

**Submission to the UN Human Rights
Committee on Ireland's Fourth Periodic
Report under the ICCPR – List of Issues
Stage**

August 2013

IHRC
AN COIMISIÚN UM CHEARTA DUINE
IRISH HUMAN RIGHTS COMMISSION

I. INTRODUCTION

1. The Irish Human Rights Commission (IHRC) is Ireland's National Human Rights Institution (NHRI), set up by the Irish Government under the Human Rights Commission Acts 2000 and 2001.¹ The IHRC has a statutory remit under the Human Rights Commission Act 2000 to endeavour to ensure that the human rights of persons in the State are fully realised and protected in the law and policy of the State. The IHRC enjoys 'A' Status Accreditation with the International Coordinating Committee of NHRIs.

2. As Ireland's NHRI, the IHRC is committed to engaging with the Human Rights Committee ("the Committee"). In March 2008, the IHRC made a Submission to the Committee in order to provide it with information to inform its examination of Ireland's Third Periodic Report under the ICCPR. The IHRC made a further submission in July 2008 focussing on some of the concerns raised in the Committee's List of Issues.² The IHRC also attended a hearing before the Committee in Geneva in July 2008.³ In its Concluding Observations on Ireland's Third Periodic Report ("2008 Concluding Observations"), the Committee called on the Irish Government to provide relevant information on its implementation of the Committee's recommendations made in paragraphs 11, 15 and 22 within one year.⁴ The IHRC provided a brief submission for this one-year follow-up highlighting both the issues relevant to the specific paragraphs requested by the Committee and highlighting some emerging issues.⁵

3. The IHRC is pleased to have the opportunity to provide a short submission to the Committee in advance of the discussion of the List of Issues for Ireland's Fourth Periodic Report under ICCPR. The present submission is non-exhaustive and reflects issues previously raised by the Committee where the IHRC considers there has been a significant change or no movement since the last examination of Ireland, or where the IHRC considers that the State Report does not clearly reflect the current situation. The IHRC provides this submission with the aim of being of assistance to the Committee in preparing the List of Issues and will provide a longer Shadow Report in advance of the Committee's Hearing on Ireland.

¹ For detailed information on the work of the IHRC, see www.ihrcc.ie.

² List of Issues to be taken up in connection with the consideration of the Third Periodic Report of Ireland (CCPR/C/IRE/Q/3 (2 May 2008)).

³ See IHRC Press Release, *Ireland's Protection of Key Civil and Political Rights Inadequate*, 14 July 2008. The IHRC highlighted the following issues in its briefing: periods of detention and access to a solicitor, Garda Síochána Ombudsman Commission (GSOC), poor physical conditions and health and education services in Irish prisons, the Special Criminal Court, immigrants and asylum seekers: removal from the State and access to judicial review, recognition of Traveller ethnicity, equal rights of women and men, and the Charities Bill.

⁴ UN Human Rights Committee, Concluding Observations in respect of the third periodic report submitted by Ireland under Article 40 of the International Covenant on Civil and Political Rights, CCPR/C/IRL/CO/3 of July 2008, para. 25.

⁵ Submission to the UN Human Rights Committee on Ireland's 1 Year Follow-up Report to its Third Periodic Report under the ICCPR, September 2009
http://www.ihrcc.ie/download/doc/ihrccsubmission_iccpr1yr_followup.doc

II. ISSUES

a. Issue 1 – Status of ICCPR in Domestic Law (Article 2)

In its 2008 Concluding Observations the Committee urged the State to withdraw its reservations to Article 10(2), Article 14 and review its reservations under Article 19(2) and 20(1).⁶

In its Concluding Observations of 1993, 2000 and 2008, the Committee recommended that Ireland take effective steps to incorporate all the provisions of the ICCPR into law ensure their full effect in domestic law.⁷

i. Issue Summary

4. The IHRC notes that the State Report does not refer to the status of its Reservations under Articles 10(2), 14 or 20(1). The IHRC stated its concerns in relation to these reservations in its 2008 supplementary submission to the Committee.⁸ The State Report also fails to deal with the question of incorporation of the Convention into domestic law. The IHRC notes and welcomes the withdrawal of the State's Reservation under Article 19(2).⁹

5. The IHRC wishes to highlight that despite the Committee's 2008 Concluding Observations, no clear steps have been taken to give effect to the ICCPR in domestic legislation or to provide an effective remedy to any person whose rights have been violated under the Covenant. There has, to the IHRC's knowledge, been no public discussion initiated by the State on the need for such incorporation of international conventions into domestic law, not least in the Terms of Reference of the Constitutional Convention. Accordingly, there has still been no comprehensive analysis on the wider question of the status of international treaties in Irish law. The IHRC has consistently called upon the State to incorporate international human rights treaties into domestic law, as it considers that in the absence of such incorporation human rights protections contained in international treaties may not be fully realised in Irish law. The IHRC has repeatedly set out the reasons as to why the Government's position regarding the dualist nature of the Irish legal system being an impediment to incorporation does not stand up to scrutiny.¹⁰ The IHRC notes with regret that at the UPR hearing, Ireland stated that it did not intend to 'alter current practice'.¹¹

⁶ Concluding Observations of the Human Rights Committee on Ireland's Third Periodic Report, CCPR/C/IRL/CO/3 (2008), para. 5.

⁷ Concluding Observations of the Human Rights Committee on Ireland's First Periodic Report, CCPR/C/79/Add.21 (1993), para. 18; Concluding Observations of the Human Rights Committee on Ireland's Second Periodic Report, A/55/40, (2000) para. 11; Concluding Observations of the Human Rights Committee on Ireland's Third Periodic Report, CCPR/C/IRL/CO/3 (2008), para. 6.

⁸ IHRC Supplementary Submission to the Human Rights Committee on the Examination of Ireland's Third Periodic Report, 2008 pp.4-5.

⁹ State Report, para. 657.

¹⁰ IHRC Submission to the Human Rights Committee on the Examination of Ireland's Third Periodic Report, March 2008, paras 7-25.

