



General Election 2024: Key human rights commitments for the next Programme for Government

Pre-election Briefing for political parties and groups

On 29 November, people in Ireland will vote in the first General Election since 2020. Much has happened over the last four years. We have a world that is on fire, from climate catastrophe and war. Economic crises, climate change and environmental degradation rage, hitting marginalised communities hardest. States and armed groups are bending and breaking the internationally binding rules of war, and racism lies at the very heart of some armed conflicts. The world has stood by as Israel uses siege, starvation and atrocity crimes to forcibly displace and destroy civilians and civilian life in Gaza, with over two million Palestinians there facing risk of genocide; while Palestinians in the West Bank, including East Jerusalem, face rising levels of unlawful killings and displacement.

EU proposals to externalise or offshore our asylum determination and return responsibilities to beyond the EU's borders have advanced, despite knowing that previous attempts failed and resulted instead in arbitrary detention, *refoulement*, and other serious human rights violations.

At home, we have an ever-spiralling housing crisis that is also creating division. Important commitments made in the last Programme for Government were not delivered, including ending Direct Provision, scheduling a constitutional referendum on housing, expanding legal gender recognition and developing a trans healthcare policy. These are all issues being weaponised by authoritarian forces opposed to human rights and equality. Big Tech social media companies, many headquartered in Ireland, are amplifying harmful and hate-filled content, and dangerous misinformation. The new Government must do better.

It cannot be business as usual here in Ireland. We need a Government that will take bold and decisive steps. If Ireland is to be a true champion of human rights, the new Government must put forward and implement a Programme for Government that is ambitious and progressive on protections all human rights for all people, at home and abroad. Here we set out a range of commitments we call on political parties and groups to adopt and deliver in the Programme for Government should they form the next Government. Given what is happening across the world, the next four years are too perilous for anything less.

1. Be the world's conscience on human rights through both its soft power and strong voice, leading by example at home.

- a) The new Government must set out bold commitments on the situation in Israel and the Occupied Palestinian Territory, as it will be the litmus test of how Ireland can live up to its longstanding, deserved reputation as a global champion of international human rights and humanitarian law.**

It is over a year since the horrific attacks by Hamas and other Palestinian armed groups in southern Israel in which some 1,200 people were killed and around 250 abducted. That was also the start of the ongoing devastating Israeli onslaught that has killed more than 41,500 people and forcibly displaced 1.9 million in the occupied Gaza Strip, and an escalation in IDF and settler attacks against Palestinians in the West Bank. In 1968, the UN General Assembly established the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. On 14 November, that UN Special Committee issued a report finding that Israel's warfare in Gaza is consistent with the characteristics of genocide, with mass civilian casualties and life-threatening conditions intentionally imposed on Palestinians there, and use of starvation as weapon of war. The time for statements of concern and condemnation is over: we now need bold and decisive action from the new Government.

The International Court of Justice (ICJ) has clarified the role of third states in bringing an end to Israel's violations, including by not rendering aid or assistance that maintains its unlawful presence in the OPT. As one immediate action, the next Government must press the EU and member states to review EU-Israel cooperation with a view to identifying and addressing aspects that violate international law, including by maintaining Israel's unlawful presence in the OPT. In particular, it must press the EU to ban trade in settlement goods and financial activities that facilitate the maintenance or construction of settlements or settlements infrastructure in the OPT, as well as other activities that entrench Israel's unlawful occupation on Palestinian land.

To this end, it is essential that the new Government immediately advances the Control of Economic Activity (Occupied Territories) Bill 2018 in its aim of banning trade in goods and services from illegal settlements in the OPT. In light of the ICJ's July Advisory Opinion, the Attorney General has clarified that grounds exist in EU law allowing States to ban this trade at a national level, and the current Government undertook to enact such legislation. This is just one small but important step in what must be a cascading set of actions by the new Government to bring an end to this horrific situation.

The new Government must address the root causes of this crisis, i.e. the longstanding pattern of impunity for war crimes by all parties, along with Israel's cruel system of apartheid rule over Palestinians, and its 57-year long occupation that the ICJ has recently confirmed is unlawful. Also, on 17 September, the UN General Assembly voted overwhelmingly to end Israel's unlawful occupation of the OPT within 12 months, which would involve removing all settlers from the occupied West Bank, including East Jerusalem; and reversing annexation of occupied territory, both in law and in practice.

Crucially, the new Government must do what the current one would not: name Israel's system of oppression and domination of Palestinians as apartheid, and take action accordingly. It is incontrovertible that Israel has subjected millions of Palestinians to the crime of apartheid for decades. Also, it has been ten months since the ICJ warned that the risk of genocide in Gaza is

real, yet Israeli authorities continue to violate the provisional measures ordered by the court. Right now is a watershed moment for Ireland and the new Government. The strength of positions and actions committed to in the Programme for Government will be of immense global consequence and historic importance, and for generations to come.

b) The new government must set out concrete commitments to address the global climate crisis at domestic and international level in the new Programme for Government, as it represents the single greatest threat to humanity.

The annual emissions report from the UN Environment Programme found that without significant changes, the world is on track for a catastrophic increase of 2.6 to 3.1°C this century. If world leaders do not take bold, decisive and collective action today, tomorrow's world will be unliveable. From droughts and wildfires to floods and supercharged storms, devastating unnatural disasters have become a regular feature of people's lives the world over. They are bound to increase in scale, reach and intensity, ending far more lives, destroying livelihoods, and fuelling unprecedented levels of famine and forced migration.

We in Ireland will not be immune. It is not yet too late to avert total climate breakdown, but governments cannot waste another minute. We need clear and meaningful commitments on climate justice from the new Irish Government, including a massive scaling up of needs-based climate financing and a full, fast, fair, and funded phase-out of fossil fuels across all sectors. In October, the Environmental Protection Agency's 2024 *State of the Environment* Report found Ireland's policies, plans and regulations "entirely inadequate to deliver a healthy environment", with more action needed in energy, transport, food and industrial sectors. In its report for 2025, we must see evidence of Government progress.

