

DFAT NGO Standing Committee on Human Rights

10.30am 8 October 2015

Iveagh House

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Minutes

Present: Colin Wrafter (*Human Rights Unit, Department of Foreign Affairs and Trade [DFAT]*), Caroline Phelan (*Human Rights Unit, DFAT*), Amy Sheils (*Human Rights Unit, DFAT*), Tracy Murphy (*Human Rights Unit, DFAT*), Bríd O’ Brien (*Human Rights Unit, DFAT*), Seán O’Connell (*Human Rights Unit, DFAT*), Edel Quinn (*Children’s Rights Alliance*), Anastasia Crickley (*Independent*), Deirdre Duffy (*ICCL*), Graham Finlay (*UCD*), James Gallen (*DCU*), Róisín Hennessy (*IHREC*), Mary Lawlor (*Front Line Defenders*), Brendan McNamara (*Bahá’í Ireland*), Deaglán Ó Briain (*Department of Justice and Equality*), Michael O’Flaherty (*NUI Galway*), Brian Sheehan (*GLEN*), Niall Tierney (*DCD, Department of Foreign Affairs and Trade*), David Turner (*Church in Chains*), Julian Waagensen (*Trócaire*), Hans Zomer (*Dóchas*), Les Allamby (*NIHRC*), Noeline Blackwell (*FLAC/FIDH*), Rosemary Byrne (*TCD*), Martin Collins (*Pavee Point*), David Joyce (*Irish Congress of Trade Unions*), Siobhan Mullally (*UCC*), Chinedu Onyejelem (*Metro Éireann*), John Reynolds (*Maynooth University*), Susheela Math (*Transparency International Ireland*), Orla O’Connor (*National Women’s Council of Ireland*) Fiona Crowley (*Amnesty International Ireland*)

Apologies: Karol Balfe (*Christian Aid Ireland*) Layla de Cogan Chin (*Department of Justice and Equality*), Nuala Kelly (*Pavee Point*), Lianne Murphy (*Age Action*), Kirsten Roberts (*Independent*), Olive Towey (*Concern*).

Mr Colin Wrafter (Human Rights Unit, DFAT) congratulated Professor Michael O’Flaherty on his pending appointment as Director of the EU Fundamental Rights Agency. He also congratulated Mr Hans Zomer on his appointment to Áras an Uachtaráinn and wished both men success for the future.

1. **The Agenda was adopted.**

2. **The minutes of the meeting of 06 July 2015 were adopted.**

3. **Mr Niall Tierney** (Development and Cooperation Division, DFAT) gave an update on the **United Nations Sustainable Development Goals (SDG) Summit**. The SDGs were

adopted on 27 September 2015 by 193 Heads of State at the United Nations Headquarters in New York. The agreement has 17 SDGs and 169 targets action points. Overall the agenda has a strong policy framework, with an emphasis on policy coherence. **Mr Tierney** highlighted the importance of policy coherence as the SDGs are not solely about projects, they are also about guiding all expenditure towards a sustainable outcome. He outlined that financing for development (FFD) was also agreed upon and noted that there were two main FFD proposals not included in the agreement: a UN tax and sovereign debt provisions.

Mr Tierney informed the Committee that there were some significant areas of disagreement, particularly around human rights. The idea of the SDGs being a package of human rights was repeatedly attacked, and references to Sexual Reproductive Health Rights and LGBTI remain contentious throughout the agreement. However, overall the target package came through as agreed in 2014 and the result is a strong collective agreement for States to work towards during the next 15 years.

Developing a follow up and review procedure was also a contentious matter. UN Secretary General has been requested to produce a report and the first review of implementation will be in July 2019. There will be a High Level Political Forum (HLPF) at the UN, which will be informed by an annual SDG progress report and a Global SDG report. Member states will have the opportunity to voluntarily exchange their experiences in July 2016. Additionally there will be a meeting in Bangkok to come up with 100 global indicators for the SDGs. In relation to national follow up, Ireland are consulting with the EU, and the priority is to see if the Irish Aid programme is fit for purpose and to examine the most appropriate structure for the implementation of SDGs.

Mr Hans Zomer (Dóchas) asked about the likelihood of a national level implementation plan for Ireland. **Mr Zomer** also highlighted a new mechanism in the SDG agreement that allows citizens to monitor the SDGs, and he emphasised that Ireland could take the lead in encouraging Irish citizens and civil society space to take part in monitoring the implementation of the SDGs.

