

DFAT NGO Standing Committee on Human Rights

10.30am Friday, 06 July 2015

Iveagh House

When approved at the next meeting of the DFAT NGO Standing Committee these minutes will be uploaded to the Department of Foreign Affairs and Trade website.

Minutes

Present: Niamh Allen (*NWCI*), Karol Balfe (*Christian Aid Ireland*), Sara Bertotti (*Human Rights Unit, Department of Foreign Affairs and Trade*), Layla de Cogan Chin (*Department of Justice and Equality*), Maria Corbett (*Children's Rights Alliance*), Anastasia Crickley (*Independent – Maynooth University*), Deirdre Duffy (*ICCL*), Alexander Dukalskis (*UCD*), Dermot Fitzpatrick (*Disarmament and Non-Proliferation Unit, Department of Foreign Affairs and Trade*), James Gallen (*DCU*), Sinéad Gibney (*IHREC*), Nuala Kelly (*Pavee Point*), Mary Lawlor (*Front Line Defenders*), Catherine Lynch (*UCD*), Nicole Mannion (*Human Rights Unit, Department of Foreign Affairs and Trade*), Brendan McNamara (*Bahá'í Ireland*), Cáit Moran (*Humanitarian Unit, Department of Foreign Affairs and Trade*), Lianne Murphy (*Age Action International*), Deaglán Ó Briain (*Department of Justice and Equality*), Bríd O' Brien (*Human Rights Unit, Department of Foreign Affairs and Trade*), Seán O'Connell (*Human Rights Unit, Department of Foreign Affairs and Trade*), Michael O'Flaherty (*NUI Galway*), Marissa Ryan (*Concern Worldwide*), Brian Sheehan (*GLEN*), Niall Tierney (*DCD, Department of Foreign Affairs and Trade*), David Turner (*Church in Chains*), Julian Waagensen (*Trócaire*), 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: Les Allamby (*NIHRC*), Noeline Blackwell (*FLAC*), Rosemary Byrne (*TCD*), John Callaghan (*Human Rights Unit, Department of Foreign Affairs and Trade*), Martin Collins (*Pavee Point*), David Joyce (*Irish Congress of Trade Unions*), Siobhan Mullally (*UCC*), Chinedu Onyejelem (*Metro Éireann*), John Reynolds (*Maynooth University*), Kirsten Roberts (*Independent*).

- 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.

Mr Wrafter noted that from this meeting Pavee Point will also be represented in the Committee

- 2. The Agenda was adopted.**

- 3. The minutes of the meeting of 17 April 2015 were adopted. Mr Wrafter** recalled that the minutes will be put online on the DFAT's website.

The Committee observed a moment of silence in memory of Karen Kenny, former member of the DFAT NGO Standing Committee on Human Rights.

- 4. Ms Cáit Moran** (Humanitarian Unit, Department of Foreign Affairs and Trade) gave a presentation on the **Irish Humanitarian Summit** (2 July 2015, UCD).

The Irish Humanitarian Summit is part of the 2 year process leading to the World Humanitarian Summit (Istanbul, May 2016) which was called for by the UN Secretary General, Mr Ban Ki-moon. The number of people affected by humanitarian crises has almost doubled in the past decade. The number, scale and intensity of emergencies continue to increase, and the humanitarian system, in its current form, is struggling to cope. Conflicts are largely responsible for this increase in the need of humanitarian assistance.

DFAT decided to use the opportunity of the global process to convene a consultation among the Irish humanitarian community to make a meaningful contribution to the global process and to consider Ireland's role in humanitarian action., This was the first Irish Humanitarian Summit and it was the result of a multi-stakeholder consultative process with civil society, non-Irish diaspora networks, representatives of academia, public and private sector.

