

**Opening remarks by Ms Patricia O'Brien  
Ambassador of Ireland**

**UPR 2<sup>nd</sup> cycle, 11 May 2016**

Thank you Mr. President / Mr. Vice President.

It is an honour for me to address you on the occasion of Ireland's review in the second UPR cycle.

We will be joined later this afternoon by our Tánaiste – or Deputy Prime Minister – and Minister for Justice and Equality Frances Fitzgerald. Our new Government was formed at the end of last week and the Deputy Prime Minister has been unavoidably delayed in Dublin on urgent Government business. She will be here as quickly as possible and will set out the Government's continuing commitment to progress on human rights issues, as well as dealing with as many as possible of the comments and questions from States during the interactive dialogue.

To begin, I will provide an overview of some of the significant developments that have taken place in Ireland over the past five years, since our first review, with regard to the promotion and protection of human rights.

Ireland's delegation to today's review is composed of representatives not only of the Minister's own Department of Justice and Equality, but also the Attorney General's Office and in fact a wide range of Government Departments with a human rights and equality remit.

Ireland regards the UPR as a valuable and critically important mechanism. A peer review process by which the international community holds each UN Member State to account in relation to its individual human rights record is a real and practical expression of the fact that human rights are not solely of domestic concern, but rather a legitimate and important concern of the international community. Ireland has worked actively over the past decades to make human rights a priority within the international community. We are proud of our own domestic record of protecting and promoting human rights and of our contribution to advancing human rights at an international level, including during our recent membership of the Human Rights Council.

However, we equally accept that, like all other states, we have challenges and problems which as a society that we need to face. We are committed to ongoing improvement in the protection and promotion of human rights and are convinced that all of us can learn and benefit from dialogue with other States and indeed - at treaty level – with the Expert Committees of the UN system.

We are particularly fortunate in Ireland that we have a strong and independent community and voluntary sector, whose contribution is critically important, not just to the delivery of social and other services for the most vulnerable members of our community, but also to ensuring that the voices of the most disadvantaged, those at risk of discrimination, or violation of their human rights, are heard and are at the table when policy choices are being discussed. I am delighted also that so many of our civil society organisations contributed to this process and are here today, or are observing our proceedings from Dublin, and that our Irish

Human Rights and Equality Commission and our Office of the Children's Ombudsman have also been active in the UPR process and are represented here in Geneva today.

Ireland has consistently been an active participant in the sessions of the UPR working group. Today, we have the honour to listen to you, the members and observers in the Human Rights Council who have comments or recommendations to make, so my introductory remarks will be brief. I would like however to outline some of the key human rights developments in Ireland since our 2011 appearance in the first cycle. Other members of the delegation will also respond later in the meeting to some of the advance questions that were submitted by States.

It may be useful to outline the socio-economic context which has influenced the policy choices in Ireland of the past five years. Since our first in UPR appearance in 2011, we have continued to struggle with the impact of what threatened to become an overwhelming financial crisis. We managed to get the public finances under control and to restore confidence in our economy. Difficult choices had to be made. However, our social welfare system did what social security is intended to do and protected the most vulnerable in our community from the worst impact of the financial crisis.

A key statistical measure of how Government has protected the most vulnerable is the impact of social welfare income supports on the rate of people at risk of poverty. The latest (2014) data show that social transfers lifted a fifth of the population out of poverty, reducing the rate by 56%. This is an improvement on the pre-crisis period, when the poverty reduction effect of such income supports was 50%.

Ireland has the strongest performance in reducing poverty through social welfare income supports of all EU member states, at almost twice the EU norm. As a result, Eurostat data shows that Ireland's rate of people at risk of poverty in 2014, at 15.6%, is better than the EU average of 17.2%. Ireland has the 13th lowest at-risk-of-poverty rate of the 28 EU Member States.

Notwithstanding the impact of the financial crisis that we have experienced in recent years, we continued to make substantial progress domestically on human rights and equality of treatment issues since 2011. The single most important development in this regard since the first cycle is the adoption by the Irish people by referendum of an amendment to our Constitution to provide for same-sex marriage. This hugely symbolic step, providing for the recognition of, and respect for, the equality of our LGBTI fellow citizens is a hugely important legal change. It also represents a milestone of world significance on the journey to equal rights for LGBTI people, in that Ireland is the first sovereign country to make the journey to marriage equality by popular vote. On 22 May 2015, the people of Ireland decided by a strong majority that the Irish Constitution would be amended to enable persons to marry without distinction as to their sex. This has been given effect by the Marriage Act 2015, which has opened the institution of marriage to same-sex couples since 16 November 2016. Protections for religious bodies have also been reiterated, in that the Act provides that neither religious bodies nor religious solemnisers can be compelled to perform marriages.

