

STATEMENT FOR MoS SHERLOCK – ICESCR REVIEW 8 JUNE 2015

INTRODUCTION

Thank you, Mr Chairman, for your words of welcome to our Delegation. We are pleased to be here in Palais Wilson, and look forward to engaging with the Committee over the next two days on Ireland's progress in implementing the International Covenant on Economic, Social and Cultural Rights.

I am also pleased to have been welcomed by Ambassador Patricia O'Brien, Ireland's Permanent Representative to the United Nations in Geneva.

DELEGATION

I would like to begin by introducing the members of our Delegation. We have Mr Colin Wrafter, Director of the Human Rights Unit, Department of Foreign Affairs and Trade; Ms Paula O'Hare, Advisory Counsel in the Office of the Attorney General; Mr Jim Walsh, Principal Officer, Department of Social Protection; Mr Deaglan O Briain, Principal Officer, Department of Justice and Equality; Mr Gavan O'Leary, Principal Officer, Department of Education and Skills; Mr Colm Desmond, Principal Officer, Department of Health; Mr Dermot Sheridan, Principal Officer, Department of Jobs, Enterprise and Innovation; Ms Annette Connolly, Principal Officer, Department of Public Expenditure and Reform; Mr Barry Quinlan, Principal Officer, Department of Environment, Community and Local Government; Ms Geraldine Luddy, Principal Officer, Department of Health; Mr Gerard Considine, Senior Development Specialist, Department of Foreign Affairs and Trade; Ms Nuala Ni Mhuirheartaigh, Deputy Permanent Representative of Ireland to the United Nations in Geneva, Mr James C. O'Shea, First Secretary, Permanent Mission of Ireland to the United Nations; Ms Nicole Mannion, Deputy Director, Department of Foreign Affairs and Trade; Mr Peter White, Assistant Legal Adviser, Department of Foreign Affairs and Trade; Ms Breda Lee, First Secretary, Permanent Mission; Mr Timothy Reilly, Private Secretary to the Minister of State; Ms Ailbhe Finn and Mr Ciaran Finlay, Attaches at the Permanent Mission, and Ms Sara Bertotti, Human Rights Officer, Department of Foreign Affairs and Trade.

CIVIL SOCIETY

Let me say that we welcome the active engagement of Irish NGOs, and our national human rights institution, with the Committee throughout this review process. In April of this year, the Department of Foreign Affairs and Trade hosted a civil society consultation on the review, which was addressed by the Free Legal Advice Centres, as the coordinator of the principal civil society shadow report, and by the Irish Human Rights and Equality Commission. I thank all of those who participated for their constructive input.

Ireland is proud to have a dynamic civil society, and we recognise that regular consultation with civil society is critical to promoting transparency and accountability in our work.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

We appreciate the important role of this Committee, in holding States Parties to account regarding their international human rights obligations. Economic, social and cultural rights are vital to the life of dignity to which we aspire for all. The rights to health, education and work are the building blocks for human prosperity, and we are committed to achieving a society that is founded upon equality, where diversity in culture, ethnicity, religion and sexual orientation and gender identity is celebrated and safely enjoyed by all.

LGBTI RIGHTS

Mr. Chairman, on 22 May this year, Ireland chose, by popular vote, to provide for same-sex marriage. We are very proud to be the first country in the world to achieve marriage equality through a public vote. The large majority by which the referendum was passed shows how committed Ireland is, both as a state and a people, to equality and to promoting the rights of our LGBTI community.

The referendum on marriage equality was held against a backdrop of several important legislative advances in the rights of LGBTI persons in Ireland.

The Gender Recognition Bill 2014, which is currently moving through the Houses of the Oireachtas, our national Parliament, will for the first time in our history, provide legal recourse for transgender individuals over 16 years of age to change their gender in the eyes of the law.

The Children and Family Relationships Act 2015 became law in April of this year. It enables civil partners and cohabiting couples who have lived together for three years to jointly apply

to adopt a child, something which they could previously only do as individuals. The Act is designed to provide a legal bedrock upon which the diversity of families will be valued, recognised and protected in today's Ireland.

FINANCIAL AND BUDGETARY CONDITIONS

Since our last review in 2002, Ireland enjoyed a period of unprecedented economic prosperity, followed by an equally acute financial crisis, resulting in an international bailout package, and several years of fiscal adjustment aimed at reducing our deficit and putting our debt back on a sustainable path.

