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Introduction

Dóchas is the association of Irish Non-Governmental Development Organisations, representing 44 members. Dóchas members have experience of working with civil society partners in the Global South on the Universal Periodic Review (UPR). They have supported partners in making submissions on their own countries' reviews, and provided information to the Irish Department of Foreign Affairs for their engagement in reviews through written and oral interventions. Dóchas members' experience of engagement with UPR has been largely positive, with varying levels of success from country to country.

With Ireland's own review approaching in October, Dóchas members consider that as well as looking at the human rights situation within Ireland, **the UPR offers an opportunity to examine how Ireland expresses and demonstrates obligations under human rights law and norms internationally.**

Human rights obligations have traditionally been understood through national jurisdiction and territory. However, there is increasing international recognition of extra-territorial obligations towards progressively achieving the full realisation of human rights. This raises important questions for how Ireland addresses development cooperation and human rights overseas and advances its whole-of-government policy coherence for development nationally.

The scope of state human rights obligations internationally has been clarified by a wide range of human rights bodies, from national, regional and international courts and commissions, to UN Special Rapporteurs and treaty bodies – including the UN Committee on Economic, Social and Cultural Rights (CESCR), which has given the most consideration to states' obligations beyond borders under Economic Social and Cultural human rights.¹

In a progressive reading of human rights obligations and adherence, states' duties to respect, protect and fulfil human rights through international assistance and cooperation include a wide range of joint and individual state actions, both 'at home' and 'overseas', involving obligations of conduct and result. While the scope of states' human rights obligations in international assistance and cooperation is broad, we have identified four areas which we feel merit particular scrutiny under the UPR:

- 1. Ireland's Official Development Assistance commitments**
- 2. Human Rights engagement and strategy of the Department of Foreign Affairs**
- 3. Irish Aid policy and human rights**
- 4. Policy Coherence for Development and human rights**

Each of these four areas would play a critical role in reinforcing a rights-based approach to foreign policy, including in such areas as trade, investment, business, labour, migration, defence, military cooperation, security, the environment and climate change.

¹ For instance, the practice of the CESCR demonstrates that international assistance and cooperation, as understood in a rights framework, includes: providing financial and other resources; advising and supporting the development and implementation of strategies to realise Economic, Social and Cultural Rights; joint efforts to combat diseases and pandemics, and a "joint and individual responsibility" to cooperate in disaster relief and humanitarian assistance; cross-border cooperation to protect the population from abuses of their rights by third parties; as well as assistance to support survivors; and, states' duties to ensure that international agreements they undertake do not undermine ESC rights.

1. Ireland's Official Development Assistance (ODA) commitments

International assistance and cooperation are founded on human rights principles, and as such, human rights-based international assistance and cooperation is an obligation of all states. The international community has pledged to undertake international assistance and cooperation for human rights since the adoption of the United Nations Charter in 1945. The UN Committee on Economic, Social and Cultural Rights (CESCR) states: "*in accordance with Articles 55 and 56 of the Charter of the United Nations, with well-established principles of international law, and with the provisions of the Covenant itself, international cooperation ... for the realization of economic, social and cultural rights is an obligation of all State*". The importance of international assistance and cooperation to the realisation of human rights is also reflected in other international and regional human rights treaties².

In 2002, the Concluding Observations of the CESCR urged Ireland "to ensure that its contribution to international development cooperation reaches 0.45 per cent of GNP by the end of 2002 ... and that this annual figure increases, as quickly as possible, to the United Nations target of 0.7 per cent of GNP."

It is estimated that Ireland will spend 0.52% of GNP on ODA in 2011. Ireland is facing severe economic challenges, which demand difficult choices of the Government. In this context, Dóchas recognises and commends Ireland's international commitment to reaching the target of allocating 0.7% of GNP to ODA by 2015, reaffirmed by the Minister of State with responsibility for Overseas Development as recently as November 2010³ and echoed in most major parties' election manifestos in February 2011.

We are concerned, however, that the Government's policies on economic recovery contravene this public commitment. The National Recovery Plan states that the Government's aim is to consolidate the aid budget around the current level, which locks in substantial cuts in real terms since 2008. Given the Government's own expectation of a return to growth in GNP, any plan to merely maintain ODA spending in real terms would mean it will not be possible for Ireland to meet its international commitments, since the United Nations' ODA target is captured as a percentage of GNP.

Recommendations for the Irish Government:

- **The Government should revisit the National Recovery Plan to ensure that it demonstrates clearly how the Government intends to meet its international commitment of 0.7% of GNP to ODA by 2015;**
- **The Government should introduce framework legislation which underpins Ireland's principled commitment to the State's development cooperation programme and the UN target of spending 0.7% of GNI on overseas aid.**

2. Human rights engagement and strategy

As part of the Government and public service programme, *Transforming Public Services*, initiated in 2010 to overhaul the Irish public sector, each Department of the civil service has committed to producing a Statement of Strategy outlining its vision from 2011-13. The aim of these Statements is to highlight the high-level goals and objectives of Departments/Offices, as well as the strategies to be used to achieve them. Submissions were to be taken from interested parties in developing these Statements of Strategy, with the views of citizens on the key strategic issues to be considered in the strategy development process.