Ms Moran noted that the key message that has emerged from the Irish consultations is that affected people should be at the centre of all disaster responses and humanitarian action should support affected peoples to be actors in shaping their own survival and recovery. **Ms Moran** reported on suggested undertakings for the Irish humanitarian community that emerged from the Summit and the consultation process: (1) Put disaster-affected people at the heart of humanitarian responses; (2) Reaffirm the commitment to International Humanitarian Law and the humanitarian principles, particularly in conflict contexts; (3) Localise preparedness and responses where politically and culturally appropriate; (4) Systematically integrate protection and gender-based violence initiatives in norms, policy and practice; (5) Improve disaster risk reduction, community resilience and early warning; and (6) Support greater coordination and consultation.

The outcomes of the discussions at the Irish Humanitarian Summit, including Recommendations to the World Humanitarian Summit, will be combined with the discussions from previous phases of the Irish Consultative Process to form the basis for Ireland's submission to the World Humanitarian Summit.

Ms Moran informed the Committee members that the Irish Humanitarian policy has been recently updated to have a more holistic approach including on the follow up and recovery phase as well as on development and human rights.

Ms Marissa Ryan (Concern) noted the linkages between financing for humanitarian assistance and financing for development and asked if Ireland intends to increase its contributions to the 0.7% ODA target.

Ms Moran noted that Ireland's ODA is higher than many other European governments and it has increased over the last year.

Mr David Turner (Church in Chains) asked if the fact that a lot of the violence taking place in Iraq and Syria is targeted against religious minorities has had any impact in Ireland's humanitarian assistance considerations.

Ms Moran noted that Ireland's humanitarian assistance does not focus on specific groups and that assistance provided must be non-discriminatory and in line with the humanitarian principles. Ireland is, for example, contributing to humanitarian assistance in Syria through dedicated funding to the Red Cross family.

- 5. Mr Niall Tierney** (Development and Cooperation Division, Department of Foreign Affairs and Trade) gave a presentation on the **post-2015 development agenda negotiations and on the Financing for Development Conference**. The post-2015 development agenda will be the successor of the Millennium Development Goals (MDGs). The core weaknesses of the MDGs were a lack of focus on governance, accountability, gender equality and associated rights. The post-2015 agenda will be universally applicable and will aim at overcoming those weaknesses.

Mr Tierney noted that the high number of goals (17) and targets (169) of the post-2015 agenda has received some criticism, but it reflects the intention to have all countries being able to see their interest in the agenda. Accountability will avoid a naming and shaming exercise and will be mainly located between citizens and their States. However, it is hoped that there will be an accountability mechanism at a regional and global level.

Mr Tierney gave an account of Ireland's engagement in the post-2015 process. The Irish Ambassador to the UN in New York, Mr David Donoghue, is co-facilitating with Kenya the negotiations of the post-2015 agenda. Guiding the process is a huge responsibility for Ireland.

In 2013 during the Irish presidency of the EU, Ireland facilitated the formation of the EU position of the post-2015 agenda and later, in team with Denmark and Norway, pushed for including human rights in the post-2015 agenda. However, those efforts were consistently and firmly opposed by a group of States. A number of specific rights are mentioned by name in the draft targets but broadly what Ireland and other like-minded States tried to achieve was to formulate targets in a way that the realisation of a given target would correspond the realisation of a given right.

Mr Tierney noted that part of the problem was that goals and targets remained the same as proposed in July 2014 by the Open Working Group on Sustainable Development Goals. The idea of "reopening" the goals and targets as proposed in July 2014 was strongly opposed by States in the opening of the last round of negotiations. Ireland and other States had hoped that more space for negotiation would have been available after July 2014, but this has not been the case.

Mr Tierney drew the attention of the Committee members on human rights-related areas of the post-2015 agenda on which attention or action will be required. For instance, attention will be needed during the implementation phase on the conditioning “in accordance with national legislation and international agreements” with respect to the protection of fundamental freedoms. Under the leadership of Ambassador David Donoghue, civil society has been active part of the negotiations including by intervening in plenary. Attention will be needed on continued civil society engagement at the national level during the implementation phase.

Mr Tierney also informed the Committee members of a push from a small group of States towards the insertion of language on the need for the outcome to not only respect national policies and priorities, but to also respect “religious and moral norms” which could have a negative impact on respect for human rights.

