obligation to conduct a Regulatory Impact Assessment with a specific requirement within that to address gender equality and poverty proofing issues, and the impact on the socially excluded and on vulnerable groups.

The Government has committed in its Programme for Government to require all public bodies to take due note of equality and human rights in carrying out their functions,

focusing on ensuring that these issues are centre stage in the public sector reform process underway.

106.20 - Continue action including legislation to remove gender-based inequalities in the workplace, including wage disparities between men and women (Sri Lanka);

ACCEPTED

Ongoing.

Ireland continues to implement the *National Women's Strategy 2007 – 2016*²⁹ which contains a clear vision to:

- Equalise socioeconomic opportunity for women;
- Ensure their well-being; and
- Engage women as equal and active citizens,

There has been a steady if small fall in the Irish gender pay gap in recent years. The latest available figures on the gender pay gap released by the European Commission to coincide with Equal Pay Day 2013, shows that the gap in Ireland stands at 13.9% (2010). This leaves Ireland ranked twelfth out of the 27 EU States and better than the EU average of 16.2 %.

In response to the recognised gender pay gap that exists, the Irish Business & Employers' Confederation (IBEC)³⁰ with the support of the Equality Authority developed a gender pay audit template in 2011/2012 to assist business organisations to carry out an equal pay measurement.

A working group chaired by Minister of State Kathleen Lynch T.D. has been specifically addressing the advancement of women in leadership roles, including in politics, management, on Boards, and in the diplomatic and judicial systems. Its report, along with recommendations for action, will be presented to Government shortly.

The report's recommendations, when implemented, are intended to better foster women's engagement and advancement in the labour market. This will help to maximise the contribution of Ireland's highly educated females both to the workforce and in decision-making and leadership roles and go towards achieving the Europe 2020 employment target.

106.21 - Take additional measures to eliminate inequalities between women and men (Moldova);

ACCEPTED

As mentioned above in response to recommendation 106.20, the *National Women's Strategy 2007–2016*, the implementation of which is monitored annually, addresses all the key elements to equalize socioeconomic opportunities for women, ensure their well-being and engage them as equal and active citizens.

106.22 - Continue its efforts to ensure that migrants and women belonging to minorities continue to be the focus of government programmes specifically geared towards the protection of their rights (Argentina);

ACCEPTED

Ongoing.

As stated in 106.19, the human rights of all residents are already comprehensively protected by Ireland's Constitution, which in effect, constitutes a Bill of Rights for the State, and by a robust legislative framework that includes the Equal Status Acts, the Employment Equality Acts, the Human Rights Commission Acts, the European

Convention on Human Rights Act and the Irish Human Rights and Equality Commission Bill, which was published in March 2014.

106.23 - Take measures to tackle racial discrimination and to combat more resolutely all forms of racism, xenophobia and religious intolerance against foreigners and religious minorities, including Muslims (Iran);

ACCEPTED

As detailed in the *Addendum to the Report of the Working Group*³¹, robust practical and legal measures against racial discrimination, racism and xenophobia are in place. Work in this area is ongoing.

The Minister for Justice and Equality is continuing to prioritise the issue of anti racism and anti xenophobia in the context of responding to an increasingly multi-ethnic and multi-cultural population in Ireland.

106.24 - Fight Islamophobia and support its Muslim citizens, by enabling them to practise their religion (Iran);

ACCEPTED

Article 44 of the Constitution specifically protects religious freedom. See comment under 106.23 in relation to tackling xenophobia and other forms of extreme intolerance.

106.25 - Ensure that any person involved in xenophobic and Islamophobic acts is investigated and prosecuted (Iran);

ACCEPTED

The Prohibition of Incitement to Hatred Act 1989³² makes it an offence to publish or distribute written materials or to use words, behave or display written material outside a private residence (or inside a private residence if such can be seen or heard by persons outside it) or to distribute, show or display a recording of visual images or sounds that are threatening, abusive, insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred.

Under Section 6 of the Prohibition of Incitement to Hatred Act 1989, a person convicted of an offence may be liable to imprisonment for up to 2 years and/or a maximum fine of €25,000. The maximum fine has been almost doubled from €12,700 with effect from 4 January, 2011 following the commencement of the indexation provisions of the Fines Act 2010. The summary fine - previously a maximum fine of €1,270 - is now a Class C fine, which is a maximum fine of €2,500.

Information provided by the Office of the Director of Public Prosecutions³³ in 2011 shows that the Prohibition of Incitement to Hatred Act is being used to secure convictions for racist and xenophobic offences and is being considered by the judiciary when passing down sentence. A breakdown of statistics on reported racially motivated crimes is available on the website of the Office for the Promotion of Migrant Information³⁴.

It should also be noted that persons involved in incidents of a racist nature can be prosecuted under other enactments, e.g. the Non-Fatal Offences against the Person Act 1997³⁵ or the Criminal Damage Act 1991³⁶ and aggravating factors can be taken into account at sentencing.

106.26 - Take more effective measures to combat racial discrimination and intolerance, including by promptly investigating and taking stern action against perpetrators of racism, xenophobic and discriminatory acts and by promoting intercultural understanding and tolerance between the different ethnic and faith groups in the country (Malaysia);

ACCEPTED

See comments under recommendations 106.23 and 107.24.

106.27 - Strengthen its efforts to protect the human rights of all Ireland's citizens, including those from sub-Saharan Africa (Indonesia);

ACCEPTED

Ongoing. Please see response to recommendation 106.19.

106.28 - Ensure that any persons involved in racial discrimination acts are investigated and prosecuted, and, if found guilty of such incidents, punished with appropriate penalties (Azerbaijan);

ACCEPTED

See comments in response to recommendations 106.23 and 106.25.

106.29 - Maintain the strategies of holistic health and provisions of health care, with special emphasis on vulnerable groups, despite the budget cuts due to the economic crisis (Chile);

ACCEPTED

Due to the global financial crisis, Ireland, like other EU Member States, has had to significantly reduce public spending. The challenge is to reduce the cost of health services, not the quality. Ireland is in the midst of a major programme of reform to address that challenge.

Ireland's health reform programme is set out in the report *Future Health - A Strategic Framework for Reform of the Health Service 2012 - 2016*³⁷. The Programme is built on four independent pillars: (1) Health and Wellbeing; (2) Service Reform - to deliver a less hospital-focussed model of care; (3) Structural Reform - to implement the steps required to shift the model of public healthcare from a tax funded system to a combination of universal health Insurance and tax funding, and; (4) Financial Reform - to ensure the financing system is based on incentives that are aligned with fairness and efficiency, while reducing costs, improving control and delivering better quality.

*Healthy Ireland*³⁸ is the national framework for action to improve the health and wellbeing of our country over the coming generation. The vision embodied in Healthy Ireland - a framework for improved health and wellbeing is to create a healthy Ireland where everyone can enjoy physical and mental health wellbeing to their full potential, where wellbeing is valued and supported at every level of society and is everyone's responsibility. Goal 2 of the framework deals with reducing health inequalities, with a broad focus on addressing the wider social determinants of health to create economic, social, cultural, and physical environments that foster healthy living, whilst also addressing interventions to target particular health risks.

106.30 - Strengthen the measures to improve the representation, education and protection of Travellers (Chile);

ACCEPTED

Travellers in Ireland have the same civil and political rights as other citizens under the Constitution. The key anti-discrimination measures, the Prohibition of Incitement to Hatred Act, 1989, the Unfair Dismissals Act 1977³⁹, the Employment Equality Acts and the Equal Status Acts specifically identify Travellers by name as a group protected. The Equality Act 2004, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across all of the nine grounds contained in the legislation, including the Traveller community ground. All the protections afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments explicitly protects Travellers.

106.31 - Continue its work for the full realization of human rights of the Traveller community in the country (Sweden);

ACCEPTED

Ongoing. See response to recommendation 106.30.

106.32 - Continue pursuing appropriate policies designed to provide for equal opportunities to members of the Traveller community, with special focus on access to health care, education and housing, including ensuring Travellers' participation in public life related decision-making process (Slovakia);

ACCEPTED

Ongoing. See response to recommendation 106.30.

106.33 - Improve social and economic conditions of the members of the Traveller community (Pakistan);

ACCEPTED

Ongoing.

See comment under 106.30.

As Irish citizens, Travellers have the same rights and responsibilities of all other Irish citizens and are fully entitled to seek to avail of the various health, education, housing and employment services made available by the State. Specific dedicated strategies and special initiatives are being taken in each of the aforementioned areas to address the disadvantage which Travellers face. The High Level Group on Traveller Issues oversees the delivery and implementation of these measures by the relevant statutory agencies involved.