The burning of fossil fuels – coal, oil and gas – is the primary driver of climate change. Moreover, the extraction, processing, transport and burning of fossil fuels is bad for the health of communities that live close to these operations. One study estimated that more than [5 million people die each year](#) from air pollution caused by fossil fuel use. For these reasons, Amnesty International supports a proposal for a [Fossil Fuel Non-Proliferation Treaty](#) which aims to accelerate the transition to renewable energy. The new Government must commit to supporting the global push for this important treaty.

In order to combat climate change through moving away from fossil fuel powered vehicles, many governments are now incentivising the market in electric vehicles (EV). A rapid transition from fossil fuel powered vehicles to EVs will indeed accelerate decarbonisation and help slow the rate of global temperature rise. However, a projected nine-fold increase in battery metals and minerals demand will also put immense pressures on mining-affected communities. The rush to increase the supply of these minerals has led to the rapid expansion of mines causing human rights abuses and environmental harm around the world. In a recent [research report](#), Amnesty International assessed 13 leading EV-producing companies, finding most are not demonstrating sufficiently that they are meeting international human rights standards or even putting their own policies into action. The slow, ad-hoc pace of due diligence improvements across the industry demonstrates the need for legislation to drive meaningful change. The new Government must ensure that Ireland's move to EVs for environmental reasons is accompanied by strong action on global corporate due diligence and accountability for their production (see Business and Human Rights below).

- c) The new Government must commit to maintaining its strong 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 including on trade matters.**

We need clear Government commitments that Ireland’s trade or other national interests will not prevent it from engaging robustly on human rights violations in other states, such as Saudi Arabia or China. For instance, in 2022, the UN Office of the High Commissioner for Human Rights issued a report on the Xinjiang Uyghur Autonomous Region, which concluded that violations by the Chinese government against Uyghurs and other predominantly Muslim communities – including torture and mass imprisonment in internment camps – “may constitute international crimes, including crimes against humanity”. This should have been a pivotal moment for accountability. However, instead of urgently addressing the report's findings of serious international law violations in China, governments and the international community at large, including key UN actors, have avoided taking the decisive actions necessary to promote justice, truth and reparation for victims and survivors. This is just one example where concerns have been expressed by affected communities that Ireland’s bilateral and multilateral interventions could and should be stronger.

- d) The new Government must commit unequivocally to defending and protecting refugee and migrants’ rights - globally, in the EU, and at home - through supporting and implementing fair and humane migration and asylum policies; investing in well-functioning asylum and reception systems capable of supporting people arriving in Europe and the communities that welcome them; and firmly rejecting proposals to establish ‘return hubs’ outside the EU, or ‘externalising’ or ‘offshoring’ refugee protection responsibilities beyond EU borders.**

The new Government must commit that it will push for the EU Pact on Migration and Asylum to be implemented to the highest possible human rights standards, and ensure that funding allocations prioritise human rights and refugee protection. At the start of this new EU legislative mandate, the new Government must ensure scrutiny of national practices by all EU institutions to guarantee their compliance with EU and international law. Ireland must ensure that member states take every step to avoid widespread detention and containment at borders; uphold the right to seek asylum regardless of how people enter the territory; and urgently end any practice of pushbacks and restrictions on access to the border for journalists and human rights defenders. The new Government must support the establishment of truly independent and transparent EU border monitoring mechanisms, allowing scrutiny and accountability of policies and practices that violate human rights at borders.

It is crucial that the new Government supports proactive search and rescue operations in the Mediterranean to ensure that people’s lives are saved at sea. Learning from the catastrophic human rights violations resulting from recent partnerships with Tunisia and Libya, among others, it must ensure the close monitoring of EU migration cooperation agreements with third countries. To uphold the EU’s credibility and avoid its complicity in abuses, the Irish Government must call on such agreements to have transparent and accountable EU funding, human rights monitoring and ex ante impact assessments, and clear mechanisms to suspend the partnership in case of human rights concerns.

Critically, the new Government must firmly defend the rule of law and the EU's commitment to the global refugee protection system. This means rejecting attempts to offshore responsibilities for asylum processing or refugee protection of people arriving in the EU, which have been proven to be rife with human rights violations wherever they have been attempted.

On the domestic front, it is essential that there is a recommitment to the last Government's unfulfilled 2021 White Paper promise of and vision for ending Direct Provision, and replacing this inhumane accommodation system for international protection with a human rights compliant alternative. The current emergency accommodation model must also be ended. 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 life, in consultation with stakeholders and asylum 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, including access to early legal advice, must be also strengthened and resourced to guarantee the right to prompt, fair and effective determination of protection claims. It must also 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.

e) The new Government must commit to the prevention of torture and other ill-treatment through supporting the negotiation of a global Torture-Free Trade Treaty.

Less lethal weapons, such as rubber bullets, tear gas and batons have been promoted as safer law enforcement alternatives to firearms. However, these weapons are frequently used unlawfully to harass, intimidate and punish protestors, in some cases causing deaths or serious life-long injuries. Across the world, peaceful protesters are facing waves of repression from police and other security forces in deliberate attempts to crush dissent. While some of these weapons can play a legitimate role in law enforcement, they can also cause grave injuries, especially when used abusively against protesters as Amnesty has documented in many countries. Other types of equipment are inherently abusive and should be banned. Amnesty International is campaigning with other civil society organisations for governments to act now and support the UN process to establish an international treaty to regulate the trade in such policing equipment. The Torture-free Trade Treaty currently being discussed at the UN is aimed at prohibiting the manufacture and trade in inherently abusive law enforcement equipment, and controlling the trade in equipment that can be used for torture and other forms of ill-treatment.