Ms Anastasia Crickley (Independent) inquired who would be involved in Ireland's implementation plan.

Ms Siobhan Mullally (UCC) asked about the possible relationship between the SDG indicators and other monitoring mechanisms, such as the UPR and treaty body monitors.

Mr Michael O'Flaherty (NUI Galway) pointed out that it was for human rights systems to seize this opportunity and for civil society organisations to lobby human rights bodies.

In relation to a national plan of implementation for Ireland, **Mr Tierney** responded that the initial focus will be on suitability of Irish Aid for the SDG agreement, as well as engaging with different Government departments to review the suitability of Irish policies. Regarding

the relationship between the SDGs and monitoring bodies, the idea is to build upon everything that already exists.

Mr Les Allamby (NIHRC) noted that he was keen to see the development of best practises to encourage SDG achievement, similar to that of the Commonwealth Forum. **Mr Tierney** agreed that a key part of the agenda includes lessons exchanges. He also pointed out that Irish Aid's key partner programme was quite advanced regarding the SDGs and that there would be a massive focus on domestic resource mobilisation.

Mr John Reynolds (NUI Maynooth) expressed concern about the private sector and data mining. **Mr Tierney** responded that the private sector is a massive player that has to have a positive role in the implementation of the SDGs.

4. Mr Deaglán Ó Briain (Department of Justice and Equality) spoke about the consultation process commenced by his own Department ahead of **Ireland's 2nd examination at the United Nations Human Rights Council under the Universal Periodic Review in May 2016.** On Wednesday 7 October the Department of Justice and Equality circulated a request for submissions on Ireland's examination from civil society and interested stakeholders, with the closing date for submissions Friday 23 October. Mr Ó Briain also outlined a programme of consultation, which was already under way, with children and young people in conjunction with the Department of Children and Youth Affairs (DCYA). These consultation processes will look to build on the progress outlined in Ireland's interim report following the first cycle under the UPR, which was prepared in 2014.

There have been many important developments since Ireland's first review and through the interim report and the consultation processes the Department of Justice and Equality will capture the progress made on recommendations accepted by Ireland from the first cycle review. The date for the civil society consultation was confirmed as 11 November 2015, which will be used to explore the key issues raised in submissions.

Mr Ó Briain described in more detail the consultation process with children and young people. The process had been an important learning experience for all stakeholders involved. Up to 3000 young people participated in the consultation and the Department of Justice and Equality had engaged with a researcher to write up the findings.

Mr O'Flaherty highlighted the very tight turnaround between announcing the consultation process and the deadline for submissions (7-23 October). For many better resourced organisations this could be achieved but for many others this deadline would not encourage meaningful participation in the consultation process.

Ms Deirdre Duffy (Irish Council for Civil Liberties) endorsed the comments of Mr O'Flaherty and commended the Department of Justice and Equality for the innovative approach adopted through the consultation process with children and young people.

Ms Edel Quinn (Children's Rights Alliance) reiterated the support for the children and young

people consultation programme and added that allowing free discussions among children on these issues was an important step to ensuring their input.

Mr Chinedu Onyejelem (Independent - Metro Éireann) inquired as to what efforts the Department of Justice and Equality had made to engage with children and young people from the immigrant community as many of them find themselves outside of structured extra-curricular activities and other class activities given their situations and may not have been in a position to participate in the consultation.

Mr Ó Briain explained that while the deadline was tight, there were staffing issues to consider and the Department of Justice and Equality wanted to ensure sufficient time was given to analyse and deal with all submissions ahead of the deadline for Ireland's UPR National Report. Mr Ó Briain added that the schools were chosen on the basis of ensuring diversity in the sample of the children and young people consulted.

Ms Noeline Blackwell (Free Legal Advice Centre/ FIDH) inquired into the status of all reports and recommendations issued by the relevant UN treaty-monitoring bodies on Ireland's international human rights obligations. It was important that the benefit of these reviews is utilised by informing the Irish National Report for the UPR process.

Mr Ó Briain confirmed that these reports and recommendations certainly set a context for the preparation of the UPR National Report. In particular, the reports formed a great source of information in preparing the UPR National Report, consolidating information from across the various Government departments and agencies, to determine Ireland's obligations and the corresponding implementation measures adopted by the State. The focus in this process currently undertaken by the Department of Justice and Equality was on the recommendations made to Ireland under the first cycle and the reports from the relevant treaty monitoring bodies would be used in that context.