Ireland has also been at the forefront of introducing self-determined gender recognition, through the passing of the Gender Recognition Act 2015. The Act allows adults to determine their own gender without recourse to medical or psychological opinion. It also provides for the preferred gender of a person to be fully recognised by the State for all purposes. Children between the ages of 16 and 18 may apply for a Gender Recognition Certificate with court approval. The Government has committed to reviewing this new legislation within a two-year period and I can inform the UPR Working Group that the Department of Children and Youth Affairs is currently engaged in a collaborative consultation process with children and young people and representative organisations to see what amendments, if any, may be needed to improve the legislation in the best interests of children.

More generally, the previous Government established a Convention on the Constitution, with membership comprising 66 randomly-selected citizens, 33 politicians from both Houses of the Oireachtas and the Northern Ireland Assembly, and an independent chair. The Government accepted four recommendations from the Convention for Constitutional change, on marriage equality, reducing the voting age to 16, reducing the age of candidacy for Presidential elections and removing the offence of blasphemy from the Constitution. The Government held eight referendums during its term of office. These included two referendums held during May 2015, on foot of recommendations from the Convention on the Constitution, concerning the age threshold for candidates in presidential elections and on marriage equality. This constituted the most intensive programme of constitutional reform carried out by any Government since 1937 and indicated our commitment to promoting social change in wide-ranging consultation with all interested parties.

We have also amended our Constitution, by popular vote, to strengthen the rights of children, including establishing the principle that the rights of the child should be the paramount consideration in proceedings concerning adoption, guardianship and custody. That constitutional amendment also enshrined the principle in our Constitution that children have the right to have their voices heard, for example in private family law issues. Giving effect to this amendment, the Children and Family Relationships Act 2015 has established a new legal architecture for children across a diversity of family situations. It sets the rights of the child as the paramount consideration for the court in family law cases and provides for the court to ascertain the voice of the child in those cases. It also provides legal certainty for children born through donor assisted human reproduction.

We have put in place a new Irish Human Rights and Equality Commission (known as IHREC). The strength of its mandate and its structural independence as set out in its founding Act have been recognised by the International Coordinating Committee and we were delighted when IHREC was accorded 'A' Status by the Committee late last year. A significant innovation in the founding Act was the introduction of a positive duty on public bodies to have due regard to human rights and equality in their work and conduct their business in a manner that is consistent with individual human rights. The Commission will assist public bodies in complying with the positive duty, including by producing guidelines and codes of practice. This will lead to the systematic integration of an equality and human rights perspective into the everyday work of public bodies, in line with the recommendation made by Australia in Ireland's first cycle UPR review. The programme

of training for public servants, which the Commission will roll out will build on the work of the former Human Rights Commission and Equality Authority in that regard. and we are looking forward to seeing details of how the Commission will operationalise this aspect of its mandate. (This information may be of particular interest to Slovenia, which raised an advance question on the issue.)

As I said at the outset of my remarks, Ireland regards the UPR as a valuable and critically important mechanism. While proud of our own domestic record of protecting and promoting human rights and of our contribution to advancing human rights at an international level, including during our recent membership of the Human Rights Council, we are committed to ongoing improvement in the protection and promotion of human rights and to engagement and dialogue with civil society stakeholders in this regard.

We would like to briefly share information on the manner in which our national report was prepared, particularly as regards consultation with civil society interests. This included what we regard as a significant innovation in our preparation for this cycle of UPR through arrangements that we put in place for direct consultation with children.

As the first EU member state to publish a national strategy on children and young people's participation in decision-making, we felt that it was appropriate to ensure that the voices of children and young people would be heard as part of our preparations for UPR cycle 2. As well as seeking the views of members of the public, civil society and stakeholders, we engaged in a child-led consultation with 8-17 year olds, with considerable support from the Citizen's Participation Unit in the Department of

Children and Youth Affairs. Young people advised on the format and wording of a questionnaire, which asked “Which human rights are most important in Ireland?”

We received 3,930 responses in total – 1,613 from primary school children aged 8-12, 2,158 from young people aged 13-17, and 159 from seldom-heard children and young people – and an independent researcher recorded and analysed the data to produce a standard report and a child-friendly version. A consultation event was held on 8 January 2016, at which children and young people advised on the presentation and format of the child-friendly version of the report. The full report documenting the process and findings is published on our UPR website.

It is evident from the responses that children and young people in Ireland are well aware of human rights and equality issues both at home and internationally, have a strong sense of justice and a keen desire to see everybody treated equally and with compassion and respect.

The main human rights issues raised by children and young people in this consultation were: access to education, the right to a home / homelessness, the right to food and water, and the right to be treated equally without discrimination. We found this consultation process to be invaluable and strongly encourage other States to similarly consult with children and young people on human rights issues.

Following those introductory comments setting out some of the main developments in Ireland, allow me simply to reiterate the importance we place on the UPR process in promoting open and constructive dialogue



on human rights issues in all States. Ireland will continue to be a committed participant, contributor and advocate for this mechanism.

I now hand you back to the President/ Vice-President and we look forward to this afternoon's dialogue.