Both the UN Special Rapporteur on torture and UN Special Rapporteur on freedom of peaceful assembly and of association have publicly endorsed the call for a Torture-Free Trade Treaty. It is important that the new Government commits to continuing Ireland's support for this treaty.

2. Ensure Ireland's human rights priorities are as important at home as in its foreign policy on the international stage.

- a) The new Government must commit to key actions needed to safeguard freedom of expression, association and peaceful assembly including by taking measures to protect the right to protest in Ireland, and banning facial recognition technologies including in Ireland's policing.**

The rights to freedom of expression, association and peaceful assembly are amongst Ireland's longstanding human rights priorities in its foreign policy. One area in which these freedoms intertwine is the right to peaceful protest. Throughout history, peaceful protest has played a pivotal role in the achievement of many of the rights and freedoms that we in Ireland and Europe now take for granted. Yet across the world, including here in Europe, repressive laws and policies, combined with unjustified practices and abusive surveillance technologies, pose a serious threat to peaceful protesters and protests. In a July 2024 [research report](#), Amnesty International revealed a continent-wide pattern of repressive laws, use of unnecessary or excessive force, arbitrary arrests and prosecutions, unwarranted or discriminatory restrictions, as well as the increasing use of invasive surveillance technology, which is resulting in a systematic roll back of the right to protest.

In Ireland, in addition to the below-mentioned proposed introduction of the use of facial recognition technology in policing, Amnesty international found reports of: excessive or unnecessary use of force by police against peaceful protesters; stop and search, and harassment of protesters; surveillance of protesters; and concerns about how peaceful acts of civil disobedience are dealt with. We are concerned that Garda policies and guidelines on policing and use of force during protest are not made public, including on how children's right to protest is facilitated; and at the absence of a human rights training requirement for Garda. Our recommendations submitted to the Minister for Justice include the adoption of a National Action Plan for the protection and facilitation of peaceful assemblies, involving public participation in the development of this plan, especially of marginalised and discriminated against groups. We call on the new Government to take up this commitment.

In 2023, the UN Human Rights Committee, in its concluding observations on Ireland, stated that it "is concerned at reports of alleged excessive use of force by police against protesters in the context of the Covid-19 pandemic, disproportionately affecting specific communities, such as young persons, ethnic and racial minorities, Travellers and Roma". The new government must, as part of its review of the state's Covid-19 response, review the temporary exceptional measures put in place limiting people's freedoms and the policing response, to determine the degree to which they were in line with the principles of legality, proportionality and necessity, or were arbitrary or discriminatory in their application or impact. This is essential to ensure any such measures needed in the future are human rights compliant.

- b) The new Government must commit to abandoning the proposal to permit Garda use of Facial Recognition Technology, and support demands for a ban on the development, sales or usage of this technology.**

There is clear evidence of the chilling effect of facial recognition technologies on the right to freedom of expression, assembly and association, and of its enabling mass and discriminatory targeted surveillance. Around the world, this technology is being used to stifle protest and harass minority communities. These systems violate everyone's right to privacy, and threaten

the rights to freedom of peaceful assembly and expression, and to equality and non-discrimination.

Tech companies develop facial recognition technology by scraping millions of images from social media profiles and other public databases without people's knowledge and consent. Law enforcement agencies use this software in combination with CCTV to search for potential matches. This carries huge risk of people being misidentified and falsely arrested, with black and minority communities at most risk of such – in some instances, facial recognition has been 95 percent inaccurate. This technology is also used abusively by some states. For instance, Amnesty International has documented how facial recognition technology is used extensively by the Israeli authorities to support their continued domination and oppression of Palestinians in the OPT. With a record of discriminatory and inhumane acts that maintain a system of apartheid, the Israeli authorities are able to use facial recognition software – in particular at checkpoints – to consolidate existing practices of discriminatory policing, segregation, and curbing freedom of movement, violating Palestinians' basic rights. Without action, facial recognition technology and its dangerous effects will become a normal part of life.

The new Government must acknowledge and act to protect the rights of people in Ireland, but also across the globe, by joining other states to ban the development, sales or usage of this technology.

c) The new Government must commit to taking action on protecting civil society space at home through amending the Electoral Act.

Another of Ireland's thematic human rights priorities on the global stage is defending civil society space, having led on several important UN Human Rights Council resolutions on this theme. However, in Ireland, successive governments have failed to amend the Electoral Act 1997 (as amended in 2001) to remove its harmful and unintended impact on civil society organisations' freedom of association and expression. The vague wording and overly broad application of this Act has resulted in unjustifiable restrictions and onerous reporting obligations on 'third parties' who accept donations over €100 for 'political purposes', with a blanket ban on overseas donations other than from Irish citizens. The problem is that 'political purposes' is so broadly defined in the Act that it can include the general advocacy work of a wide range of human rights and other non-governmental organisations. This law contravenes Ireland's obligations under international human rights law, including the rights to freedom of association and expression. The new Government must commit to act immediately to amend this law to ensure it no longer obstructs the work of civil society groups and violates civil society freedoms.

d) The new Government must commit to enhancing protections for LGBTI+ people and other groups experiencing inequality and discrimination in Ireland.

The promotion and protection of the rights of LGBTI+ persons is a longstanding foreign policy priority for the Irish Government, and Ireland is a member of the UN LGBTI Core Group at the UN in New York. Ireland has notably stood up for LGBTI+ people around the world who are criminalised, punished or killed for their sexuality. We have seen many important advances in Ireland that have demonstrated commitment to LGBTI+ rights at home too, including on marriage equality, and progressive legal gender recognition. However, some significant gaps remain.

The 2020 Programme for Government contained a commitment to address two significant gaps in the Gender Recognition Act 2015, identified in the three-year review of that Act. It committed to examining how children under 16 years could access legal gender recognition. The existing blanket age restriction must be removed as a matter of urgency as it conflicts with the UN Convention on the Rights of the Child. It also committed to examining legal recognition of non-binary people, which is essential for people who identify as neither male nor female, and for intersex people to be included, accepted and valued.