Irish GDP peaked in the closing quarter of 2007 and reached a trough in the final quarter of 2009, having fallen some 12 percentage points. By the closing quarter of 2014, the volume of GDP had grown 8 ½ % since its low point, but still has not recovered to the level seen at the end of 2007.

It is worth recalling some basic employment figures to demonstrate the extent of the crisis that we have experienced in Ireland. In Q1 2006 we had just under 2 million (1.998) people in employment in the economy and just 88,200 unemployed, representing an unemployment rate of approximately 4.5%. In Q1 2012 the employment figure was down to 1.78 million while unemployment had risen to 309,000, representing an unemployment rate of over 15%. I am pleased to inform the Committee that for Q1 2015 the employment and unemployment figures stood at 1.929 million and 212,800 respectively, representing an unemployment rate of less than 10%. Clearly, we still have far too many people unemployed but we are on the right road and determined to continue to implement the right policies to deliver the Government's goal of full employment by 2018.

Our Response to the List of Issues elaborates upon the use of social transfers to mitigate poverty and income inequality, and our efforts to ensure a minimum core content of rights. Undoubtedly, the financial crisis posed challenges in terms of our progressive realisation of economic, social and cultural rights. However, the Programme for Government 2011-2016 contains a commitment to require all public bodies to take due note of equality and human rights in carrying out their functions.

Tough choices had to be made by the Government, in the face of an unprecedentedly precarious financial situation. We acknowledge that considerable sacrifices were made by the people of Ireland throughout the financial crisis. Our approach to budgetary adjustment was not to apply blanket reductions to all areas of spending, but rather to reform expenditure in a way that continued to protect our society's most vulnerable people to the greatest extent possible within our available resources. For example, this Government maintained core welfare payments, which set a strong basic standard of living available to everyone in society.

Fiscal consolidation was carried out in such a way that the burden of economic adjustment was shared across society, guided by a social impact assessment of budgetary choices. This has been confirmed by independent research which has indicated that the burden of adjustment over the period 2008-2015 was broadly distributionally neutral. The consolidation endeavoured to maintain a low burden of taxation on the poorest in society, and Ireland was actually able to reduce labour taxes on those with the very lowest incomes in society over the period.

Recent developments in the macro economy are likely to have positive equality impacts. Research by the ESRI indicates that income losses for those at the bottom of the income distribution were largely driven by unemployment, and the large increase in unemployment for men during the recession was partly caused by a reduction in the demand for construction skills.

The recent increased activity and job growth in the construction sector are likely to ameliorate the adverse equality impacts of the recession outlined above. However, unlike in the past, where we were overly reliant on one particular sector – the construction sector – for jobs and growth, and the transactional taxes that flow from this, we are rebuilding our economy on more sustainable foundations based on enterprise, competitiveness and innovation. The early phase of the economic recovery in Ireland was mainly in the exporting sectors, but growth in economic activity and employment is now more balanced across the economy including the domestic sectors such as tourism, agri-food, retail and domestic financial services. Over the remainder of this decade we expect all sectors of the economy to contribute to growth and employment.

Of course, a growing economy is not just an end in itself – it is the means by which we will improve living standards, deliver better public services to the Irish people, and build an equal society.

SPRING ECONOMIC STATEMENT

In April of this year, the Ministers for Finance, and Public Expenditure and Reform delivered their Spring Economic Statement, in which they set out Ireland's medium term economic and fiscal plan. The Spring Economic Statement estimated that fiscal space of between €1.2 to €1.5 billion will be available for Budget 2016 in respect of public spending increases and further tax reforms. It should be noted that this current projection complies with our obligations under the Stability and Growth Pact. However, it is important to point out that this is an estimate. The exact figure will be dependent on a number of factors such as the composition of measures, changes in the estimated 2015 fiscal outturns and macroeconomic variables, which will be determined as part of the Budget 2016 process.

STRENGTHENING THE BUDGETARY FRAMEWORK

Following on from this, my colleagues the Minister for Finance and the Minister for Public Expenditure and Reform will host a National Economic Dialogue this summer. The dialogue will take place over two days and will be an important element of Ireland's new budgetary framework. The objective of the dialogue is to facilitate an open and inclusive exchange on the competing economic and social priorities facing the Government as we prepare for budget 2016. The dialogue will consider the main structural challenges faced by the economy and society and the options for the allocation of public resources over the coming period.