106.34 - Continue action to protect the conditions of migrant workers by improving existing legislation (Sri Lanka);

ACCEPTED

Enforcement of Employment Rights

The employment rights conferred by Irish law apply to all workers legally employed in the State. These include the right to a minimum wage, regulated working hours, annual leave, public holidays, a right to notice before dismissal and protection against unfair dismissal. The State provides structures to both regulate the workplace and allow for the redress of complaints. The Irish labour inspectorate, the National Employment Rights Agency (NERA)⁴⁰, carries out inspections of all workplaces in the State and

addresses issues of non-compliance with employment law. It works closely with the Migrant Rights Centre of Ireland and other bodies on matters relating to the employment rights of migrant workers. NERA also provides employment rights information in 13 languages and where necessary has access to translation services to carry out its information and enforcement roles.

Employment Permits

Amendments to the Employment Permits legislation are being drafted to strengthen protection of migrant workers in an irregular situation. The Bill has been approved by Government for publication, subject to necessary technical changes being made.

Reform of Employment Rights Bodies

The Government is committed to reform of the State's existing Workplace Relations Services. To this end, it is proposed to establish a two-tier Workplace Relations structure which will involve two statutorily independent bodies replacing the current five. There will be a new single body of first instance to be called the Workplace Relations Commission (WRC) and a separate appeals body.

The Government is committed to the publication and enactment of the necessary legislation at an early stage with a view to having the proposed new Workplace Relations structures in place during 2014.

106.35 - Ensure specifically that economic measures do not disproportionately impact upon the elderly (Netherlands);

ACCEPTED

Government policy is to support older people to live in dignity and independence in their own homes and communities for as long as possible and to support access to quality long term residential care where necessary. There is an extensive system of supports and services available to our older people⁴¹.

Residential Services

The purpose of the Nursing Home Support Scheme⁴² is to provide financial support for people assessed as needing long-term nursing home care. Almost 23,000 people are in receipt of financial assistance under the Scheme, which will cost over €970m in 2013.

Community/Home Support Services

In 2013, 10.3 million hours of home help will be delivered to about 50,000 clients and an additional 10,870 people will receive Home Care Packages. A further approximately 21,500 day care places are available for our older people. Community services will cost in excess of €390m in 2013.

National Positive Ageing Strategy

Ireland's *National Positive Ageing Strategy*⁴³, published in April 2013, seeks to ensure that older people are recognised, supported and enabled to lead full and independent lives. The Strategy is based round participation, health, security in the home, and policy supported by research. It is underpinned by the 2002 World Health Organisation Active Ageing Policy Framework and the UN Principles for Older Persons from 1991, which can be summarised as independence, participation, care, self-fulfilment and dignity.

106.36 - Take effective measures to improve prison conditions (Algeria);

ACCEPTED

The *Irish Prison Service Three Year Strategic Plan 2012 – 2015*⁴⁴ includes a 40 month capital expenditure plan which contains a significant programme of works to improve

prison conditions. Over the lifetime of the capital plan, the Irish Prison Service⁴⁵ will provide in-cell sanitation in all remaining areas of the prison estate, providing a W/C and wash hand basin in every locked cell. This will be achieved inter alia, through the construction of a replacement prison in Cork, the complete refurbishment of Mountjoy prison and the replacement of two Victorian wings in Limerick Prison.

106.37 - Give priority to bringing conditions and treatment of detainees in Irish prisons into line with international human rights standards, including through implementing outstanding recommendations from international human rights bodies (Norway);

ACCEPTED

The Irish Prison Service works closely with the Office of the Inspector of Prisons in bringing conditions and treatment of detainees in Irish prisons into line with international human rights standards.

The Inspector of Prisons Office⁴⁶ is a statutory, independent office established under the Prisons Act, 2007⁴⁷ whose main role is to carry out regular inspections of the 14 prisons and places of detention in the State and to present his report(s) on each institution visited as well as an Annual Report to the Minister for Justice and Equality.

In addition one of the over arching high level objectives which underpins the *Irish Prison Service Three Year Strategic Plan 2012 – 2015* is ensuring Ireland's compliance with domestic and international human rights obligations and best practice. A number of strategic actions including a reduction in overcrowding and ending the detention of children are currently being implemented to ensure such compliance.

106.38 - Improve conditions for detainees in Irish prisons to bring them in line with international standards (Australia);

ACCEPTED

See responses to recommendations 106.36 and 106.37.

106.39 - Continue its efforts to incorporate in-cell sanitation in all prison facilities (USA);

ACCEPTED

See responses to recommendations 106.36 and 106.37.

106.40 - Further improve the conditions of detainees in line with international human rights standards (Hungary);

ACCEPTED

See responses to recommendations 106.36 and 106.37.

106.41 - Take effective measures as soon as possible in order to avoid overcrowding in prisons and other detention facilities, in line with the Standard Minimum Rules for the Treatment of Prisoners (Austria);

ACCEPTED

The Irish Prison Service is committed to taking effective measures to reduce overcrowding in prisons and other detention facilities, in line with the UN Standard Minimum Rules for the Treatment of Prisoners. It is intended to align the capacity of our prisons in line with the guidelines laid down by the Inspector of Prisons by 2014 in so far as this is compatible with public safety and the integrity of the criminal justice system. Significant investment has taken place in our prison estate in recent years with in excess of 900 new prison spaces having been constructed and brought into use since 2007. Furthermore, the Irish Prison Service has commenced the roll out of the Community Return Scheme⁴⁸, an incentivised scheme for earned temporary release

under which offenders who pose no threat to the community are offered early temporary release in return for supervised community service.

106.42 - Give due attention to the results of the expert group examining the possibility of the construction of a new prison (Austria);

ACCEPTED

The *Government Programme for National Recovery 2011–2016* (Programme for Government) committed the new Government “to review the proposal to build a new prison at Thornton Hall and to consider alternatives, if any, to avoid the costs yet to be incurred by the State in building such a new prison”.

On 5th April 2011, on foot of that commitment, the Minister for Justice and Equality, Mr. Alan Shatter, T.D. set up a Review Group to review the need for the Thornton Hall Prison Project.

The Minister published the Thornton Hall Review Group Report⁴⁹ in July, 2011 and confirmed that the Government approved in principle the Report’s recommendations. The Report recommended that a new prison with 300 cells capable of accommodating 500 prisoners be developed at Thornton Hall, and that Cork Prison be closed at the earliest possible opportunity and a new prison developed at Kilworth, Co. Cork, with 200 cells capable of accommodating up to 350 prisoners.

While financial constraints have not allowed the Prison Service to proceed with the construction of Thornton Hall or Kilworth prisons, a decision was taken to build a new prison in Cork to replace the substandard prison accommodation in the existing prison and provide a modern prison facility designed on the principle of rehabilitation and resettlement. The new prison, including cells with full in-cell sanitation and showering facilities, will end the practice of slopping out and also provide a vastly better infrastructure necessary for the education and rehabilitation of prisoners thus enhancing public safety. All cells in the new facility will have full in-cell sanitation.

In addition, all wings in Mountjoy prison are being upgraded to provide in-cell sanitation. Once this work is completed, slopping out will have been eliminated in Mountjoy prison.

106.43 - Increase the use and promotion of alternative, non-custodial measures (Austria);

ACCEPTED

Alternatives to custody are being pursued. The Oireachtas has already legislated to require judges to take a person’s financial circumstances into account when setting a fine. The Fines (Payment and Recovery) Bill was published on 19 July last and recently passed second stage in the Dáil.

The Bill provides for the imposition of community service orders where a person fails to pay a fine and the court is of the view that it would not be appropriate to make either an attachment order or a recovery order. The Bill also provides for an enhanced instalment payment regime which will allow everyone on whom a fine is imposed to pay the fine by instalments over 12 months.

In addition, the Criminal Justice (Community Service) (Amendment) Act, 2011⁵⁰ requires judges when considering imposing a sentence of imprisonment of 12 months or less to first consider the appropriateness of community service as an alternative to imprisonment. It is expected that these measures, taken together, will all but eliminate the need to commit persons to prison for non-payment of fines. Furthermore, the Probation Service continues to provide and promote maximum use of community

sanctions in Ireland in Courts and after custody and also works with partner services to achieve rehabilitation of offenders and the reduction of offending.

The innovative pilot Community Return Scheme, a joint Probation Service and Irish Prison Service initiative, provides a structured community alternative whereby suitably assessed prisoners, serving sentences of at least one year and who have completed half their sentences, are granted reviewable temporary release conditional on them performing unpaid supervised community work.

The Community Return Scheme has been a very positive development, and as well as allowing prisoners to complete their sentence by way of performing a service to the community, has significantly helped these prisoners to successfully resettle in their communities. There were 396 participants in the Scheme in 2013.

