

Draft Report of the Working Group on the Universal Periodic Review

On the 6th of October 2011 Ireland was examined for the first time by other UN countries on its human rights record. This process is called the Universal Periodic Review or UPR. This is the new human rights monitoring system of the UN Human Rights Council. It aims to improve the human rights situation in each of the 192 countries within the UN. Under the UPR the UN Human Rights Council reviews all 192 countries every four years so 48 countries are reviewed each year.

The result of the UPR examination is a list of recommendations made by other countries on how Ireland can improve its human rights record. The UPR is an important political process for countries because they are examined by their peers so can be used as a platform to promote public awareness of human rights issues.

On the 8th of October the UPR Working Group adopted the Outcome Report on Ireland. The Outcome Report contains a summary of what was said and recommended during the UPR Working Group session. Out of a total of 126 recommendations, the government accepted 62 recommendations, committed to considering 49 by the next UPR session in March 2012 and rejected 15 recommendations set by the UN in particular in the area of reproductive rights and combatting racism.

In March 2012 the UN Human Rights Council will adopt the Outcome Report on Ireland. After that the Irish government has a duty to implement the recommendations contained in the final Outcome Report and the next UPR in 2015 will assess if the country has done so. If not, the UN Human Rights Council has the power to address cases of persistent non co-operation. For more information and to keep up to date on the UPR process, visit www.rightsnow.ie

Matters particular to Women's Rights and Issues

The Irish State has committed to the following:

The Government is committed to developing a system of universal health care where treatment will be provided on the basis of assessed medical need rather than ability to pay. This is a radical change and will take some time to put in place. The driving force behind these changes is the improvement of services for patients. Legislation was before Parliament to outlaw the practice of Female Genital Mutilation. Ireland hoped to sign the Optional Protocol to the International Convention on Economic, Social and Cultural Rights before end of 2011. A referendum dealing with the rights of children will be held in early 2012.

The government is developing proposals for a Constitutional Convention which will review the current Constitution of 1937. This Convention is expected to review the provisions in relation to the role of women and the family. Ireland is committed to reviewing family law and the law on domestic violence. New legislation enacted in 2011 contains further protections for women who experience domestic violence. The Government intends to introduce a consolidated Domestic Violence Bill in 2012

Regarding the issue of abortion the Irish delegation explained that Article 40.3.3 of the Constitution guarantees the right to life of the unborn child with due regard to the equal right to life of the mother. The judgement of the European Court of Human Rights confirmed that Art. 40.3.3 is in line with the ECHR. The delegation noted that the ECHR judgement highlights the lack of effective and accessible rules in relation to the application of the Article. In response to this judgement the Government will establish an expert group with a view to making recommendations to the Government on how this matter should be properly addressed and it is intended that the Expert Group will be established in November 2011.

Ireland supports the following recommendations of members states:

1. Further measures to eliminate the under-representation of women in decision making roles, particularly in the political arena and as members of corporate boards
2. Continue action including legislation to remove gender based inequalities in the workplace, including wage disparities between men and women, to take additional measures to eliminate inequalities between women and men
3. Continue to strengthen its policies and laws against domestic violence towards women and fully implement the relevant laws policies and programmes aimed at combating domestic violence in the country
4. Submit rapidly its national report to the CEDAW committee that was due in 2007 and include a section on violence against women
5. Ensure the national availability and accessibility to contraceptive services and methods, including 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.
6. Ensure the principle of equality and non-discrimination while guaranteeing the enjoyment of the right to health
7. 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.
8. Continue its efforts to ensure that migrants and women belonging to minorities continue to be a focus of governmental programmes specifically geared towards the protection of their rights
9. Take measures to tackle racial discrimination and to combat all forms of racism including full investigation of racist incidents and stern action against perpetrators of racism
10. Continue its work for the full realization of human rights of the Traveller community, improving their social and economic conditions
11. Ensure that the current budget cuts do not result in stifling the activities of human rights bodies

Ireland has committed to examining the following recommendations of member states and will provide responses to it to the Human Rights Council by end March 2012:

1. Ensure the full implementation and undertake an independent assessment of the National Women's Strategy and to develop and adopt a gender parity law
2. Strengthen its policies and laws against domestic violence and prepare adequate statistics including sex, age and family relationship of victims and perpetrators and enhance efforts to better carry out the campaign against domestic violence
3. Sign the Council of Europe Convention on Violence against Women and Domestic Violence and institute a comprehensive statutory inquiry and compensation scheme in order to guarantee accountability and assist the victims of violence, namely women and children.
4. Consider incorporating the right to health and the right to housing and sign and ratify the Optional protocol to the International Covenant on Economic, Social and Cultural Rights before end 2011

5. Fully explore the possibility of putting in place a new National Action Plan against Racism and continue the implementation of the recommendations made by the Committee on the Elimination of All Forms of Racial Discrimination (ICERD)
6. Deepen the reform of the law on same sex marriage and change the concept of traditional family as enshrined in the Constitution
7. Implement the UN rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders
8. Recognize Travellers as an official minority and introduce measures to improve conditions of Travellers in society including introducing a comprehensive system for the monitoring of racist incidents

Ireland decided not to support the following recommendations of members states:

1. To consider becoming a party to the International Convention on Migrant Workers and their Families
2. To bring its abortion laws in line with the International Covenant on Civil and Political Rights / introduce legislation to implement the ECHR judgement in the ABC v Ireland case with a view to permitting termination of pregnancy in certain situations where the pregnancy puts the physical or mental health or wellbeing of the woman at risk. To ensure that the establishment of an expert group on abortion matters will lead to a coherent legal framework including the provision of adequate services
3. To 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