

Annex E

List of recommendations

Background and Framework

- Incorporate human rights and equality impact assessments into the budgetary processes, recognising the State's minimum core obligations under international human rights law.
- Ensure the State's budgetary policy is informed by human rights/equality standards and based on disaggregated data.
- Integrate the framework of the Guiding Principles on Extreme Poverty and Human Rights in decision-making as part of a long term anti-poverty strategy.
- Ensure that the IDCHR operates transparently and allows for meaningful engagement with civil society.
- Immediately respond to outstanding recommendations from the Constitutional Convention and indicate which issues will be put to referendum and when.

Historical abuse of women and children in medical / institutional care

- Implement full and independent inquiries into the practice of symphysiotomy and Magdalene laundries, leading, where wrongdoing is identified, to prosecutions.
- Adopt and implement a consistent approach, in line with international human rights law, to all inquiries into the historical abuse of women and children.
- Abolish redress scheme waivers that prevent survivors from exercising their constitutional rights.

Freedom of Religion or Belief

- Amend Article 40.6.1 of the Constitution to remove the offence of blasphemy from Irish law.
- Replace the religious oaths in Articles 12.8, 31.4 and 34.5 of the Constitution and all oaths in court with neutral declarations.

The Right to Education

- Amend Section 15 of the Education Act 1998, Section 7(3)(c) of the Equal Status Act 2000, and Section 37(1) of the Employment Equality Act 1998 to oblige publicly funded schools to deliver educational services, including employment, state curriculum and enrolment, in an objective and pluralistic manner.
- Accelerate the divestment programme for primary and post-primary schools and ensure the widest possible availability of multi and non-denominational schools.

The Rights of Persons with Disabilities

- Publish a roadmap of legislative reforms and set a concrete timeline for UNCRPD ratification.
- Publish a plan for the full commencement of the EPSEN Act 2004, Disability Act 2005, and Citizens Information Act 2007.
- Introduce a statutory transport subsidy scheme for people with disabilities.
- Remove barriers to employment for people with disabilities.
- Legislate to officially recognise Irish Sign Language.

Legal Protection of Economic, Social and Cultural (ESC) Rights

- Withdraw the State's reservations under ICESCR and ratify OP-ICESCR.
- Respond to the recommendation of the Constitutional Convention on ESC rights.
- Bring Ireland's equality legislation in line with Article 2(2) ICESCR by widening the grounds upon which discrimination is prohibited, including socio-economic status.

Right to the Highest Attainable Standard of Health

- Provide a concrete plan and timeline for the roll out of universal healthcare.
- Introduce targeted measures to combat overcrowding and waiting times in access to healthcare.
- Whilst transitioning to universal healthcare, introduce a common waiting list for treatment in publicly funded hospitals for private and public patients.
- Publish the National Sexual Health Strategy with appropriate focus on prevention of HIV/AIDS.
- Efforts targeting opiate, non-opiate and poly-substance use should be introduced.

Right to Adequate Housing

- Prioritise the family homelessness crisis with a view to introducing immediate relief and long-term solutions.
- Increase and fast-track the provision of social housing.
- Expand the State legal aid scheme to include cases involving eviction from social housing.
- Extend the remit of the PRTB to local authority tenancies, including social housing eligibility, repairs/maintenance, rent and rent arrears.
- Introduce legislative and policy measures to ensure rent supplement/HAP can meet market rent.

The Right to Work

- Adequately protect the right of freelance/atypical workers to collective bargaining.

Gender Equality

- Ensure an independent review of the National Women's Strategy and devise a consultative process on its successor.
- Prioritise the submission of Ireland's combined 6th and 7th Periodic Reports to CEDAW.
- Set timeframes within which gender balance on corporate boards must be progressed and steps taken to reduce the gender pay gap.

Violence against Women

- Sign and ratify the Istanbul Convention.
- Ensure consistent, independent, data collection on domestic and sexual violence.
- Make legislative provision to allow migrants who experience domestic violence to apply for independent residence permits.

- Adequately fund domestic and sexual violence support and advocacy services.

LGBTI Rights

- Introduce legislation to regulate surrogacy and ensure legal provisions apply equally to same-sex and opposite-sex couples.
- Prioritise measures to address the discriminatory impact of Section 37(1) of the Employment Equality Act 1998.
- Extend protections against discrimination on the grounds of ‘gender identity’ and/or ‘gender expression’ in all equality policy and legislation.
- Ensure that Trans people have access to regional healthcare services and quality, timely specialist support services, including mental health services.
- Amend the Gender Recognition Act 2015 so that Trans and intersex young people can avail of legal recognition that is quick, transparent and accessible.
- Enact legislation to ensure LGBTI persons are no longer discriminated against in relation to pension provision.