¹¹ Report of the Working Group of the Universal Periodic Review, Ireland, A/HRC/19/9, 21 December 2011, paras 27-28.

ii. Suggested Questions

6. The Committee may wish to ask the State to provide a detailed account of where each of the Articles under the ICCPR are specifically protected in Irish law and which Articles remain unprotected in Irish Law. The Committee may further wish to ask the State whether it has given any consideration to amending the relevant constitutional provision (Article 29) in the context of recent national discussions on constitutional reform and if not, why this is the case.¹² The Committee may wish to enquire as to what measures are being taken to allow for the removal of Ireland's remaining reservations, in particular in relation to Article 10(2).

b. Issue 2 – Human Rights and Equality Infrastructure (Article 2)

In its 2008 Concluding Observations, the Committee called on the State to strengthen the independence and capacity of the IHRC in accordance with the Paris Principles and endow it with adequate and sufficient resources and linking it to the Oireachtas (Parliament).¹³

i. Issue Summary

7. The IHRC regrets to inform the Committee that since its 2008 Concluding Observations, the IHRC suffered a substantial reduction in its budgetary situation.¹⁴ In 2011, the Government decided to merge the IHRC with the Equality Authority, with the stated intention of creating the Irish Human Rights and Equality Commission (IHREC). This merger was originally mooted in 2008 and draft legislation (Heads of Bill) was published in 2012. At time of writing, the final legislation is awaited. It is unclear at this point when the IHREC will come into existence but it is anticipated to be by early to mid-2014.

8. The IHRC was without a full Board (Commission) from October 2011 to April 2013. Whereas 14 Members were appointed to the IHRC in April 2013, the independent Selection Panel tasked with recommending appointments were unable to identify a President/Chief Commissioner. Under its current legislation, the IHRC remains under the remit of the Department of Justice, Equality and Defence.

9. Upon publication of the 2012 draft legislation, the IHRC published observations as to where the legislation required amendment or alteration to ensure that it was in full compliance with the Paris Principles and the recommendations of the Sub-Committee on Accreditation and thus met the highest standards for a NHRI.¹⁵

¹² The Constitutional Convention was established by Resolution of both Houses of the Oireachtas to “consider and make recommendations on certain topics as possible future amendments to the Constitution”. It began its work in December 2012. The Convention is to complete its work within 12 months. Its Terms of Reference are available here: https://www.constitution.ie/Documents/Terms_of_Reference.pdf

¹³ Concluding Observations of the Human Rights Committee on Ireland's Third Periodic Report, CCPR/C/IRL/CO/3 (2008), para. 7.

¹⁴ The IHRC highlighted its concerns in this regard in its 2008 Submission and 2009 Follow-Up Submission to the Committee. The budgetary cuts were compounded by a general Civil and Public Service recruitment freeze in place since 2009 under which the IHRC has been unable to replace staff.

¹⁵ IHRC Observations on the Irish Human Rights and Equality Commission Bill 2012, June 2012, Available online at: <http://www.ihrc.ie/download/pdf/20120613105813.pdf>.

10. It is also of note that a number of recommendations were made to, and accepted by, Ireland in the context of UPR in relation to the strengthening of the NHRI.¹⁶

ii. Suggested Questions

11. The Committee may wish to ask the State how it has implemented the Committee's paragraph 7 recommendation since 2008. The Committee may also wish to enquire of the State as to how both the legislation and future resourcing will ensure compliance with the Paris Principles and recommendations of the Sub-Committee on Accreditation and thus retention of 'A' status, including through the provision of adequate mandate and sufficient resources.

c. Issue 3 – Human Rights Education and Training

i. Issue Summary

12. The IHRC highlighted to the Committee in 2008 that there was a pressing need for human rights education and training for Civil Servants by the State.¹⁷ With no active plan forthcoming from the State, the IHRC decided to proactively tackle this issue and in 2010 set up its Human Rights Education and Training Project. Due to cutbacks to IHRC funding, the Commission was required to seek external philanthropic funding for this Project to resource the work. The Project is funded entirely from the Atlantic Philanthropies and IHRC contributions.

13. Since 2010, the IHRC has delivered specialist tailored training to approximately 800 Civil and public servants, including delivery of a comprehensive training for trainers programme to enable Government Departments to deliver and support human rights training. The IHRC has also produced and widely distributed its Human Rights Guide for the Civil and Public Service,¹⁸ and Guide to the European Convention on Human Rights for the Civil and Public Service.¹⁹ The IHRC has also established a dedicated microsite (www.ihrc.ie/training). While the IHRC has developed welcome and productive partnerships with the Garda Síochána, Irish Prison Service and the Defence Forces as well as engaging in training with the Probation Service and Refugee Appeals Tribunal and some other Justice Sector agencies and services, in addition to local authorities, some parent Departments such as the Department of Justice have not themselves engaged directly with the training and the IHRC hopes that this will improve in the future. The IHRC would also highlight to the Committee that as the NHRI, it is an independent body and the training it provides on human rights should not be regarded as a substitute for fully embedded State funded human rights education and training.

14. The IHRC has also been working to promote the provision of human rights education in Irish schools. In 2011, it produced a report giving an overview of the current provision, or lack thereof, of human rights education in Ireland and proposing a

¹⁶ Report of the Working Group of the Universal Periodic Review: Ireland, A/HRC/19/9, 21 December 2011, paragraphs 106.7, 106.8.

¹⁷ IHRC Submission to the Human Rights Committee on the Examination of Ireland's Third Periodic Report, March 2008, paras 26-27 and recommendation p. 11.

¹⁸ Available online at: http://www.ihrc.ie/download/pdf/ihrc_human_rights_guide_2010.pdf

¹⁹ Available online at: <http://www.ihrc.ie/training/echr/>

National Action Plan.²⁰ The IHRC remains concerned at the lack of human rights education in Irish schools. At present, human rights education does not appear to be explicitly taught in 3rd level teacher training colleges with one exception.²¹ It is an aspect of Social and Personal and Health Education (SPHE) in primary settings however, the only subject where the syllabus has a specific human rights focus is Civic, Social and Political Education (CSPE) at the Junior Cycle level (Post Primary), which regrettably is being downgraded to a non-compulsory subject.²²

ii. Suggested Questions

15. The Committee may wish to ask the State what steps it has taken to embed and mainstream Human Rights Education and Training into Government Departments and services. The Committee may also wish to ask the State why Civic, Social and Political Education, which promotes human rights most explicitly in the secondary school curriculum and has been to date a mandatory and State examinable subject, is being reduced to a short course which is not mandatory and not State examinable. The Committee may wish to ask the State what specific consideration it has given to the IHRC-proposed development of a National Action Plan on Human Rights Education.

