



## General Election 2020 - Briefing for political parties and groups: Key human rights commitments in the Programme for Government

### International:

- The very world we live in is under threat from the **climate emergency**. All states have the human rights duty to protect people from its harmful effects, so it is imperative that urgent action is taken by the new Government to limit global warming to no higher than 1.5°C. It must push for **halving global emissions by 2030 and reaching net-zero by 2050**. This means governments must **end fossil fuel use and exploration**. They must redistribute fossil fuel subsidies to social protection and responsibly produced renewable energy, and put a meaningful price on emissions to make polluting industries pay.
- The new Government must maintain its **focus on human rights in Ireland's foreign policy**, not only at the UN and other intergovernmental fora, but also in its bilateral engagements with other states. Amongst Ireland's thematic priorities are the **protection of human rights defenders and defending civil society space**, and these must be progressed. The freedom to defend human rights is being restricted by many governments. Women Human Rights Defenders are facing gender-specific forms of violence, including sexual violence; and encounter further challenges just because of who they are and/or because the rights they defend are connected to women's rights, gender equality and sexuality.
- The new Government must progress and build on Ireland's existing commitments regarding the **international protection of refugees**, through meaningful **global responsibility-sharing and international cooperation**. It must help ensure the effective and meaningful operationalisation and implementation of the important commitments made as part of the Global Compact on Refugees. It must work to ensure **resettlement places** are provided at the global level on a scale which would meet the annual resettlement needs identified by UNHCR, which is 10 per cent of the global refugee population. It must commit to the continuation and expansion of Ireland's **community sponsorship programme** for refugees, and to Ireland becoming a 'champion' by actively promoting community sponsorship amongst other states.

### Europe:

- The new Government should encourage the EU to do more to **protect the rule of law and human rights defenders** in Member States like Hungary and Poland, where governments are severely rolling back protections.
- The new Government must work with EU Member States and institutions to establish effective, sustainable and **human rights compliant migration policy** solutions. This includes creating a fair and predictable **search and rescue system** in the Mediterranean Sea, and a mechanism for the predictable disembarkation and prompt relocation of people rescued at sea. Also needed is the creation and expansion of **safe and legal routes** into Europe for refugees and migrants based on solidarity, fairness and responsibility sharing. There must be adequate scrutiny of **externalisation policies** that have the effect of returning to and/or trapping refugees and migrants in countries where they are exposed to serious human rights violations. States must be pressed to

support and acknowledge the **legitimacy of acts of solidarity or humanitarian assistance**, rather than obstruct or criminalise them.

#### Domestic:

- The growing **homelessness and housing crisis** shows why housing must be addressed as a human right. The new Government must commit to holding a referendum to **enshrine the right to housing and other economic, social and cultural rights like health in the Constitution**. In 2014, the Constitutional Convention recommended by a massive 85 per cent that these rights be strengthened in Bunreacht na hÉireann. It is time for serious consideration of this fundamental reform, to ensure that people are at the heart of the State's planning and decision-making on housing and other social policy.
- The Oireachtas Joint Committee on Justice and Equality has deemed **Direct Provision** accommodation for people seeking international protection in Ireland "not fit for purpose". An **alternative system must be developed that respects people's human rights** to an adequate standard of living, housing, physical and mental health, and private and family, in consultation with stakeholders and protection-seekers. It must include vulnerability assessments, and ensure decisions about accommodation and supports are informed by individual needs. There must be effective **access to the right to work** and to the labour market. The **international protection system** must be also strengthened and resourced to guarantee the right to prompt, fair and effective determination of /protection claims.
- After people voted overwhelmingly to repeal the Eighth Amendment, our new abortion law was an important step forward. However, much more needs to be done to **ensure effective and timely access to abortion care**. Gaps in access in the new law include the high threshold of '**serious harm**' to a **women's health**, exclusion of pregnancies with **severe rather than fatal foetal impairments**, and a **three-day mandatory waiting period** for access on request. The continued **criminalisation of health professionals** must end. We also need **safe zones** around healthcare facilities so that pregnant people can access abortion care in safety and dignity. The new Government must also ensure **comprehensive sexuality education** and **access to contraceptives**, including for adolescents and young people.
- Civil society organisations play a crucial role in democratic societies. They should be free to go about their legitimate work without unnecessary interference from the state. Their ability to access funding is an integral part of the right to freedom of association. The **Electoral Act** imposes restrictions and reporting obligations on 'third parties' who accept donations over €100 for poorly defined 'political purposes', and this is **increasingly impacting Irish civil society groups**. The new Government must amend the Act to remove this harmful and unintended effect.
- The **impact of the 2017 criminalisation of buyers of consensual adult sexual services on the safety and human rights of sex workers**, including on migrant or asylum-seeking sex workers, must be identified by the new Government. The 2017 law also retained and increased the penalties for **third-party 'offences', like brothel-keeping** which continues to be used against sex workers rather than those exploiting, abusing or coercing sex workers. This 2017 law is to be reviewed in 2020. International evidence increasingly demonstrates that criminalising the purchase of sexual services puts sex workers at greater harm, including at the hands of clients. In other states, including the recent review of Northern Ireland's 2015 law, there is a lack of evidence that buyer criminalisation has reduced trafficking and exploitation. Therefore, how **this review of our law is conducted will be important**. Gathering **detailed and disaggregated data** will be critical, including on the experience of **male and transgender sex workers**.
- The new Government must **decriminalise the possession of drugs for personal use**, **improve health and rehabilitation services** for people with substance abuse disorders, and **expand the availability of safer injection centres**. While a new policy has been proposed for the possession of drugs for personal use focused on diverting people from the justice system to treatment services, it also retains the possibility of criminal conviction and imprisonment for simple possession. This is inadequate. Using the criminal justice system to deliver health care would imperil people's human rights. Healthcare should be provided on a voluntary, non-discriminatory basis,

and based on informed consent. Criminalising behaviours related to personal drug use could deter people from seeking help for fear of prosecution. Conversely, decriminalising people who use drugs can facilitate access to the health and social services that people need to reduce drug-related harms.

#### **Business and Human Rights:**

- Ireland's **National Plan on Business and Human Rights (2017-2020)** is intended to give effect to the UN Guiding Principles on Business and Human Rights, which aim to prevent, mitigate and remedy human rights abuses deriving from or linked to business activities. There is still much to be done to deliver on this Plan's commitments to promote responsible business practices at home and overseas by Irish companies. This must be a priority for the new Government. Also, a new National Plan will be needed. It must go further than the existing plan and require companies to take steps to identify, prevent and address human rights abuses, i.e. **mandatory due diligence**. Also, **remedy mechanisms must be created** so that if people's rights have been abused by Irish companies, they can access justice and effective remedies.
- The new Government should support the restoration and enactment of the **Control of Economic Activity (Occupied Territories) Bill 2018 into prohibit trade in goods and services with illegal Israeli settlements in the Occupied Palestinian Territories**. Business activities in or with illegal settlements, such as the trade in settlement goods and services, contribute to the economy of these settlements and therefore to their viability, development and expansion. States that promote or allow these activities are at least implicitly conferring recognition to an illegal situation - i.e. the establishment of settlements by an occupying power in occupied territory - and assisting in its maintenance. Supporting the Occupied Territories Bill will be an important step by the new Government to ensure Ireland complies with its international obligations not to recognise and not to assist in an illegal situation under international law, and its obligation to ensure respect for the Geneva Conventions.

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