

DFAT-NGO Standing Committee on Human Rights

10.30am Friday, 17 April 2015

Iveagh House

Minutes

Present: Les Allamby (*NIHRC*), Karol Balfe (*Christian Aid Ireland*), Sara Bertotti (*Human Rights Unit, Department of Foreign Affairs and Trade*), Jack Conroy (*Human Rights Unit, Department of Foreign Affairs and Trade*), Pamela Coulter (*Church in Chains*), Layla de Cogan Chin (*Department of Justice and Equality*), Alex Dukalskis (*UCD*), James Gallen (*DCU*), David Joyce (*Irish Congress of Trade Unions*), Catherine Lynch (*UCD*), Nicole Mannion (*Human Rights Unit, Department of Foreign Affairs and Trade*), Sorley McCaughey (*Christian Aid Ireland*), Brendan McNamara (*Bahá'í Ireland*), Siobhán Mulally (*UCC*), Lianne Murphy (*Age Action International*), Deaglán Ó Briain (*Department of Justice and Equality*), Michael O'Flaherty (*NUI Galway*), Stephen O'Hare (*ICCL*), John Reynolds (*Maynooth University*), Kirsten Roberts (*Independent*), Andrea Rocca (*Front Line Defenders*), David Roche (*Governance, Human Rights & Gender Equality, Irish Aid, Department of Foreign Affairs and Trade*), Christine Ryan (*Human Rights Unit, Department of Foreign Affairs and Trade*), Marissa Ryan (*Concern*), Amy Sheils (*Human Rights Unit, Department of Foreign Affairs and Trade*), Julian Waagensen (*Trócaire*), Tanya Ward (*Children's Rights Alliance*), Peter White (*Legal Division, Department of Foreign Affairs and Trade*), Colin Wrafter (*Human Rights Unit, Department of Foreign Affairs and Trade*), Hans Zomer (*Dóchas*).

Apologies: Noeline Blackwell (*FLAC*), Rosemary Byrne (*TCD*), Anastasia Crickley (*Independent – Maynooth University*), John Devitt (*Transparency International Ireland*), Graham Finlay (*UCD*), Mark Kelly (*ICCL*), Mary Lawlor (*Front Line Defenders*), Tom Lodge (*UL*), Chinedu Onyejelem (*Metro Éireann*), Brian Sheehan (*GLEN*), David Turner (*Church in Chains*).

1. **Mr Colin Wrafter** (Human Rights Unit, Department of Foreign Affairs and Trade) welcomed the members of the DFAT-NGO Standing Committee on Human Rights.
2. **The Agenda was adopted.**
3. **The minutes of the meeting of 22 January 2015 were adopted.**

4. **Mr Colin Wrafter** (Human Rights Unit, Department of Foreign Affairs and Trade) gave an update on the **Preparations for Ireland's third periodic examination under the International Covenant on Economic, Social and Cultural Rights.** He outlined that a consultation will take place in the ballroom of Iveagh House on Friday 24 April at 10 am. It will provide an opportunity for people involved in process to express views on the response to the list of issues.
5. **Mr Wrafter** updated the Committee on the establishment of the **Inter-Departmental Committee on Human Rights.** The Inter-Departmental Committee is chaired by Minister of State Mr Seán Sherlock TD. The Department of Foreign Affairs and Trade will be working closely with the Department of Justice and Equality on the issues concerning the Committee. The first meeting saw the Terms of Reference of the Committee adopted and provided overview of various Treaties and Conventions.
6. **Ms Amy Sheils** (Human Right Unit, Department of Foreign Affairs and Trade) provided an **update on Ireland's National Plan on Business and Human Rights.** Ms Sheils outlined that the Human Rights Unit is currently writing the first draft which the Unit plan to circulate to other Departments over the next few weeks.

Mr Wrafter noted that, in the period before 1 March, engagement from business was slow but this has improved significantly. There was a surge in applications in March and Mr Wrafter thanked all those who submitted.

Mr Hans Zomer (Dóchas) noted that as part of ensuring best practice in the process of consultation, all submissions received should be made available to the public. **Mr Wrafter** noted that the Human Rights Unit intends to do so before the next consultation.

