

NHRI/EB Engagement with the ESC reporting process: practical approaches, challenges, opportunities.

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**Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas**
Irish Human Rights and
Equality Commission

The Irish Human Rights and Equality

Commission

What we do

- Ireland's National Human Rights Institution and National Equality Body
- Review the adequacy and effectiveness of law, policy and practice in the State relating to human rights and equality,
 - This include reporting on Ireland's performance on human rights and equality to international human rights monitoring bodies at UN and CoE level.
- Work with communities and civil society to monitor and report on people's real life experiences of human rights and equality on the ground.
- Help people to defend their rights including through legal assistance, and by contributing to legal cases as *amicus curiae*





Our engagement with the ESC reporting process



Background

- Ireland ratified ESC on 07/10/1964;the Revised ESC on 04/11/2000 (92 of 98 paras). Ratified Additional Protocol (collective complaints) on 04/11/2000. No declaration enabling national NGOs to submit collective complaints.
- Economic Social and Cultural Rights are core strategic priorities for the Commission per its 2016-2018, and 2019-2021 Strategy Statements
- Sustained engagement with international human rights reporting mechanisms is also a core strategic focus of the Commission.
- Therefore, sustained engagement with the ESC process was a strategic decision of the Commission. Since 2017 IHREC has submitted detailed ‘shadow’ commentary to the Committee on Ireland’s National and Simplified reports.
- We will also provide comments to the Committee in 2021 on Ireland’s 18th National Report (submitted December 2020). Due date: 30 June 2021.



Approach and key barriers

- Direct link to wider programme of work in IHREC on Policy, Research and Legal.
- Engagement with ESC is about deploying IHREC's work effectively, where it can be used and where it can have impact.
- Therefore, relatively little *Ab Initio* work. However, focus and granularity of ESC provides opportunity to further investigate/unpack an issue.
- Potential barrier: staff and time resource investment in regular reporting. However:
 - Build-up of internal expertise on issues alleviates this
 - ESC engagement is opportunity to collate and marshal work already existing
 - The effort is worth it – engagement is appreciated, and has real impact



Examples from IHREC engagement with Charter process

- March 2020 Conclusions of the Committee on Thematic Group 4 (children, families and migrants):
 - 52 references to IHREC comments and observations (submitted May 2019).
 - Issues not covered in state report
 - Direct use of IHREC's material and data in Conclusions
 - Provision of a rounder and more complete picture.
- Impacts:
 - Committee remarks on trafficking, sexual exploitation of children, domestic violence, school admission policies,
 - **Findings of non conformity with Article 16 (affordable childcare) and article 19(6) (family reunification appeals process).**



Sustained engagement with a core strategic issue: Traveller Accommodation

- **European Roma Rights Centre (ERRC) v. Ireland (initial decision December 2015)** - the Committee found a violation of Article 16 of the Charter (inadequate protection of Travellers in respect of accommodation and housing, including in terms of eviction conditions.)
- IHREC has submitted detailed comments to the Committee in its reviews of this case, drawing on legal case work and evidence from Commission-funded research.
- Subsequent findings of ongoing non conformity. Further Commentary on this due in March 2021.
- Sustained engagement on this has
 - Permitted airing of IHREC Traveller accommodation work at European Level
 - Strengthened IHREC ability to hold state to account in other fora: Parliament, UN Treaty Monitoring, UPR, Legal Casework.



Improving the process: accessibility and information

- Process is complex, and the practical steps are not always clear (per discussion on 22 February).
- Efforts to make process clearer and more accessible – informational materials etc.
- Clarity about requirements, and removal of ambiguities in online information.
- In the meantime: just ask. Secretariat has always been very helpful.



Some tips for effective engagement as an NHRI or EB

- **Sustained Engagement.** Maintains pressure on state, and process permits regular follow-up and renewed findings. More direct and sustained than UN treaty approach.
- **Present available evidence.** Deploy, build on and adapt existing body of work for the reporting process. This evidence and detail are what the Committee are looking for. It is genuinely helpful, and is an effective way to ensure work has real impact.
- **Cut your cloth to measure.** Sustained engagement need not take over other work.
- **Support the Committee's broad interpretation of provisions** (eg: Ireland on housing and childcare provision)
- **Link with UN TMB work.** Entirely complimentary and cross-cutting. ESC provides more granularity, and more regular engagement/ more clear cut findings.
- **Ongoing advocacy.** Findings of non conformity are very clear, very useful focal points for advocacy.



More information

- IHREC submissions to the Committee from 2017-2020 are available on the IHREC website: www.ihrec.ie
- Contact us:
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THANK YOU!