In September 2012, the Minister for Justice and Equality announced the establishment of a working group to conduct a strategic review of penal policy. The Review Group has been asked to carry out an all encompassing strategic review of penal policy incorporating an examination and analysis of all aspects of penal policy including prevention, sentencing policies, alternatives to custody, accommodation and regimes, support for reintegration and rehabilitation and any special issues relating to female offenders and prisoners. The Group has been asked to make recommendations as to how a principled and sustainable penal system might be further enhanced taking into account resource implications, constitutional imperatives and international obligations. The Review Group, under the Chairmanship of Mr. Michael Whelan, is nearing the completion of its discussions and it is expected that the Minister will receive the final report of the Group within the next few months.

In February 2014, the Minister for Justice, Equality and Defence published the General Scheme of the Criminal Justice (Community Sanctions) Bill 2014. This new legislation will replace the Probation of Offenders Act 1907 with modern provisions dealing with community sanctions and the role of the Probation Service in the criminal justice system. It will facilitate the effective and efficient use of community sanctions by the courts and will ensure that the courts have a wide range of appropriate options for dealing with persons who have committed minor offences. This should help to reduce the numbers of people unnecessarily imprisoned for minor offences. The legislation will take full account of the interests of victims of crime by making it a statutory requirement for the courts to have regard to the interests of victims when making decisions about community sanctions. The legislation will also abolish the Court Poor Box, as recommended by the Law Reform Commission, and replace it with a fair, equitable and transparent system of reparation that will apply only to minor offences dealt with by the District Court. The new Reparation Fund will be used to provide additional funding for essential victim support services and to the state funded victim compensation scheme.⁵¹

106.44 - Continue its effort to secure satisfactory sanitary facilities in Irish prisons, including in-cell sanitation, and to mitigate overcrowding (Denmark);

ACCEPTED

Please see responses to recommendations 106.36 and 106.37.

106.45 - Urgently and comprehensively bring conditions for the prison population into line with international human rights standards (Sweden);

ACCEPTED

Please see responses to recommendations 106.36 and 106.37.

106.46 - Carry out all efforts to reduce overcrowding in prisons and to ensure that imprisonment is a measure of last resort (Spain);

ACCEPTED

Please see responses to recommendations 106.36, 106.37 and 106.43.

106.47 - Continue with the implementation of measures to improve adverse conditions in prisons, in particular the renovations required to improve the health situation in prisons and effective programmes for education and rehabilitation of prison inmates (Peru);

ACCEPTED

The *Irish Prison Service Three Year Strategic Plan 2012 – 2015* outlines a significant programme of capital works to improve prison conditions. The Irish Prison Service also provides a wide range of rehabilitative programmes that include education, vocational training, healthcare, psychiatric, psychological, counselling, welfare and spiritual services. Renovations are carried out where necessary.

106.48 - Complete the review of prison conditions in order to increase the quality of the prison management system (Indonesia);

ACCEPTED

See responses to 106.36, 106.37, 106.41, 106.42 and 106.47.

106.49 - Continue to strengthen its policies and laws against domestic violence (Algeria);

ACCEPTED

Work in this area is ongoing.

A wide range of sanctions is available under Irish criminal law to deal with domestic violence-related offences. As well as homicide-related offences, the law on general interpersonal violence is mainly contained in the Non-Fatal Offences Against the Person Act, 1997. The Act makes no distinction between victims who do or do not have children or between those who are, or are not married to the offender.

The civil law also provides a number of remedies in cases of domestic violence. A person may apply for a safety order or a barring order whether they are married to a civil partner of, or living with, a respondent. The legislation does not mandate different treatment on the basis of whether an applicant living with the respondent has a child or children with the respondent.

In June 2007, Ireland established Cosc⁵², the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, to raise awareness of the nature and extent of domestic, sexual and gender-based violence in Ireland and of services available to help those who experience these crimes. Cosc has responsibility for the funding of domestic violence perpetrator intervention programmes. These programmes aim to modify the behaviour of perpetrators of domestic violence and in doing so protect the victims of domestic violence.

106.50 - Strengthen its policies and laws against domestic violence towards women (Moldova);

ACCEPTED

Ongoing.

See responses to 106.49, 107.36 and 107.38.

106.51 - Continue efforts with the aim of establishing protection campaigns and programmes for women against domestic violence (Argentina);

ACCEPTED

Ongoing.

See response to recommendation 106.49.

Since its establishment, Cosc has invested significant funds to support groups at local, regional and national level to raise awareness of domestic violence and of services available for victims.

Ireland has a *National Strategy on Domestic Sexual and Gender-based Violence*⁵³ and our legislation on domestic violence has been strengthened in a number of areas in recent years, including the addition of provisions to protect those with children in common who are not cohabiting as well as all cohabiting couples regardless of gender.

The Programme for Government also includes a specific commitment to reviewing domestic violence legislation. As well as the review of the domestic violence legislation being undertaken by the Law Reform Commission⁵⁴, a Parliamentary Committee is currently compiling a report on measures that might be put in place to reduce domestic and sexual violence. The Minister for Justice and Equality expects to examine a package of workable and effective proposals for the reform of the domestic violence legislation as soon as possible following receipt of these reports.

Strategies for improved domestic and sexual violence data collection, collation and presentation are at an advanced stage of development. In September 2013, the Department of Justice and Equality published the Criminal Justice (Forensic Evidence and DNA Database System) Bill 2013⁵⁵, the key innovation of which is the establishment of a DNA database to assist the Gardaí in tackling crime. This will be of particular benefit in the investigation of cases of rape and sexual assault.

106.52 - Submit rapidly its national report to the Committee on the Elimination of Discrimination against Women (CEDAW) that was due in 2007 and include a section on violence against women as requested by the Committee (Switzerland);

ACCEPTED

Ongoing.

Ireland's sixth and seventh (combined) reports due under the CEDAW are in the course of preparation and will be submitted shortly.

106.53 - Fully implement the relevant laws, policies and programmes aimed at combating domestic violence in the country (Malaysia);

ACCEPTED

Ongoing.

See responses to recommendations 106.49 and 106.51.

106.54 - Pass legislation to combat trafficking in human beings in the form of sham marriages (Latvia);

ACCEPTED

The Department of Social Protection is developing proposals for legislation which will make sham marriages more difficult to broker in Ireland. It is hoped that legislation to amend the Civil Registration Act 2004⁵⁶ will be introduced early in 2014.

In addition, the Department of Justice and Equality is currently re-examining the provisions in the Immigration Residence and Protection Bill 2010 and drafting amendments to deal with immigration related marriages of convenience and sham marriages. A similar approach is being taken in respect of the Free Movement Regulations that transposed the relevant EU Directive into Irish law.

The issue of sham marriages is a complex one and there is no single, legislative or operational approach that will permanently eliminate the problem. The relevant authorities deploy a range of operational measures and cooperate closely in tackling this problem, in particular with a view to protecting the interests of vulnerable persons and combating abuse of the immigration system.

106.55 - Support its Muslim citizens in enabling them to practise their religion (Turkey);

ACCEPTED

See comment under 106.23.

Article 44 of the Constitution specifically protects religious freedom.

106.56 - Make available adequate budgetary allocations, despite financial constraints, for the continued provision and improvement of education and health services which are essential to protect the rights of the poorest and the most vulnerable members of society (Sri Lanka);

ACCEPTED

A key focus of national education policy is to prioritise investment in favour of those most at risk and to optimise access, participation and outcomes at every level of the system for disadvantaged and marginalised groups. DEIS (Delivering Equality of Opportunity in Schools), the Action Plan for Educational Inclusion⁵⁷, is the policy instrument to address educational disadvantage and focuses on addressing and prioritising the educational needs of children and young people from disadvantaged communities, from pre-school through second-level education. DEIS resources continue to be protected, with no overall changes to DEIS-related staffing levels or DEIS funding despite financial constraints.

106.57 - Ensure the principle of equality and non-discrimination while guaranteeing the enjoyment of the right to health (Brazil);

ACCEPTED

One of the main focuses of Irish health reform is to move away from the current hospital-centric model of care towards a new model of integrated care which treats patients at the lowest level of complexity that is safe, timely, efficient, and as close to home as possible.

The Government is committed to the delivery of a single-tier health service, supported by universal health insurance (UHI), where access is based on need and not on ability to pay. Under UHI, everyone will be insured and will have equal access to a standard package of primary and acute hospital services, including acute mental health services. An Insurance Fund will subsidise or pay insurance premiums for those who qualify for a subsidy.

