

Report of the UPR Public Consultation Meeting on Monday 16 May 2011
St. Andrew's Resource Centre, Pearse St., Dublin 2

55 people signed in to the meeting; a few individuals elected not to sign the attendance sheet.

- Presentation by Des Hogan, Irish Human Rights Commission
- Presentation by Ruth Gallagher, Amnesty Ireland
- Contributions from the floor. Issues raised were as follows (in no particular order):
 - **Trade unions & right to collective bargaining** - 2 speakers said that Ireland is not compliant with international standards in that there is no legislation obliging an employer to engage with trade unions. As a result, companies that engage with unions in other countries do not engage with unions here, because there is no legal compulsion to do so.
 - **Euthanasia** – a speaker queried the UN's agenda and 'interference' in Ireland's sovereignty, and whether it was a means of introducing euthanasia to Ireland. Another speaker stated that the UN should not allow Switzerland to keep their suicide tourism.
 - **Mental health services** - Ireland should act on the recommendations in NESF Report no. 36, *Mental Health and Social Inclusion*, (<http://www.nesf.ie/dynamic/pdfs/No-36-Mental-Health-Social-Inclusion.pdf>) and provide community-based mental health services, along with promoting integration and participation in the community for those with mental health issues.
 - **Health services for children with disabilities**
 - Autism services are poor and unavailable in some areas.
 - Services for children with disabilities are poor and inconsistent.
 - After 6pm, children have to access to a social worker.
 - **Mental Capacity** – the rights of Wards of Court should be better protected; Wards of Court who have physical and not mental disabilities are still denied many of their rights, including the right to vote, the right to marry etc. Right of self-determination is denied.
 - **Right to no religion, blasphemy, non-/multi-denominational education**
 2 speakers made the following recommendations:
 - Funding of Equality Authority and IHRC should be restored to earlier levels
 - The State should hold a Constitutional referendum to amend sections requiring the President and members of the Council of State to take religious oaths.
 - Defamation Act – Section V on Blasphemy should be removed
 - At various UPR sessions in Geneva, Ireland has questioned other States about their freedom of expression; however, our Defamation Act makes blasphemy a criminal offence.
 - Non-denominational and multi-denominational education should be available throughout the country.
 - The Preamble to the Constitution should be removed, as it identifies the Roman Catholic nature of the State. We should have a new, secular Constitution.
 - **Reproductive rights / abortion** – conflicting points made.
 - UN should not enforce laws on member States that are anathema to the people, such as abortion, which is opposed by a majority of the people in Ireland

- The unborn child should be included in all efforts to protect the right to life
 - Pro-life representatives should be included in all official Government and international discussions and committees concerning the right to life
 - The right to life of the unborn child is protected under Article 40.3.3 of the Constitution. This right should be protected by the State and the UN. Abortion is also prohibited by UN language. (Several speakers).
 - The Irish people do not want abortion. (Several speakers).
 - Ireland needs a deep investigation into the concept of life and when it begins.
 - The UN should lead campaign for a worldwide prohibition of abortion. (Several speakers.)
 - The State should look after rights of the post-born, not just the unborn. It is wrong to dictate to people facing crisis pregnancies.
 - Ireland should provide for increased reproductive justice and offer choice to people, including termination of pregnancy.
- **'Your Rights Right Now' submission**
Several speakers expressed concerns about the Your Rights Right Now document by a civil society coalition coordinated by the Irish Council for Civil Liberties, which was submitted to the UN Stakeholder Report and the National Report. Two main points were raised:
 - Protest about the inclusion of Section 12, "Women's Reproductive Rights", which recommends repealing the Offences Against the Persons Act 1861 (criminal sanctions for those who have abortions and those assist them), and enacting legislation to clarify the circumstances under which abortion may be lawful, as recommended by the European Court of Human Rights.
 - The endorsement process used by the Your Rights Right Now campaign. Many speakers said some groups listed as endorsing the document who sought to withdraw endorsement had been told that this was not possible. Speakers alleged that some groups listed as endorsers have not been in existence for some time.
- **Rights of adopted people**
Several speakers highlighted the issue of the rights of adopted people, who currently may not access their own birth certificates and files. An individual's right to know his/her own name and access information on his/her own heritage and history should outweigh an individual's right to privacy. It is the State's duty to protect the rights of adopted people through legislation.
- **Fathers' rights**
 - Family court system: should adopt the same *in camera* rule in family cases as is used in rape trials, so details of cases and decisions would be in the public domain, while still protecting privacy of the parties.
 - Consent issue on forms for medical permission, school trips, etc. One parent can consent without the other parent being consulted. Legislation should tackle this and protect the rights of the father.
- **Transgender issues**
Several speakers raised the following:
 - There is a need for comprehensive and inclusive legislation covering transgender issues.
 - The Gender Recognition Advisory Group (GRAG) Report should be released publicly.

- Rights of transgender, transsexual and intersex people should be explicitly covered by equality legislation. Ireland should move from a medical to a legal model.
 - Unavailability of health services for transgender, transsexual and intersex people; very few practitioners. Right to respectful and appropriate treatment.
 - Passport Act 2008 forces people to choose either male or female, but intersex people who do not identify with either gender should be offered an X option.
- **Environmental issues**
Communities should have the right to be consulted on decisions that affect them; Ireland should ratify the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).
- **Magdalene Laundries**
The incarceration of women and girls in Magdalene homes was slavery. While Cardinal Brady acknowledged the report of Justice for Magdalenes, the four religious orders involved, who made considerable money from the labour of the women and girls incarcerated, still refuse to engage with survivors or their advocates. While it is positive that the State has been more forthcoming and the IHRC has been supportive, it is a matter of concern that the State will continue with its policy of no compensation or redress.
- **Migrant / asylum issues**
Several speakers raised the following issues:
 - Asylum seekers should be processed quickly and fairly. Many are stuck in the system for years. Individuals can go years (6 years in one example) without response to their applications. The system is not user-friendly.
 - The State should offer a small period of amnesty for long-term asylum seekers as was done in the UK.
 - Asylum seekers may not work or study and can live in direct provision accommodation for years. Their children are denied the right to citizenship.
 - After money is deducted for direct provision accommodation, asylum seekers must live on only €19 per week. They should be given the full allowance and given the option of choosing how to spend it.
 - Direct provision is detention for no crime. Ireland is one of 2 countries who has opted out of signing the EU Reception Directive; should ratify immediately.
 - Forced labour should be considered a crime and treated as trafficking.
 - Irish missionaries are welcomed in Zimbabwe but non-EU missionaries not well-treated in Ireland.
 - Some asylum seekers are scared to identify where they have come from.
- **Lack of transparency / bad practice in public life and in the judicial system –**
Concerns were voiced about the closeness of business and political entities, resulting in the perception that influence of this sort is the only level of conduct that is effective. Would like both the IHRC and the Dept. of Justice and Equality to address:
 - the process of appointment of people to the judiciary;
 - access to justice and procedures which are unclear even to informed persons, including not allowing a particular party to give evidence or removing the right to cross examine;
 - cases of repossession / dispossession; individuals are ill-equipped to deal with cases against banks who are funded by the State.

- **United Nations as an institution**

Several speakers addressed issues in relation to the UN:

- The UN Charter of Human Rights has no real teeth. The UN would be a different institution if it respected Christian beliefs and natural law
- The UN should respect 'human ecology' – family life based on a man, woman and children.
- The UN should look at the area of genetic rights
- There is an imbalance of representation in NGOs and organisations.