**ANNEX to Ireland’s response to the recommendations made on the occasion of its Third Cycle Universal Periodic Review**

**Accepted Recommendations**

* Ireland is pleased to provide further information on the following accepted recommendations.

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| *Scope of International Obligations* | |
| 157.7 – 157.9 | * Ireland is committed to ratifying this Optional Protocol. Significant pieces of legislation have been passed to ensure compliance. |
| 157.10, 157.11, 157.13, 157.14 | * Ireland intends to ratify as soon as is practicable. It is likely that new legislation will be required to enable ratification. However, it should be noted that there are already measures in place which protect people against unlawful detention, including Article 40.4.1 or the Constitution and Section 15 of the Non-Fatal Offences Against the Person Act 1997. |
| 157.15, 157.21 – 157.29, 157.37 | * The necessary legislation to allow for ratification of OPCAT is being drafted and will be brought to Government for approval as soon as possible. |
| 157.30 – 157.33 | * Ratification of the Optional Protocol following the First Reporting Cycle of the CRPD is a commitment in the Programme Government. Ireland is in the process of scoping and establishing the domestic arrangements required for ratification. |
| *National Human Rights Framework* | |
| 157.39 | * Government is committed to progressive full realisation of the UNCRPD. Initial priority is being given to a programme of legislative reform, beginning with the commencement of the Assisted Decision-Making (Capacity) Act. |
| 157.43 | * The Government is committed to the publication and enactment of an Electoral Reform Bill which aims, among other matters, to establish an independent, statutory Electoral Commission. The Electoral Commission, when established, will have a key role in voter education and in promoting voter participation among the electorate. The Bill will also provide for a wide range of reforms to modernise the electoral registration process in order to make the process of registering to vote more responsive to the needs of the public and to streamline related administration while maximising the security and integrity of our democratic process. |
| *Equality and non-discrimination* | |
| 157.38, 157.40 – 157.42, 157.44, 157.47, 157.49, 157.51, 157.54, 157.56 – 1.57.60, 157.62 – 157.70, 157.73, 157.74, 157.78, 157.81, 157.83 – 157.90, 157.92 – 157.95, 157.97, 157.98, 157.100 – 157.105 | * The Government is committed to combating racism. Anti-racism initiatives will be taken under the new National Action Plan against Racism, which the independent Anti-Racism Committee plans to recommend to Government in March 2022. * Ireland has ratified ICERD and our legislation is compliant with its provisions. * Reflecting our commitment to the Durban Declaration and Programme of Action which Ireland signed up to in 2001, we intend to develop a National Action Plan Against Racism that is compliant in its development methodology and content. * Ireland has comprehensive and robust equality legislation in place, which prohibits discrimination on nine specified grounds: gender, civil status, family status, age, race, religion, disability, sexual orientation and membership of the Traveller community. The legislation is designed to promote equality, prohibit discrimination – direct, indirect and by association – and victimisation, and allow positive measures to ensure full equality across the nine grounds. |
| 157.52, 157.53 | * Plans for new legislation to combat incitement to hatred were announced earlier this year. * The Harassment, Harmful Communications and Related Offences Act was enacted in February 2021 and covers all forms of online and offline communications that cause harm to a victim. * Ireland has robust equality legislation and mechanisms to protect against workplace discrimination. |
| *Development, the environment, and business and human rights* | |
| 157.76, 157.111 | * Ireland is committed to promoting responsible business conduct through appropriate frameworks, implementing our international obligations and promoting good practice in the business community. Ireland’s National Plan on Business and Human Rights seeks to give effect to the United Nations Guiding Principles on Business and Human Rights and, under the Plan, guidance for business has been published. Moreover, Ireland is an adhering State to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and has a National Contact Point in place. |
| *Right to life, liberty and security of persons* | |
| 157.112 – 157.119, 157.121 – 157.123 | * Significant progress has been and continues to be made in this regard. * Overcrowding is not currently a feature in the Irish prison estate. There is a separate facility for housing those held on remand, with capacity for 431 people. * We recognise that the impact of imprisonment is considerably greater on women and their wider families and as a result, modern prison facilities for women are designed and focused on the principle of rehabilitation and normalisation. Construction of a new women’s prison facility in Limerick is expected to be completed and operational in 2022. * There are already mechanisms in place, including an independent Inspector of Prisons, who has statutory responsibility for carrying out inspections of all prisons and reporting to the Minister, and for carrying out investigations and oversight of the Irish Prison Service Prisoner Complaints procedure. |
| 157.120 | * The Irish Government established an independent Commission of Investigation in 2015 to investigate what happened to vulnerable women and children in Mother and Baby and County Home Institutions during the period 1922 to 1998. The Commission was fully independent of Government and had extensive powers to compel witnesses to produce documents and answer questions. Government cooperated fully with this statutory inquiry. * The Final Report of the Commission of Investigation setting out its detailed analysis and findings was published in January 2021 . The Irish Government immediately accepted its recommendations and issued a full State apology to survivors and committed to a suite of 22 Actions aimed at addressing the needs and concerns of former residents and their families, including: * Access to birth information and tracing; * Financial recognition and access to support services; * Education and Research projects; * Dignified burials; and * Memorialisation. * An Garda Síochána, the Irish police force, has appealed to anyone with information about potential crimes at Mother and Baby Institutions to make contact with them so that such criminal matters can be investigated where possible. |