d. Issue 4 – Equality (Articles 2, 3, 25, 26)

In its 2008 Concluding Observations, the Committee recommended that Ireland take steps to initiate a change of wording in Article 41.2 of the Constitution to make it gender-neutral.²³

i. Issue Summary

16. The IHRC has continued to call for removal or amendment of Article 41.2 of the Constitution,²⁴ including most recently in its submission to the UPR, where the IHRC noted that Article 41.2 “continues to perpetuate stereotypical attitudes towards the role of women in Irish society” and recommended that as a matter of priority a specified timeframe for its replacement be put in place.²⁵ The IHRC notes that on 17 February 2013, the Constitutional Convention voted on the proposed amendment of Article 41.2 - 88% voted against the retention of the current wording of the Article, preferring to

²⁰ IHRC Human Rights Education in Ireland: An Overview, 2011, available online at: http://www.ihrc.ie/download/pdf/human_rights_education_in_ireland_an_overview.pdf

²¹ St. Patrick’s College of Education, Dublin.

²² See IHRC Submission on CSPE in the new Junior Cycle Curriculum, March 2012, available online: http://www.ihrc.ie/download/pdf/ihrc_submission_on_cspe_in_the_new_junior_certificate_programme_march_2012.pdf

²³ Concluding Observations of the Human Rights Committee on Ireland’s Third Periodic Report, CCPR/C/IRL/CO/3 (2008), para. 10.

²⁴ Article 41.2 provides:

1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

The Constitution is available online at: <http://www.taoiseach.gov.ie>.

²⁵ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, para. 11. Available at: http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

amend or modify the provision, and the same percentage voted in favour of the inclusion of “gender neutral” language.²⁶

17. The IHRC has also called on the State to expand the definition of equality in Irish law. In particular, the IHRC considers that Article 40.1 of the Constitution should be amended to guarantee equality to all and to proscribe discrimination (direct or indirect) in any area of law on non-exhaustive grounds.²⁷ To the IHRC’s knowledge there has been no discussion by State authorities of the need for the equality guarantee under Article 40.1 of the Constitution to provide (or be interpreted to provide) equivalent protection to the right guaranteed under Article 26 of the Covenant. As noted, nor has the matter of the current interpretation of the equality guarantee under Article 40.1 of the Constitution been referred to in the Terms of Reference of the Constitutional Convention.

ii. Suggested Questions

18. The Committee may wish to ask the State what concrete plans are in place to amend Article 41.2 and the reasons why this has not been amended since the Committee’s 2008 recommendation, particularly given that a number of referenda on other issues have taken place since that time, to which could have been added a proposal for the amendment or removal of Article 41.2. The Committee may also wish to ask the State on its plans to expand the definitions of equality in Irish law to provide greater protection against discrimination to Irish citizens or in the absence of such plans, its rationale for not expanding the current law.

e. Issue 5 – Abortion (Articles 2, 3, 6, 7, 26)

In its 2008 Concluding Observations, the Committee stated that:

“The State party should bring its abortion laws into line with the Covenant. It should take measures to help women avoid unwanted pregnancies so that they do not have to resort to illegal or unsafe abortions that could put their lives at risk (article 6) or to abortions abroad (articles 26 and 6).” (paragraph 13)

i. Issue Summary

19. The Government introduced the Protection of Life During Pregnancy Bill in June 2013. The publication of the Bill was the culmination of a process that began in December 2010, when the European Court of Human Rights (ECtHR) delivered its judgment in *A, B and C v Ireland*,²⁸ and which found Ireland to be in breach of Article 8 of the ECHR in relation to one of the three applicants (Applicant C). The *A, B and C* case directly relates back to the judgment of the Supreme Court in *The Attorney General v*

²⁶ See <https://www.constitution.ie/AttachmentDownload.ashx?mid=cee1b183-0b79-e211-a5a0-005056a32ee4>

²⁷ *Ibid* Article 40.1 provides “All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.” See also IHRC Submission to the Irish Government in preparation of Ireland’s Sixth Periodic Report to the UN CEDAW Committee, 2008, p. 5 www.ihrc.ie/download/pdf/submission_cedaw.pdf; IHRC Submission to the UN Committee on the Elimination of Discrimination Against Women in respect of Ireland’s Combined Fourth and Fifth Periodic Reports under the Convention on the Elimination of all Forms of Discrimination Against Women, 2005, p. 17. www.ihrc.ie/download/pdf/submission_cedaw.pdf

²⁸ Application No: 25579/05, Grand Chamber 16/12/2010.

X (“the X case”)²⁹ from 1992, which had found that under Article 40.3.3 of the Constitution, a termination of a pregnancy is only lawful where there is a “real and substantial” risk to the life of the pregnant woman, which can only be avoided by the termination of her pregnancy. In that case the risk identified was one of suicide, whereas *A, B and C* was concerned with physical risk to life of Applicant C. The Bill creates an offence of intentional destruction of unborn human life while also setting out a legal exception for the ending of an unborn human life that comes about as a result of a medical procedure for the termination of pregnancy required to avert a real and substantial risk to the pregnant woman or girl’s life.

20. In July 2013, the IHRC published its Observations on the Bill. These Observations were structured to review the provisions of the Bill against first the Constitutional standards and then the relevant international human rights standards including the European Convention on Human Rights, to which Ireland is party. The IHRC submitted its Observations to Government, in accordance with its mandate to make recommendations to the Government as it deems appropriate under the Human Rights Commission Act, 2000. The Observations analysed and made recommendations on the content of the legislation and its implementation.³⁰

21. The Protection of Life During Pregnancy Bill 2013 was signed into law by the President of Ireland on 30 July 2013.³¹

ii. Suggested Questions

22. In light of the Committee’s 2008 recommendations, the Committee may wish to ask the State how it considers the newly adopted legislation meets the requirements of Articles 6 and 7 ICCPR and the Committee’s previous recommendations.

f. Issue 6 – Garda Síochána Ombudsman Commission (Articles 7, 9, 10, 14)

In its 2008 Concluding Observations, the Committee expressed concern at the backlog of cases before the Garda Síochána Ombudsman Commission (GSOC) and recommended to Ireland that it take immediate measures to ensure the effective functioning of GSOC.