Another unfulfilled Programme for Government commitment is the development of a health policy for transgender people based on a best practice model. Today, there remain serious concerns about the availability and quality of gender-affirming healthcare. In the *Trans Health Map: European Union 2022* published by Transgender Europe, Ireland came last in its ranking of trans healthcare across the EU's 27 member states. This highlights how difficult it is for trans people to access gender-affirming healthcare here. The National Gender Service has unacceptably long waiting lists, and is not available to those under 18 years. Government foot-dragging on improving trans healthcare also risks feeding into anti-trans misinformation and hate, and to sensationalised discourse on gender identity services for children and young people.

The new Government must also commit to ensuring surgeries are no longer performed on intersex children who are too young to meaningfully participate in decisions about their own bodies. These interventions are often invasive, irreversible and can lead to lifelong physical and psychological suffering. Where not performed for emergency reasons, it is just to make children conform to society's idea of what a girl or a boy 'should' look like.

In addition, the current Government's commitment to ban so-called 'conversion therapy' targeting LGBTI+ people, including children, has not been fulfilled. Everyone has the right to express their sexuality and make decisions about their own lives, regardless of gender identity or sexual orientation. So-called conversion practices have caused irreparable harm. Young people are often the target, at a time when they should instead be receiving support, education and understanding. Governments across the world have failed to legislate to ban these practices. We need the new Government to commit to doing so, and to press other states to do so too.

Ireland was one of the leading states behind the adoption of the UN Convention on the Rights of People with Disabilities (CRPD). Amnesty International welcomes the Government's recent commitment that Ireland will soon accede to the Optional Protocol to the CRPD. This will provide an important means for people with disabilities to make complaints directly to the UN to vindicate their human rights as set out in the CRPD. This must also be a prompt for the new Government to address the many serious barriers and areas of discrimination faced by people with disabilities in Ireland, including in access to employment, education and an adequate standard of living. There remain serious concerns about the lack of appropriate and accessible housing, and the slow pace of transition of people with disabilities living in congregated settings to smaller homes in the community. People with disabilities in Ireland continue to face other severe infringements and limitations of the rights many of us take for granted. Urgent reform is needed of detention and involuntary treatment provisions in the Mental Health Act 2001; and promised legislation providing people with disabilities adequate safeguards against arbitrary deprivation of their liberty is long overdue. In this regard, Ireland's ratifying the Optional Protocol to the UN Convention Against Torture is also urgently needed.

e) The new Government must commit to establishing a fit-for-purpose model for ensuring truth, justice and accountability for historic human rights violations.

Ireland has rightly supported many UN inquiries into systemic human rights violations in other states. In addition, the current Government committed to taking a legal challenge against the UK Government's widely opposed Northern Ireland Troubles Act at the European Court of Human Rights, so that victims' right to truth justice and reparations can be realised. Especially now that the new UK Government's pledge to repeal and replace that Act is increasingly qualified, the new Irish Government must maintain its commitment to the interstate case in its Programme for Government, and work with the UK Government to ensure and agreed, human rights compliant approach to dealing with the legacy of the conflict. Ireland's support and its legal challenge are vital not only for victims here, but for those around the world who face the prospect of similar state-conferred impunity. It is also important that the new Government recognises that it too has unfulfilled obligations to investigate the Irish state's actions and omissions in cases of killings and human rights violations north and south of the border during the 'Troubles'.

However, successive governments have utterly failed to live up to those standards at home, when finally compelled to undertake formal investigations into reports of past serious human rights violations. In 2013, the then Government produced just a *Report of the Inter-Departmental Committee Investigating State Involvement with the Magdalene Laundries* to "clarify any State interaction with the Magdalene Laundries and to produce a narrative detailing such interaction". Yet it and successive governments consistently misrepresented that report to the UN as "a comprehensive and objective report of the factual position" regarding those institutions, and to persist in the claim of "absence of any credible evidence of systematic torture or criminal abuse being committed in the Magdalen laundries". This is despite repeated calls from UN treaty bodies since 2011 to conduct an independent and comprehensive investigation.

In 2015, the Government established a statutory Commission of Investigation under the Commissions of Investigations Act 2004 to investigate longstanding allegations of ill-treatment of women and children in Mother and Baby Homes. The Commission's 2021 final report was severely deficient, an impediment to truth and justice, and at some points harmed survivors. As with the Magdalene Laundries report, its findings directly conflicted with survivors' testimonies.

Lessons must be learned from these and other processes, or the state will again fail survivors of institutional or other systemic human rights abuses. Amnesty International has also, since 1990, repeatedly called on the Irish Government to conduct an independent investigation into allegations of serious ill-treatment in custody and breaches of fair trial rights of men arrested for the 1976 Sallins mail train robbery. Shockingly, to this day, the Sallins case has never been properly and impartially investigated.

We call on the new Government to create a fit-for-purpose model for investigating legacy systemic human rights violations in a prompt, thorough and independent manner, and no longer require victims and survivors to have to campaign for what, ultimately, yields little if any truth, justice or accountability. The new model should be equipped to operate in a manner compatible with Ireland's obligation to respect, protect and fulfil the right of victims of human rights violations to an effective remedy. This obligation includes three elements: truth - establishing the facts about violations of human rights that occurred in the past; justice - investigating past violations and, if enough admissible evidence is gathered, prosecuting the suspected

perpetrators; and reparation - providing full and effective reparation to the victims and their families, in its five forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

The model must have the powers and authority to gather all information it considers relevant, including to compel the production of information and attendance of persons as and when necessary. It should be able to determine whether any human rights abuses occurred, and, if so, identify the victims insofar as possible. It should analyse factors contributing to any human rights abuses unveiled - including, but not limited to, institutional structures, and policies and practices - and the role of the State and other institutions, by action or omission, in their commission. It must have the mandate to formulate effective recommendations for providing full reparation to the victims, including their families, for any human rights violations or abuses found to have occurred. It should enjoy financial, administrative and operational autonomy. It should receive sufficient resources, including support from experienced, trained and skilled staff, and access to impartial, expert legal counsel. As a matter of principle, all aspects of its work should be transparent and made public, subject to the confidentiality required to protect the rights of individual victims, witnesses and others. Victims should be able to participate effectively in its investigations and be consulted on key issues where their interests are affected. They should be treated with respect for their dignity and with humanity.