On Financing for Development, **Mr Tierney** reported that there is still no agreed document ahead of the Conference that will begin on 13 July. The main issue of controversy are not resources per se but certain proposals such as the upgrading of the UN Tax Committee.

Mr Julian Waagensen (Trócaire), **Mr Hans Zomer** (Dóchas), **Ms Karol Balfe** (Christian Aid Ireland), **Ms Anastasia Crickley** (Independent – Maynooth University) and **Ms Mary Lawlor** (Front Line Defenders) flagged areas of concern with the post-2015 agenda.

Answering to questions posed, **Mr Tierney** said that ensuring non tokenistic civil society participation in the implementation of the post-2015 is of primary importance. Ireland worked hard to have relevant language in the outcome which civil society will be able to use to keep their Governments accountable. He noted that informed behaviour on behalf of citizens will also contribute to a greater accountability of the private sector.

Answering to a question on the implementation process in Ireland, **Mr Tierney** said the post-2015 development agenda will be an umbrella framework for national policies, a blueprint of measures to be taken at national level. An Interdepartmental Coordination Group was set up to follow the post-2015 process in Ireland. It meets every 6/7 weeks and has already started looking at how Irish policies sit against the proposed goals and targets of the SDGs.

Mr Tierney added that while reopening of negotiations on goals and targets is unlikely, indicators are being worked on at a non-political level and will be agreed upon by March next year. It is hoped that indicators will not become a new front of negotiations and will not be an opportunity for rowing back from what has been achieved in negotiations. It is also hoped that the co-facilitators will hold the pen until the end of the negotiation process and that there will not be line by line negotiations, this will avoid retrogression on the text.

- 6. Mr Dermot Fitzpatrick** (Disarmament and Non-Proliferation, Department of Foreign Affairs and Trade) spoke about **the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) Review Conference, May 2015**. Mr. Fitzpatrick provided an overview of the side event, ‘Gender and Nuclear Weapons’, which was hosted by Ireland, together with Sweden,

Austria, Costa Rica, Trinidad and Tobago and Denmark. The discussions centred on new research indicating that the effects of nuclear weapons are gendered, in that they affect girls and women disproportionately.

The panel included Dr. Mo Hume, Senior Lecturer in Politics at the University of Glasgow; Dr. Patricia Lewis, Research Director on International Security at Chatham House; Ms. Mary Olson, Director of the Southeast Regional Office of the Nuclear Information and Resource Service (NIRS); and Mr. Henrik Salander, Former Disarmament Ambassador for Sweden and Secretary-General of the Blix Commission.

Dr. Hume gave a general introduction to how gender dynamics play out in conflict and post-conflict situations, resulting in a number of discriminatory practices such as violence against women. This violence is often neglected, seen as less serious than other forms of violence, or not seen as violence that is part of the conflict. However, there have been some promising developments lately in the area of gender and disarmament, including the gender provisions in the Arms Trade Treaty (ATT) and in UN Security Council resolution 2117 on small arms and light weapons.

The effects of nuclear weapons are gendered and disproportionate, and one aspect of this is the fact that ionizing radiation is more harmful for females. Ms. Olson spoke about findings from studies of survivors from Hiroshima and Nagasaki, showing that within the group of those who were five years or younger when the US bombed these cities, the girls were twice as likely to get cancer, at some point, than the boys. Gender was also a factor for the effects on adults in Hiroshima and Nagasaki. Research on this group shows that for every two men who died of cancer over their lifetime, three women died of cancer. As Ms. Olson emphasised “gender matters in the atomic age.” Still, despite these findings that clearly show a disproportionate effect on girls and women, adult men tend to be the norm when assessing risks.