4. Mr Ó Briain provided an update on the **Council of Europe's Framework Convention for the Protection of National Minorities (FCNM)**. The deadline for Ireland's report under the Convention had been extended. During this time, Ireland will be undertaking further consultation and consideration regarding the recognition of Travellers as an ethnic group. There will be a draft report prepared ahead of the new deadline and this will be circulated to the National Travellers and Roma Steering Group for comments before submission to the Council of Europe. Mr Ó Briain suggested anyone interested in contributing to this process should contact the Minister of State at the Department of Justice and Equality, Mr Aodhán Ó Ríordáin TD. The Department of Justice and Equality are currently exploring what the implications would be following a statement from the Government recognising Travellers as an ethnic group.

Ms Fiona Crowley (Amnesty International Ireland) offered to contribute to the deliberations surrounding the recognition of Travellers as an ethnic group and asked for that to be placed on the record of the Standing Committee.

Mr O'Flaherty welcomed this development and stated that this issue was one concerning

international law as Ireland's non recognition of Travellers as an ethnic group had been highlighted by the UN treaty-monitoring bodies.

Mr Martin Kelly (Pavee Point) highlighted the positive momentum that had been built up around this issue. The commitment demonstrated by the Minister of State, Mr Aodhán Ó Ríordáin TD, and Department of Justice and Equality officials, in particular Mr Ó Briain, have brought this process to near completion, but a concerted effort was now needed to bring it over the line.

6. Mr Colm Keenan (Department of Children and Youth Affairs) gave a presentation on **Ireland's upcoming examination by the Committee on the Rights of the Child (CRC) (January 2016)**. The Minister for Children and Youth Affairs will lead the delegation to the CRC. There is no specific date for the meeting yet but it will take place between 11th and 22nd January 2016. Mr Keenan outlined that DCYA has been involved in consultations and has financially assisted civil society reports and held a pre-sessional meeting in June 2015. The focus now is to brief the Minister generally on the CRC and garner support and build good internal and external relationships with Departments. The deadline for the List of Issues is 25 October 2015. The List of Issues has been informed by previous recommendations and reports. The word length of 10,700 will focus the Department's attention to the important aspects. **Mr Keenan** stated that he believes the Department will make the deadline.

Ms Edel Quinn (CRA) acknowledged DCYA's support for the Children's Report. She noted that it would be good to have officials from across Departments including Justice, Education, Health and Environment present on the delegation for the CRC. CRA will launch a parallel report on 27 October 2015. **Ms Quinn** noted that in the last two reviews, in 1998 and 2006, there were substantial asks such as the establishment of the Ombudsman for Children and the constitutional amendment. This time CRA will be pushing for five key issues. She informed that Child Rights Connect will be webcasting the session. She recalled that the Committee is operating a dual chamber therefore the chamber that met in June has now changed.

Graham Finlay (UCD) asked whether the issue of data privacy in light of the Department of Education's recent enquiries on aspects of children's lives has arisen. **Mr Keenan** replied that this has not arisen in the List of Issues but that is not to say it will not come up in the CRC. **Ms Quinn** stated that privacy did not come up in its consultations with children. **Mr Keenan** noted that the issue of religion in schools is an example of voice of children concerns coming through the consultation process.

7. Mr John Hurley (Department of Justice and Equality) gave a presentation on the **preparations for Ireland's upcoming review by the Committee on the Elimination of Discrimination against Women (CEDAW)** which is due to take place in February/March 2017. There has been a substantial delay in submitting the report to the CEDAW with the 6th, 7th and 8th reports outstanding. He explained that the submission of these reports was supplanted by more pressing issues.

In April 2014 UNGA adopted simplified procedures for Treaty Bodies. In December 2014 the Committee adopted these simplified procedures on a pilot basis. Under this procedure the CEDAW gives a Member State a List of Issues and the Member State's reply to the List of Issues constitutes the report. Ireland received a letter in December 2014 asking if it wanted follow of this new procedure. One condition for this procedure is that a common core document exists and that the situation in the Member State has not changed in the interim. In February 2015 Ireland accepted to be part of the simplified procedure. Last month the Government received the agenda. The sub-committee of CEDAW will meet in November 2015 to draft the List of Issues in consultation with civil society. CEDAW will convene for its full session in February 2016. Ireland will have six months from February to reply to the List of Issues. The Government is determined to reply by the deadline of September 2016. Mr Hurley noted that the only example of the operation of the simplified procedure is at the Committee Against Torture (CAT).