Mental Health

- Enact the Assisted Decision-Making (Capacity) Bill 2013 and ensure that it and the Mental Health Act 2001 comply with the UNCPRD.
- Strictly regulate non-consensual treatment.
- Train relevant healthcare staff on community-based care models and alternatives to non-consensual treatment and adopt holistic approaches for treatment options.
- Involve persons concerned in decisions around community-based living.
- Fully implement and update Ireland’s Mental Health Strategy including recommendations around social inclusion.

The Rights of Older People 2011

- Introduce an implementation plan for the National Positive Ageing Strategy.
- Examine the impact of austerity measures on older people with a view to ensuring support services are sufficiently resourced.
- Introduce targeted measures to combat waiting times under the Nursing Home Support Strategy.
- Ensure that funding and allocation of home help hours matches the growing ageing population and demand for such service.
- Develop a care system which enables older people to have a choice around their long term care needs.

Reproductive Rights

- Repeal Article 40.3.3 of the Irish Constitution.
- Decriminalise abortion by repealing sections 22 and 23 of the PLDPA 2013.
- Repeal the Abortion Information Act 1995.
- Provide a human rights compliant framework for abortion, in law and in practice.

The Rights of the Child

- Fully incorporate the UN Convention on the Rights of the Child into domestic law.

- Enact legislation to fully implement Article 42A of the Constitution.
- Ratify the Second Optional Protocol to the UN Convention on the Rights of the Child.
- Ban corporal punishment in all settings.
- Increase investment in early childhood care and education to the current OECD average of 0.8 per cent GDP at a minimum.
- Legislate for the mandatory provision of confidential victim support services free of charge before, during and, for an appropriate time, after criminal proceedings, in line with Article 8 of the EU Victims' Directive.

Traveller and Roma Rights

- Recognise Travellers as a distinct ethnic group without further delay.
- Develop and implement a progressive National Traveller and Roma Integration Strategy, in line with human rights commitments.
- Establish concrete measures to combat discrimination and ensure equal access and improved outcomes for Travellers and Roma in relation to education, employment, health, and participation.
- Introduce legally binding targets for municipal authorities so that adequate accommodation for Travellers is provided.

International Assistance and Cooperation

- Make an explicit commitment to meet the UN target of 0.7% ODA/GNI by 2020.
- Establish greater coherence across government departments to ensure fiscal policies do not promote inequitable growth, contribute to further marginalisation of people and inequality between men and women in Ireland and internationally.
- Ensure Irish companies and individuals are adhering to international law including human rights standards and international best practice standards for business.
- Introduce periodic independent, participatory impact assessments of any major changes to the Irish tax code for potential spill-over effects on developing countries.

Immigration and Asylum/Domestic Workers

- Amend the General Scheme of the International Protection Bill to address family reunification, best interests of the child and the legal framework for reception conditions.
- Pending abolition, significantly reform the direct provision system, and extend the remit of the Ombudsman for Children to include oversight of the direct provision system or alternative accommodation arranged by the Reception and Integration Agency.
- Undertake comprehensive immigration legislative reform, including giving greater protection to undocumented migrants, and amend the European Communities (Free Movement of Persons) (No. 2) Regulations 2006.
- Fully implement the ILO Domestic Workers Convention.
- Publish a National Action Plan to Prevent and Combat Human Trafficking.
- Develop a comprehensive victim identification and protection procedure with the involvement of civil society for the early identification of victims of trafficking.
- Ensure independent training and testing of interpreters.

Hate Crime and Discrimination

- Legislate to introduce aggravated offences and enhanced sentencing where evidence of bias as a motivating or demonstrable factor exists.
- Monitor the implementation of hate crime laws from inception, focusing in particular on training, reporting, recording, investigation, prosecution and sentencing.
- Mainstream a victim orientation throughout the criminal justice system.

Prisons/Detention

- Ratify OP-CAT and create an effective and independent National Preventative Mechanism to include a fully independent complaints mechanism, an Office of Prison Ombudsman and a strengthened Office of the Inspector of Prisons.
- Eliminate the practice of “slopping out” and bring prisons in line with international standards.
- Ensure that children’s detention centres guarantee, at a minimum, protection of rights provided by international law.
- Remove all children from adult prison.
- Increase and promote the use of existing alternatives to detention and to continue to legislate for additional effective alternatives to detention.