² Including, for example: the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention on Rights of People with Disabilities; the American Convention on Human Rights; and the African Charter on Human and Peoples' Rights

³ Minister Peter Power, response to written Parliamentary Question, November 2 2010

In its contribution to this process, and accepting that other Departments also have important roles to play, Dóchas urged that the Department of Foreign Affairs' (DFA) Statement of Strategy should commit the DFA to a human rights-based approach to foreign policy, international cooperation and policy coherence for development.

Recommendations for the Department of Foreign Affairs:

- **Advance a rights-based approach to foreign policy, international cooperation and policy coherence for development, with indicators of success against which the Department can be held accountable;**
 - Champion that Ireland sign and ratify the core human rights Conventions to which the state is not a party to and expedite the ratification of conventions to which it is a signatory.
 - In particular, champion the signing and ratifying of the Optional Protocol to ICESCR as this is critical in creating a strong global mechanism for complaints from individuals in the global south;
 - Ensure that the obligations to which Ireland has signed up inform the DFA's Departmental Statement of Strategy;
 - Promote, particularly through its Human Rights Unit, adherence to Ireland's international human rights standards and obligations across Government Departments' strategies and work programmes, including through the Inter-Departmental Committee for Development (IDCD), established to promote policy coherence for development;
 - Promote rights-based language in national and international fora, referring to issues such as access to food, education and health as 'legal entitlements' within a coherent rights framework rather than policy commitments alone.

3. Irish Aid Policy and human rights

The *White Paper on Irish Aid* states that the promotion of human rights, directly and indirectly, will be central to Ireland's foreign policy and all the work of Irish Aid. Additionally partner countries in development cooperation must work to 'promote democracy and protect human rights'.

Irish Aid's 2010 policy paper 'Building Governance through Development Cooperation' provided some elaboration on the commitment for engagement on human rights, identifying a number of strategies by which Irish Aid would promote and protect human rights. These were:

- Strengthening legislative frameworks for human rights, as well as national and international governmental and non-governmental human rights' institutions;
- Strengthening institutions and building capacity to enable all those responsible for fostering human rights to carry out their responsibilities;
- Supporting human rights education and awareness-raising programmes;
- Promoting initiatives to monitor, document and publicise human rights abuses;
- Identifying measures to protect human rights defenders in conformity with the relevant EU Guidelines adopted in 2004;
- Providing legal aid programmes for victims of human rights abuses;
- Engaging in dialogue with partner governments, especially where they fail to uphold human rights norms and values.

This high-level commitment and broad identification of strategies for human rights in development is welcome. A more detailed human rights policy and strategy is needed, however, to ensure that these commitments to human rights are met in practice.

Recommendations for Irish Aid:

- **Develop a detailed human rights policy to elaborate the policy framework for Ireland's development cooperation. This should apply to ODA spending across all Government Departments, rather than just**

within Irish Aid. It should be devised in consultation with civil society and other relevant stakeholders in both Ireland and relevant programme countries;

- Work particularly, along with the Human Rights Unit of the Department of Foreign Affairs, on Ireland signing and ratifying the core human rights Conventions to which the state is not a party, and expediting the ratification of human rights conventions to which Ireland is a signatory (in particular the Optional Protocol to the ICESCR);
- Develop a set of human rights indicators, in consultation with civil society, in order to ensure that Ireland's human rights obligations duly inform its policies and practice. (For instance, the UN Convention on the Rights of Persons with Disabilities, Articles 11 and 32, brings obligations to promote the human rights of marginalised groups, such as people with disabilities, in the context of Ireland's approach to development cooperation, humanitarian aid and emergency relief work.)

4. Policy Coherence for Development and human rights

Policy Coherence for Development (PCD) is defined by the OECD as “working to ensure that the objectives and results of a government's development policies are not undermined by other policies of that same government which impact on developing countries, and that these other policies support development objectives where feasible.” Human rights are integral to development, and any process which looks at protecting people from threats to their well-being and empowering people to achieve the goods of development.

In the 2005 European Consensus on Development, PCD was adopted as one of the cornerstones of the EU's development policy, committing that “the EU shall take account of the objectives of development cooperation in all policies that it implements which are likely to affect developing countries, and that these policies support development objectives.” Resulting from this, the Irish Government established the Inter-Departmental Committee on Development (IDCD), which represents the Government's main effort to ensure PCD between Irish policy sectors.

Recommendations for the Irish Government:

- **Commission an independent assessment of Ireland's legal, policy and institutional frameworks to identify areas that represent an obstacle to the full implementation of Ireland's human rights obligations (in Ireland and overseas), and develop an adequate strategy/action plan to address them;**
 - Review the functioning of the Inter-Departmental Committee for Development (IDCD) to determine the extent to which it is advancing Ireland's achievement of policy coherence for development within a rights framework, and in line with international human rights commitments and obligations, across all Government Departments;
 - Establish a transparent work programme for the IDCD, with appropriate indicators, to progress Ireland's achievement of policy coherence with development objectives and human rights obligations across all Government Departments;
 - Ensure greater transparency around the workings of the IDCD, including full and timely access to the schedules and minutes of the meetings, and increased opportunities for civil society engagement.