It will be informed by the macro-economic and fiscal parameters, including the EU budgetary framework, which were set out in the Spring Statement. We are hoping for a genuine and robust dialogue which will examine the realistic options open to the Government. The dialogue will be as open and inclusive as possible. Representatives of community, voluntary and environmental groups as well the opposition, business, unions, research institutes, the academic community and the diaspora have been invited. At this stage, preparatory work on the dialogue is still ongoing.

The establishment of an Independent Budget Office is also being examined, to allow for objective costing of policy proposals from all political parties in the Oireachtas (Parliament).

For Budget 2016, the Government has agreed that a social impact assessment of the main taxation and welfare measures will be carried out by a cross-departmental body led by the Departments of Finance, Social Protection, and Public Expenditure and Reform.

RIGHT TO SOCIAL SECURITY AND AN ADEQUATE STANDARD OF LIVING

The Department of Social Protection spent €19.8 billion in 2014, supporting 1.44 million recipients directly, or almost 2.3 million people when dependants are included.

Throughout the financial crisis, we maintained core social welfare rates, and reversed a cut in the national minimum wage. In 2013, social transfers reduced the at-risk-of-poverty rate from 38.4 per cent to 15.2 per cent, lifting almost a quarter of the population out of income poverty. According to Eurostat, Ireland is the best performing country in the EU in reducing poverty through social transfers.

The elimination of poverty remains an objective of this Government. In addition to the strong performance of the social transfer system, the highly progressive structure of our income tax system, taken together, gives rise to a tax and welfare system that is the most effective in the OECD at reducing market income inequality.

Ireland's comprehensive social protection system has played a critical role in minimising the social impact of the economic crisis and in supporting people into employment. Government expenditure on social protection increased by a third since 2007 and in 2014, €19.8 billion was spent in supporting over 1.4 million recipients directly, with a further 800,000 dependents. This Government has maintained core social welfare rates, increased the national minimum wage and enhanced in-work supports. As a result of this sustained investment in social transfers, almost a quarter of the population have been lifted out of income poverty, thereby reducing the at-risk-of-poverty rate by over 60 per cent.

According to Eurostat, Ireland is the best performing country in the EU in reducing poverty through social transfers. In addition to the strong performance of the social transfer system, the highly progressive structure of our income tax system, taken together, gives rise to a tax and welfare system that is the most effective in the OECD at reducing market income inequality.

RIGHT TO WORK

We have added over 100,000 net jobs to our economy since unemployment peaked, and the rate of unemployment has fallen by over 5 percentage points to just under 10%. Of course, we must ensure that those returning to employment are doing so in the full enjoyment of their rights, including the right to just and favourable conditions of work. A Low Pay Commission, established in February 2015, has been tasked with ensuring that any changes to the minimum wage are incremental and evidence-based, giving people a decent wage for the work they do.

Legislation to enhance collective bargaining rights for workers while providing certainty and clarity for businesses is expected to be enacted this summer. This legislation will also reinstate local and sectoral wage setting mechanisms that will have statutory effect. The use of zero-hour contracts and low hour contracts, and their impact on employees, is being reviewed.

DISABILITY

To ensure a very firm focus on the needs of people with disabilities within our Government system, we have Minister for State Kathleen Lynch within the Department of Health with specific responsibility for services to people with disabilities. Within the Department of Justice and Equality, Minister of State Aodhán Ó Ríordáin has responsibility for disability policy coordination across the full range of Government Departments.

As part of the Government's efforts to empower those with a disability, we will soon publish a 10-year Comprehensive Employment Strategy for People with a Disability. The strategy, which is inclusive of people with physical, sensory, intellectual or mental health disabilities and persons with autism, will include a number of ambitious targets to enable people with a disability who are able to, and want to, to enjoy their right to work. It will empower employers to hire those with a disability and assist those who acquire a disability in their employment. The Strategy will focus on an individual's capacity and not incapacity, so that an individual is supported to maximise their potential. It recognises that it is not a case of 'one size fits all'.