²⁹ *Attorney General v X* [1992] 1 IR 1. The facts of this case are well known. A young girl of 14 years of age became pregnant as a result of being raped. She travelled to the UK, with her parents, to obtain an abortion. Before going to the UK, her parents had enquired with the Garda Síochána if it would be possible to carry out tests on retrieved foetal tissue to confirm the identity of the rapist. The Garda Síochána consulted with the DPP who in turn consulted the Attorney General. The Attorney General brought an application to the High Court seeking an injunction restraining X from leaving the jurisdiction or from arranging or carrying out a termination of the pregnancy, and on 7 February 1992, Mr Justice Costello granted an interim injunction, ex parte, in the High Court. X and her parents returned from the UK and successfully appealed the injunction to the Supreme Court.

³⁰ IHRC Observations on the Protection of Life During Pregnancy Bill 2013. Available at: <http://www.ihrc.ie/newsevents/press/2013/07/10/ihrc-publishes-observations-on-the-protection-of-l/>

³¹ The Protection of Life During Pregnancy Act 2013 is available online at: <http://www.irishstatutebook.ie/2013/2013.html>

i. Issue Summary

23. The IHRC has consistently called for the State to strengthen the Garda Síochána Ombudsman Commission to allow it to investigate human rights abuses that may be perpetrated by An Garda Síochána.³² In its oral presentation to the Committee in 2008, the IHRC stated that "GSOC should be given stronger powers to launch a review of its own initiative of any practice, policy or procedure of the Garda Síochána, with the aim of preventing ill-treatment and increasing public confidence."

24. The IHRC would also recall that the Committee Against Torture in its 2011 Concluding Observations on Ireland recommended that GSOC have sufficient funds to enable it to carry out its duties promptly and impartially and deal with the backlog of cases.³³ Two recent reports of GSOC have highlighted some of the challenges it considers it has faced in receiving information from the Garda Síochána.³⁴

ii. Suggested Questions

25. The Committee may wish to ask the State for figures as to the current backlog of cases before GSOC and the exact nature of these cases, and what measures it is proactively taking to ensure cooperation of the Gardai with GSOC investigations.

g. Issue 7 – Prison Conditions

In its 2008 Concluding Observations, the Committee recommended to the State to increase its efforts to improve the conditions of persons deprived of their liberty. It particularly highlighted the problems with 'slopping-out' and overcrowding, remand prisoners, and need to promote alternatives to detention.

i. Issue Summary

26. The IHRC has consistently called on the State to end the practice of 'slopping-out' and urgently tackle overcrowding in prisons. Most recently, in its report for the UPR process, the IHRC recommended that the practice of "slopping out" be immediately eliminated including through use of interim measures pending prison rebuilding. The IHRC also recommended the immediate ratification of OPCAT and establishment or designation of a National Preventative Mechanism that meets the Paris Principles requirements of independence, expertise and resources to ensure oversight of places of detention in Ireland. The IHRC further recommended that an independent Prisoner Ombudsman be established to investigate individual complaints made by prisoners in

³² Most recently, Information Presented by the Irish Human Rights Commission in response to the Report of the Special Rapporteur on the situation of human rights defenders on her mission to Ireland, presented to the Human Rights Council, 4 March 2013, A/HRC/22/NI/1. Available online at:

http://www.ihrc.ie/download/pdf/ihrc_response_to_un_srhrd_report.pdf

³³ Concluding Observations of the Committee Against Torture: Ireland 2011, para 19. Available online at: <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.IRL.CO.1.doc>

³⁴ GSOC Annual Report 2012, 23 May 2013 available online at:

<http://www.gardaombudsman.ie/docs/publications/20130523IssuesintheProvisionofInformation.pdf>;

Presentation by GSOC to the Joint Oireachtas Committee on Public Service Oversight and Petitions, 3 July 2013, available online at:

http://www.gardaombudsman.ie/docs/publications/GSOC_presentation_to_Joint_Oireachtas_Committee_on_Public_Service_Oversight_and_Petitions.pdf

relation to their treatment while in prison.³⁵ Finally, the IHRC reiterated its recommendation also made in its submission to the Committee for the one-year follow-up on ICCPR, that the separation of sentenced and remand prisoners should be enforced and remand prisoners be detained in separate facilities from convicted prisoners.³⁶

27. The Prison Service is reportedly implementing a programme to end slopping-out by 2016.³⁷ The State Report notes the problem of overcrowding and the ‘consistent increase’ in the prisoner population in Ireland in recent years.³⁸ It also notes the high percentage of remand prisoners. As part of the initiative to reduce prison numbers the Government has published the Fines (Payment and Recovery) Bill 2013, which proposes to allow Courts a number of alternatives to imprisonment to deal with the non-payment of Court imposed fines due to inability to pay. Such alternatives include payment by instalment, and community service orders. The Irish Prison Service reported that the number of committals to prison as a consequence of the non-payment of a court ordered fine during 2012 increased by 10.5% on the 2011 figure (from 7,514 in 2011 to 8,304 in 2012).³⁹

28. The Committee may wish to be aware of the recent (3 July 2013) publication of the 2012 report of the Inspector of Prisons, which details the concerns of the Inspector as to conditions in Irish prisons, in particular, his recommended closure of St Patrick’s Institution for young offenders.⁴⁰ The Department of Justice has since announced that this institution is to be closed within 6 months. The Inspector also lists a number of reports that he will be publishing on Irish prisons before the end of 2013, and the Committee may wish to be provided with information on these reports when they are finalised.

³⁵ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, paras 18-19. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_universal_periodic_review_march_2011.pdf

³⁶ IHRC, Submission to the UN Human Rights Committee on Ireland’s 1 Year Follow-up Report to its Third Periodic Report under the ICCPR, pp. 3-4. In its submission to UPR, the IHRC noted that “Since the coming into effect of the Bail Act 1997, it has been reported that there has been a significant increase in the number of remand prisoners in Ireland and an increase in the length of time spent on remand. (See Irish Penal Reform Trust, Submission to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) in preparation for the 2006 CPT visit to Ireland, at p.4.) Although international human rights law requires that remand prisoners should be separated from convicted prisoners, in a reservation entered by the Irish Government on its ratification of the ICCPR it stated that separation between prisoners on remand from those with convictions and separation of juveniles from adult prisoners will be achieved “progressively” and “as far as practically possible.” The Irish Government has entered a reservation to Article 10 (2) of the ICCPR, which states that “Ireland accepts the principles referred to in paragraph 2 of Article 10 and implements them as far as practically possible. It reserves the right to regard full implementation of these principles as objectives to be achieved progressively.”” IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, footnote 39. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_universal_periodic_review_march_2011.pdf

³⁷ See for example <http://www.irishtimes.com/news/crime-and-law/mountjoy-to-end-antiquated-practice-of-slopping-out-1.1381773>

³⁸ State Report, para. 381.

