

Report of the UPR Public Consultation Meeting on Monday 23 May 2011
Room 310, Mary Immaculate College, Limerick

38 people attended the meeting.

- Presentation by Éamonn Mac Aodha, Irish Human Rights Commission
- Presentation by Stephen O'Hare, ICCL, Your Rights Now campaign
- Contributions from the floor. Issues raised were as follows (in no particular order):
 - **Employment law** – raised by two speakers
 - workers in Ireland are being denied the right to organise and to bargain collectively. Multinationals who engage with trade unions in other countries refuse to do so here because the law does not oblige them to.
 - employment situation in Ireland is deteriorating, especially for vulnerable, migrant workers. Those on work permits are scared to seek membership with unions as their employers could withdraw their work permits.
 - Ireland lags far behind the UK, where workers' rights are protected by legislation. The problem is not just with multinationals but also domestic companies.
 - **Family issues and fathers' rights** – several speakers
 - Role of the family in the Constitution; protection for women working in the home. This discriminates against both women, who are stereotyped, and men, as it does not include the option of the man being the homemaker. Constitution should be amended to be gender-neutral in this area.
 - Barr Judgment – (see **Issues relating to dealing with State bodies** below) – in case of family breakdown, a father is at the mercy of his partner, who can claim he is an abuser without needing to provide evidence.
 - Men are discriminated against in the area of access to their children; rights are infringed by every arm of the State involved in family law; HSE, Courts, Gardaí etc. System should be fair and consistent but access is granted purely on the discretion of judges.
 - Supervision orders are used as a threatening device, not for the protection of children.
 - 'Tender years' rule that children under 12 may not live with fathers should be changed
 - In camera rule must be amended; current system means no transparency or public awareness of what is happening in the family law system.
 - Ombudsman cannot investigate family law cases for 3-5 years.
 - **Women's issues**
 - Rape is a real threat and it is necessary to protect women. Many abortions would be unnecessary if women were adequately protected.
 - There is a lack of Government commitment to funding for Rape Crisis Centres; these centres and others are facing closure as a result.
 - Government needs to provide adequate funding for the development of and existing women's groups.
 - **Education**
 - Our education system does not look at students as individuals but as parts of religious groups. Schools are largely run based on religion and the system favours children who are members of an established religion. Splitting schools by religion means that children are segregated and do not develop an awareness of diversity. This leads to children seeing people from different cultures / faiths / traditions as 'different' – example

of Northern Ireland, where segregated schools contributed to the difficulties. Schools should be directly operated by the Department of Education.

- Another speaker challenged the point above and said that people of other faiths *are* different; parents have to right to raise their children according to their own religious beliefs.
- **Travellers' rights**
Impact of the Habitual Residence Condition on the Travelling community. As a result of the habitual residence condition, children are left without basic resources and have to rely on charity groups like St Vincent de Paul for food and basic supplies.
- **Reproductive rights / abortion** (Several speakers)
 - The National Report should reflect the State's commitment to protecting the unborn. Ireland is the safest place to give birth.
 - The State should protect life from the moment of conception.
 - A Red C poll in February 2011 showed 86% in favour of keeping Ireland's ban on abortion.
 - ABC case (European Court of Human Rights) – there was involvement by Planned Parenthood, who are abortion providers. Abortion campaigners have seized on the C case.
 - The UN does not recognise a right to abortion
 - The UN should support and assist Ireland in protecting the unborn.
 - None of human rights groups and bodies in Ireland acknowledges that life begins from conception and that this exercise is therefore a waste of money. Similarly, the issue of when life starts is not dealt with in international human rights conventions. Ireland should lead the way on this. Concerns that the Irish delegation at the UPR in Geneva would not be representative of the Irish people, who condemn abortion.
- **'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 people with disabilities** – Ireland is lagging behind in implementation of the Convention on the Rights of People with Disabilities; the Government is dragging its feet on the Mental Capacity Bill. People with disabilities are reliant on charities for services, which is very demeaning.
- **Migrant / asylum issues**
 - System of direct provision needs to be totally reformed; alternatives to direct provision need to be found in consultation with all relevant stakeholders.
 - Direct provision serves to isolate asylum seekers from society.

- The naturalisation process is the longest in Europe.
 - One speaker highlighted the long naturalisation process; the goalposts changed so that one must wait 3 years before applying, then a further 3 years at least for an answer.
 - Issue of violation of family rights of Irish citizen married to a non-EU citizen; difficulty of pursuing IVF or adoption abroad. This area should be covered by the remit of the Ombudsman.
- **Lack of transparency / bad practice in public life : policing and political systems** – one speaker spoke of two specific cases where he felt that crimes (a paedophile ring, in one case, and arms trafficking in the other) had been covered up by Gardaí, local and national politicians. Reporters want to write the stories but are blocked by editors; the State has a stranglehold on the media. (Same speaker/points as in Athlone meeting).
 - **Justice for Magdalenes**
The Government should announce its decision on a statutory inquiry, as endorsed by UNCAT.
 - **Misuse of Irish airspace**
Issue of Ireland's role in US rendition flights and transit of weapons/munitions through Irish airspace in a submission to the UN Stakeholder Report.
The State should establish a regime for identifying and controlling suspicious flights; called for an inquiry into the use of Irish airspace.
 - **Human rights education and infrastructure** – Human rights education should be provided for all citizens, and especially service providers. This education should focus on rights and responsibilities of both rights holders and duty bearers. Ireland lacks a strong and independent human rights infrastructure.
 - **Environmental issues**
Difficulties in dealing with the local authorities on water supply issues and pollution. Despite wishes of local people to retain spring water supply, local vote was ignored by Local Authority. Went through courts system, Ombudsman's office, Brussels, Judicial Review and 9 days in the High Court, but Local Authority claimed there was no evidence of pollution. State should update legislation to strengthen democracy in local decisions.
 - **Issues relating to dealing with State bodies / legal system**
 - State should provide funds for people taking cases as well as paying for the defendants. Vulnerable people cannot afford to take matters to the courts.
 - Lack of corporate memory in the Equality Tribunal; Dept. Justice and Equality should use audio recording in Tribunal hearings so that when Equality Officers change, the information will be protected.
 - Issues around the Barr Judgment, whereby the HSE has powers to have an individual dismissed from employment based on hearsay without prosecution, proof or redress. This has been abused by false allegations and the accused has no right to access his own records. No resources available to anyone seeking redress. Specific case mentioned.
 - While solicitors are obliged to give a fee breakdown in advance of a case, this is not the practice; no sanction for solicitors who do not.
 - Family law cases are intimidating for both parties; judges are not adequately trained.
 - Lack of justice for vulnerable people in legal system; need to change practice, which wouldn't cost more. Change from old community development structure to new system of larger, amalgamated bodies means that communities are losing a vehicle where

vulnerable voices can be heard. Limited opportunity to hear people's issues and address discrimination at a local level.