7. **Ms Marie Corbett** (Children’s Rights Alliance) spoke about **Approach vs Ireland**. On the 27 May 2015 the Council of Europe published the decision of the European Committee of Social Rights finding that Ireland’s law on corporal punishment was in breach of Article 17 of the European Social Charter. Ms Corbett explained that Ireland does not have a comprehensive ban on corporal punishment. This is a matter that the Children’s Rights Alliance has been advocating against for a long time, including during Ireland’s UN Universal Periodic Review, and at the UN Committee on the Rights of the Child (CRC). The Council of Europe’s judgment received a lot of coverage in the media, and Minister for Children Mr James Reilly has since pledged to initiate legislation that would prohibit corporal punishment in foster care or residential care. Ms Corbett stated that the Children’s Rights Alliance sought a comprehensive ban on corporal punishment. She also noted that Ireland is before the CRC in January 2016, and at the pre-session of the CRC, in June 2015, this issue was raised by civil society.

Mr Peter White (Legal Division, Department of Foreign Affairs and Trade) updated the committee on developments since the publication of the decision. On 17 June 2015 a

resolution was adopted by the Committee of Ministers noting the response of Ireland to the decision (appended to the Resolution) and that further information on follow up would be provided in the normal reporting process to the European Committee of Social Rights. Mr White drew attention to the fact that Ireland had been transparent as regards its response to the decision and that it was detailed. Ireland has acknowledged that the existing legislation does not achieve the standard required by the European Social Charter. Mr White, referring to the response, drew attention to the commitment to look at banning the corporal punishment defence of reasonable chastisement.

Ms Corbett added that during the pre-session hearing in June 2015, the Children's Rights Alliance and UNICEF brought a group of young people to meet with Committee on the Rights of the Child. This was excellently received by the Committee and they referred to it as the best example of direct participation they had seen in the past few years.

8. **Mr Wrafter** spoke about the **review of Ireland's third periodic examination under the International Covenant on Economic, Social and Cultural Rights (ICESCR)**. Mr. Wrafter thanked civil society, IHREC, Minister Sherlock and government departments for their input and engagement throughout the process. He also thanked John Callaghan, Sara Bertotti and Nicole Mannion, of the Human Rights Unit, for their hard work. Mr Wrafter reported that the Committee has released their Concluding Observations on the examination. These observations are now for the relevant government departments to take forward.

Ms Deirdre Duffy (ICCL) stated that the Committee placed a strong emphasis on the implementation of the observations, and noted that the DFAT NGO Standing Committee could contribute to this work.

Ms Nuala Kelly (Pavee Point) drew attention to the fact that a large number of the Committee's Concluding Observations regarded Traveller and Roma communities. In particular Ms Kelly noted that Observation recommending that Ireland recognise Traveller ethnicity was of vital importance in order to achieve the other recommendations.

Mr Deaglán Ó Briain (Department of Justice and Equality) explained that the Department of Justice and Equality is hosting a roundtable on the question of recognising Travellers as an ethnic group. The four national Traveller NGOs had prepared a paper, which will be the basis for this discussion and on which the Department has also sought legal advice.

Mr Ó Briain noted in relation to the ICESCR review that there was sense that Committee did not have capacity to listen to input of both civil society and the Government. He expressed concern that the State did not receive a fair hearing. It was clear the Rapporteur was not listening to Ireland's response. It appeared that the Committee had set out what its response would be before the examination. Mr. Ó Briain expressed concern that the poor quality of the Committee's examination in Geneva and its inability to engage with the State on a fair and objective basis would tend, over time, to undermine the credibility of the Committee on Economic, Social and Cultural Rights, as well the UN treaty monitoring body structure generally.

9. **Mr Seán O’Connell** (Human Rights Unit, Department of Foreign Affairs and Trade) gave an update on **Ireland’s National Plan of Business and Human Rights**. Since the last Meeting of the Standing Committee, 17 April 2015, a draft outline of the National Plan on Business and Human Rights has been prepared and circulated to the relevant Government Departments for their observations. The Human Rights Unit is now undergoing a further consultation process with each Department over their respective observations and feedback. Once the outline of the National Plan is prepared and agreed across Departments, a draft National Plan will be prepared for further consultation with civil society and business, hopefully in the autumn. All submissions received on the National Plan will be made public prior to this round of consultations.