106.58 - Ensure the national availability and accessibility to contraceptive services and methods, including through the dissemination of information and education to boys, girls and adolescents, taking into account prevention of discrimination based on geographic status, disability or migrant status (Mexico);

ACCEPTED

Contraceptive services and methods are available nationally, mainly through primary healthcare providers. The HSE Crisis Pregnancy Programme⁵⁸ is a national programme tasked with developing and implementing a national strategy to address the issue of crisis pregnancy in Ireland. This task includes improving knowledge and awareness of sexual health and relationships through the delivery of targeted communications campaigns, customised information and educational programmes and other initiatives across a range of settings. The Programme runs and funds a range of sexual health information and education campaigns targeted to groups identified by research as having particular sexual health information needs, such as children and adolescents, 18-24 year olds, women aged 35-55 and parents, as well as early school leavers, young people who have experienced first sex before 17 years, and other minority groups.

106.59 - Further measures to eliminate the underrepresentation of women in decision-making roles, particularly in the political arena and as members of corporate boards (Ghana);

ACCEPTED

Ongoing.

An all-Party conference aimed at raising awareness on women and politics was hosted by the Minister of State in charge of Equality, Ms Kathleen Lynch T.D. on 30 January 2012. The event attracted over 300 participants and brought about a greater awareness of the issue and the challenges for political parties and the public. The Conference heard from the political and administrative leaders of all the main political Parties, including the Taoiseach (Prime Minister) and Tánaiste (Deputy Prime Minister) and representatives of the opposition. It also heard the experiences of a number of serving politicians and words of experience and guidance from a number of international experts.

Part 6 of the Electoral (Amendment) (Political Funding) Act 2012⁵⁹ requires political parties in receipt of State funding to include a quota of 30 per cent of women candidates at the next general election, rising to 40 per cent at the following general election. Failure on the part of a political party to comply with this provision will lead to a cut in State funding to the party.

As already mentioned in 106.2 above, a working group chaired by Minister of State Kathleen Lynch T.D. in the context of the National Women's Strategy has been specifically addressing the advancement of women in leadership roles, including in politics, management, on Boards, in the diplomatic and judicial systems. Its report along with recommendations for action will be presented to Government shortly.

A wide ranging positive action programme will start later this year on "women and leadership" which is being supported over a two year period by the European Social Fund PROGRESS initiative.

The reiteration in the Programme for Government 2011 – 2016 is that all State boards have at least 40 per cent of each gender. This was backed up further in April 2011 when Government decided that future vacancies on State boards should be advertised on the website of the relevant Government Department. Departments are also required to report annually on the steps that they and their agencies are taking to achieve the 40% target which currently stands at around 34%.

106.60 - Establish a consolidated framework relating to immigration and asylum issues, including an independent Appeals body (United Kingdom);

ACCEPTED

The Immigration Residence and Protection Bill will consolidate Ireland's immigration and asylum laws, replacing several existing statutes and providing more detailed legislative measures in a number of areas and also putting in place a single procedure for protection cases. The establishment of an independent appeals system will be addressed as part of that Bill. It is anticipated that a revised Bill will be published during 2014.

Policy guidelines are being developed on an ongoing basis in respect of key migration streams. A policy document on family reunification was published at the end of 2013.

106.61 - Ensure that all asylum-seekers in Ireland can effectively accede to the process of determination of their refugee condition and that decisions on the necessity for international protection can be reviewed and are subject to independent judicial supervision (Mexico);

ACCEPTED

Comprehensive structures and procedures are in place in the Office of the Refugee Applications Commissioner (ORAC) for the processing of asylum applications in line with the Refugee Act 1996 (as amended).

Free legal assistance (apart from a nominal registration fee, which is waived in certain circumstances) is available to all applicants. The applicant is notified regarding the availability of legal representation on the day they apply for asylum, and of the existence of the Refugee Legal Service.

The Refugee Legal Service (RLS)⁶⁰ is an office established by the Legal Aid Board to provide independent and confidential legal services to asylum-seekers and refugees. The RLS can provide assistance to applicants before submission of the questionnaire or prior to appearing at the interview, and can make written submissions to the ORAC in support of an application. The RLS can also provide legal representation before the RAT. The RLS staff comprises of legal counsel and caseworkers who have been trained in refugee status determination. Asylum-seekers are also free to arrange for legal advice at their own expense. The RLS also have an office in ORAC, adjacent to the area where asylum applications are made.

106.62 - Continue to allocate financial assistance for developing countries in the framework of Official Development Assistance (ODA) and meet the commitment made in this regard at the international level (Algeria).

ACCEPTED

Ongoing.

The Government remains committed to achieving the target of 0.7% of Gross National Income allocated to international development cooperation, as stated in the Programme for Government. Recognising the present economic difficulties, the Government will endeavour to maintain aid expenditure at current levels, while moving towards the 0.7% target when our economy improves.

107.1 - Sign and ratify the Optional Protocol to the Convention on the Rights of People with Disabilities (CRPD) (Austria, Spain);

PARTIALLY ACCEPTED

Ongoing.

Ireland has not yet ratified the UN Convention on the Rights of Persons with Disabilities; the decisions regarding its Optional Protocol will be addressed by the Government at the time of consideration of ratification of the Convention.

107.2 - Continue the process of accession to or ratification of the pending main international human rights instruments in particular OP CRPD (Costa Rica);

ACCEPTED

Ongoing. See response to recommendation 107.1.

107.3 - Withdraw its reservations to the International Covenant on Civil and Political Rights (ICCPR) (Brazil);

PARTIALLY ACCEPTED

Ireland's position is set out in the *Addendum to the Report of the Working Group*.

107.4 - Consider incorporating the right to health and the right to housing (Portugal) and sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Ecuador);

PARTIALLY ACCEPTED

Ireland's signature of the Optional Protocol on 23 March 2012 reaffirmed Ireland's commitment to the promotion and protection of economic, social and cultural rights. The question of ratification is currently being examined.

Ireland has always been clear that treaty ratification is considered as something which should only be done after wide-ranging examination of all the issues and appropriate consultation with relevant Departments. As such, in order to lay out clearly the necessary steps to be taken to facilitate ratification, it is necessary to conduct a screening of obligations to be assumed under the Optional Protocol and to hold comprehensive and thorough consultations with all Government Departments.

Ireland is also carefully considering the possibility of making a declaration upon ratification, recognising the competence of the UN Committee on Economic, Social and Cultural Rights to undertake inquiry and inter-state procedures.

In relation to health matters, please see the response to recommendation 106.57.

As stated in the *Addendum to the Report of the Working Group*, the overarching aim of the Government's housing policy is to enable all households to access good quality housing appropriate to household circumstances and in their particular community of choice.

107.5 - Withdraw its reservations to International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) , International Convention on Economic, Social and Cultural Rights (ICESR) and International Covenant on Civil and Political Rights (ICCPR) (Iran);

PARTIALLY ACCEPTED

Ireland's position is set out clearly in *Addendum to the Report of the Working Group*.

**107.7 - Adopt practical and legal measures to curb racial discrimination and discrimination against migrants and to look at the appeal by UNESCO (United Nations Educational, Scientific and Cultural Organization) to ratify the 1960 Convention to counter discrimination in the area of education (Uzbekistan);
PARTIALLY ACCEPTED**

While there are no immediate plans for Ireland to ratify the Convention, Ireland is fully committed to the principles of equality of educational opportunity contained in the Convention.

As detailed in the *Addendum to the Report of the Working Group*, robust practical and legal measures against racial discrimination, racism and xenophobia are in place.

For information on ongoing work in this area, please see response to 106.23.

107.8 - Continue the implementation of the recommendations made by CERD (Iraq);

ACCEPTED

The recommendations made by the Committee in its consideration of Ireland's Joint 3rd and 4th State Report covered issues which crossed a number of areas of

responsibility. Government Departments with responsibility for each area were made aware of the recommendations. The progress made on the issues identified by the Committee will be addressed in Ireland's Joint 5th, 6th and 7th State report to UN CERD which is due in 2014.

107.9 - Ensure the comprehensive and effective incorporation of children's rights in Ireland's legal framework in line with the UN Convention on the Rights of the Child by incorporating children's rights into the Constitution (Cambodia);

ACCEPTED

A referendum to amend the Constitution to acknowledge and affirm the rights of children was passed on 10 November 2012.

Please see the response to recommendation 106.9 for information on the status of the referendum result.

107.10

Urgently take measures necessary to ensure that the UN Convention on the Rights of the Child is fully implemented and incorporated into the legal and administrative system of Ireland (Sweden);

ACCEPTED

Ongoing.

Please see response to recommendation 106.9.