3. Strengthen economic, social and cultural rights in Ireland's foreign policy human rights priorities, and respect, protect and fulfil those rights at home.

a) The new Government must commit to embedding and strengthening economic, social and cultural rights in Ireland's foreign policy on human rights.

Ireland has a strong reputation on advancing human rights on the international stage; however, there is an evident gap on economic, social and cultural rights (ESCR). For example, Ireland's Universal Periodic Review (UPR) interventions at the UN Human Rights Council do not generally cite ESCR concerns in other states. This is part of a wider pattern of ESCR rights' under-representation in states' UPR interventions when compared to mentions of civil and political rights. According to a study by the UPR Branch of the OHCHR, only 20 percent of voluntary commitments given by states under UPR review concern ESCR. Ireland could be to the fore in redressing this imbalance, especially given that ESCR violations are often at the root of violations of the civil and political rights that are core themes in Ireland's foreign policy.

This integration of human rights in foreign policy would also help create better understanding and appreciation of ESCR across all Government departments and public bodies. In 1993, the Vienna Declaration and Programme of Action was adopted by the world's governments, including Ireland's. It declared all human rights to be indivisible, interdependent and interrelated, and called on the international community to treat all human rights on the same footing, and with the same emphasis. Yet, 31 years later, ESCR still enjoy second-rank status in Irish law.

To ensure the embedding of ESCR - and indeed improved respect for civil and political rights - in domestic laws, policies and practice, it would also be useful for the new Government to introduce a Cabinet-level ministerial role that focuses specifically on human rights, and works across government.

- b) The new Government must commit to taking decisive action on the growing housing and homelessness crisis by putting the human right to adequate and affordable housing at the centre of the State’s laws, planning and decision-making on housing and other social policy; and to a referendum on enshrining the right to adequate housing in the Constitution.**

In May, the Government-appointed Housing Commission’s review of housing policy was published, finding “ineffective decision making and reactive policy making where risk aversion dominates” and, by comparison with European states, “one of the highest levels of public expenditure for housing, yet one of the poorest outcomes”. It recommended a “radical strategic reset of housing policy”.

It is time for decisive action on the growing housing crisis by putting the human right to adequate housing at the centre of the State’s planning and decision-making on housing and other social policy. The right to adequate housing as set out in international law includes the requirements of security of tenure, availability of services, affordability, habitability, accessibility, suitability of location, and cultural adequacy.

It is unacceptable that today over 4,000 children are living in emergency homeless accommodation while tens of thousands of young people are paying crippling rents, with many never able to afford a home of their own. The UN Committee on Economic, Social and Cultural Rights (CESCR) also recently expressed concern at the continued lack of culturally appropriate housing for Travellers and Roma. The housing crisis has also seriously impacted the availability and quality of accommodation for asylum seekers, resulting in thousands of single men left without accommodation, with many rough-sleeping with no access to sanitary facilities. In August, the High Court ruled that the State failed in its duty to provide for asylum seekers’ basic needs breaching their right to dignity in the EU Charter of Fundamental Rights.

This is due to failure after failure by government after government to afford people in Ireland adequate housing rights protections. Housing has instead been treated as a private investment opportunity, not as a human right that everyone has a right to enjoy. A decade ago, a constitutional right to housing was the resounding recommendation from the government-established Constitutional Convention. A more limited promise was made, and broken, by the last government to schedule a “referendum on housing”. The new Government must commit to taking bolder and more decisive steps to solve the housing crisis, and to a referendum to place the human right to housing in our Constitution, to guide and direct government policy and law-making. Ireland was the first amongst the common law countries to constitutionalise social and economic rights, such as education. It is time for this fundamental constitutional reform, to ensure that people are at the heart of the State’s planning and decision-making on housing and other social policy. This is essential to ensure that government efforts and resources are directed towards the needs of people rather than the market.

The new Government must also recall that the Constitutional Convention recommended by a massive 85 per cent that all ESCR, like the right to health, be strengthened in Bunreacht na hÉireann. The UN CESCR Committee has again this year called for incorporation of all ESCR into Ireland law. There have been decades of governments’ failure to provide a healthcare system that, for instance addresses the poor health outcomes for the Traveller community, or provides adequate mental health services including for children and young people. The new Government should commit to considering further ESCR constitutional protections beyond housing, to compel outcomes-focussed policy-making and effective use of limited resources.

c) The new Government must commit to treating abortion care like any other form of healthcare, and to moving away from grounds-based approaches and prohibitions on abortion based on gestational age limits.

Abortion care is healthcare, and a human right. The ability to control one's reproduction and to decide if, whether and when to have children is also essential for the full realisation of the wider human rights of women, girls and all people who can become pregnant.