The aim of the CES (Comprehensive Employment Strategy) is to increase the number of people at work, and the proportion of people with disabilities in a job. The measures

contained in the strategy seek to address the barriers to employment and improve pathways to work, with the impact on employment building up over time. Specific actions include; building skills, capacity and independence; providing bridges and supports into work; making work pay; promoting job retention and re-entry to work; providing co-ordinated and seamless support; and engaging employers.

We will also shortly publish a Programme of specific Actions to increase awareness of Autism. We have made substantial progress towards ratification of the UN Convention on the Rights of People with Disabilities. The Government will publish within the next 3 months a roadmap setting out the remaining legislative reforms that are required and a timescale for their completion.

BUSINESS AND HUMAN RIGHTS

We are in the process of developing guidelines for Irish companies operating abroad, in line with the UN Guiding Principles on Business and Human Rights. Our National Plan aims to ensure that Irish businesses respect international human rights standards and place human rights firmly on the business agenda.

RIGHT TO HOUSING

With regard to housing, I acknowledge that we have not been as successful as we should have been in helping people to find a home for themselves. This situation arose for a number of reasons. It is partially the outcome of an undersupply of homes directly provided by the State for people who cannot afford to provide them for themselves and partially the result of reversals in Exchequer funding, a trend that has been reversed this year, with €1.5 billion in guaranteed, upfront Exchequer investment from 2015 to 2017, in developing a new €300 million Housing Public Private Partnership and in making available up to €400 million of public investment in a new housing finance entity to leverage further substantial private investment.

The construction sector was decimated by the economic collapse and a particular challenge facing it, especially in the short term, is rebuilding the capacity of the sector, both in terms of suitable funding models and people, to provide quality, fit-for-purpose, sustainable housing where the demand is greatest. The Government has responded to this challenge, through *Construction 2020, A Strategy for a Renewed Construction Sector* and through the Social

Housing Strategy 2020. Addressing the supply shortfall in housing will take time but we are already beginning to see some welcome and positive signs of recovery in the sector on that front.

Particularly notable in this regard is the increase in the number of house completions in 2014 to just over 11,000 units nationally – an increase of 33% on the 2013 figure.

Social housing is a key priority for Government, evidenced by the additional €2.2 billion in funding announced for social housing in Budget 2015 and the publication of the Social Housing Strategy 2020 in November 2014. The total targeted provision of over 110,000 social housing units, 35,000 new social housing units and 75,000 through the Housing Assistance Payment, will address the legacy needs of the 90,000 households on the housing waiting list in full, while also having the flexibility to meet potential future demand. In committing to provide these 35,000 new social housing units, at a projected cost of €3.8 billion, the strategy marks a fresh start for social housing in Ireland.

Since the Strategy was published, details of over €1.5 billion for building, buying and leasing schemes, to accommodate 25% of the housing list by 2017, have been announced and €312m was approved for the first tranche of building 1,700 social housing units. The projects will have a knock on effect of creating approximately 3,000 jobs in construction. As more projects are approved there will be a series of further announcements.

The Government is committed to ensuring that every household will have access to secure, good quality housing suited to their needs at an affordable price in a sustainable community.

The Government is acutely aware of the impact of household indebtedness on the lives of people and families across the country. While the number of mortgages on family homes in arrears is falling - with more than 117,000 arrangements having been put in place to support borrowers in difficulty - the level of mortgages in long-term arrears remains a concern. The Government is actively engaged and recently announced an enhanced package of measures aimed at helping as many people and families as possible to remain in their homes. The package will help ensure that distressed borrowers have access to the right information and advice to suit their particular circumstances. It will provide the Courts with the power to review, and where appropriate to impose, proposed insolvency arrangements that have been rejected by banks. And it will expand the Mortgage-to-Rent scheme to ensure that a loss of ownership does not necessarily lead to a loss of a home.

RIGHT TO HEALTH

A fundamental goal of Ireland's health reform programme is a single-tier system with equal and timely access for all. Universal healthcare is the proposed means for achieving this.

We continue to progress plans to provide free General Practitioner care to children under six and adults over 70 by July of this year. We are committed to moving away from a hospital-centric model of care to an integrated, safe and efficient model which treats patients as close to home as possible.

In line with this patient-centred approach to healthcare, legislation will soon be brought before Government to end the practice of administering electro-convulsive therapy (ECT) to patients with mental health problems who, while having capacity to do so, refuse to consent to the treatment.