| *Administration of Justice* | |
| 157.124 – 157.127 | * The Justice Plan 2021 contains a commitment to commence a review of the Civil Legal Aid Scheme. The terms of reference for the review are still being finalised and will include significant consultation to capture the views of the NGO sector. |
| 157.216 | * There are no longer any operational reformatory or industrial schools operated by religious institutions in Ireland. For that reason, the first part of this recommendation is moot. * Regarding the prosecution and punishment of perpetrators of abuse, all available opportunities have been and will continue to be taken to encourage victims to report abuse to An Garda Síochána, and any allegation of historical abuse, such as that which was described in the Ryan Report, which is brought the attention of the Garda Síochána will be investigated appropriately. It should be noted that in the aftermath of the publication of the Ryan Report, An Garda Síochána provided a dedicated telephone line and a contact address for anyone wishing to provide information relative to the Report or in respect of the commission of a criminal offence arising from the Report. This facility was given widespread publicity at the time of the Report’s publication. |
| 157.219 | * In addition to the provisions of the 2017 Act, the Criminal Law (Sexual Offences) (Amendment) Act 2019 introduced stricter penalties for repeat sexual offenders and to equalise the maximum penalties for incest for both male and female offenders. |
| 157.221 | * The Irish Government established an independent Commission of Investigation in 2015 to investigate what happened to vulnerable women and children in the former Mother and Baby and County Home Institutions which operated for any part of the period 1922 to 1998. The Commission had all necessary statutory powers to support its investigations and was fully independent of Government. The Commission undertook its extensive work over an almost 6 year period, publishing seven Interim Reports and bringing a considerable amount of important and previously unknown information into the public domain. The Commission’s Final Report was published on 12 January 2021. * In April 2021, having carefully considered the Commission Report’s An Garda Síochána, the Irish police force, confirmed its conclusion that there is insufficient detail in the report to commence criminal investigations. An Garda Síochána issued an appeal to anyone with information about potential crimes at Mother and Baby Institutions to make contact with them so that such crimes can be investigated and prosecutions initiated where possible. |
| *Fundamental freedoms and right to participate* | |
| 157.128 | * The Electoral Commission, when established, will be well placed to undertake a comprehensive review of the Electoral Act 1997 (as amended) with a view to making recommendations to address, among other matters, the concerns that have been raised by civil society. The proposed approach is intended to deliver an objective, clear and proportionate outcome for all affected parties with regard to the entirety of the inter-related provisions in the Electoral Act 1997. |
| 157.129 | * To note, the department is committed to achieve the target of at least 400 multidenominational primary schools by 2030. |
| *Prohibition of all forms of slavery* | |
| 157.130 – 157.145, 157.210 | * Considerable work is underway in this regard. Priority actions include a proposal to revise the National Referral Mechanism to make it easier for victims to come forward, to be officially recognised as victims of human trafficking, and to receive the appropriate supports. * The new National Referral Mechanism will guarantee protection and assistance to victims of human trafficking. As things stand, nationality or immigration status is not linked to criminal investigation. |
| *Privacy and family life* | |
| 157.147 | * The Government is committed to publishing the Birth Information and Tracing Bill with a view to its enactment as soon as possible. * This legislation will guarantee a right of access to a full and un-redacted birth certificate, as well as the release of birth, early life, care and medical information as defined in the legislation, to all persons from the age of 16. |
| 157.148 | * Ireland remains fully committed to ratifying the Budapest Convention as soon as possible and continues to recognise the importance of this Convention for combatting cybercrime. This commitment is reflected in the Justice Plan 2021, which commits to beginning the drafting of the General Scheme of a Cybercrime Bill, to allow Ireland make substantial progress towards ratification, in Q4 2021. * The vast majority of the substantive provisions of the Cybercrime Convention (i.e., those provisions requiring the creation of criminal offences) are already covered in Irish law. |
| *Right to an adequate standard of living* | |
| 157.149, 157.151, 157.152, 157.157, 157.227 | * The 2019 Traveller Accommodation Expert Report recommendations are overseen and implemented by a Programme Board (which includes Traveller representation). The recommendations include a proposal to commission research into homelessness among Travellers which is under preparation. * Housing for All - a new housing strategy (published in September 2021) provides a new housing plan for Ireland to 2030 with the overall objective that every citizen in the State should have access to good quality homes through a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system. The housing strategy supports continued implementation of the current National Traveller and Roma Inclusion Strategy 2017-2021, and actions to be identified in the successor to that strategy. |