After people voted overwhelmingly in 2018 to repeal the Eighth Amendment, Ireland's new abortion law – the Health (Regulation of Termination of Pregnancy) Act 2018 - was an important first step. However, much more needed to be done to ensure effective and timely access to abortion care. Serious gaps in access were highlighted during the 2018 Act's passage, include the high threshold of 'serious harm' to a women's health, the exclusion of pregnancies with severe rather than (narrowly defined) 'fatal' foetal impairments, the inexcusably short period of 12 weeks to access abortion on request, and the three-day mandatory waiting period for such access on request. The continued criminalisation of health professionals with a possible 14-year prison sentence too must end. These issues were also highlighted in the Department of Health's 2023 report of its review of the Act's operation. Today, even the modest amendments recommended in that review report have not been implemented, despite the Oireachtas Joint Committee on Health supporting their adoption. In 2022, the World Health Organisation published its *Abortion care guideline* recommending against laws (and other regulations) that restrict abortion by grounds or gestational age limits. It also advised that states must fully decriminalise those providing or assisting with securing and/or obtaining an abortion.

The new Government must recognise that restrictive abortion laws like Ireland's serve only to deny or delay women and girls' access to abortion care, or force them to have unsafe abortions including through having to travel abroad to seek care. It must commit in its Programme for Government to immediate implementation of the Department of Health's review report's recommendations, and to progress to full compliance with the WHO *Abortion care guideline* at the soonest opportunity.

d) The new Government must recognise that criminalising marginalised people is no solution for exclusion and instead causes harm; and that addressing discrimination and guaranteeing access to employment, social protection, education and housing and is what is required. It must start with a Programme for Government commitment to full decriminalisation of sex work.

Sex workers are often among the most marginalised and stigmatised people in societies. Harmful laws and practices, combined with structural and systemic barriers – including racism, transphobia, gender stereotypes and socio-economic inequalities – are often at the root of high levels of violence and other human rights abuses against sex workers. Yet, instead of addressing these causes and consequences, in 2017 the then Government adopted the misguided approach of criminalising the purchase of consensual adult sexual services. The 2017 law also retained and increased penalties for third-party offences such as 'brothel-keeping' which had been and can still be used against sex workers rather than those exploiting, abusing or coercing sex workers. Today, that offence remains a barrier to sex workers working together for safety as that is considered 'brothel-keeping'.

[Research](#) published by Amnesty in January 2022 shows that the criminalisation of aspects of sex work in Ireland has placed sex workers at higher risk of violence from some clients,

including rape, and increased levels of stigma and abuse from the public. Criminalisation, and the consequent policing model, has led to Garda surveillance and harassment of sex workers, and their complete mistrust of reporting the violence and abuse they experience to An Garda Síochána who are seen as a threat rather than a shield.

This 2017 law included a clause that its operation be reviewed within three years. This review finally commenced in 2022, but with a very unclear process, and negligible engagement or consultation with sex workers. The review report has reportedly now been drafted by the Department of Justice itself after the departure of the independent expert commissioned to lead the review. In advance of the law's enactment, no detailed and disaggregated data was collected as a baseline against which to measure its impact, including on the experiences of male and transgender sex workers. The law was enacted despite international evidence increasingly demonstrating that criminalising the purchase of sexual services puts sex workers at greater harm, including at the hands of clients and police. In other states where this model was adopted, including the review of Northern Ireland's 2015 law, there was a clear lack of evidence that buyer criminalisation reduced trafficking and exploitation, one of the Government's stated aims in enacting this law. Recent research by other independent experts has confirmed that the 2017 criminalisation of sexual services is harming sex workers.

The new Government must commit to a fresh independent and evidence-based review of the 2017 law involving the full participation of sex workers. However, given existing evidence of the harm the law is causing, it must commit to immediate decriminalisation of the purchase of sex and related third party offences not involving exploitation, coercion or abuse.

- e) **The new Government must also commit to fully decriminalising the possession of drugs for personal use, and investing state resources instead in improving and expanding health and rehabilitation services for people with substance abuse disorders.**

Following the Citizens' Assembly on Drugs Use, a new Government approach has been proposed for the possession of drugs for personal use, focused on diverting people from the justice system to treatment services. However, it also retains the possibility of criminal prosecution, conviction and imprisonment for those who refuse to engage in treatment options. This is inadequate. All evidence suggests that the vast majority of people who use drugs do not require treatment. In addition, using the criminal justice system to deliver healthcare would imperil people's human rights, as healthcare should be provided on a voluntary, non-discriminatory basis, based on informed consent. Criminalising behaviours related to personal drug use could also deter people from seeking treatment or other 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.

Amnesty International calls on all states to shift from drugs policies based on prohibition and criminalisation towards evidence-based alternatives that protect public health and the human rights of people who use drugs and other affected communities. Instead of punishing and stigmatising people who use drugs, states should adopt laws and policies focused on protecting health and human rights to minimize risks and stop the violence associated with illicit markets.

This should include decriminalising the use, possession, cultivation and purchase of all drugs for personal use, and the effective regulation of drugs to provide legal and safe channels for those permitted to access them. Such policies must be accompanied by an expansion of health and other social services to address drug-related problems. Drugs can pose some risks to

individuals and societies, so states have an obligation to adopt adequate measures to protect people from the harmful effects of drugs. States should expand evidence-based prevention, harm reduction and treatment programmes, and provide wide availability of facilities like safer injection centres. Importantly though, states must also address the root causes that may increase the risks of using drugs or lead people to become involved in the drug trade, including poverty, denial of education, unemployment, lack of housing, discrimination and ill-health. This requires state measures that tackle social inequalities and promote social justice, including a wide set of gender-sensitive and holistic socio-economic protection measures tackling the different stages of the drug trade, from cultivation and production to distribution and use.

4. Be a world leader on corporate accountability, regulating to ensure companies prevent human rights violations across their value chains.

- a) The new Government commit to showing global leadership on Business and Human Rights, including through developing and implementing a robust new National Plan and legislating for corporate mandatory human rights due diligence.**

Ireland's National Plan on Business and Human Rights (2017-2020) was 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 that Plan's commitments to promote responsible business practices at home and overseas by Irish companies. Now, a new National Plan is under development. It must go further than the first, and require companies to take steps to identify, prevent and address human rights abuses and environmental harm. It should legislate for mandatory human rights and environmental due diligence across global supply chains. Remedy mechanisms must be available so that if people's rights have been abused by Irish-owned or based companies, they can access justice and effective remedies. This must be a priority for the new Government.

