

Universal Periodic Review

Ireland

National Interim Report



2020

Introduction

Ireland attaches great importance to use of the Universal Periodic Review (UPR) mechanism as a tool to promote the advancement of human rights in all countries. Developing this Interim Report on the status of recommendations made during Ireland's last UPR reporting cycle has provided Ireland with a welcome opportunity to carry out a critical review of the human rights position in key areas of Irish society.

Ireland submitted its second UPR report to the United Nations Human Rights Council on the 3rd of February 2016, and was reviewed by the Council on the 11th of May 2016. Ireland received 262 recommendations, of which 188 were supported or partially supported.

Ireland has made significant advances over the reporting period to strengthen its human rights infrastructure. Key achievements include the recognition of Travellers as a distinct ethnic group in Irish society, reflecting the State's commitment to respecting Travellers' ethnic and cultural identity; ratification of the Convention on the Rights of Persons with Disabilities, which represents a major step forward in the recognition of the rights of persons with disabilities; and the enactment of the Education (Admission to Schools) Act 2018, which expands access to schools as a right for all children.

This Interim Report summarises in tabular form the measures taken by Ireland to address each of the supported and partially supported recommendations. Additional information on a small number of significant developments that are not described in the table as they do not pertain directly to a specific recommendation, is provided in narrative form below:

1. Provision in law for termination of pregnancy
2. Removal from law of blasphemy offences
3. National Equality Strategies
4. Refugee Community Sponsorship Programme

1. Provision in law for termination of pregnancy

Following the recommendations made by the Citizens' Assembly and by the Joint Oireachtas Committee on the Eighth Amendment to the Constitution (see response to recommendation 135.136 in the attached table), on the 25th of May 2018, the a referendum took place on the Thirty-sixth Amendment of the Constitution Bill to delete Article 40.3.3 of the Constitution (the Eighth Amendment).

The people of Ireland voted overwhelmingly in favour of amending the Constitution with a vote of 66.4% in favour and 33.6% against. The Thirty-sixth Amendment of the Constitution Act was signed into law by the President on the 18th of September 2018.

The Health (Regulation of Termination of Pregnancy) Act 2018 was passed by the Houses of the Oireachtas on the 13th of December 2018 and signed into law by the President on the 20th of December 2018. This legislation permits terminations of pregnancy to be carried out up to 12 weeks of pregnancy; or where there is a risk to the life, or of serious harm to the health, of the pregnant woman; or where there is a risk to the life, or of serious harm to the health, of the pregnant woman in an emergency; or where there is a condition present which is likely to lead to the death of the foetus either before or within 28 days of birth.

The Act provides universal access to termination of pregnancy services for people who are ordinarily resident in the State (i.e. services are provided free of charge). Women – from both within and outside the State - may also access the service on a private (fee-paying) basis, should they so choose.

While it is an offence for a person to intentionally end the life of a foetus otherwise than in accordance with the provisions of the Act, these provisions do not apply to a pregnant woman who has ended or attempted to end her own pregnancy.

Services for termination of pregnancy were introduced on the 1st of January 2019.

2. Removal from law of blasphemy offences

Irish constitutional and legislative provisions criminalising the offence of blasphemy have been removed. In October 2018, a Referendum approving the removal from Article 40.6.1ⁱ of the Irish Constitution of the requirement that publishing blasphemous material should be a criminal offence, was passed by the people with 64.85 per cent of voters voting in favour.

The Thirty-seventh Amendment of the Constitution (Repeal of offence of publication or utterance of blasphemous matter) Bill 2018 was signed into law by the President in November 2018. It has the effect of deleting the relevant text in Article 40.6.1ⁱ, which now reads as follows:

“The publication or utterance of seditious or indecent matter is an offence which shall be punishable in accordance with law”.

The Blasphemy (Abolition of Offences and Related Matters) Act 2019 was enacted in December 2019 to give effect to the outcome of the Referendum by abolishing the statutory offence of blasphemy.

The Act, which came into force on the 17th of January 2020, repealed sections 36 and 37 of the Defamation Act 2009, which provided respectively for the offence of blasphemy, and for a court to authorise police to seize any copies of the blasphemous statement, following a conviction under section 36. It also provided, for the avoidance of any possible doubt, that the common law offences of blasphemy and blasphemous libel no longer exist. It also deleted the references to “blasphemous” in section 7 of the Censorship of Films Act 1923 and section 3 of the Censorship of Films (Amendment) Act 1925, which refer to the grounds upon which a film may be refused authorisation to be shown publicly. (These amendments relate to civil matters and are not criminal offences. They are therefore not strictly necessary to implement the Referendum result, but were included in the Act in order to remove all references to blasphemy in primary legislation.)

3. National Equality Strategies

In addition to the extensive human rights, equality and anti-discrimination protections in law for women and minorities in Ireland, the Government takes a pro-active approach to addressing barriers to their full participation. In support of this approach, and in fulfilment of a commitment in the Programme for a Partnership Government, a suite of National Equality Strategies has been put in place in recent years to provide a framework for co-ordinated action by public authorities and others to improve opportunities and outcomes for women and minorities in Ireland. These are:

- ***The Migrant Integration Strategy 2017-2020***
- ***The National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021***
- ***The National Strategy for Women and Girls 2017-2020***
- ***The National Disability Inclusion Strategy 2017-2021***
- ***The National LGBTI+ Inclusion Strategy 2019-2021***

Each of these strategies sets out a vision for change and commits public authorities and others to carry out specific actions over the strategy period aimed at achieving that change. Development of the strategies was informed by detailed evidence available on outcomes for the cohort in question, and on barriers to their equality, integration and inclusion. The strategies were drawn up in consultation with civil society stakeholders. The implementation of each strategy is overseen by a Monitoring or Steering Committee, Chaired by the Minister for Immigration, Equality and Integration at the Department of Justice and Equality, and including representatives from key civil society stakeholder organisations, as well as public authorities responsible for delivery. These monitoring arrangements allow for valuable critical engagement and stakeholder feedback into the delivery process, enabling adaptation of delivery models where required. Two of the strategies – the Migrant Integration Strategy and the National Disability Inclusion Strategy – were subject to mid-term review in 2019. These reviews found a good level of progress and recommended some adaptations in light of recent evidence. A number of additional actions were agreed by Government arising from these reviews and are now being implemented by the relevant authorities.

4. Refugee Community Sponsorship Programme

Following a successful pilot programme that received an award from the Global Refugee Sponsorship Initiative, the Government launched Community Sponsorship Ireland (CSI) in November 2019. CSI is a complementary refugee resettlement model that gives private citizens and community organisations an opportunity to directly support a refugee family newly arrived in Ireland. The programme was developed by the Government in collaboration with Immigration, Refugees and Citizenship Canada (IRCC), where successful community sponsorship of refugees has been ongoing for some time, and civil society organisations including the Irish Red Cross, the UNHCR, Amnesty International, the Irish Refugee Council and Nasc Ireland (Migrant and Refugee Rights Centre).

Conclusion

Part II of this Report (attached table) provides comprehensive information on the current status of measures taken to implement all recommendations made to and supported or partially supported by Ireland at the conclusion of its Second Cycle UPR.