³⁹ Irish Prison Service Annual Report 2012, www.irishprisons.ie/images/pdf/annualreport2012web.pdf p.14.

⁴⁰ Annual Report of the Inspector of Prisons 2012, para 5.18. Available at:

[http://www.inspectorofprisons.gov.ie/en/IOP/Inspector%20of%20Prisons%20Annual%20Report%2012%20\(PDF%20-%202023KB\).pdf/Files/Inspector%20of%20Prisons%20Annual%20Report%202012%20\(PDF%20-%202023KB\).pdf](http://www.inspectorofprisons.gov.ie/en/IOP/Inspector%20of%20Prisons%20Annual%20Report%2012%20(PDF%20-%202023KB).pdf/Files/Inspector%20of%20Prisons%20Annual%20Report%202012%20(PDF%20-%202023KB).pdf)

ii. Suggested Questions

29. The Committee may wish to ask the State what remedial measures it has put in place pending the provision of in-cell sanitation for all prisoners in the State. The Committee may wish to ask the State for the breakdown of the number of persons in detention in Irish prisons, the numbers per prison and the rates of overcrowding (number of prisoners against the design capacity of each prison and individual cells) and what interim, medium and long-term actions are being taken to remedy this situation. In particular, the Committee may wish to ask the State when it intends to pass and fully commence the operation of the Fines (Payment and Recovery) Bill 2013. The Committee may wish to ask what interim, medium and long-term specific measures are being taken to ensure remand prisoners are not being kept with sentenced prisoners. The Committee may wish to ask the State what mechanisms it has in place to implement recommendations made in Inspector of Prisons' reports and what steps it has taken towards ratifying OPCAT.

h. Issue 8 – Trafficking (Article 8)

In its 2008 Concluding Observations, the Committee recommended that the State reinforce measures to combat trafficking, ensure the protection and rehabilitation of victims, and ensure leave to remain is not dependent on victim's cooperation with the State.

i. Issue Summary

30. The IHRC continues to raise its concerns regarding the protection of victims of Trafficking in Ireland. In its 2011 UPR Report, the IHRC recommended that permission to remain in Ireland should be allowed for humanitarian reasons, having regard to the personal situation of the victim of trafficking, particularly for child victims of trafficking. The IHRC further recommended that the police and Anti-Human Trafficking Unit in the Department of Justice, Equality and Defence must ensure consistent and correct application of the standard of proof when assessing whether a person is a victim of trafficking.⁴¹

ii. Suggested Questions

31. The Committee may wish to enquire of the State as to the exact numbers of persons recognised as victims of trafficking each year since 2008, the numbers of same who have been granted permission to remain in Ireland and the numbers who have cooperated with the police (An Garda Síochána). It may also wish to enquire as to how the State intends to provide for improved protections for the short and long-term needs of victims of trafficking in any forthcoming legislation while ensuring that trafficking is not conflated with immigration as an issue.

⁴¹ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, para 25. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

The IHRC notes that the Criminal Law (Human Trafficking) Amendment Bill 2013 passed both houses of the Oireachtas in July 2013. This proposes to criminalise trafficking for the purposes of forced begging and criminal activities. Its main purpose is to transpose, in full, the criminal law provisions of EU directive 2011/36/EU and amends the Criminal Law (Human Trafficking) Act 2008.

i. Issue 9 – Immigration: Direct Provision (Articles 7, 8, 9, 10)

i. Issue Summary

32. The Committee highlighted a number of concerns in relation to Ireland's immigration system and policies in its 2008 Concluding Observations. The IHRC wishes to note that there has been little in the way of reform of this system since that time, although numbers entering the system have reportedly decreased. The IHRC would also note to the Committee that the reform of Ireland's immigration law, mooted since 2006, by way of the Immigration, Residence and Protection Bill still has not taken place. A new bill has not been published at time of writing.

33. One of the areas that remains of serious concern to the IHRC is the so-called 'Direct Provision' system through which refugees and asylum seekers are given accommodation, food and a small amount of cash per week (€19.10 for adults). There has been no change to the system despite a drop in the numbers of persons claiming asylum in Ireland, which stood at 956 applications in 2012, representing a 25.9% drop on 2011 and the 'lowest yearly total since 1996'.⁴² Persons who make a claim for asylum or refugee status enter into this system and may remain there for considerable periods of time. The IHRC has repeatedly expressed its concerns about the length of time people remain in Direct Provision, and the impact on the physical and mental health of people in the system.⁴³ In its 2011 UPR Report, the IHRC recommended "that the system of Direct Provision be reformed to increase the level of payments and ensure no one is kept in this system in excess of one year and that there is an independent review process for complaints made by people in Direct Provision accommodation".⁴⁴

⁴² Report of the Office of the Refugee Applications Commissioner 2012, p. 15, available at: [http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-994HLR14175828-en/\\$File/Office%20of%20the%20Refugee%20Applications%20Commissioner%20-%20Annual%20Report%202012.pdf](http://www.orac.ie/website/orac/oracwebsite.nsf/page/AJNR-994HLR14175828-en/$File/Office%20of%20the%20Refugee%20Applications%20Commissioner%20-%20Annual%20Report%202012.pdf)

⁴³ See for example, IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011. Available at:

<http://www.ihr.org.uk/docs/2011030101458.pdf>,

IHRC Recommendations on UPR Voluntary Commitments, available at:

www.ihr.org.uk/docs/2011030101458.pdf,

Oral and Written Statements to the Human Rights Council on the adoption of the Working Group Report <http://www.ihr.org.uk/docs/2011030101458.pdf> and related

Press Releases; IHRC Submission to the Committee on the Elimination of Racial Discrimination (2010)

<http://www.ihr.org.uk/docs/2011030101458.pdf>; IHRC 2008 submission to the Government as

part of the State consultation for the preparation of the State CERD Report.

