



Universal Periodic Review (UPR)

Stakeholder Submissions

YOUTH ADVISORY PANEL - PLAN INTERNATIONAL IRELAND

Submission to the United Nations
Universal Periodic Review
Thirty-ninth Session of the Working Group on the UPR
Human Rights Council
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Considering the movement towards online activities during the Covid19 pandemic, there is an urgent need to focus on the **online Gender-Based Violence** (GBV) faced by young women and girls which violates their human rights. Plan International Ireland's Youth Advisory Panel (YAP) consulted girls and young women on the abuse and harassment they face online to create this youth-centred submission. It recognises the disproportionate online Gender-Based Violence of girls and young women in Ireland, highlighting their concerns and recommendations.

LIST OF ACRONYMS AND IRISH/GAELIGE TRANSLATIONS

UPR	Universal Periodic Review
YAP	Youth Advisory Panel
GBV	Gender Based Violence
HRC	Human Rights Council
LGBTQI	Lesbian Gay Bisexual Transgender Queer Intersex
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CRC	United Nations Convention on the Rights of the Child
IHREC	Irish Human Rights and Equality Commission
Teachtaí Dála	Member of the Irish parliament or legislature
Oireachtas	Irish parliament or legislature

I. BACKGROUND AND FRAMEWORK

The Youth Advisory Panel (YAP) respectfully submits comments concerning Ireland for consideration by the Human Rights Council (HRC) within its Universal Periodic Review at its 39th session in November 2021. The YAP was established in 2016 by Plan International Ireland. It engages young people aged 16-24 as ambassadors and advisors to the organisation. Through advocacy and activism, the YAP members stand in solidarity with young campaigners around the world to make change happen both in Ireland and Internationally with a focus on issues that affect women and young girls. Most recently, the YAP has researched the abuse and harassment that girls and young women face online in Ireland as part of Plan International's 'Freedom Online' campaign.

This research was conducted in Spring and Summer 2020. Quantitative data was collected using a closed question survey with 16 questions that asked girls about their social media use, their experience of online harassment, the consequences of online harassment and possible solutions to it. The survey was administered online and shared with the Youth Advisory Panel's schools, peers, and other youth networks. In Ireland, there were 517 respondents in total, 511 of whom were aged 15-24. 458 (89%) of the respondents self-identified as female. The data used for this submission was from the female respondents aged 15-24. From those respondents, 25 identified themselves as from an ethnic minority, 57 as LGBTQI, and 21 as having difficulties in daily living such as a physical or mental disability. The qualitative data came from Key Informant Interviews which were conducted by members of our Youth Advisory Panel following training on research and interview methods. Five interviews took place over Zoom audio and were recorded and later transcribed. The calls were structured around the same questions that formed the qualitative interviews carried out by the State of the World's Girls research by Plan International. All interviews were informal, with open-ended questions meant to facilitate conversation.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Legal Framework

1. Scope of international obligations

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

Ireland signed and ratified CEDAW in 1985, committing to achieving gender equality in Ireland in areas including political and public life, health, education and employment. The following articles highlight Ireland's obligation to eliminate online Gender-Based Violence as it is a barrier to gender equality and the discrimination against women infringes on their fundamental right and freedom to participate in all aspects of cultural life.

Article 3:

“States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of **guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.**”

Article 13:

“**States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life** in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to family benefits; (b) The right to bank loans, mortgages and other forms of financial credit; **(c) The right to participate in recreational activities, sports and all aspects of cultural life.**”

UN Convention on the Rights of the Child (CRC)

Ireland signed the UN Convention on 30 September 1990, and ratified it on 28 September 1992, committing itself to promote, protect and fulfil the rights of children, as outlined in the UN Convention. Ireland has not ratified the Optional Protocol to the CRC on the sale of children, child prostitution, and child pornography. A child is defined in the UN Convention as a person under the age of 18 years. The following articles highlight the State's obligation to implement the rights outlined in the CRC, to protect children from all forms of abuse, therefore, including online abuse.

Article 9- Implementation of rights:

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation.”

Article 19- Protection from abuse and neglect:

“1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

Article 28- Education:

“States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.”

2. Constitutional and legal reforms aimed at protecting human rights

Constitutional Article 42A and the Rights of Children

Article 42A was added to the Irish Constitution in 2015. This affirms the rights of children and the State’s duty to uphold these rights. It recognises that children are a unique category of people in need of their own protections that recognise their distinct attributes and vulnerabilities. Children have the right for their best interests to be of paramount consideration where the State seeks to intervene to protect their safety and welfare.