The State has submitted a combined 3rd and 4th Report to the UNCRC in August 2013 which gives updates in relation these matters. Paragraph 190 of this Report refers to the Status of the UNCRC in Irish law.

107.11 - Consider alternative (legislative) measures that will enhance the position of children in the short term (i.e. extending the remit of the Ombudsman to children in prisons and asylum seeking children) (Netherlands);

PARTIALLY ACCEPTED

Ongoing.

The Ombudsman for Children had been precluded from considering complaints by or on behalf of children detained in a prison by virtue of section 11(1)(e)(iii) of the Ombudsman for Children Act, 2002⁶¹.

The Minister for Children and Youth Affairs, having consulted with the Minister for Justice and Equality in this regard, made an Order under section 11(2) of the 2002 Act by Statutory Instrument No. 210 of 2012⁶², with effect from 1st July 2012, which removed this exclusion.

In October 2012, following the enactment of the Ombudsman (Amendment) Act 2012⁶³ the remit of both the Ombudsman and the Ombudsman for Children was significantly expanded and the bodies to come within the remit of each Ombudsman and the process for any future changes to their respective remits were aligned.

107.12 - Strengthen the legal framework for the protection of the rights of children and the rights of other vulnerable groups such as women, the elderly, people with disabilities and the community of Travellers (Peru);

ACCEPTED

Please see response to recommendation 106.23.

107.13 - Enhance legal action against all forms of discrimination on the basis of race, ethnic, language, religion or national origin, in particular comprehensive respect of human rights of foreigners regardless of their migratory status (Ecuador);

ACCEPTED

Please see response to recommendation 106.23.

107.14 - Develop and adopt a gender parity law (France);

ACCEPTED

Please see response to recommendation 106.59 above, which outlines recent changes in electoral law.

107.15 - Pursue efforts aimed at strengthening the protection of all people from racial discrimination and by improving the existing draft pieces of legislation and passing them into law (Ghana);

ACCEPTED

Please see response to recommendation 106.23.

107.16 - Adopt laws to deal with the situation of persons suffering from the highest level of physical and mental health with regards to the 2001 Act on Mental Health and bring its provisions in line with the CRPD (Spain);

ACCEPTED

The Assisted Decision-Making (Capacity) Bill 2013 was published on 17 July 2013 and provides a series of options to support people who have difficulties in terms of decision-making capacity to exercise autonomy in decision-making to the greatest extent possible, in line with the principles contained in UN CRPD. Consideration of the Bill by the Oireachtas (Houses of Parliament) began in December 2013.

The Mental Health Act 2001 is currently being reviewed by an Expert Group which was set up by the Minister. The review will introduce a rights based approach to mental health legislation and will prioritise the needs of the person using our services in the first instance. The final report of the Expert Group carrying out the review is expected by the end of March, 2014.

107.17 - Withdraw the provisions entered into force on 1 January 2010 making blasphemy punishable as they may constitute an excessive limitation to the freedom of expression (France);

PARTIALLY ACCEPTED

Ireland established a Constitutional Convention in 2012 to consider a number of matters, including the removal of the offence of blasphemy from the Constitution. The Convention considered this matter at its meeting in November 2013. A majority of members voted to recommend in its report that the reference to blasphemy in the Constitution be replaced with a more general provision regarding incitement to religious hatred. This recommendation will be considered by Government as soon as the Convention's report is finalised and formally presented to the Oireachtas.

107.18 - Take steps to ensure that the current economic crisis does not erode human rights, in particular by developing a National Action Plan on Human Rights as well as by providing the continued support and shared experience on human rights worldwide (Cambodia);

PARTIALLY ACCEPTED

See comment under recommendation 106.7.

Ireland is very open to the idea of developing a National Action Plan on Human Rights and is pursuing this in the context of work at EU level to improve coherence between internal and external human rights policies and actions.

107.19 - Develop provisions of a training programme to raise the awareness of the judiciary to the racial dimension of crime and to ensure that judges take into account racist motivation as an aggravating circumstance when they sentence in criminal cases (Uruguay);

PARTIALLY ACCEPTED

Ireland's position with regard to the independence of the judiciary has been detailed in the *Addendum to the Report of the Working Group*.

The Committee for Judicial Studies (formerly the Judicial Studies Institute) has confirmed that members of the judiciary attend training events in relation to racism on an ongoing basis.

107.21 - Enact laws setting principles on law, rights and obligations that govern family reunification (Uruguay);

ACCEPTED

A new Policy Document on Non-EEA Family Reunification⁶⁴ has been published on the Department of Justice and Equality website on 31 December 2013. The purpose of this document is to set out a comprehensive statement of Irish national immigration policy in the area of family reunification. The guidelines are intended to provide for greater transparency in the immigration decision making process and also to set out in detail the reasoning behind the policies. It is intended that these guidelines will provide greater transparency in the system for decision-makers, applicants and practitioners. Greater emphasis is also placed on the responsibilities of sponsors. In addition the policy document outlines a number of administrative measures to be implemented over time, including a new pre-clearance process for applicants.

This issue will also be dealt with in the Immigration, Residence and Protection Bill due to be published later in 2014.

107.22 - Draw up an integrated and comprehensive human rights plan of action (Indonesia);

PARTIALLY ACCEPTED

See responses to recommendations 106.7 and 107.18.

107.23 - Ensure the full implementation and undertake an independent assessment of the National Women Strategy (Austria);

PARTIALLY ACCEPTED

A report on the progress of implementation of the *National Women's Strategy 2007 – 2016*⁶⁵ is prepared annually by the Department of Justice and Equality and submitted

to Government. A mid-term review of the Strategy has also been completed and will be submitted to Government shortly. The review was referred for consideration and input to a monitoring committee, which includes members of civil society.

107.24 - In line with the recommendations made by CERD, adopt and implement immediately legislation prohibiting any form of racial discrimination and ensure humanitarian treatment to migrants and persons of non-Irish origin, including through adequate training for the judicial and police personnel (Mexico);

PARTIALLY ACCEPTED

As mentioned in Ireland's *Addendum to the report of the Working Group*, existing legislation already provides for prohibition of racial discrimination, and for humanitarian treatment of migrants and persons of non-Irish origin.

With regard to police personnel, An Garda Síochána is committed to providing a professional, well-led and well-managed policing service which is grounded in human rights principles. An Garda Síochána has a comprehensive education, training and information system for the professional development of all members.

See comment under recommendation 107.29 in relation to the Garda Síochána Racial, Intercultural and Diversity Office (GRIDO)⁶⁶.

See comment under recommendation 106.17 in relation to treatment of separated children/ unaccompanied minors.

See comment under recommendation 107.19 in relation to the independence of the judiciary.

107.25 - Consider strengthening its National Action Plan against Racism (Brazil);

ACCEPTED

Ireland's National Action Plan Against Racism was launched in 2005 and was designed as a four-year programme to run until the end of 2008. The Plan was very ambitious and wide-ranging in its scope. Since its instigation there has been a substantial penetration of anti-racist policies, programmes and activities and awareness-raising initiatives in many areas. The focus now lies on the continued implementation of the sectoral strategies which flowed from the Plan.

See comment under recommendation 106.23 in relation to tackling racism, xenophobia and other forms of extreme intolerance.

107.26 - Fully explore the possibility of putting in place a new National Plan of Action against Racism (Malaysia);

ACCEPTED

Please see response to recommendation 107.25.

107.27 - Accelerate efforts in establishing national network of schools that guarantee equality of access to children irrespective of their religious, cultural or social background (Malaysia);

ACCEPTED

The process for establishment of a new school has been adapted in the last two years to involve consultation with parents with regard to their preferred choice of school. In making the decision on the type of school, a key criterion is to ensure the broadest choice possible for an area.

In regard to existing schools, if enough parents in an area would prefer an alternative choice, the Department of Education and Skills has commenced a process within the last two years to make this happen.

107.28 - Strengthen the protection of all people from racial discrimination by improving the existing draft pieces of legislation and passing them into law (Pakistan);

ACCEPTED

Ongoing. Please see responses to recommendations 106.23 and 107.7.

107.29 - Establish appropriate mechanisms to encourage the reporting of racist incidents and crimes (Azerbaijan);

ACCEPTED

Ongoing.

As stated in Ireland's *Addendum to the Report of the Working Group* in March 2012, robust mechanisms are in place to record complaints about racist crime and racial discrimination and comprehensive anti-racism training is provided to members of An Garda Síochána.

The Garda Síochána Racial, Intercultural and Diversity Office (GRIDO) places great emphasis on the reporting of any suspected racist crime. It works with a network of liaison officers at local level and gives advice on the services available to the victims of hate crime.