Mr Wrafter informed the Standing Committee that the Human Rights Unit has received a certain amount of engagement with the business sector and that they will continue consulting with IBEC, Chambers of Ireland, ISME, Business in the Community and individual companies.

Mr Waagensen asked if the draft National Plan would be made public by the end of the year.

Mr Wrafter responded that the Unit was hopeful to have the draft National Plan out by the end of the year.

Ms Balfe inquired whether there are discussions about implementation of the National Plan.

Mr Wrafter noted that each Department looks at what the National Plan will mean for their work and what will it require on their behalf, including discussion on implementation.

10. **Ms Nicole Mannion** (Human Rights Unit, Department of Foreign Affairs and Trade) gave an overview of the **29th session of the Human Rights Council (HRC) (15 June – 3 July, 2015)**. Ireland was active in the negotiation of resolutions throughout the session and all statements delivered by Ireland have been uploaded to the DFAT website.

Ms Mannion reported on five of the most notable features of the session. Firstly, Ireland led a joint statement on behalf of a group of twenty-five states on the human rights situation in Azerbaijan, which focused in particular on the shrinking of civil society space and imprisonment of human rights defenders. Ireland also supported a joint statement led by Colombia which condemned violence and discrimination on the grounds of sexual orientation and gender identity. Thirdly, the HRC decided to establish a human rights monitoring mission in South Sudan, which was also supported by Ireland. Ireland and the other EU Member States on the Human Rights Council supported a resolution which welcomes the report of the Independent Commission of Inquiry on the 2014 Gaza conflict and calls on all duty bearers and United Nations bodies to pursue the implementation of all recommendations contained in the report. Finally, Ireland called a vote on a resolution led by Egypt on the protection of the family, as it did not reflect the diversity of family

structures or the rights of individuals within families. The resolution was adopted by the HRC after a vote.

Professor Michael O’Flaherty (NUI Galway) inquired as to the High Commissioner for Human Rights’ (HCHR) report on the protection of rights of LGBTI persons. Secondly, Professor O’Flaherty inquired as to the appointment of the UN Special Rapporteur on “The Right to Privacy in the Digital Age” by the HRC.

Ms Mannion noted that the report of the HCHR on discrimination and violence against individuals based on their sexual orientation and gender identity had been published. Ms Mannion described the process for the appointment of the new UN Special Rapporteur, noting that a consultative group of Member States had chosen the Estonian candidate; the President of the HRC subsequently chose the Maltese candidate over the Estonian candidate, citing concerns over the former’s qualifications for the post.

Mr Turner inquired into the reported intimidation of members of the UN Commission of Inquiry on Eritrea and whether Ireland made any statements on the situation of human rights in Eritrea given the widely reported oppression of religious minorities in the country.

Ms Mannion confirmed that Ireland had supported the resolution renewing the mandate of the UN Special Rapporteur on Eritrea and had also participated in the interactive dialogues with both the UN Special Rapporteur and the Commission of Inquiry. Ms Mannion also noted that the President of the HRC had condemned the alleged incidents of intimidation in Geneva of the members of the Commission, calling such behaviour “unacceptable”.

Ms Lawlor expressed concern at such reprisals claiming this behaviour would seriously threaten the important contribution of NGOs at the HRC. Ms Lawlor inquired as to any measures that have been taken to tackle these incidents.

Ms Mannion agreed that this was a concern, and noted that HRC resolution 24/24, the aim of which was to establish a reprisals focal point at the UN, remains in limbo having been blocked in the UN General Assembly.