- b) The new Government must commit to taking steps towards an equality and human rights based taxation system.**

All human rights require resources for their realisation. Taxation plays a key role in enabling states to have the resources they need to ensure human rights are realised. It is also important to be able to assess what type of taxation models are the most human rights compliant in terms of equality and non-discrimination, including gender equality and intersectionality, participation and accountability. Unless tax collection is done fairly and in line with human rights principles, there is a risk that it will (a) disproportionately impact in regressive ways on the incomes of people living in poverty, the majority of them women and girls, and members of marginalised groups, and (b) the resources collected will not be allocated to guarantee the human rights of everybody.

It will be important to avoid assessing taxation measures in isolation, but instead to consider them alongside an assessment of how states spend this revenue, for example on social protection. Moreover, it is also essential that everyone pays their fair share of taxation depending on their financial circumstances through a progressive tax system and that aggressive tax avoidance, tax evasion and other illicit financial flows are effectively tackled.

Amnesty International's September 2024 [resource guide on taxation and human rights](#) sets out 11 recommended broad policy goals for all states with respect to taxation.

c) The new Government must commit to monitoring and holding accountable Big Tech companies, especially those headquartered in Ireland.

The surveillance-based business model adopted by the global Big Tech industry has generated eye-watering profits, but with disastrous long-term consequences for human rights. Toxic algorithms are integral to many Big Tech companies' business model, which seeks to amass ever more of our intimate personal data, and are deliberately designed to prioritise engagement above all else. They promote harmful content for children and young people. In November 2023, AI published [research](#) highlighting how TikTok's content recommender system and invasive data collection practices pose a danger to young users by amplifying depressive and suicidal content that risks worsening existing mental health challenges. The new Government must commit to immediate implementation of the recommendations from the Oireachtas Committee on Children report, *Safeguarding children in the age of AI*, including more effective age verification measures, a legal requirement that platforms' recommender systems be off by default for children under 16 years, and stronger enforcement by the Irish authorities.

This business model also leads to the amplification of inflammatory and hateful content with devastating real-world consequences, in particular for those most marginalised in society including here in Ireland. In one shocking example, Facebook owner Meta's dangerous algorithms and reckless pursuit of profit substantially contributed to the atrocities perpetrated by the Myanmar military against the Rohingya people in 2017. Now more than ever, it is clear that the incredibly invasive and harmful mass surveillance undertaken by major social media platforms must be banned, and their algorithms subject to strict regulatory oversight.

The new Government has an important window of opportunity to change course, by ensuring that Ireland's Digital Services Coordinator, An Coimisiún na Meán, fully enforces the new Digital Services Act and related EU regulations. Of particular importance is Big Tech companies' obligation to complete risk assessments in relation to systemic risks, including the spread of disinformation and other harmful content; and to take mitigation measures to address the risk of user exposure to this content. It is also essential that the new Government ensures improved and effective GDPR enforcement by the Data Protection Commissioner. This is especially critical in view of Ireland's unique position in, and jurisdiction over, enforcing these regulations in the European regional space, given how many of these companies are headquartered here.

d) The new Government must commit to the global regulation of autonomous weapons systems.

The global race to regulate autonomous weapons systems (AWS) is at a critical point: negotiating new international law is now more urgent - and more achievable - than ever before. The world's governments urgently need to clarify and strengthen existing international humanitarian and human rights law as it relates to growing autonomy in weapons systems used in both military and law enforcement contexts. Amnesty International is calling for a legally binding instrument to prohibit some types of AWS and regulate others.

Such an instrument must: prohibit the development, production, use of, and trade in systems which by their nature cannot be used with meaningful human control over the use of force; prohibit "anti-personnel AWS" – that is systems that are designed to be triggered by the

presence of humans or that use human characteristics for target profiles; regulate the use of all other AWS; and include a positive obligation to maintain meaningful human control over the use of force. Furthermore, Amnesty International opposes the use of AWS in law enforcement, including because such use of AWS would be inherently unlawful as international law and standards governing use of force in policing rely on nuanced human judgement

Amnesty International has welcomed Ireland's human-centred approach to AWS to date, and highlighting ethical as well as legal considerations in discussions of this new instrument. We further welcome its role as co-sponsor of resolution by the UN General Assembly on in December 2023 and November 2024. We call on the new Government to ensure that Ireland will continue to be a leading voice in advancing the push towards an eventual legally binding instrument on AWS.

e) The new Government must commit to averting the global emergence of other dangerous technologies such as AI-based mass surveillance.

One example of the deeply concerning use of Artificial Intelligence-based mass surveillance tools is their use in Denmark's welfare system to detect social benefits fraud, which has led to mass surveillance through analogue and digital means. Amnesty International's recent [research](#) details how this sweeping use of fraud detection algorithms, paired with mass surveillance practices, has led people to unwillingly –or even unknowingly– forfeit their right to privacy. It has created a social benefits system that risks targeting, rather than supporting, the very people it was meant to protect, especially marginalised groups including migrants, refugees, racialised groups and people with disabilities. It has created an atmosphere of fear. The new Government must not only guard against proposed use to such harmful technologies in Ireland, but call for their strict control and accountability globally.

5. Guard against and challenge advocacy of hatred and authoritarian practices.

a) The new Government must commit to taking action on identifying and challenging the forces behind growing advocacy of hatred and authoritarian practices; and equipping the public to recognise and see through the toxic narratives, language and rhetoric they generate.

In 2020, Amnesty International published [Standing for humanity. Changing Amnesty to overcome the politics of "us vs them"](#), a reflection prompted by the politics of demonisation, and narratives of fear and division leaders around the world were peddling. Since then, that worrying global trend has continued, accompanied by rising harassment of critics, restrictions on media freedom and civil society, and governments' concentration of power in the executive. European states too have undergone significant "democratic backsliding" or "autocratisation".