| 157.153, 157.155, 157.156, 157.158, 157.214, 157.215 | * Supporting individuals and families facing homelessness is a priority for the Irish Government. Housing for All is the Irish Government’s housing plan for Ireland to 2030. The Plan is a multi-annual, multi-billion euro plan which aims to put Ireland’s housing system on a sustainable footing and deliver more homes of all types for people with different housing needs. * Supporting individuals and families facing homelessness is a key Government priority. Under Housing for All, the Irish Government became the first country in the EU to incorporate the commitment given in the “Lisbon Declaration on the European Platform on combatting Homelessness”, which commits signatories to work towards the ending of Homelessness by 2030. Housing for All outlines details on how the Government is approaching this challenge. |
| 157.154 | * Ireland’s current Programme for Government commits to a ‘referendum on housing’. This is not a commitment to hold a referendum on a ‘right to housing’, although it does not preclude this outcome. While the Government does not want to limit the debate or the consideration of any potential amendments at this stage, it is imperative that the consequences of any proposal put to a referendum are fully considered in advance of doing so. * The Programme for Government also commits to establishing a Commission on Housing to examine issues such as tenure, standards, sustainability, and quality-of-life issues in the provision of housing. The formal establishment of the Commission on Housing this December provides a critical vehicle to support a considered debate and research on these issues and to ensure suitable proposals are developed, subject to consideration by the Government, for wider consultation. * The Chair of the Commission on Housing has been appointed, Terms of Reference have been approved and the Minister for Housing, Local Government and Heritage is currently inviting applications for appointment as members of the Commission on Housing. |
| *Right to health* | |
| 157.166 | * The Protection of Life during Pregnancy Act (2013) has been repealed and services for abortion expanded. |
| 157.171 | * Implement human rights-based mental health policies aligned with the Convention on the Rights of Persons with Disabilities, and provide community-based mental health services, with a view to eliminating stigma, discrimination and coercion in mental health (Portugal); * Government is committed to progressive full realisation of the UNCRPD. Initial priority is being given to a programme of legislative reform, beginning with the commencement of the Assisted Decision-Making (Capacity) Act. Reform of the Mental Health 2001 will follow. |
| *Right to education* | |
| 157.173 | * The Education (Admission to Schools) Act of 2018 refers, while the Department of Education also continuously reviews its programme for Delivering Equality of Opportunity In Schools (DEIS). |
| 157.174 | * The Education (Admission to Schools) Act of 2018 refers. To note,, Ireland has had a legislative guarantee of free primary education since 1937. Article 42.4 of the Irish Constitution already provides for free primary education. Free post primary education has been was the policy recommendation of the Department of Education since the 1960’s, with a Memo to Government in November 1966 leading to the free scheme adopted by schools from September 1967. |
| *Women* | |
| 157.61, 157.178, 157.179, 157.183, 157.185 – 157.187, 157.196, | * Ireland continues to address the gender pay gap and the complex factors that cause it. The Gender Pay Gap Information Act 2021 provides for reporting by organisations on their individual gender pay gaps and reporting will begin in 2022. This information will assist with understanding the underlying drivers of the gender pay gap and will allow for the development of effective, targeted, sector-specific initiatives. * The Employment Equality Acts prohibit discrimination in the world of work under nine separate grounds: gender, civil status, family status, age, race, religion, disability, sexual orientation and membership of the Traveller community. Ireland is currently reviewing the existing discrimination legislation – the Employment Equality Acts and the Equal Status Acts, which prohibit discrimination in the provision of goods and services – to examine the functioning of the Acts and their effectiveness in combatting discrimination and promoting equality. |
| 157.180 | * Ireland remains committed to addressing gender inequality in society. The whole-of-Government National Strategy for Women and Girls will conclude in 2021. Consultations for the development of a successor will commence in 2022 and it is anticipated that this will set out Ireland’s future approach to addressing the range of barriers to achieving full gender equality. * Following a Referendum in 2012, the Thirty-first Amendment of the Constitution (Children) Act 2012 amended the Constitution of Ireland by inserting a new Article 42A. This recognises that all children have rights and pledges to protect those rights by law, including by legislating to ensure that in all child care and similar proceedings, the best interests of the child will be the paramount consideration and that the views of children will be ascertained and given due weight. It also affirms the duty of the state to take child protection measures. * Ireland places high importance on the implementation of international conventions, with the UNCRC serving as a key benchmark for children’s rights and a useful tool in measuring how well Ireland is treating its children. Ireland signed the UNCRC in 1990, and the Convention was subsequently ratified in 1992. Ireland has ratified the first and third optional protocols to the UNCRC and is working towards the ratification of the second. |
| 157.200– 157.209, 157.212 | * Work is underway on developing Ireland’s Third National Strategy on domestic, sexual and gender-based violence in partnership with civil society organisations that provide services to victims. Last year we launched ‘Supporting a Victim’s Journey’, a major reform of the criminal justice system following an expert-led review of how to better support victims and vulnerable witnesses, particularly in sexual violence cases. |
| *Migrants, refugees and asylum seekers* | |
| 157.256, 157.258 | * Ireland is committed to ensure that migrants are able to fully participate in society. The current whole-of-Government Migrant Integration Strategy will conclude at the end of 2021 and consultations on the development of a successor will begin in 2022. The consultations will examine the issues facing migrants in Ireland which will inform the development of a successor integration strategy. |