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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Ireland

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document is being issued without formal editing.



Ireland welcomes the 260 recommendations made during its third cycle Universal Periodic Review on 10 November 2021. After careful examination, Ireland is pleased to provide the responses below, with further information in the table annexed. Ireland considers six of the recommendations to have distinct parts in need of different responses further information has been provided in the supports/ notes section of this addendum. Ireland accepts 221 recommendations and notes 33 as follows:

Accepted

See the annex for further information.

Scope of International Obligations

- 157.7, 157.8, 157.9, 157.10, 157.11, 157.13, 157.14, 157.21, 157.22, 157.23, 157.24, 157.25, 157.26, 157.27, 157.28, 157.29, 157.30, 157.31, 157.32, 157.33.

National Human Rights Framework

- 157.34, 157.35, 157.36, 157.37, 157.38, 157.39, 157.40, 157.41, 157.42, 157.43, 157.44, 157.46, 157.47, 157.49.

Equality and non-discrimination

- 157.51, 157.52, 157.54, 157.55, 157.56, 157.57, 157.58, 157.59, 157.60, 157.61, 157.62, 157.63, 157.64, 157.65, 157.66, 157.67, 157.68, 157.69, 157.70, 157.73, 157.74, 157.75, 157.76, 157.78, 157.79, 157.80, 157.81, 157.82, 157.83, 157.84, 157.85, 157.86, 157.87, 157.88, 157.89, 157.90, 157.92, 157.93, 157.94, 157.95, 157.97, 157.98, 157.100, 157.101, 157.102, 157.103, 157.104, 157.105.

Development, the environment, and business and human rights

- 157.107, 157.108, 157.109, 157.111.

Right to life, liberty and security of persons

- 157.112, 157.113, 157.114, 157.115, 157.116, 157.117, 157.118, 157.119, 157.120, 157.121, 157.122, 157.123.

Administration of Justice

- 157.124, 157.125, 157.126, 157.127, 157.216, 157.218, 157.221, 157.222.

Fundamental Freedoms and Right to Participate

- 157.128, 157.129.

Prohibition of all Forms of Slavery

- 157.130, 157.131, 157.132, 157.133, 157.134, 157.135, 157.136, 157.137, 157.138, 157.139, 157.140, 157.141, 157.142, 157.143, 157.144, 157.145.

Privacy and family life

- 157.147, 157.148.

Right to an adequate standard of living

- 157.149, 157.150, 157.151, 157.152, 157.153, 157.154, 157.155, 157.156, 157.157, 157.158, 157.159.

Right to health

- 157.161, 157.163, 157.165, 157.166, 157.168, 157.170, 157.171.

Right to education

- 157.173, 157.174, 157.176, 157.177.

Women

- 157.178, 157.179, 157.180, 157.181, 157.182, 157.183, 157.184, 157.185, 157.186, 157.187, 157.189, 157.190, 157.191, 157.192, 157.193, 157.194, 157.196, 157.198, 157.199, 157.200, 157.201, 157.202, 157.203, 157.204, 157.205, 157.206, 157.207, 157.208, 157.209, 157.210, 157.211, 157.212.

Children

- 157.214, 157.215, 157.217, 157.219, 157.223, 157.224.

Minorities

- 157.225, 157.226, 157.227, 157.228, 157.229, 157.230, 157.231, 157.232, 157.233, 157.234, 157.235, 157.236, 157.237, 157.238.

Persons with disabilities

- 157.239, 157.240, 157.241, 157.242, 157.243, 157.244, 157.245, 157.246, 157.247, 157.248, 157.249, 157.250.

Migrants, refugees and asylum seekers

- 157.251, 157.252, 157.253, 157.254, 157.255, 157.256, 157.258, 157.259, 157.260.

Supported/Noted*Scope of International Obligations*

- 157.5.
 - Notes: Ireland is committed to ratifying OP-ICESCR and consideration is being given on how best to implement it.
 - Supports: Ireland is committed to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Significant pieces of legislation have been passed to ensure compliance.
- 157.6.
 - Notes: There are no plans to sign the ICRMW. Ireland does not become a party to treaties until it is first in a position to comply with the obligations contained in the treaty in question, including by amending domestic law as necessary.
 - Supports: Ireland ratified the ILO Domestic Workers Convention in 2014. Ireland is committed to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Significant pieces of legislation have been passed to ensure compliance.

National Human Rights Framework

- 157.15.
 - Supports: Ireland is committed to ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Significant pieces of legislation have been passed to ensure compliance.
 - Notes: There are no plans to sign the ICRMW. Ireland does not become a party to treaties until it is first in a position to comply with the obligations

contained in the treaty in question, including by amending domestic law as necessary.

Equality and non-discrimination

- 157.72, 157.99.
 - Supports: Ireland accepts the recommendations on racial discrimination and racism, addressing racist hate crimes and racist hate speech, particularly online.
 - Notes: An Garda Síochána in all training programmes, and in practice, prohibits racial profiling and unjustifiable use of diversity or minority grounds to inform policing policy or activity. Individual incidents of non-compliance or misconduct, should they occur, would be subject to discipline investigation, in the normal course.
 - Ireland has an independent complaints body, the Garda Síochána Ombudsman Commission (GSOC), chaired by a judge of the High Court, to which any person may bring a complaint concerning Garda conduct.