Article 42A:

“The State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.”

3. Institutional and human rights infrastructure

Irish Human Rights and Equality Commission (IHREC)

The IHREC is Ireland’s national human rights and equality institution and is an independent public body that accounts to the Oireachtas.¹ Their purpose is to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State. In March 2020, IHREC made a submission to the Citizens’ Assembly on Gender Equality. The body highlighted the issues of online misogyny and the cyber-harassment and abuse that women face and made several recommendations to the State to combat this abuse.²

B. Issues in Implementation International Human Rights Obligations

1. Right to Equality

Women and young girls are disproportionately affected by online abuse and harassment in Ireland. Our research found that 65% of girls and young women in Ireland have experienced harassment or abuse on social media.³ This online Gender-Based Violence holds the nation back from achieving meaningful gender equality. When perpetrators harass girls online with threats of violence without facing consequences, a building block has been created which can lead to stalking, physical violence, and worse. Even without further progression, abuse enacted online needs to be taken as seriously as if it were in public spaces, by both social media companies and the government. The UN has highlighted technology specifically as a tool to enable gender equality in the Sustainable Development Goal 5.b. With proper regulation and accountability, technology and social media can be used to empower women, but without such guidelines, it only serves to enhance the vulnerabilities of women and girls.

¹ The Oireachtas is the Irish parliament or legislature

² IHREC Submission to the Citizens Assembly on Gender Equality available at https://www.ihrec.ie/app/uploads/2020/03/IHREC-Submission-to-the-Citizens-Assembly-on-Gender-Equality-March-2020_fin.pdf

³ Freedom Online Report, Plan International Ireland available at <https://www.plan.ie/wp-content/uploads/2020/10/Freedom-Online-Ireland-report.pdf>

2. Right to participate in public and political life

Political and public participation rights play a crucial role in the promotion of democratic governance, the rule of law, social inclusion and economic development, as well as in the advancement of all human rights.⁴ With girls and young women facing online abuse and harassment, they are not free to participate in public and political life through online platforms. They are deterred from taking part in online debates and discussions about issues that affect their lives. Online spaces must be made safer to enable girls and young women to shape the world around them.

Furthermore, research conducted by The National University of Ireland Galway highlights the online abuse faced by female politicians in Ireland. This research was conducted through interviews with 42 councillors, 12 Teachtaí Dála,⁵ six Senators and nine former Oireachtas⁶ members. It was discovered that 96% had received social media or email messages using threatening language or 'hate mail', while 73% said they were threatened online with physical violence. 20% of those interviewed said they considered quitting politics because of the abuse, while a higher percentage of 56% of the female counsellors interviewed expressed the same sentiment.⁷ With the frequent online abuse and harassment of women in politics, it is clearly evident that there are increased barriers to the political participation of women. As this exacerbates gender inequality in politics and infringes on the right to participate in public and political life, this online abuse must be addressed.

3. Right to education

Ireland has a strong record of ensuring gender balance in school enrolment and achievement levels. However, our current education system has been uprooted by recent school closures due to Covid-19 and the change to virtual classrooms. When schools are moved online, girls are at a higher risk of harassment and abuse on educational platforms and social media networks. Research by Dublin City University's National Anti-Bullying Research and Resource Centre highlights that cyberbullying among children and adolescents increased by 28 per cent during the lockdown.⁸ The

⁴Office of the High Commissioner for Human Rights information on Equal Participation available at: <https://www.ohchr.org/EN/Issues/Pages/EqualParticipation.aspx>

⁵ A Teachtaí Dála is a member of the Irish parliament or legislature

⁶ The Oireachtas is the Irish parliament or legislature

⁷ Online Abuse and Threats of Violence Against Female Politicians on the Rise available at: <https://www.nuigalway.ie/about-us/news-and-events/news-archive/2020/october/online-abuse-and-threats-of-violence-against-female-politicians-on-the-rise.html>

⁸KiDiCoTi: Kids' Digital Lives in Covid-19 Times available at https://antibullyingcentre.b-cdn.net/wp-content/uploads/2020/08/Short-report_Covid_for-media_TM_with-Author-names-1-1.pdf

younger children were (between the ages of 10-18), the more likely they were to become victims. Ensuring the right to education to all young people at every level requires proactive consideration of barriers faced by vulnerable groups in all classrooms, including those online.