7. **Mr Sorley McCauley** (Christian Aid Ireland) provided an update on **Christian Aid's Tax and Human Rights Conference.** The Conference took place on 12 February in Dublin Castle. The objective of the conference was to challenge domestic and international organisations to view tax and fiscal policy as a human rights issue. **Mr McCauley** noted that many of the world's worst human rights situations are driven by economic factors and Christian Aid has been working since 2007 on trying to address the issues depriving developing countries of money. There are five reasons for this: (1) Tax policies are essential to generate resources for human rights; (2) Tax policy identifies the real priorities of the Government; (3) Progressive tax plays a role in distribution of resources; (4) Tax is linked to political accountability; (5) Tax is an important feature of international cooperation on human rights.

Mr McCauley reported that Professor Philip Alston, UN Special Rapporteur on Extreme Poverty & Human Rights, criticised Ireland's tax policies and noted two pre-occupations: the cost of austerity and the role of tax policy in promoting economic

development. It is important to distinguish between the 12.5 % corporate tax rate, which is not the main issue, and the opaque deals that lack in accountability and transparency.

Mr John Reynolds (Maynooth University) echoed Christian Aid's position on the importance of submissions on the National Plan on Business and Human Rights having tax as a central component. He noted that broader fiscal policy questions are increasingly of concern. The question of debt needs to be looked at in more depth, as well as the sovereign debt restructuring process.

8. **Ms Nicole Mannion** (Human Rights Unit, Department of Foreign Affairs and Trade) gave an overview of **the 28th session of the UN Human Rights Council (2 – 27 March 2015)**. The Minister for Foreign Affairs and Trade, Mr Charles Flanagan TD, delivered Ireland's national statement during the High Level Segment of the Human Rights Council. The Statement focused on equality and non-discrimination. The Minister had bilateral meetings with the UN High Commissioner for Human Rights, the President of the International Committee of the Red Cross and the Deputy High Commissioner for Refugees.

Ms Mannion reported that the 28th session of the Human Rights Council produced 34 resolutions, three Presidential statements, 11 joint statements and 36 Interactive Dialogues and Panel Discussions. Two new Special Procedures mandates were agreed upon, one on albinism and one on the right to privacy. Two resolutions on freedom of religion or belief were adopted, as well as a resolution on the rights of the child. The mandates of the Commission of Inquiry on Syria, the Special Rapporteurs on Myanmar, Iran and DPRK were extended for one year. The resolution on DPRK provides for a panel discussion on the human rights situation in DPRK at the 30th session of the HRC in September 2015. Given that the EU could not agree to have a statement under Item 7, which deals with the human rights situation in Palestine and other occupied Arab territories, Ireland, along with Luxemburg, Sweden, Slovenia and Malta, delivered a statement in its national capacity.

Ms Mannion noted that the 28th session did not see the same level of attacks to NGOs speaking rights; however, Ireland had to intervene to oppose a last-minute oral amendment put forward by China on the resolution on Human rights, Democracy and the Rule of Law. The amendment, which was in turn defeated, would have restricted NGO's participation in the newly established forum on human rights, democracy and the rule of law. On a negative note, the resolution on the composition of the staff of the Office of the High Commissioner for Human Rights, tabled by Cuba, included language to establish an oversight mechanism led by Member States for the OHCHR, something that could limit the independence of the Office. Ireland intervened opposing these elements; however the vote was eventually narrowly defeated. The discussion will now move to the Fifth and Third Committees of the General Assembly in New York. **Ms Mannion** concluded by noting the new engagement of China on

economic, social and cultural rights during the session, which led to the adoption of a Presidential statement on Beijing +20 and a joint statement on sport and human rights.

Mr Brendan McNamara (Bahá'í Ireland) expressed gratitude for the interventions on freedom of religion and belief made by Ireland at the 28th session of the Human Rights Council.

Mr Wrafter reported that the Halawi case was raised during a bilateral meeting between Minister Flanagan and the Assistant Foreign Minister of Egypt.

9. **Ms Mannion** gave an overview of the **21st session of the Universal Periodic Review (UPR)**, during which Ireland made recommendations on, inter alia, gender discrimination, freedom of association and assembly, civil society space, LGBTI rights, human rights defenders, and mortality and morbidity of children under 5 years of age.