<http://www.ihr.org.uk/docs/2011030101458.pdf>; During the Visit of UN

Independent Expert on Human Rights and Extreme Poverty (2011); During Visit of Thomas

Hammarberg, Council of Europe Commissioner for Human Rights (2011); Submission to State -

Convention on the Elimination of Discrimination Against Women (2008); Submission to Committee -

Convention on the Rights of the Child (2006) <http://www.ihr.org.uk/docs/2011030101458.pdf>;

Submission to Committee - Convention on the Elimination of Discrimination Against Women (2005)

<http://www.ihr.org.uk/docs/2011030101458.pdf>; Submission to Committee - Convention on

the Elimination of Racial Discrimination (2005) <http://www.ihr.org.uk/docs/2011030101458.pdf>

⁴⁴ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review:

Ireland, March 2011. Available at:

<http://www.ihr.org.uk/docs/2011030101458.pdf>

34. The IHRC would further note that the Ombudsman issued a critical report on the situation of a Direct Provision applicant in June 2013,⁴⁵ and called for urgent reforms of the system.⁴⁶ The IHRC further notes that there has been a considerable number of reports and investigations by NGOs and Civil Society Organisations expressing serious concerns about the Direct Provision System and calling for urgent changes.⁴⁷

ii. Suggested Questions

35. The Committee may wish to ask the State how it considers the current Direct Provision system meets its Convention obligations, and what specific, concrete measures it is taking to address the concerns raised by independent State and non-State institutions and organisations in Ireland which have been publicised over a considerable length of time. The Committee may wish to inquire as to the specific systems in place for overseeing and ensuring the human rights of all those within the Direct Provision system are upheld and vindicated and whether including through a rules-based procedure setting minimum standards of care and ensuring independent monitoring and complaint handling of Direct Provision centres in relation to the observance of those standards is being considered.

j. Issue 10 – Domestic Violence (Articles 3, 7, 23, 26)

In its 2008 Concluding Observations, the Committee, called on Ireland to strengthen its policies and laws against domestic violence, prepare adequate statistics and increase the provision of services to victims, including rehabilitation.

i. Issue Summary

36. The IHRC has highlighted the need for effective implementation of the National Strategy on Domestic, Sexual and Gender-Based Violence 2010-2014, including the implementation of the specific targets and timeframes set out in the Strategy. Sustained training and awareness raising initiatives are also vital on this issue with public officials, An Garda Síochána, the judiciary, health professionals and members of the public.

37. The Committee may also wish to be aware of the concerns of leading NGOs working directly in this area.⁴⁸ Including around the need for legislative and policy amendments. SAFE Ireland undertook a one-day census in November 2012 and found

⁴⁵ Ombudsman, *Appeal Overruled: Failure to provide basic income for family seeking asylum*, June 2013. Available online at: <http://www.ombudsman.gov.ie/en/Publications/Investigation-Reports/Health-Service-Executive/Appeal-Overruled-Failure-to-provide-basic-income-for-family-seeking-asylum/Full-Report-with-Executive-Summary.pdf>

⁴⁶ See for example media report: <http://www.rte.ie/news/2013/0709/461462-asylum-direct-provision/>

⁴⁷ For example: Irish Refugee Council (2012) *State Sanctioned Child Poverty and Exclusion, The case of children in state accommodation for asylum seekers*; AkidWa (2012) *No place to call home*; NGO Forum on Direct Provision (2012) *Direct Provision and Dispersal – Is there an alternative?*; UNESCO Child and Family Research Centre, *Parenting in Direct Provision: Parents Perspectives Regarding Stresses and Supports* (NUI Galway: 2012); Irish Refugee Council (2010) *Mosney – Without Rights or Recognition*; AkidWa (2010) *Am Only Saying it Now*; FLAC (2009) *One Size Doesn't Fit All - a legal analysis of Direct Provision, 10 years on*.

⁴⁸ See for example Women's Aid Briefing Paper on Domestic Violence, November 2012 Available online at: http://www.womensaid.ie/download/pdf/copy_of_womens_aid_briefing_paper_on_domestic_violence_14th_november_2012_2.pdf

that “537 women and 311 children were accommodated and/or received support from a domestic violence service” including 22 pregnant women.⁴⁹

ii. Suggested Questions

38. The Committee may wish to enquire of the State as to the numbers of persons seeking support from state and non-state domestic violence support providers, the level of funding provided by the State to domestic violence support providers (both State and non-State), an explanation as to any cuts to funding budgets and an indication as to when it intends to sign and ratify the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence.

k. Issue 11 - Special Criminal Court (Articles 4, 9, 14, 26)

The Committee has been consistently critical of the retention of the Special Criminal Court in its observations to Ireland. In 2008, it recommended that “*the State party should carefully monitor, on an ongoing basis, whether the exigencies of the situation in Ireland continue to justify the continuation of a Special Criminal Court with a view to abolishing it. In particular, it should ensure that, for each case that is certified by the Director of Public Prosecutions for Ireland as requiring a non-jury trial, objective and reasonable grounds are provided and that there is a right to challenge these grounds.*” (paragraph 20)

i. Issue Summary

39. The Special Criminal Court continues to remain in existence in Ireland. Furthermore, as highlighted in the IHRC’s submission to the one-year follow up of the Committee’s examination of Ireland’s Third Periodic Report in 2009, the IHRC notes that the jurisdiction of the Special Criminal Court was expanded since the Committee’s 2008 Recommendations. The IHRC issued observations on the legislation expanding the remit of the Special Criminal Court, however these were not taken into account by the then Government in the Criminal Justice (Surveillance) Act 2009.⁵⁰ In its 2011

⁴⁹ Safe Ireland Report, <http://www.safeireland.ie/2013/22-pregnant-women-looked-for-safety-from-violence-on-just-one-day/>