11. **Ms Mannion** gave an overview of **the 22nd session of the UN Universal Periodic Review (UPR) (4 – 15 May, 2015)**. Ireland raised concerns over the use of the death penalty and the shrinking of civil society space in Belarus. Ireland again raised concerns over the death penalty during the review of the United States of America and expressed further concern over alleged police-led human rights abuses against African-Americans. With respect to Libya, Ireland recommended the authorities ensure access to humanitarian assistance and expressed concern over reports of torture being used in detention centres.
12. **Mr Ó Briain** gave an overview of the **preparations for Ireland’s 2nd examination under the UPR**. **Mr Ó Briain** noted that a meeting of the Inter-Departmental Committee on the UPR was convened in June in order to begin preparations for the UPR, which is scheduled for April/May 2015. The consultation process for the UPR, for which Ireland was commended by UN during the last review in 2011, will largely follow the same lines for the second review. **Mr Ó Briain** outlined the Department’s plans to attend certain civil

society organised consultations.

Ms Duffy outlined the rolling out of a consultation process by ICCL, coordinated by the UPR Steering Group. The Irish Human Rights and Equality Commission will partner with ICCL in the organising of such consultation events. The dates set for consultations in Galway, Cork and Dublin are the 16th, 28th and 30th of July respectively. **Ms Duffy** explained how it was the focus of ICCL to use the second UPR to collate many of the issues raised across all the UN treaty monitoring bodies and human rights mechanisms previously engaged with reviewing Ireland's human rights record. **Ms Duffy** concluded by inquiring into any update on the preparation of the List of Issues for the UN Committee against Torture.

Mr Ó Briain explained that the Department of Justice were still awaiting further updates from the Committee against Torture with regard to the List of Issues.

13. Under **AOB Mr Wrafter** briefed the Committee on the **Oslo Conference on Safe Schools: Protecting Education from Attack (28-29 May 2015)**. During the Conference a number of States, including Ireland, have endorsed the Safe Schools Declaration which welcomed the Guidelines for protecting schools and universities from military use during armed conflict.

Ms Lianne Murphy (Age Action Ireland) inquired into developments on a potential UN convention on the rights of older persons to be discussed at the next session of the **Open Ended Working Group on Ageing (OEWGA)** and the related negotiations at EU level. Ms Murphy was particularly interested to know why, at EU level, the approach was to compile all existing standards into one comprehensive declaration, which would be equipped with indicators to assess its practical application. While Ms Murphy recognised this approach fell short of a legally binding document, she pointed out that this development was still welcomed by Age Action Ireland. Ms Murphy was also interested to know whether a representative from the Irish Mission to the UN will be attending the OEWG from the 14-16 July, as requested by the OEWG Chair.

Ms Bríd O' Brien (Human Rights Unit, Department of Foreign Affairs and Trade) explained that the EU position is that although there are implementation and protection gaps, these gaps are not normative. The imperative therefore is to implement what already exists in terms of the current human rights framework and this is why the EU decided upon compiling existing standards over the development of a new document outlining the rights of older persons. **Ms O' Brien** outlined the EU position further, by way of example, that in relation to ICESR a compilation could usefully bring together all various relevant existing standards.

Mr Wrafter confirmed that Ireland would indeed be represented by the Permanent Mission in New York as Colm Ó Conaill will attend the next OEWGA session in July.

Mr Wrafter gave an update on the **UN Human Rights Committee Follow-up**. This examination took place last year, and Minister Frances Fitzgerald led the delegation in

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Geneva. A number of items require a reply within a year of the examination, including symphysiotomy, detention conditions and the Magdalene Laundries. The Human Rights Unit hopes to have a final response in the next week or two. The response will go on the UN website and then to the DFAT website.

Mr Ó Briain noted that the Department of Justice and Equality will prepare a memo to Government regarding a timetable and roadmap for Ireland's ratification of the **Convention on the Rights of Persons with Disabilities**. This memo will be brought to Government in the next 2-3 months. Once approved by Government the 'roadmap' will be published.

Ms Allen (National Women's Council of Ireland) asked whether there was an update on Ireland's examination under the **Convention on the Elimination of Discrimination Against Women**.

Mr Wrafter responded that Ireland is awaiting the Committee's List of Issues.

**Human Rights Unit
Department of Foreign Affairs and Trade**