The Office for the Promotion of Migrant Integration⁶⁷, an Office of the Department of Justice and Equality, also undertakes important work in both monitoring the prevalence of hate crime and in the provision of information to victims of hate crime. It also works to promote positive attitudes towards integration in Irish society.

107.30 - Investigate the reports of “knife stabbings” against people mainly from Sub-Saharan Africa and ensure that the perpetrators are prosecuted and when convicted, punished with appropriate penalties (Azerbaijan);

ACCEPTED

Ongoing.

As stated in the *Addendum to the Report of the Working Group*, Ireland is firmly committed to ensuring that all instances of crime are properly investigated, and that perpetrators are convicted and the appropriate sentence is handed down. However, there is no basis for the suggestion that there is a specific problem of stabbings involving people from Sub-Saharan Africa.

107.31 - Introduce a complete integration policy to for this specific group (referring to Travellers who continue to suffer from discrimination) (Czech Republic);

ACCEPTED

Ongoing. The Department of Justice and Equality is currently considering the existing mechanisms for consultation, implementation, monitoring and review of the *National Traveller / Roma Integration Strategy*⁶⁸ with a view to recommending any necessary changes.

107.32 - Introduce measures to improve the conditions of Travellers in the society and introduce a comprehensive system for the monitoring of racist incidents (Turkey);

ACCEPTED

Ongoing. Co-operation between the Garda Racial, Intercultural and Diversity Office (GRIDO) and the Travelling Community since 2011 has been strengthened through constant and positive engagement. Initiatives developed have provided reassurance to Travellers to report acts of racism and discrimination. Anti-discrimination seminars have been provided to 322 Ethnic Liaison Officers (ELOs) nationwide.

107.34 - Activate efforts to improve the living conditions of detainees pre-trial and after conviction and also to implement all the requirements of minimum standards of treatment of inmates (Uzbekistan);

ACCEPTED

See response to recommendation 106.47.

The training of prison service staff in this State places a large emphasis on human rights and appropriate behaviour towards prisoners. In addition to the Prison Rules 2007⁶⁹ which of themselves reflect international best practice *and* the European and UN Prison Rules where the administration of prisons is concerned, all Recruit Prison Officers complete an accredited two year Higher Certificate in Custodial Care programme.

Staff members are made fully aware that any form of ill-treatment of prisoners, including verbal abuse, is not tolerated. The Irish Prison Service will continue to deliver

this message. All allegations of ill-treatment are thoroughly investigated and if warranted, disciplinary measures against staff follow. The Prison (Disciplinary Code for Officers) Rules, 1996⁷⁰ and the Prison Rules, 2007 address this issue.

107.35 - Take the necessary measures to avoid detention of asylum seekers and to avoid situations which may equate the condition of immigrants to that of felons (Brazil);

ACCEPTED

There is no policy of systematic detention of adults or children seeking asylum in Ireland.

The provisions relating to the treatment of asylum seekers while detained and where they may be detained are set out in the Refugee Act 1996 (Places and Conditions of Detention) Regulations 2000⁷¹. These Regulations make extensive provision for information to be provided to third parties (e.g. the UNHCR, the applicant's solicitor) regarding the detention of an individual. Provision is also made for visits and communications, treatment of the detained individual and prohibition on ill-treatment whilst in detention, the personal rights and dignities and the need to have regard for any special needs they may have. Detainees must also be allowed to have reasonable contact with members of their family group, whether other members of the family group are detained or not.

The Regulations also provide that an individual shall not be detained for a continuous period longer than 48 hours in a Garda station, or for any more than two consecutive overnight stays.

107.36 - Enhance its efforts at the local level to better carry out the campaign against domestic violence (Switzerland);

ACCEPTED

Please see responses to recommendations 106.49 and 106.51.

107.37 - Sign the Council of Europe Convention on Violence against Women and Domestic Violence (Austria);

ACCEPTED

Ireland can accept in principle the terms of the Convention. The detailed provisions of the Convention and the administrative and legislative arrangements that would be necessary to allow signature of the Convention by Ireland are currently being examined.

This is being done in conjunction with the government commitment to consolidate and reform domestic violence legislation to address all aspects of domestic violence, threatened violence and intimidation, in a way that provides protection to victims.

107.38 - Strengthen its policies and laws against domestic violence and prepare adequate statistics, including sex, age and family relationship of victims and perpetrators (Pakistan);

ACCEPTED

Please see responses to recommendations 106.49 and 106.51.

107.39 - Implement the UN rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, otherwise known as the Bangkok Rules (Thailand);

PARTIALLY ACCEPTED

The Prison Rules 2007 substantially comply with the Bangkok Rules. The Inspector of Prisons' *Standards for the Inspection of Prisons in Ireland – Women Prisoners' Supplement*⁷² published in February 2011 were also significantly informed by the Bangkok Rules and provide guidance to the Irish Prison Service on best practice in relation to the detention of women prisoners.

In that context too, the Joint Irish Prison Service and Probation Service Strategic Plan 2013 – 2015⁷³ contains a commitment for the development of a specific strategy for women offenders which will be delivered during the lifetime of the Plan. The strategy includes:

- Identifying and diverting women at risk of a custodial sentence through greater availability and use of diversion, community sanctions and supports and inter-agency co-operation;
- Strengthening early intervention measures in the community through adopting a co-ordinated multi-agency approach;
- Improving outcomes for women currently in custody; and
- Exploring the potentials of women centric alternatives to custody.

Furthermore, the Penal Policy Review Group⁷⁴ was tasked by the Minister to carry out an all encompassing strategic review of penal policy. The group will examine the issue of women prisoners in the criminal justice system and consider alternatives to custody. It is expected that the group will report to the Minister in early 2014.

107.40 - Institute a comprehensive statutory inquiry and compensation scheme in order to guarantee accountability and assist the (women and children) victims (of violence) (Thailand);

ACCEPTED

As indicated in Ireland's National Report and *Addendum to the Report of the Working Group*, the Government apologised to those who had been victims of childhood abuse while in institutional care. A Commission to Inquire into Child Abuse was established to hear the accounts of those involved and to investigate the abuse of children in institutions. The Commission published its final report in 2009⁷⁵.

The Residential Institutions Redress Board⁷⁶ was established in 2002 to make financial awards to assist in the recovery of those involved. By end-October 2013, the Board had made 14,934 awards with an overall average award value of €62,584. €918 million has been paid in respect of such awards. The Board has some 700 applications to finalise.

The Residential Institutions Statutory Fund to support the needs of survivors of residential institutional abuse was established by the Government in March 2013. The Fund will utilise contributions of up to €110million pledged by religious congregations and will target support at survivor needs across a range of services, including mental health services, health and personal social services, housing services and education services. It is expected that the Fund will begin inviting applications in early 2014.

Counselling services are also available through the National Counselling Service⁷⁷ and a family tracing service is available to former residents wishing to trace family members with whom they have lost contact.

107.41 - Explicitly prohibit any form of corporal punishment in the family and continue developing awareness raising campaign and education for parents and for the public in general (Uruguay);

PARTIALLY ACCEPTED

Ongoing.

This area is under continuous review, as stated in *Addendum to the Report of the Working Group*.

107.42 - Promote forms of discrimination and non-violent discipline as an alternative to corporal punishment taking into consideration General Comment No. 8 of the Committee on the Right of the Child on the protection of children from corporal punishment and other cruel or degrading forms of punishment (Uruguay);

PARTIALLY ACCEPTED

See response to recommendation 107.41.

107.43 - Amend the Civil Registration Act empowering the registrars and the Garda (police) to intervene against sham marriages and to amend Criminal law to criminalize the organizers and facilitators of sham marriages (Latvia);

ACCEPTED

Please see response to recommendation 106.54.

107.44 - Deepen the reform of the law on same sex marriage and change the concept of traditional family as enshrined in the Constitution (Spain);

ACCEPTED

Ongoing.

In April 2013, 79% of members of the Constitutional Convention, which was tasked to look at this issue, voted in favour of amending the Constitution to allow for same sex marriage.

On foot of the recommendation by the Convention on the Constitution, the Government decided in November 2013 to authorise the necessary work to prepare for a constitutional referendum on equal marriage for same-sex couples. The referendum is intended to take place in the first half of 2015.

The Convention also recommended a Constitutional amendment to change the clause on the role of women in the home. The Minister for Justice and Equality has established a task force to prepare options for an amendment to the Constitution in that regard.

107.45 - Amend Article 37 of the 1998 Employment Equality Act in order to prevent such discrimination against homosexual and unmarried parents (Switzerland);

PARTIALLY ACCEPTED

Acting on a request from the Minister for Justice and Equality to the members-designate of the Irish Human Rights and Equality Commission, the Commission is currently carrying out a public consultation on the potential impact of section 37 of the Employment Equality Act 1998 on lesbian, gay, bisexual and transgender persons and a formal assessment of the options for its amendment.