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

In Ireland, the issue of online abuse and harassment has received welcome political attention in recent years, resulting in the amendment and enactment of the Harassment, Harmful Communications and Related Offences Bill 2017. Furthermore, the Online Safety and Media Regulation Bill was approved by the government in 2020, aiming to establish a Digital Safety Commissioner. The Harassment, Harmful Communications and Related Offences Bill 2017 was amended in 2020 to provide for offences related to the recording, distribution or publication of intimate images and to ensure the anonymity of victims of those offences⁹. The enactment of this legislation is a positive first step in combating Online Gender Based-Violence. However, further oversight is needed to ensure compliance by technology companies. Additionally, ensuring compliance with the Harmful Communications and Related Offences Bill by Ireland might serve as an example to other states.

In November 2020, Ireland submitted a comment on the UN Committee on the Rights of the Child's draft General Comment on children's rights in the digital environment. Ireland's comment stated that "these rights can only be advanced through meaningful consultation and a child-centered approach". The YAP welcomes this approach and recommends that special consideration to intersectionality is given to ensure meaningful representation by all marginalised groups when considering children's rights.

The government's first Action Plan for Online Safety was established in 2018 and aimed to set out and implement actions to impact online safety for everyone in Ireland. It formed the National Advisory Council for Online Safety and aims to establish a Digital Safety Commissioner.¹⁰ While these actions to ensure online safety are welcomed by the YAP, it is evident that two years after the plan was launched, the Digital Safety Commissioner has not yet been appointed. The YAP urges the Irish government to

⁹Minister McEntee marks Safer Internet Day by commencing Coco's Law available at: <https://www.gov.ie/en/press-release/706c9-minister-mcentee-marks-safer-internet-day-by-commencing-cocos-law/>

¹⁰ Action Plan for Online Safety available at <https://www.gov.ie/en/publication/77f39d-action-plan-for-online-safety-2018-2019/>

appoint a Digital Safety Commissioner urgently to ensure the safeguarding of children and young people.

IV. RECOMMENDATIONS

- **Government enactment of the Online Safety Media Regulation Bill 2019 to ensure cooperation by technology companies and hold them accountable to legislation. The urgent establishment of the Digital Safety Commissioner proposed by the 2018 Action Plan for Online Safety would ensure necessary resources are dedicated to combating Online GBV.**
- **The Government should look into ways to implement the content of the recently adopted General Comment to provide a coherent, principled, evidence-based framework with which to recognise and address children's rights and best interests for governments and organisations that work with children.**
- **The Government should ensure that children are educated about the dangers associated with online spaces, as well as the benefits. Children, and particularly girls, should be equipped with an understanding of their rights, as well as information about how to protect their safety online, and how to report abuse, harassment or exploitation.**
- **The Government should work with the technology industry to ensure better coordination to eliminate online abuse or exploitation; to increase reporting of and response to abuse through social media platforms; and to strengthen and implement restrictions on the display and circulation of pornographic materials online, to limit the ways in which children can access these. Stronger punitive measures should be in place for sites that do not adhere to such restrictions.**
- **The Government must domesticate international legal frameworks to prevent and respond to the online sexual abuse and exploitation of children. Additionally, the government must make resources available and work in collaboration with international bodies and the private sector to tackle cross-border crime that threatens the rights of children.**
- **The Government should ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. This must also ensure that online platforms are not used to facilitate the distribution of child pornography or image-based sexual abuse. The government must provide legal and social supports to child victims and criminalise offenses related to the Protocol.**

V. APPENDIX

Freedom Online Report, Plan International Ireland

<https://www.plan.ie/wp-content/uploads/2020/10/Freedom-Online-Ireland-report.pdf>

Fundamental rights under the Irish Constitution

https://www.citizensinformation.ie/en/government_in_ireland/irish_constitution_1/constitution_fundamental_rights.html

OCHR and equal participation in political and public affairs

<https://www.ohchr.org/EN/Issues/Pages/EqualParticipation.aspx>

Draft General Comment on Children's Rights concerning the Digital Environment, Submission of Ireland, November 2020

<https://www.ohchr.org/Documents/HRBodies/CRC/GCChildrensDigitalEnvironment/2020/states/ireland-2020-11-30.docx>

Toxic Tweets: Female Politicians, Misogyny and Social Media, NUIG

https://www.europarl.europa.eu/ireland/resource/static/files/Events/research-by-tom-felle_slides_online_abuse_2Oct2020.pdf

The Rights of Children to Live Free from Violence - Plan International Position paper

<https://plan-international.org/publications/rights-children-live-free-violence>