⁵⁰ In June 2009, the Government published the Criminal Justice (Amendment) Bill 2009 which was enacted in July 2009. The IHRC published observations on the Bill expressing its concern in particular at the extension of the non-jury Special Criminal Court for organised crime offences. In line with the concluding observations and jurisprudence of the Human Rights Committee, the IHRC recommended that any limitation of the Constitutional right to trial by jury should take place in exceptional circumstances, where the Director of Public Prosecutions (DPP) can clearly establish, on reasonable and objective grounds, that the effective administration of justice cannot be delivered in the ordinary courts in the specific circumstances of a case. The IHRC also queried whether jury intimidation is at such a serious level in Ireland as would warrant the extension of the jurisdiction of the Special Criminal Court, in the absence of supporting data. In addition, the IHRC considered that there are many intermediate measures to protect jurors which should be explored, such as having an anonymous jury, screening the jury from public view, protection of the jury during the trial or locating the jury in a different place from where the trial is being held with communication by video link. Submission to the UN Human Rights Committee on Ireland’s 1 Year Follow-up Report to its Third Periodic Report under the ICCPR, September 2009 http://www.ihrc.ie/download/doc/ihrcsubmission_iccpr1yr_followup.doc, see also IHRC Observations on the Criminal Justice (Amendment) Bill 2009 (June 2009), available online at: http://www.ihrc.ie/download/doc/obs_cjamentmentbill_30june09.doc; and IHRC Observations on the Scheme of the Criminal Justice (Amendment) Bill 2009 (June 2009), available online at: http://www.ihrc.ie/download/doc/obs_cjamentment_bill_200906.doc

Submission to UPR, the IHRC recommended that any limitation on the Constitutional right to trial by jury should take place only in exceptional circumstances, where the Director of Public Prosecutions (DPP) can clearly establish, on reasonable and objective grounds, that the effective administration of justice cannot be delivered in the ordinary courts in the specific circumstances of a case.⁵¹

ii. Suggested Questions

40. The Committee may wish to ask the State why it has expanded the remit of the Special Criminal Court, and on the basis of which data, why it considers that the ordinary courts are not sufficient to examine all criminal cases in Ireland and how the continued existence of the Court is in keeping with its obligations under the ICCPR.

1. Issue 12 - Religion and Education (Articles 2, 18, 24, 26)

In 2008, the Committee recommended that the State “*increase its efforts to ensure that non-denominational primary education is widely available in all regions of the State party, in view of the increasingly diverse and multi-ethnic composition of the population of the State party.*” (paragraph 22)

i. Issue Summary

41. The IHRC has given a large amount of consideration to the issue of religion and education in Ireland since 2008. The issue of access to and participation in education for all children regardless of religious or philosophical belief has also been much debated in Ireland since the Committee’s last examination of the State. The IHRC held wide consultations on this issue in 2011 and made a number of recommendations to the Government.⁵² It also met with the Government appointed Forum on Pluralism and Patronage in Primary Schools. The IHRC continues to be concerned that equality legislation permits schools to discriminate both in respect of enrolment of children and also in employment in schools on the basis of religious ethos and the potential deterrent effect this has on those of minority faith or background or those who are lesbian, gay, bisexual or transgender from taking up employment or training as teachers.⁵³

42. The IHRC highlighted its concerns to the CERD Committee in its submission in 2010⁵⁴ and in the context of UPR.⁵⁵

⁵¹ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, para 32. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

⁵² IHRC Religion and Education: A Human Rights Perspective, May 2011. Available online at:

<http://www.ihrc.ie/publications/list/religion-and-education-a-human-rights-perspective/>

⁵³ *Ibid.* and IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, para 42. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

⁵⁴ IHRC Submission to the UN CERD Committee on the Examination of Ireland’s Third and Fourth Periodic Reports, November 2010, pp.16-17.

Available at: <http://www.ihrc.ie/download/pdf/20101210101458.pdf>

⁵⁵ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

ii. Suggested Questions

43. The Committee may wish to ask the State what steps it is taking to provide for modifications to the integrated curriculum to ensure that the rights of minority faith or non-faith children are also recognised in the Education Act 1998 (section 15) and to ensure that the information and knowledge included in the curriculum is conveyed in an objective, critical, pluralistic manner. The Committee may wish to ask the State what steps have been taken to codify and review the non-statutory Rules for National Schools 1965, to ensure that the relevant human rights standards are upheld. The Committee may further wish to ask the State what practical measures it has in place to ensure that no indoctrination or proselytism takes place in State-funded schools and to provide an accessible independent complaint handling mechanism to resolve disputes between parents and schools in this regard.

m. Issue 13 - Travellers (Articles 26, 27)

In its 2008 Concluding Observations, the Committee recommended that the State take steps to recognize Travellers as an ethnic minority, ensure representation of Travellers in public policy initiatives and amend legislation relating to Traveller accommodation.

i. Issue Summary

44. Ireland continues to refuse to recognise Travellers as an ethnic minority. The IHRC has consistently raised this issue with the State since 2004. The IHRC is unclear as to why it remains the policy of the State to refuse this recognition despite the multiple recommendations of both national and international bodies and most importantly, of Traveller representative groups. Most recently, the IHRC has published a paper reiterating its position on the need for recognition Traveller ethnicity, and the national and international standards, which it submitted to the Oireachtas (Parliament) on 26 July 2013.⁵⁶

45. In relation to the provision of accommodation for Travellers, the IHRC notes that there has been little progress since the Committee's 2008 Observations. The IHRC remains concerned that there is not enough good quality accommodation provided to Travellers by Local Authorities. The IHRC considers that this in part arises from the non-recognition of Travellers as an ethnic group, insofar as their traditional nomadism is not recognised.⁵⁷ Since 2000, there have only been 47 units of transient accommodation provided for nomadic Travellers across the country, with no new unit being provided since 2008.⁵⁸ At the same time Travellers are subjected to draconian laws that allow for

⁵⁶ IHRC Submission on the Recognition of the Traveller Community as an Ethnic Minority in the State, January 2013. Available online at:

http://www.ihrc.ie/download/pdf/traveller_ethnicity_recognition_january_2012.pdf

⁵⁷ IHRC Submission for the Twelfth Session of the Working Group on the Universal Periodic Review: Ireland, March 2011, para 31. Available at:

http://www.ihrc.ie/download/pdf/ihrc_report_to_un_universal_periodic_review_march_2011.pdf