107.46 - Enact legislation to make the right to collective bargaining through trade unions in the line with international commitments (Norway);

PARTIALLY ACCEPTED

The Programme for Government contains a commitment to reform the current law on employees' right to engage in collective bargaining (the Industrial Relations (Amendment) Act 2001⁷⁸), in order to ensure compliance by the State with recent judgments of the European Court of Human Rights.

With this in mind, in late 2012, the Minister for Jobs, Enterprise and Innovation wrote to relevant stakeholders inviting their observations on the matter. Submissions were subsequently received and a series of initial first step meetings took place between Departmental officials and stakeholders around mid-2013. Discussions with stakeholders are ongoing.

The Minister hopes to be in a position to put proposals to Cabinet soon. In this context, he is certain that satisfactory arrangements can be put in place that will reconcile Ireland's constitutional, social and economic traditions, and international obligations, whilst at the same time ensuring continued success in building Ireland's domestic jobs-base and in attracting overseas investment into the economy.

107.47 - Encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief (Turkey);

ACCEPTED

There is a school complaints procedure in place and the Department of Education and Skills provides guidance to this procedure on its website. It is unlawful to discriminate against a child on the basis of religious belief. Where a parent believes such discrimination has taken place, the school complaints procedure should be followed in the first instance. If the parents are not satisfied with the response, it is open to them to raise the matter with the Equality Authority.

107.49 - Adopt necessary measures to legally recognize the human rights of all minorities and ethnic groups that are residing in the country (Ecuador);

ACCEPTED

Ongoing.

As stated in the *Addendum to the Report of the Working Group*, the human rights of all residents are already comprehensively protected by Ireland's Constitution, which in effect, constitutes a Bill of Rights for the State, and by legislation.

107.50 - Continue public consultations with NGOs and civil society in the follow-up to the UPR (Austria).

ACCEPTED

Ongoing. The input from members of the public and civil society in the UPR process has been of immense value and we are keen to continue this worthwhile dialogue, both in the context of the UPR and in the broader domain of human rights policy development.

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² The Report on the General Scheme of the Gender Recognition Bill is available on the website of the Houses of the Oireachtas at <http://www.oireachtas.ie/parliament/media/committees/educationandsocialprotection/Report-on-Gender-Recognition-Bill.pdf>

³ <http://www.isi.gov.ie/>

⁴ The new debt settlement arrangement options are as follows:

- A Debt Relief Notice (DRN) to allow for the write-off of debt (generally unsecured and in some cases secured) up to €20,000, subject to a 3-year supervision period
- A Debt Settlement Arrangement (DSA) for the agreed settlement of unsecured debt, with no limit involved, normally over 5 years
- A Personal Insolvency Arrangement (PIA) for the agreed settlement of secured debt up to €3 million (though this cap can be increased) and unsecured debt, with no limit involved, normally over 6 years

Further information is available on the website of the Insolvency Service of Ireland at http://www.isi.gov.ie/en/ISI/Pages/Debt_solutions

⁵ The new anti-bullying procedures for primary and post-primary schools are available on the website of the Department of Education and Skills at <http://www.education.ie/en/Publications/Policy-Reports/Anti-Bullying-Procedures-for-Primary-and-Post-Primary-Schools.pdf>

⁶ Further information is available at <http://www.hiqa.ie/standards/social-care>

⁷ <http://www.nda.ie/>

⁸ Further information on Bunreacht na hÉireann, Ireland's Constitution, is available at http://www.taoiseach.gov.ie/eng/Historical_Information/The_Constitution/

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¹² *National Housing Strategy for People with a Disability* is available on the website of the Department of the Environment, Community and Local Government at <http://www.environ.ie/en/DevelopmentHousing/Housing/PublicationsDocuments/FileDownload.28016.en.pdf>

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- ²² The Childcare Act 1991 is available at <http://www.irishstatutebook.ie/1991/en/act/pub/0017/> . The Childcare (Amendment) Act 2011 is available at <http://www.irishstatutebook.ie/2011/en/act/pub/0019/>.
- ²³ Statutory Instrument No. 52/2011, Refugee Act 1996 (Asylum Procedures) Regulations. 2011 is available at <http://www.irishstatutebook.ie/2011/en/si/0052.html>
- ²⁴ <http://www.orac.ie>
- ²⁵ Ireland's *Third Periodic Report to the UN Committee on Economic, Social and Cultural Rights* (E/C.12/IRL/3) is available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fIRL%2f3&Lang=en
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- ²⁹ *National Women's Strategy 2007 – 2016* is available on the website of the Department of Justice and Equality at <http://www.justice.ie/en/JELR/National%20Womens%20Strategy%20PDF.pdf/Files/National%20Womens%20Strategy%20PDF.pdf>
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⁶⁹ S.I. No. 252/2007 – Prison Rules 2007 is available at <http://www.irishstatutebook.ie/2007/en/si/0252.html>

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General Assembly

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Human Rights Council

Twenty-fifth session

Agenda item 6

Universal Periodic Review

Written statement* submitted by the International Federation for Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11267



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Ireland Interim Report

1. The Irish Council for Civil Liberties (ICCL)¹ welcomes Ireland's Interim Report on UPR which provides an important milestone in measuring Ireland's progress within the First UPR Cycle.
2. Recognising the importance of Ireland's role as a member of the UN Human Rights Council, the ICCL launched its UN Human Rights Council *Legacy* project in 2013. At the core of the project, is a belief that the implementation of UN recommendations at home bolsters a country's capacity to promote and protect human rights abroad. The *Legacy* project is tracking the progress of seven key impact areas (ratification of ICPRD, ratification of OPCAT, effective NHRI, marriage equality, gender recognition, reproductive justice and recognition of Travellers as an ethnic minority) throughout the term of Ireland's membership of the Council.²
3. On 11 February 2014, the ICCL hosted a range of civil society organisations who came together to report on Ireland's progress in implementing its First UPR Outcome Report.³ The audience was addressed by Ms June Ray of the Civil Society section of the Office of the High Commissioner for Human Rights and organised across 11 broad thematic areas. The discussions captured at the event have informed the issues highlighted in this statement.⁴ In line with the recommendation to Ireland from Austria, we look forward to the Government's engagement with civil society including public consultations, in the follow up to UPR.⁵
4. We reiterate our call that recommendations that would enhance effective domestic monitoring of human rights compliance be implemented rapidly. Since the UN Human Rights Council adopted Ireland's UPR Outcome Report in March 2012, Ireland has not ratified the International Convention on the Rights of People with Disabilities (ICRPD)⁶ nor the Optional Protocol to the UN Convention against Torture and other Inhuman or Degrading Treatment or Punishment (OPCAT).⁷ Ireland signed both of these international treaties almost seven years ago (ICRPD: March 2007 and OPCAT: October 2007). We reiterate our call for Ireland to progress these ratifications as a matter of priority.
5. We welcome publication of the Assisted Decision-Making (Capacity) Bill 2013⁸ which, following enactment should provide an improved legal framework for supporting people to exercise their legal capacity and thus enable Ireland to ratify the ICRPD. We call on Ireland to set out a detailed timetable for ratification of the ICRPD, to provide details of when it intends to commence in full the legislative components of the National Disability Strategy 2004⁹ and provide details on progress in reviewing Ireland's existing mental health legislation.¹⁰
6. Regarding OPCAT, the Minister for Justice, Equality and Defence stated in 2013 that the Government had approved the drafting of a General Scheme of an Inspection of Places of Detention Bill, which would include provisions to enable ratification of OPCAT including by enabling the designation of a National Preventative Mechanism.¹¹ Despite indications that the Bill would be introduced last year, it now appears unlikely that legislation will be produced by the end of 2014.¹²
7. UPR recommendations to "reinforce the independence and capacity of the Irish Human Rights Commission"¹³ by "endowing it with adequate and sufficient resources"¹⁴ may be a step closer to realisation as the Irish Human Rights and Equality Commission Bill is expected to be presented to the Oireachtas (Irish Parliament) shortly.¹⁵ We welcome the appointment of fourteen independently selected Commissioners to oversee the establishment of the new body; however, concerns remain regarding the extent to which the new Commission will comply fully with the UN Paris Principles both as regards the independence of its financing and given its reporting relationship to the Department of Justice and Equality.
8. We welcome the passing of the constitutional referendum on children's rights and the establishment of the new Child and Family Support Agency.¹⁶ We look forward to these structural reforms delivering a change in services and outcomes for children and young people in Ireland.
9. The current Programme for Government¹⁷ shadows the timeframe of Ireland's First UPR Cycle and it sets out commitments that correspond directly to certain UPR recommendations under consideration. However, we

have yet to see movement with respect to reforms on domestic violence legislation¹⁸ (preventing Ireland from ratifying the Council of Europe Convention on violence against women and domestic violence)¹⁹ or legislation on the right to engage in collective bargaining.²⁰ The long-promised Immigration, Residence and Protection Bill has yet to be published.²¹