The next UPR session will begin in May 2015 and will see the reviews of Belarus, Libya, and the USA, among others. **Ms Mannion** said that the Human Rights Unit welcomes any input from civil society on the upcoming UPR session.

10. **Ms. Christine Ryan** (Human Rights Unit, Department of Foreign Affairs and Trade) noted that the **59th session of the UN Commission on the Status of Women** was held at UN Headquarters in New York from 9 – 20 March 2015. The priority focus was a review and appraisal of the implementation of the Beijing Declaration and Platform for Action 20 years after its adoption (Beijing+20). In this review year of the Beijing Declaration, no agreed conclusions were drawn up, although States did agree an opening Political Declaration. The political declaration called for a stand-alone goal on gender equality in the post-2015 development agenda. Ireland's national statement was delivered by Minister of State for New Communities, Culture and Equality, Aodhán O Riordán TD, and set out the progress and gaps remaining in Ireland's implementation of the Beijing Declaration and Platform for Action. Ireland co-hosted side events on women, peace and security (with UNDP and Karama), gender based violence (with the Irish Consortium on Gender Based Violence) and empowering women in decision-making (with the Inter Parliamentary Union). The Irish Delegation also attended over 50 side events in total.

11. **Ms Sara Bertotti** (Human Rights Unit, Department of Foreign Affairs and Trade) reported on the **53rd session of the UN Commission for Social Development**, which took place at UN Headquarters in New York from 4th to 13th February 2015. Ireland delivered a national statement during the general discussion on the priority theme of the session, which was "Rethinking and strengthening social development in the contemporary world". **Ms Bertotti** gave an overview of the four draft resolutions adopted by consensus by the Commission.

12. **Ms Layla de Cogan Chin** (Department of Justice, Equality and Law Reform) gave an overview of the preparations for Ireland's 2nd examination under the Universal Periodic Review (UPR). Ms. de Cogan Chin noted that the deadline for submissions to the national report is 25th January 2016. The UPR itself is likely to take place in April/May 2016. The Inter-Departmental Committee on the UPR will be reconvened in May 2015. Under Cycle 2, the national report will be different. The first national report looked at a whole range of rights while the second report will look at the implementation of recommendations made during Cycle 1 as well as any current issues. The Department of Justice, Equality and Law Reform will hold a consultation in advance. At present, The Department is considering the most effective method of consultation. For the first cycle, the approach taken was to hold public meetings around the country which was good at raising awareness about the UPR but the format can be hijacked and diverted, and is not necessarily the most constructive way. She noted that they are open to ideas and have spoken with ICCL.

Mr Stephen O' Hare (Irish Council for Civil Liberties) noted that ICCL will be co-ordinating a shadow report for submission by September 21st 2015. ICCL intends to hold consultations over the summer and are looking at holding a national conference event.

Ms Tanya Ward (Children's Rights Alliance) commented that consultations are far more productive when civil society are offered the chance to comment on a draft report by the State. **Ms Balfe** agreed with this.

Ms de Cogan Chin, thanked members of the Standing Committee for their comments and stressed that the Government wants to make the process of consultation as meaningful and as targeted as possible.

13. Under AOB, **Ms Ward** informed the Committee of the Children's Rights Alliance's Parallel Report and of the Children and Young People's Report to the UN Committee on the Rights of the Child (CRC). She also informed the Standing Committee of the appearance of a group of children, facilitated by the Children's Rights Alliance, at the pre-sessional hearing of the UN CRC on 8 June 2015.

Ms Ward also asked that at the next meeting the APPROACH v Ireland case would be placed on the agenda. The case is a collective complaint to the European Social Charter about the lack of a complete ban on corporal punishment in Ireland.

Mr Peter White (Legal Division, Department of Foreign Affairs and Trade) confirmed that, since the Standing Committee had last discussed this item, there had been a decision of the Social Charter Committee (these decisions are confidential for 4 months from the date of issue to the parties or when the Committee of Ministers adopts a resolution) and that it was expected that the decision would be public no later than 17 May, which is 4 months from the date of issue. **Mr White** informed the

17 April 2015

Committee that based on the decision there had been initial discussions within the GR-SOC in Strasbourg and that based on those discussions a draft resolution was being prepared but that it was unlikely this would be before 17 May.

Human Rights Unit
Department of Foreign Affairs and Trade