There are early warning signs in Ireland too, such as the steady rise of anti-refugee and migrant sentiment and expression, with scapegoating of asylum seekers for the housing crisis, and arson attacks against proposed accommodation centres. While some 'protests' are organised by and comprised of genuinely intentioned people, others clearly are not. The global anti-trans - so-called 'gender ideology' - agenda finally arrived in Ireland, and civil society groups have struggled to address the spread of disinformation about, and demonisation of, trans people. We have also seen a rise in advocacy of hatred and hate crimes against trans people, and other minorities.

As mentioned above, in amplifying and promoting this disinformation and divisive content, Big Tech's surveillance business model and algorithmic recommender systems have insidiously added to the negative impact on public discourse and societal cohesion, and potentially to democracy. Their algorithms are deliberately designed to prioritise engagement and, as a result, act as incendiaries that fuel division, misinformation and hate.

The current Government's response to outbreaks of 'far right' actors fomenting violence has primarily been a law and order policing one, including legislative proposals that would undermine freedom of peaceful assembly and expression, rather than effectively tackling the root cause of wildfire spread of disinformation and advocacy of hatred online. The Government is behind schedule in developing its National Counter Disinformation Strategy; and not fulfilling its potential as the EU's main Big Tech regulator, with poor GDPR enforcement via its Data Protection Commissioner (DPC).

Meanwhile, terms like 'far right' often used to describe those behind some of these actions do not provide the public with any real clarity about what is happening, why, and what the solutions are. The new Government must commit to finding meaningful ways to address and stem this growing and serious concern.

b) The new Government must commit to tackling advocacy of hatred and violence; and adding new grounds to the Prohibition of Incitement to Hatred Act 1989.

The new Government must ensure that the Criminal Justice (Hate Offences) Act 2024 is implemented effectively in rising cases of hate crimes in Ireland, like assaults and arson attacks motivated against certain groups. The response must be a meaningful one, ensuring that policing is directed at protecting at-risk communities. However, the new Government must actively avoid dangerous and discriminatory 'quick fix' solutions, including permitting Garda deployment of facial recognition technology.

States are also required to prohibit advocacy of hatred, discrimination and violence by law. Ireland's Prohibition of Incitement to Hatred Act 1989 is limited in its ambit to hatred against groups on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation. In line with the the non-exhaustive grounds set out in the ICCPR, states should also prohibit advocacy of hatred on any discriminatory basis, including gender, disability, political opinion or other status. In this regard, gender should be defined inclusively, as was the approach taken in the newly enacted hate crimes Act.

Tackling hatred requires more than legislation, however. Restricting expression, in isolation, is an ineffective means to combat the attitudes and behaviours underpinning the discrimination that leads to hatred and violence: effective protection and social inclusion of marginalised groups requires broader interventions by the state. Accordingly, states should also focus their efforts on concrete positive actions that should be taken to counter stereotypes, eradicate discrimination and foster greater equality.

The new Government should commit to adopting broad-ranging public policy measures to tackle the root causes of intolerance, including strengthening the capacities of communities to access and express a range of views and information and engage in debate. It should also acknowledge and address the socioeconomic factors behind people being attracted to authoritarian ideas, such as inequality, cost of living, and poor access to housing and health, themes on which the 'far right' successfully capitalise to generate attention and support.

c) The new Government must commit to examining possible transnational forces and actors supporting and funding authoritarian practices in Ireland.

As mentioned above, the Electoral Act 1997 has often been weaponised by those opposed to human rights and equality, such as was evident during the Repeal the Eighth campaign when civil society groups in Ireland who are transparent in their funding sources, and compliant with their obligations under the Registration of Lobbying Act, had been targeted. On the other hand, groups who do not conduct themselves so transparently are, as a result, not subject to such scrutiny. There is often little information available on sources of funding or other forms of support for ‘far right’ and other authoritarian actors behind advocacy of hatred, discrimination and violence in Ireland. The new Government should ensure that any transnational forces and actors supporting and funding authoritarian practices in Ireland are uncovered and named. Interventions should be implemented to weaken those capacities.

d) The new Government must commit to providing human rights education in a range of settings, including as part of the school curriculum.

Human Rights Education (HRE) is designed to build understanding and knowledge about human rights, empowering individuals to develop the skills and attitudes that promote equality, dignity and respect across communities and societies worldwide. By promoting human rights literacy, HRE empowers individuals, including marginalised groups, to become advocates for their rights. It also empowers people and communities to recognise and challenge injustices, fostering a more informed and equitable society. The new Government should ensure that HRE is provided in a range of settings, including as part of the school curriculum at primary and secondary level.

e) The new Government must commit to refraining from policies and rhetoric that exacerbate the demonisation of certain groups, and instead lead by example by defending, respecting and protecting the rights and dignity of everyone.

We call on the new Government to refrain from adopting laws, policies or practices - or using rhetoric - that exacerbate the demonisation of, and hatred and violence against, certain marginalised groups. It should instead lead by example by taking decisive steps and measures to defend those groups, and respect, protect and fulfil the human rights and dignity of everyone.

For instance, the best illustration of Government’s respect for refugees and migrants, and its intolerance of hate and violence against them, would be having a fair migration and asylum policy, and refraining from measures or talking points that portray them as undesirable or undermine the right to seek asylum. If the new Government takes decisive action on housing, it leaves less room for this issue to be weaponised. If the new Government holds Irish-based Big Tech companies accountable for amplifying advocacy of hatred and disinformation, this will remove a key tool in the authoritarian practices toolbox.

In this regard too, if the commitments we have set out in this Pre-election Briefing are made by the new Government and implemented, that will go a long way to guarding against the further rise of hate and authoritarian practices in Ireland.

ENDS//