10. Progress has been achieved regarding access to education and the Minister for Education has established a Forum on Patronage and Pluralism in primary schools.²² In Ireland's UPR Outcome Report, it was recommended that reform should take place to Ireland's equality laws which allow religious orders providing public services to discriminate against employees on the basis of moral ethos.²³ The Equality Authority has conducted a consultation on the need to reform these legislative provisions (in cooperation with the Irish Human Rights Commission) and is preparing proposals for Ministerial attention.²⁴
11. Clear guidance to ensure that children are never denied enrolment or access to schools on the basis of religious belief or affiliation,²⁵ including in relation to the wearing of religious garb and/or symbols does not exist at national level and should be developed.
12. The ICCL is pleased to note that the Constitutional Convention²⁶ debated and agreed on certain matters relevant to UPR recommendations, and we welcome the Government's announcement of a referendum on same-sex marriage in 2015.²⁷ We look forward to further constitutional reform on amending the clause on women in the home and encouraging greater participation of women in public life,²⁸ and removing references to criminal blasphemy from the Constitution.²⁹
13. A lack of effective complaints and monitoring mechanisms, issues of overcrowding, the continued lack of in-cell sanitation in many prisons leading to practices such as 'slopping out' and the use of prisons for immigration detention purposes were among the serious human rights concerns raised regarding Ireland's penal system.³⁰ Unfortunately, certain prisons continue to operate over their capacity, the practice of "slopping out" continues and there is no independent, fully-functioning and comprehensive prisoner complaints mechanism.
14. Despite a number of accepted recommendations,³¹ no strategic action plan to combat racism and other forms of hate crime following the expiry in 2008 of the National Action Plan against Racism (NPAR) has been adopted.³² Concrete measures within the criminal law should be introduced³³ to effectively combat and penalise non-expression based offences motivated by forms of hatred in relation to race, ethnicity, immigration status, xenophobia, religious intolerance, hatred based on gender, sexual orientation and/or disability.
15. Ireland should reform the Prohibition of Incitement to Hatred Act 1989 to afford greater protection to vulnerable groups in relation to expression based offences motivated by hatred. In addition, measures to combat all forms of racial profiling³⁴ by police, immigration or other statutory agencies should be introduced.
16. Legislation and training to ensure a more effective system of reporting and recording of incidents motivated by hatred should be introduced in line with recommendations,³⁵ including the establishment of dedicated data collection and disaggregation mechanisms to capture and classify the range of hate crimes and incidents.
17. The Minister informed the UN Human Rights Council during Ireland's UPR that recognition of Travellers as an ethnic group would be given "serious consideration" and hearings have been held by the Joint Oireachtas Committee on Justice, Equality and Defence.³⁶ It is expected that the Committee will report to the Minister in early 2014. The ICCL recommends that Traveller ethnicity be recognised in law without further delay. Adequately resourced effective policies concerning Travellers and Roma³⁷ should also be introduced to systematically reduce inequalities in health and mortality rates, inequalities in access to education, promote equitable access to justice, reduce disproportionately high unemployment and provide culturally appropriate accommodation.³⁸
18. We welcome publication of the General Scheme of the Gender Recognition Bill 2013.³⁹ Concern remains that provisions of the proposed legislation do not meet international human rights standards, including that a Gender Recognition Certificate may not be issued to persons who are below 18 years of age on the date of

application.⁴⁰ The Government should also ensure such legislation guarantees, the rights of married Trans persons to legally acquire their preferred gender without recourse to dissolution of marriage.

19. Ireland should ensure that the rights of older people are protected⁴¹ including the right to consultation and decision making on all aspects of one's life including healthcare and social needs. Legislation guaranteeing the right to issue advance planning directives and issues affecting end of life care should be introduced. Stronger measures to protect against elder abuse should be introduced.
20. Although Ireland rejected outright six recommendations⁴² on bringing abortion law into line with international standards and the judgment in the European Court of Human Rights case, *A, B and C v. Ireland*, the Protection of Life During Pregnancy Act 2013⁴³ was passed in July 2013. This allows limited access to abortion in circumstances where the life (as opposed to health) of the mother is at risk but does not bring Irish law on access to abortion into line with ICCPR standards as recommended during Ireland's UPR.⁴⁴

1 The ICCL led a civil society coalition of seventeen organisations during Ireland's first UPR examination, under the campaign name, Your Rights Right Now, more information is available on www.rightsnow.ie.

2 For more information on the project please visit our website at www.rightsnow.ie.

3 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, (21 December 2011), UN DOC A/HRC/19/9.

4 For more Information on this event, please see www.rightsnow.ie.

5 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 107.50.

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9 See http://www.dohc.ie/publications/nds_strategy.html.

10 Mental Health Act 2001, available at: <http://www.irishstatutebook.ie/pdf/2001/en.act.2001.0025.pdf>.

11 Written Answers, (6 February 2013), available at <http://www.kildarestreet.com/wrans/?id=2013-02-06a.110&s=optional+protocol+to+the+convention+against+torture#g111.q> (accessed 30/07/2013).

12 In the Government Legislative Programme for Spring/Summer 2014, the Inspection of Places of Detention Bill appears in Section of the Programme which refers to the Heads of Bills which have yet to be approved by Government. See http://www.taoiseach.gov.ie/eng/Taoiseach_and_Government/Government_Legislation_Programme/.

13 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 105.7.

14 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 105.7, 105.12, 105.13.

15 See Heads of the Irish Human Rights and Equality Commission Bill 2012 available at <http://www.justice.ie/en/JELR/20120605HeadsOfIHRECBill.pdf/Files/20120605HeadsOfIHRECBill.pdf>.

16 See <http://www.tusla.ie/>.

17 Towards Recovery - Programme for a National Government 2011 – 2016.

18 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.36 to 106.38.

19 Specifically in relation to the lack of emergency barring orders under Irish law, provision for which is a requirement under the Convention.

20 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.46.

21 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.31.

22 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 106.27, 106.

48. See <http://www.education.ie/en/Press-Events/Conferences/Patronage-and-Pluralism-in-the-Primary-Sector/The-Forum-on-Patronage-and-Pluralism-in-the-Primary-Sector-Report-of-the-Forums-Advisory-Group.pdf>.

23 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.45.

24 Notice: Equality Authority calls for submissions on a proposed amendment to s37 of the Employment Equality Acts 1998 – 2011, See <http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-9DVN281741828-en>,

25 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 107.47, 107.48

26 See <https://www.constitution.ie/Convention.aspx>.

27 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.44.

28 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.14. See <https://www.constitution.ie/AttachmentDownload.ashx?mid=268d9308-c9b7-e211-a5a0-005056a32ee4>.

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- 29 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.17. See <https://www.constitution.ie/AttachmentDownload.ashx?mid=b96d3466-4987-e311-877e-005056a32ee4>.
- 30 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 106.36 – 106.48.
- 31 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 107.25, 107.26
- 32 www.integration.ie, Office of the Promotion of Migrant Integration, 2014, National Action Plan Against Racism (NPAR) 2005-2008, available at: <http://www.integration.ie/website/omi/omiwebv6.nsf/page/Racism-npar-en>, Accessed on 14 February 2014
- 33 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 106.23, 107.19, 107.28
- 34 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 107.13 & 107.24
- 35 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 107.29, 107.32, 108.2
- 36 This review included oral representations by Traveller organisations. Further information is available at <http://www.oireachtas.ie/parliament/mediazone/pressreleases/name-16316-en.html>.
- 37 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 107.31, 107.32
- 38 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, para 106.31.
- 39 <http://www.welfare.ie/en/downloads/Gender-Recognition-Bill-2013.pdf>.
- 40 Transgender Equality Network Ireland (TENI) “The Government’s Gender Recognition Bill 2013”, available at: <http://www.teni.ie/attachments/dd37571c-b3de-452d-8e87-1e91bff47896.PDF>.
- 41 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 103.5, 107.12
- 42 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 108.4 to 109.9.
- 43 <http://www.irishstatutebook.ie/pdf/2013/en.act.2013.0035.pdf>.
- 44 Human Rights Council, Report of the Working Group on the Universal Periodic Review: Ireland, op cit, paras 108.4.



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