



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Ireland and welcome the constructive engagement of the Government of Ireland during the 39<sup>th</sup> session of the UPR Working Group in November 2021.

As the final outcome report on the review of Ireland was recently adopted by the Human Rights Council at its 49<sup>th</sup> session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Ireland – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 103 delegations and the presentation made and responses provided by the delegation of Ireland. I have also considered the actions taken by the Government of Ireland to implement the 176 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the entry into force on 1 January 2019 of the Health (Regulation of Termination of Pregnancy) Act 2018, which regulates access to safe and legal abortion in Ireland upon request and under certain circumstances, following a national referendum that approved the Thirty-sixth Amendment of the Constitution. I encourage ensuring that any further revisions to the Act guarantee legal, safe and accessible abortion in accordance with international human rights standards.

I encourage Ireland to finalize its National Traveller and Roma Inclusion Strategy and to strengthen efforts to facilitate Traveller and Roma access to housing, education and employment. Also, to follow up on the recommendations of the report of the Commission of Investigation into Mother and Baby Homes, I encourage Ireland to ensure justice, full redress and reparations to the victims. I further urge the allocation of sufficient resources to ensure the effective functioning of the Justice and Equality Department.

I encourage Ireland to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

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H.E. Mr. Simon COVENEY TD  
Minister for Foreign Affairs and Minister of Defence  
Ireland



I also encourage Ireland to pursue efforts to establish a national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

[http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Ireland of submitting mid-term reports in previous cycles and encourage the Government of Ireland to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2024.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Ireland in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.

Michelle Bachelet  
High Commissioner for Human Rights

cc: H.E. Mr. Roderic O’GORMAN  
Minister for Children, Equality, Disability, Integration and Youth  
Ireland

Ms. Camilla BRUCKNER  
Director of the United Nations Office in Brussels  
Representative of the United Nations System before the EU  
Belgium

Ms. Birgit VAN HOUT  
Regional Representative of the United Nations High Commissioner for Human Rights  
OHCHR Regional Office for Europe  
Belgium



## **Annex**

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
- Ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- Ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- Ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

### **National human rights framework**

- Allocating sufficient budgetary and human resources to the Irish Human Rights and Equality Commission in order for it to discharge its functions effectively.
- Incorporating the International Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal order.
- Providing adequate resources to the Gender Equality Division in the Department of Justice and Equality.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and non-discrimination*

- Developing a new National Action Plan against Racism in line with the Durban Declaration and Programme of Action.
- Strengthening existing laws and developing new laws to combat hate speech and hate crimes.

#### **B. Civil and political rights**

##### *Right to life, liberty and security of person*

- Expediting the commencement of section 9 of the Criminal Justice Act 2011 to ensure that persons deprived of their liberty have access to a lawyer from the time of their apprehension, and ensuring that national legislation establishes an independent body for inspecting police stations.

*Fundamental freedoms and the right to participate in public and political life*

- Amending the Electoral Act to ensure compatibility with the International Covenant on Civil and Political Rights, notably regarding the Act's restrictions on funding for civil society activity and their implications for the right to freedom of association.

*Prohibition of all forms of slavery*

- Improving the victim identification process for victims of trafficking;

**C. Economic, social and cultural rights**

*Right to social security*

- Assessing the impact of the habitual residence condition on entitlement to child benefit payments by Roma and migrant women, and intensifying efforts aimed at economic recovery given that those from disadvantaged groups who were dependent on social budgets continued to suffer the impact of austerity measures.

*Right to education*

- Explicitly guaranteeing in the law free primary and secondary education for 12 years.

**D. Rights of specific persons or groups**

*Women*

- Criminalizing domestic violence and introduce a specific definition of domestic violence and other emerging forms of gender-based violence.
- Providing mandatory training on gender-based and domestic violence for law enforcement and other public officials dealing with victims of gender-based violence.
- Enforcing the principle of equal pay for work of equal value.
- Increasing the use of temporary special measures in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women in which women were underrepresented, with particular reference to temporary special measures under the Electoral Act that do not extend to local government elections and measures in other areas.

*Children*

- Adopting a national strategy to protect children from sexual violence.
- Enacting legislation that would regulate surrogacy arrangements to ensure that the best interests of the child are protected.
- Enacting legislation that would facilitate transparent adoption processes.
- Considering legislation that would expand protection for information and communications technology-related abuse against children.
- Creating child-friendly reporting and complaint mechanisms.



### *Persons with disabilities*

- Prioritizing the commencement of the Assisted Decision-making (Capacity) Act 2015, and repealing the Lunacy Regulations (Ireland) Act 1871.
- Ensuring that the Inspection of Places of Detention Bill provides for independent monitoring of residential and congregated care centres for older persons and persons with disabilities within the national preventive mechanism.

### *Minorities*

- Taking legislative measures to formalize the recognition of Travellers as an official minority group; clarifying the rights accorded to them; and fully implementing the National Traveller and Roma Inclusion Strategy.

### *Migrants, refugees, asylum seekers*

- Expediting the processing of applications for international protection with a view to delivering the decision within six months.
- Enshrining in legislation the principle that asylum seekers should be detained only as a measure of last resort, for as short a period as possible, and in facilities appropriate for their status.
- Recognizing and validating the educational qualifications of migrants, including professional skills acquired abroad, with particular respect to securing employment and housing.
- Implementing a coherent regularization scheme, ensuring that irregular migrants have access to long-term residency pathways.

### *Stateless persons*

- Establishing a procedure to determine statelessness.