Ms Blackwell asked who was responsible for the common core document. **Mr Wrafter** confirmed that the DFAT put it together and it is the Human Rights Unit which has responsibility for updating it. He noted that there is no timeframe at present for updating the document.

Ms Orla O'Connor (NWC) asked about the plans for consultation. **Mr Hurley** replied that the Government would carry out the consultations in a similar manner as under the old procedure. **Ms O'Connor** stated that it is critical that the National Plan for Women is in place before the CEDAW review.

Ms Duffy welcomed the update from the Department of Justice and Equality. She noted that the Women's Human Rights Alliance will be submitting a report to CEDAW. She highlighted she was not made aware of the civil society consultation with the sub-committee of CEDAW until it was alerted to it by an NGO in Geneva. This meant that proper consultations with relevant stakeholders could not be carried out in time. **Ms Crowley** stated that Amnesty International had also made a submission to the consultation. **Ms Duffy** asked for an update on the List of Issues on CAT.

Ms Rosemary Byrne (TCD) asked if there is an effort being made to have a more focused approach to human rights research in relation to data and statistics. In response **Mr Wrafter** stated that Ireland will hopefully get in the groove of correlating information as it has various reporting obligations in the coming year. **Ms Mullally** suggested that DFAT should put a list of Ireland's reporting obligations on its website. **Mr Wrafter** agreed.

Ms Crickley noted that Committee on the Elimination of Racial Discrimination (CERD) has signed up to the special procedures for countries that are severely in arrears with reports. She recalled that Resolution 68/268 on the Strengthening of Treaty Bodies will be reviewed in two years and she encouraged civil society to take part in this review.

Mr Wrafter confirmed that there is no opportunity for the Government to take part in the draft of the List of Issues. This is solely a matter for the CEDAW in consultation with civil society.

Mr Ó Briain (Department of Justice and Equality) stated that the Government hopes to ratify the International Convention on the Rights of Persons with Disabilities (ICRPD) next year.

8. Amy Sheils (Human Rights Unit, DFAT) gave an update on Ireland's **Draft National Plan on Business and Human Rights**. DFAT is currently consulting with Government departments and it is hoped that before, or soon after, Christmas a draft will be ready for civil society views and consultation.

Mr Wrafter spoke about the type of civil society consultation envisaged. The draft plan will be sent to civil society and businesses with a deadline for comments, after which there will be an open consultation with civil society and businesses in Iveagh House. Hopefully consultation will happen before Christmas.

David Joyce (ICTU) drew attention to the new role of the private sector in the SDGs, and he noted that Ireland's National Plan on Business and Human Rights could play a part in developing parameters of business consulting in the world of the SDGs.

Mr O' Flaherty asked if the plan will include implementation assistance tools. **Mr Wrafter** acknowledged that DFAT were conscious of the need to provide a toolkit for implementation of the plan.

Graham Finlay (UCD) asked how integrated are the National Plan on Business and Human Rights and the Department of Job Enterprise and Innovation's Corporate Social Responsibility Plan. **Mr Wrafter** responded that the National Plan on Business and Human Rights will be consistent with the Department of Jobs Corporate Social Responsibility plan.

9. Caroline Phelan (Human Rights Unit, DFAT) made a presentation on **the 30th session of the UN Human Rights Council (15 September -2 October 2015)**. The outcome of the 30th session was a mixed result. There was a focus on country specific resolutions. The Netherlands ran a resolution on Technical Assistance and Capacity-Building for Yemen in the Field of Human Rights. An alternative text was tabled by Saudi Arabia and the Netherlands removed their version. The new text fell short of reflecting what is happening on the ground in Yemen and omitted the input from the OHCHR. The resolution on South Sudan also failed to reflect the human rights situation on the ground. In relation to Burundi, it commenced with one text from the EU and another from African group. They managed to agree and Burundi will be on the agenda of all three sessions of the Human Rights Council in the coming year. The Sri Lankan resolution, which started on a contentious note, was supported by the Sri Lankan government in the end. On thematic areas, migration was very topical. There were side events on the Sustainable Development Goals. There was also discussion in

relation to the Officer of the High Commissioner of Human Rights (OHCHR) and the Universal Periodic Review (UPR) and how the existing processes work.

Ms Blackwell noted that FIDH were very disappointed with the outcome on Yemen. She highlighted the fact that the United Kingdom has supported Saudi Arabia for the Human Rights Council. **Mr Wrafter** stated that this arrangement is an example of realpolitik and agreed that this is damaging for the Human Rights Council.