⁵⁸ Figures published by the Department of Environment, Community and Local Government, 2013. See, <http://www.environ.ie/en/Publications/StatisticsandRegularPublications/HousingStatistics/>

their summary removal from unofficial sites,⁵⁹ with the net results being that Travellers ability to maintain a nomadic or semi-nomadic way of life has been largely extinguished.

ii. Suggested Questions

46. The Committee may wish to enquire as to how the State considers its current position on Traveller ethnicity is in line with its obligations under the Convention and what precise steps it has given since 2008 to give serious examination to this issue. In addition the State might be asked what steps it intends to take to address the low level of provision of Traveller specific accommodation, and the barriers to the Traveller Community maintaining its nomadic tradition.

n. Issue 14 - Privacy (Article 17)

i. Issue Summary

47. The IHRC notes that there are a number of ongoing issues relating to privacy in Ireland, including the expected publication of a DNA Database Bill. The Privacy Bill, published in 2006 has not been enacted and Ireland does not have a comprehensive legislation in the area of privacy rights. The IHRC has highlighted its concerns regarding the DNA Database legislation since 2007, in particular, regarding the need for strict safeguards on the retention, storage, use and transmission of DNA information.⁶⁰

ii. Suggested Questions

48. The Committee may wish to ask the State what measures are still needed, in its view, in Irish legislation to ensure that Ireland's obligations under the Convention are met and in particular how previous concerns expressed by the IHRC and Civil Society Organisations regarding the protections required in a DNA Database will be ensured.

o. Issue 15 – Gender Rights

In its 2008 Concluding Observations, the Committee called on the State to “ensure that its legislation is not discriminatory of non-traditional forms of partnership, including taxation and welfare benefits...[and] recognise the right of transgender persons to a change of gender by permitting the issuance of new birth certificates.” (paragraph 8)

i. Issue Summary

49. Ireland has enacted the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.⁶¹ This legislation allows for same-sex couples to enter into civil

⁵⁹ See for instance, section 10, Housing (Miscellaneous Provisions) Act, 1992 (as amended), and section 24 of the Housing (Miscellaneous Provisions) Act, 2002.

⁶⁰ See for example, Observations on the Criminal Justice (Forensic Evidence and DNA Database System) Bill 2010, March 2010. Available online at:

<http://www.ihrc.ie/download/doc/obscriminaljusticednabillmarch10.doc> Observations on the General Scheme of the Criminal Justice (Forensic Sampling and Evidence) Bill 2007, Available online at: <http://www.ihrc.ie/download/doc/observationsonthednabill.doc>

⁶¹ Available online at: <http://www.irishstatutebook.ie/2010/en/act/pub/0024/>

partnerships and thus allows for a degree of legal recognition. It has been reported that that over 1000 gay and lesbian couples have entered into Civil Partnerships since they became available in 2011.⁶² The issue of same-sex marriage is one that is being considered by the Constitutional Convention, which sent its report on the issue to the Oireachtas (Parliament) in June 2013.⁶³ A strong majority of the Convention favoured amending the Constitution to provide for access to marriage for same-sex couples.⁶⁴

50. The IHRC has placed a considerable focus on the rights of transgender persons since 2008, through policy submissions and engaging with the Gender Recognition Advisory Group.⁶⁵ The State has now belatedly published a General Scheme of Gender Recognition Bill 2013. The issue of marriage for same sex couples is inter-linked with this proposed legislation as it is stated in the scheme that a married person or person in a civil partnership will not be entitled to have their preferred gender recognised by the State.

ii. Suggested Questions

51. The Committee may wish to ask the State how it intends to implement the recommendation of the Constitutional Convention, including in light of its obligations under ICCPR and how it plans to secure the rights of transgender and intersex persons regardless of age.

p. Issue 15 – Non-Discrimination: Persons with a Previous Conviction

i. Issue Summary

52. The IHRC wishes to highlight its concern regarding the potential for discrimination against persons with a previous conviction. Since the Committee's 2008 Concluding Observations, the Government has introduced two new pieces of legislation: the National Vetting Bureau Act 2012 and the Spent Convictions Act 2012. While welcoming in principle the introduction of a Spent Convictions scheme, in its Observations on the Spent Convictions Bill 2012, the IHRC expressed concern that the legislation would not remove employment barriers for persons with a previous conviction.⁶⁶ Furthermore, the IHRC is concerned that when taken together with the Vetting system to be introduced in the State, the impact of any Spent Convictions legislation will be in question as the information on previous convictions would still be available to a wide range of potential educational institutions and employers and may result in discrimination in practice against persons convicted of minor offences-

⁶² Gay and Lesbian Equality Network (GLEN) data June 2013. Available Online at:

http://www.glen.ie/attachments/Civil_Partnerships_Statistics_to_30th_June_2013.PDF

⁶³ Third Report of the Convention on the Constitution: Amending the Constitution to provide for Same-Sex Marriage. Available online at:

<https://www.constitution.ie/AttachmentDownload.ashx?mid=c90ab08b-ece2-e211-a5a0-005056a32ee4>

⁶⁴ *Ibid* at p. 6. 1. The Government must respond to the Oireachtas within 4 months.

⁶⁵ See IHRC Submission to the Gender Recognition Advisory Group 2010, available online at http://www.ihr.ie/download/doc/ihr_subm_to_gender_recognition_advisory_group_final.doc

⁶⁶ IHRC Observations on the Spent Convictions Bill 2012, Available online at:

http://www.ihr.ie/download/pdf/ihr_observations_on_spent_conviction_bill_2012_june_2012.pdf;

The IHRC's Observations on the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 are available online at:

http://www.ihr.ie/download/pdf/ihr_observations_on_the_vetting_bill_2012_october_2012.pdf

particularly those not seeking to work with children or vulnerable persons. The IHRC considered that the Spent Convictions legislation as presented was “so restrictively drawn as to be of extremely limited application”.⁶⁷ The IHRC recommended that the rehabilitation periods be reduced on the basis of proportionality and that a prohibition on discrimination on grounds of criminal conviction be introduced into Irish legislation.

ii. Suggested Questions

53. The Committee may wish to ask the State how it ensures that persons with a previous conviction, particularly minor convictions, are not discriminated against in practice and how it is ensuring the rehabilitation and reintegration of offenders into Irish society through the monitoring and elimination of potential and actual discrimination.

⁶⁷ IHRC Observations on the Spent Convictions Bill 2012, para 61.