Children

- 157.213.
 - Supports: “Ensure that children receive training on the dangers of online spaces”.
 - Notes: “Incorporate international legal frameworks on the sexual abuse of children online” – This recommendation will be considered in further detail.

Noted

Scope of International Obligations

- 157.1, 157.2.
 - Ireland does not become a party to treaties until it is first in a position to comply with the obligations contained in the treaty in question, including by amending domestic law as necessary.
- 157.3, 157.4.
 - Ireland is committed to ratifying OP-ICESCR and consideration is being given on how best to implement it.
- 157.12, 157.16, 157.17, 157.18, 157.19, 157.20, 157.257.
 - There are no plans to sign the ICRMW. Ireland does not become a party to treaties until it is first in a position to comply with the obligations contained in the treaty in question, including by amending domestic law as necessary.

National Human Rights Framework

- 157.45.
 - The respective lead Departments coordinate and track follow up and implementation across Government. Overall coordination across Government is supported by the Inter-Departmental Committee on Human Rights chaired by the Minister of State at the Department of Foreign Affairs.
- 157.48, 157.50.
 - These recommendations would require a formal expansion of IHREC’s powers through legislation. The Government will consider these recommendations in further detail.

Equality and non-discrimination

- 157.53, 157.71, 157.91, 157.96.
 - An Garda Síochána in all training programmes, and in practice, prohibits racial profiling and unjustifiable use of diversity or minority grounds to inform policing policy or activity. Individual incidents of non-compliance or misconduct, should they occur, would be subject to discipline investigation, in the normal course.
 - Ireland has an independent police complaints body, the Garda Síochána Ombudsman Commission (GSOC), chaired by a judge of the High Court, to which any person may bring a complaint concerning Garda conduct.
 - While An Garda Síochána does not at present keep a record of the ethnicity of those they stop and search, as part of a number of pieces of legislation being introduced by the Department of Justice on foot of the Report of the Commission on Future of Policing, the heads of a General Scheme of the Garda Powers Bill have been prepared. This proposed legislation will codify the powers of search, arrest and detention and as part of this provision will be made for recording the details of the use of stop and search powers. It is intended that this record will include ethnicity, which will allow for periodic audits of the exercise by Gardaí of stop and search powers.
- 157.77.
 - Ireland adopts a holistic approach to addressing racism, xenophobia, and intolerance and is fully committed to addressing all forms of racism and religious intolerance as outlined in our recent statements at the UN General Assembly, Human Rights Council, and by An Taoiseach Micheál Martin at the Malmo Forum.
 - In 2022, we will publish a new National Action with measures to combat all forms of racism including antisemitism. The proposed Hate Crime Bill will introduce new legislation to combat incitement to hatred and hate crime in Ireland, online and offline.
 - Ireland supported the adoption by IHRA in 2016 of the non-legally binding working definition of antisemitism. However, this support was conveyed on the basis that Ireland did not consider the illustrative examples that followed to be an integral part of the definition.

Development, the environment, and business and human rights

- 157.106.
 - Ireland's Programme for Government recognises our moral duty to put social justice at the heart of our commitment to decarbonise our environment. It furthermore recognises the biodiversity crisis which threatens the safe future of the planet and the fundamental changes required to improve the health, welfare, and the security of our people. It is appropriate that our stated domestic ambition for our environment is consistent with our advocacy abroad. In this context Ireland co-sponsored the resolution at the United Nations Human Rights Council (UNHRC) which recognises a right to a clean, healthy, and sustainable environment.
- 157.110.

Privacy and family life

- 157.146.

Right to Health

- 157.162, 157.167.

- Consent to health care treatment is taken as per the consent protocols for the children's hospitals and this would include a discussion of the risks and benefits of the proposed treatments and alternatives. Only medically necessary treatment, which may include surgery, will be performed. The decision for any medically necessary surgery to be performed will only be taken after a unanimous decision of the consultants and the parents.
- 157.160, 157.164, 157.169, 157.172.
- The Protection of Life during Pregnancy Act (2013) has been repealed and services for abortion expanded and a comprehensive review and of the operation and effectiveness of the Health (Regulation of Termination of Pregnancy) Act 2018 will be carried out. However, we note these recommendations, as we do not wish to pre-empt the outcome of the review.

Right to Education

- 157.175.
- Since Education for Persons with Special Educational Needs Act 2004 (EPSEN Act) was enacted, the Department of Education's policy on supporting children with special educational needs has changed and evolved on foot of evidence informed policy advice from the National Council for Special Education, which has also taken account of international perspectives. The Government is committed to consulting with stakeholders on how best to progress the other aspects of the EPSEN Act. The Minister for Special Education and Inclusion has decided that the review of the EPSEN Act is one of her priorities.

Women

- 157.188, 157.195, 157.197.
- The Constitution can only be amended following a referendum of the people.
- The Citizen's Assembly on Gender Equality made 45 recommendations in their report to the Oireachtas, including around Constitutional amendment. The Government is considering these recommendations.

Children

- 157.220.
- Ireland is committed to encouraging youth engagement in the development of climate policy. This was evident in our co-championing of the Kwon Gesh Pledge at the UN Climate Action Summit in September 2019. Ireland also recently appointed a National Focal Point for the Action for Climate Empowerment (ACE) referred to in the Declaration and supported proposals at COP26 to include specific youth text in the Decision taken.