Ms Siobhan Mullally (UCC) enquired about the position taken by Ireland in relation to the resolutions on Sri Lanka and South Sudan. **Ms Phelan** explained that colleagues in Geneva played a very active role in working with Sri Lanka. Colleagues were disappointed that the South Sudan resolution did not hit the mark. **Ms Mullally** (UCC) questioned whether there had been any link made to Rwanda in relation to the situation in Burundi. **Ms Phelan** replied that she was not aware to what extent the reports to the Human Rights Council will have a regional dimension.

Mr David Turner (Church in Chains) welcomed the strong wording used in Ireland's national statement on DPRK. He encouraged Ireland to use the same language on other issues including the freedom of religion and belief.

Ms Phelan also made a presentation on the UNGA 70-Third Committee which started on 6 October 2015. Ireland has sent two youth delegates to participate in UNGA for the first time. Country specific resolutions include Iran, Myanmar and DPRK. Ireland will be involved in the Norwegian lead resolution on Human Rights Defenders and the EU-GRULAC resolution on the Rights of the Child. There are indications that there may be an initiative on the family. Migration and terrorism may also feature.

Mr O'Flaherty noted that the resolution on the family can be a trojan horse. **Mr Wrafter** stated that the family has to be treated in all its forms.

11. Mr Wrafter explained that plans were at an early stage for the 15th DFAT NGO Forum on Human Rights. An initial concept for the Forum is to explore 10 years on since the inception of the United Nations Human Rights Council. The focus would include national engagement, through Ireland's UPR and membership of the Council, and the international experience, exploring the Special Procedures of the Council and UPR process more generally. The Human Rights Unit would be grateful for names of potential speakers for the Forum from the Standing Committee Members. In particular, academics, practitioners and NGO representatives are sought to ensure diversity on each panel.

Mr O'Flaherty recommended inviting representatives from Geneva based NGOs who have worked on UPR issues given Ireland's excellent reputation following our three year membership. Human Rights Watch would be ideally placed to speak on Ireland's engagement and the Council in general.

Ms Mary Lawlor (Front Line Defenders) suggested inviting a Human Rights Defender who

has participated in the UPR process as they can provide a unique perspective which is not always represented in discussions of this nature.

12. Under **AOB Ms Blackwell** informed the Committee about the **Martin Ennals Award for Human Rights Defenders**. Nominations for the award can come from anywhere and can be submitted online. She highlighted that there is a need for more nominations for women human rights defenders and African human rights defenders. The award is particularly helpful because of the level of attention it brings for human rights defenders is quite significant in promoting their work.

Mr Ó Briain updated the Standing Committee on the status of the **International Convention for the Protection of All Persons from Enforced Disappearance** in Ireland. The Government not taken a position on the Convention.

On Ireland's second periodic report under the **United Nations Convention against Torture**, **Mr Ó Briain** informed the Standing Committee Members that Ireland's submission to the Committee was outside the word count allowed and efforts were underway to bring the word count down to meet the 20 November deadline.

Mr Ó Briain responded to an inquiry from the Standing Committee on the status of the **Council of Europe Convention on preventing and combating violence against women and domestic violence**, the Istanbul Convention. The intention is to sign the Convention in early 2016 with a view to ratification later in the same year.

On the **United Nations Convention on the Rights of Persons with Disabilities (CRPD)**, **Mr Ó Briain** outlined that there were several steps necessary to bring existing Irish legislation up to the standard required for ratification of the Convention. There are several legislative adjustments that will be enacted through a variety of Bills and the aim is to have the roadmap to ratification, outlining these adjustments, to be published in October.

Ms Mullally expressed her disappointment with regards the decision to delay the signing and ratification of the Istanbul Convention given earlier commitments to carry this out in September of this year. Gender based violence remained a huge issue and the ratification of the Convention should be afforded due importance.

Ms Róisín Hennessey (Irish Human Rights and Equality Commission, IHREC) welcomed the clarity provided around the roadmap to ratification of the Convention on the Rights of Persons with Disabilities. Ms Hennessey highlighted the need for a national mechanism to facilitate further consultation once the roadmap was published and stated that IHREC could offer assistance in this regard, given the importance of meaningful consultation before ratification of the Convention.

Mr Wrafter concluded that the provisional date for the next NGO Standing Committee meeting would be Friday 11 December 2015.

Human Rights Unit, Department of Foreign Affairs and Trade