

ICCL Statement on UN Human Rights Committee's 5th Review of Ireland

4 July 2022



Irish Council for
Civil Liberties

FOR ALL OUR RIGHTS. NO EXCEPTIONS.

Good morning. Thank you for the opportunity to speak with you today. The Irish Council for Civil Liberties is an NGO working across a range of rights in Ireland.¹ This Statement draws on our alternative report to the Committee, endorsed by 37 other Irish NGO, some of whom have spoken to you today, and provides some updates.

Today's Ireland is a more progressive place than it was since the Committee's last review but many challenges remain.

Rising discourses of intolerance and hate and attacks against minoritized communities are of concern, in particular against members of the LGBT+ community. We ask the Committee to call on the State to ensure that legislation on incitement to hatred and hate crime responds to the needs of communities, conforms with the right to freedom of expression and respects fair trial rights. The State should also be questioned on their plans for actions to counter hate beyond the law, such as nationwide education, training and public awareness programmes.

Attempts by the State to regulate speech online such as through the draft Online Safety and Media Regulation Bill must protect the delicate balance between combating harm and protecting freedom of expression. The State needs to be encouraged to address harmful algorithms that promote hate speech rather than punishing individual speech that may not meet criminal thresholds.

On LGBT+ rights, ICCL welcomes the announcement last week by the Irish Prime Minister that Conversion Practices will be prohibited by law. We ask the Committee to call for a clear timeline for this and for the State to commit to ending non-consensual, irreversible medical acts on intersex children. The State should ensure that the final recommendations of the Steering Committee on the Development of Health Transgender Identity Services are implemented.

The State needs to be encouraged to do more to tackle gender based violence in Ireland, including by increasing resources for safe spaces; ensuring accountability for the cancellation of emergency calls related to domestic violence, and by providing adequate training for police. A timeline is needed

¹ Delivered by Doireann Ansbro, Head of Legal and Policy, ICCL.

for the implementation of the Citizen's Assembly recommendations on Gender Equality.

The provision of abortion services in Ireland began in 2019 and the State is currently reviewing the relevant law. This review should include addressing ongoing obstacles identified by service providers, including the 3-day mandatory waiting period, the 28-day limit for fatal foetal abnormalities and the absence of safe access zones.

ICCL has repeatedly called for a human rights based approach to reparation for survivors of Mother and Baby Homes but as you have just heard many challenges remain. In particular, the redress scheme must be reviewed to include all survivors, provide for adequate compensation, enhanced medical cards and the right to pursue separate legal action.

On freedom of association and the right to participate, as an update to our report, we called for the inclusion of human rights promotion as a charitable purpose in the Charities Act and that has recently been proposed, which is positive.

However, ICCL is concerned that the State is not conducting meaningful consultations with civil society in the development of human rights related legislation. For example, on the implementation of the UNCRPD, the State has not responded to concerns raised by disabled peoples organisations regarding Codes of Practice and laws on assisted decision making that are coming into force. Similarly, we are concerned that affected communities were not properly consulted on the development of new hate crime laws. And civil society concerns were not responded to in recent legislative reforms on the electoral system where donation restrictions for political parties are applied to civil society organisations, having a chilling effect. The State must ensure that all those affected by the passing of new laws that concern rights are fully consulted and their concerns are responded to.

An area of particular concern for ICCL is police reform. Three draft bills are not properly taking into account the government commitment to a rights based approach to policing, including the rights to liberty, fair trial, privacy and non-discrimination.

For example, the Police Powers Bill expands powers of search and arrest, lengths of detention and creates a new criminal offence of obstructing police officers. This is of particular concern given reports of racial profiling and bias within the police.

The Bill on digital recording devices will significantly expand police surveillance capabilities in Ireland. And as an update we are highly concerned at a new proposal to legislate for the use of Facial Recognition Technology. We call on the Committee to question the rationale for this problematic proposal and to recommend a complete moratorium on the use of this technology in Ireland.

On emergency powers, Ireland has failed to respond to the Committee's previous recommendation to abolish the parallel system of justice that does not respect fair trial rights, that is the Special Criminal Court. We call on the Committee to again provide a clear and robust recommendation to the State to abolish this Court.

Finally, we ask the Committee to question the State on how it took into account its ICCPR obligations during its response to the Covid pandemic. ICCL considers that the State failed to provide satisfactory evidence that it was engaging in proportionality assessments when limiting rights. We have called for a comprehensive review of the State's response to Covid-19 with a wide ranging human rights impact assessment that takes into account the impact of rights restrictions on minoritized groups, in particular but the State has not yet committed to doing so.

Thank you and we look forward to addressing any questions that the Committee may have.

About ICCL

The Irish Council for Civil Liberties (ICCL) is Ireland's oldest independent human rights body. It has been at the forefront of every major rights advance in Irish society for over 40 years. ICCL helped legalise homosexuality, divorce, and contraception. We drove police reform, defending suspects' rights during dark times. In recent years, we led successful campaigns for marriage equality and reproductive rights. ICCL has worked on data protection for decades.