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Mr Eamon Gilmore, TD  
Tánaiste and Minister for Foreign Affairs and Trade  
Iveagh House  
80 St Stephen's Green  
Dublin 2  
Ireland

15 October 2012

Dear Tánaiste,

### **OPEN LETTER: IRELAND'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the letter dated 13 April 2012 from the Permanent Representative of Ireland to the United Nations addressed to the President of the General Assembly.<sup>1</sup>

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.<sup>2</sup> On the occasion of Ireland's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.<sup>3</sup>

### **Commitments at the international level**

#### *Ratification of international human rights instruments*

We welcome your commitment to ratify the Convention on the Rights of Persons with Disabilities as soon as possible, and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, both signed by Ireland in 2007. We encourage you to set out a firm timetable for these ratifications.

We also wish to take this opportunity to encourage you to ratify other international human rights instruments that are still outstanding. We welcome Ireland's signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in March 2012 and of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in 2007, and we urge you to move expeditiously to ratification of these instruments.

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<sup>1</sup> A/67/80.

<sup>2</sup> A/RES/60/251, para 9.

<sup>3</sup> Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

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### *Cooperation with the Special Procedures*

We welcome your commitment to continue to cooperate fully with the Special Procedures, including responding promptly and substantively to all communications and honouring the existing standing invitation to them.

### *Cooperation with the treaty monitoring bodies*

We welcome your commitment to timely reporting to the UN Treaty Bodies. In this spirit, we urge you to submit without further delay the periodic reports that are due to the Committee on the Elimination of Discrimination against Women and to the Committee on the Rights of the Child (including with regards to the Optional Protocol on the involvement of children in armed conflict).

We also urge you to implement the 2011 recommendations by the Committee against Torture, in particular those calling for implementation of the 2009 report of the Commission to Inquire into Child Abuse,<sup>4</sup> and for prompt, independent and thorough investigations into all complaints of ill-treatment allegedly committed in the Magdalene Laundries and the provision of redress and reparation for those victims.<sup>5</sup>

### *Engagement with the Universal Periodic Review*

We welcome your pledge to submit a voluntary mid-term report on progress in implementing recommendations from the Universal Periodic Review of Ireland in October 2011.

We commend Ireland's support of the large majority of recommendations made to it during the review. We urge that Ireland use the occasion of its candidacy to ensure that its commitments are fully implemented, and we encourage Ireland to set specific timeframes and establish a monitoring mechanism for the implementation of the recommendations arising from this review.

Among the recommendations made to Ireland at its previous review<sup>6</sup> was a call to incorporate the rights to health and housing into domestic law.<sup>7</sup> Although we note that Ireland only partially accepted this recommendation,<sup>8</sup> we encourage you to ensure its full implementation, thus ensuring protections for the most vulnerable in light of recent funding cutbacks in areas such as health.

### *Participation in the deliberations of the Human Rights Council*

We note your commitment to seek clear and strong action by the Human Rights Council in addressing human rights violations and promoting human rights.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

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<sup>4</sup> Concluding observations of the Committee against Torture, Ireland, 17 June 2011 (CAT/C/IRL/CO/1), para 20.

<sup>5</sup> CAT/C/IRL/CO/1, para 21.

<sup>6</sup> Report of the Working Group on the Universal Periodic Review, Ireland, 21 December 2011 (A/HRC/19/9).

<sup>7</sup> A/HRC/19/9, recommendation 107.4 (Portugal).

<sup>8</sup> A/HRC/19/9/Add.1, paras 6 & 8.

## Commitments at the national level

We note your commitments to seek to enhance Ireland's efforts to ensure that all existing national mechanisms for the promotion and protection of human rights are strengthened, as well as your commitment to uphold the independence of your national human rights institutions.

We note the proposed amalgamation of the Irish Human Rights Commission (IHRC) with another statutory body, the Equality Authority. We urge you to ensure that this new amalgamated body will have adequate independence, remit, powers and resources to comply with the Paris Principles and to maintain the 'A' status currently enjoyed by the IHRC as a national human rights institution.

We urge you to pledge that human rights protection will not be eroded during the ongoing economic challenges faced by Ireland, and that your government will consider developing a national human rights action plan. We further note the upcoming review of Ireland's Constitution by a Constitutional Convention and encourage your government to use this Convention as an opportunity to examine the Constitution's protection of Ireland's international human rights obligations, with particular regard to economic, social and cultural rights.

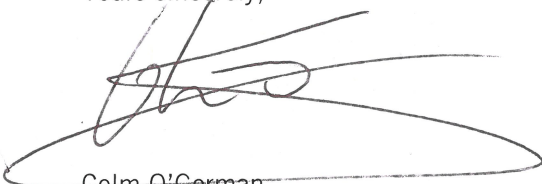
Finally, we note your commitment to the objectives of UN Security Council Resolution 1325 (2000) on Women, Peace and Security, and your statement that Ireland has launched its National Action Plan for the implementation of that resolution. We urge Ireland to set benchmarks against which progress on this National Action Plan can be measured.

We welcome the pledges and commitments already made by Ireland, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Colm O'Gorman', written over a horizontal line.

Colm O'Gorman  
Executive Director  
Amnesty International Ireland