RIGHT TO EDUCATION

The Irish education system aims to provide all learners with the knowledge and skills they need to participate fully in society and the economy. The scale of system is significant. It has a total budget of almost €9 billion and caters for more than one million full time learners across the school, further and higher education sectors. A significant programme of reform is ongoing including an extensive reform of the curriculum at lower second level (junior cycle), which is being rolled out on a phased basis over the next number of years. Under its capital investment programme, the Government has allocated over €2 billion for the period 2012-2016 towards the provision of additional permanent places to meet the demographic need at both primary and post-primary levels.

Over the course of the next six years, there will be an additional 50,000 students in our primary and post-primary education systems. We will employ 3,500 to 5,000 extra school teachers to meet this demand. Government has overseen improved outcomes in education, with more students taking higher level maths, and increasing literacy rates among our 15 year olds.

CHILDREN'S RIGHTS

The Programme for Government 2011-2016 included a number of commitments relating to the protection and welfare of children. Among these was a commitment to hold a referendum

to amend the Constitution to ensure that children's rights are strengthened. This referendum was held on 10 November 2012. The amendment became part of the Constitution on 28 April 2015. It provides for a distinct recognition of the rights of children, including ascertaining their views and treating their best interests as paramount in specified areas of law.

GENDER EQUALITY

Ireland is committed to achieving gender equality. Our National Women's Strategy has improved women's standard of living and access to healthcare. It has increased female participation in education, expanded the provision of early childhood care, and reduced the gender pay gap.

We acknowledge that female participation in political life requires additional effort. Only 16% of the seats in the Dáil (the Lower House of Parliament) are held by women. In order to address this issue, legislation was enacted in 2012, linking State funding for political parties to a condition that at least 30% of their candidates are women. Ireland's next general election, which will take place no later than April 2016, will be the first time that gender quotas are a feature of an Irish election.

MINORITY RIGHTS

Ireland endeavours to be a safe and welcoming environment for minorities; one that respects and accommodates diversity in all its forms. The Department of Justice and Equality is engaged in consultation with Traveller representatives regarding recognition of Travellers as an ethnic group. It is hoped that a decision on the matter will be reached shortly. Work is also underway across multiple Departments to improve our system of gathering disaggregated data on minorities, in order to better identify their needs and protect their rights.

HUMAN RIGHTS COUNCIL AND POST-2015 DEVELOPMENT AGENDA

Mr Chairman, at the end of this year, Ireland will conclude a three-year term on the UN Human Rights Council.

On the Council, Ireland has worked to promote and protect the human rights of all people, particularly the marginalised and most vulnerable.

As Minister of State with responsibility for development, I am particularly proud of the resolution we led *on combating preventable mortality and morbidity of children under 5 years of age*. We are also delighted that Ireland was appointed, together with Kenya, as co-

facilitators for the final intergovernmental negotiations on the post-2015 development agenda. This role is a great honour and responsibility for Ireland.

In the course of the Open Working Group which came up with the proposed new Sustainable Development Goals, Ireland strongly supported the centrality of human rights in the new agenda and explicitly called for the new goals to build upon the standards and principles of human rights. The promotion and protection of human rights is a key priority in our Policy for International Development 'One World, One Future'. In the review of our foreign policy entitled 'The Global Island', Ireland reaffirms our commitment to achieving the UN target of 0.7% of GNP in Official Development Assistance, as our economic recovery consolidates.

INTER-DEPARTMENTAL COMMITTEE ON HUMAN RIGHTS

In March of this year, we established an Inter-Departmental Committee on Human Rights to improve coordination across Government on the promotion and protection of human rights in our foreign policy. The Committee will progress ratification by Ireland of key international human rights treaties, monitor the implementation of Ireland's treaty obligations, and facilitate timely reporting to international treaty bodies in accordance with those obligations. As Chair of the Inter-Departmental Committee, I look forward to watching it bear fruit as it becomes embedded within our operational processes.

CONCLUSION

These are among the most significant recent developments in the provision of economic, social and cultural rights in Ireland. I have no doubt that Committee members will have questions they wish to pose. I speak on behalf of the entire delegation when I say that we are looking forward to engaging with the Committee over the course of the review, and to elaborating upon any issues that you wish to discuss further. Finally, I want to thank you, Mr Chairman, and the members of the Committee, for your attention.