الأمم المتحدة

A/HRC/22/NI/1

الجمعية العامة

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مجلس حقوق الإنسان
الدورة الثانية والعشرون
البند ٣ من جدول الأعمال
تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

معلومات مقدمة من اللجنة الآيرلندية لحقوق الإنسان*

مذكرة من الأمانة

تحيل أمانة مجلس حقوق الإنسان طيه الرسالة المقدمة من اللجنة الآيرلندية لحقوق الإنسان**، والمستنسخة أدناه وفقاً للمادة ٧(ب) من النظام الداخلي الوارد في مرفق قرار مجلس حقوق الإنسان ٥/١، التي تنص على أن تستند مشاركة المؤسسات الوطنية لحقوق الإنسان إلى الترتيبات والممارسات التي وافقت عليها لجنة حقوق الإنسان، لا سيما القرار ٢٠٠٥/٧٤ المؤرخ ٢٠ نيسان/أبريل ٢٠٠٥.

* مؤسسة وطنية تعنى بحقوق الإنسان اعتمدتها لجنة التنسيق الدولية المعنية بالمؤسسات الوطنية لتعزيز وحماية حقوق الإنسان ضمن الفئة "ألف".

** استنسخت في المرفق كما وردت، وباللغة التي قدمت بها فقط.

الرجاء إعادة الاستعمال

Annex

[English only]

Information presented by the Irish Human Rights Commission in response to the report of the Special Rapporteur on the situation of human rights defenders on her mission to Ireland presented to the Human Rights Council on 4 March 2013

This written statement supplements the oral statement delivered on behalf of the A Status Irish Human Rights Commission (IHRC), Ireland's National Human Rights Institution (NHRI).[1]

The IHRC welcomes the opportunity to present this statement on the occasion of the report of the Special Rapporteur on Human Rights Defenders on Ireland. We believe that NHRIs have a unique role in linking the international human rights system with the national level and that the work of National Institutions is key to ensuring the national application of international human rights standards, including the recommendations of the Universal Periodic Review process. With our international colleagues we welcome this recognition in the report of the Special Rapporteur on Human Rights Defenders on the role of NHRIs and her highlighting the fact that NHRIs may be considered as human rights defenders.

The IHRC welcomed the recent visit to Ireland of the Special Rapporteur at which it had the opportunity to meet with and brief her on the domestic situation. It welcomes the focus in her report on Ireland on the structural issues that impact on the defence of human rights as they pertain to freedom of association, freedom of expression, protection of defenders including through foreign aid and human rights policies of the State. It is pleased to note the Special Rapporteur's emphasis on defenders working on environmental, sexual/ reproductive health, Travellers rights, asylum-seekers and refugees, whistleblowers and those defending the right of affordable access to justice in the courts.

In particular the IHRC welcomes the attention paid to institutional defenders such as the Garda Síochána Ombudsman Commission (GSOC) and the IHRC itself. In this regard, it is pleased to note that the importance of creating a strong, independent, A Status institution from the merger of the IHRC and the Equality Authority is highlighted by the Special Rapporteur.

It was a particular honour for Ireland to be elected to the Council and this has resulted in an increased visibility of human rights in the State. The IHRC calls on Ireland to continue to act robustly on human rights issues in the Council. It also calls on Ireland to reinforce the independence and capacity of the IHRC and its successor body to fulfil its mandate effectively in accordance with the Paris Principles, including through the provision of adequate and sufficient resources to it.

[1] The IHRC is Ireland's National Human Rights Institution. Established under Statute in 2000, the IHRC has 'A' Status Accreditation with the International Coordinating Committee of NHRIs. The oral statement is delivered by videolink by its Acting Chief Executive, Mr Des Hogan.

Substantive recommendations

A number of the substantive recommendations made in the Special Rapporteur's report reflect recommendations made during Ireland's First Universal Periodic Review by the Council. These include ratifications of all UN treaties, adoption of a National Action Plan on Human Rights, recognition of Travellers as an ethnic minority, action on the *A, B and C* Judgment of the European Court of Human Rights and action on an independent and effective mechanism to consider prison complaints.

The IHRC again echoes the Special Rapporteur's call for adoption of a National Action Plan on Human Rights.

On prisoner complaints, in 2012, the State announced the phased introduction of an administrative complaints mechanism for prisoners. Whether this mechanism is sufficiently independent to encourage prisoners to bring complaints without fear of reprisal and whether appropriate redress may result from meritorious complaints is as yet unknown. In parallel, the IHRC again calls on the State to ratify the Optional Protocol to the Convention Against Torture and to introduce a National Preventive Mechanism.

In relation to police complaints, the IHRC continues to call on the State to strengthen the mandate of GSOC to allow it to investigate alleged human rights abuses perpetrated by An Garda Síochána, noting the degree of public trust in GSOC which has been developed in recent years. Specific attention should be paid to the protection of "whistleblowers" within An Garda Síochána.

In December 2012, the IHRC announced that it would conduct a review as to whether the State's proposed response to the Judgment in *A, B and C* met the terms of that Judgment and whether other international obligations may also need to be addressed. That review is ongoing.

In January 2013, the IHRC after analysing the provisions of a number of international conventions to which the State is a Party, recommended that the State take the necessary steps to recognise Travellers as an ethnic minority group.

In February 2013, the IHRC indicated that it would respond to the detailed report of the Inter-Departmental Report on the Magdalene laundries, following its 2010 report on the issue. In this, we urged that the Government response to focus as an immediate issue on a system of redress for the women concerned.

The Special Rapporteur made three recommendations to the IHRC. The IHRC is happy to state it has accepted all three recommendations to the extent possible. First, it is striving to ensure that its "A" status as a NHRI is maintained through a smooth transition to the merged body. In this regard, it continues to act independently of Government while awaiting the appointment of a new Commission, including through discharging its legislative, policy, education, training and litigation functions. Further, it meets regularly with its colleagues in the Equality Authority to identify challenges and opportunities to defend and promote equality and human rights for the new body. Second, it has appointed an interim focal point for human rights defenders within its structure. The identity of the officer has been communicated to the Special Rapporteur and to the leading non-governmental organisations in Ireland. Further, details of the focal point are available on the IHRC's website. Third, as part of reaching out to defenders outside urban areas and raising awareness of its role and services, it is expected that the new Commission will engage with civil society stakeholders and that part of this engagement will include publicly accessible information on the range of services available to individuals in the new institution.

The IHRC is pleased to appear in an independent capacity at the consideration of the State's report. We urge all States who have not already done so, to extend an invitation to the

Special Rapporteur to visit their State. We urge all States to act to implement the recommendations of the Special Rapporteur, particularly where said recommendations reflect the recommendations of Treaty Bodies and/ or the Universal Periodic Review process. We end by urging all States, along with promoting an active civil society sector, to establish or strengthen independent NHRIs so that they may offer independent views to the Council on the adherence of those States to its international obligations. In establishing or strengthening NHRIs, States should pay particular attention to the protections to be afforded to the staff and members of NHRIs as set out in the Special Rapporteur's report to allow them to effectively carry out their work.