



Irish Council for
Civil Liberties

Ireland's Second Century: A Country of Rights and Freedoms

The Irish Council for Civil Liberties (ICCL) is Ireland's leading independent human rights organisation. Since 1976, ICCL has campaigned successfully for the advancement of human rights in Ireland.

For Election 2020, ICCL is asking Irish political parties and candidates to be ambitious in their commitment to human rights. As part of this larger commitment to transforming Ireland into a rights based society, we have identified **8 crucial but straightforward reforms** which would have immediate, real-life impact. All of these asks are based on legal obligations the State is required to uphold.

#ICCL8asks

1. **Introduce Safe Access Zones at healthcare providers so that everyone can access healthcare in privacy, safety and with dignity**

Repeal of the 8th Amendment was the culmination of decades of campaigning for equality by Irish women and civil society. ICCL is committed to ensuring that the rights provided for under the Health (Regulation of Termination of Pregnancy) Act 2018 are respected effectively in practice. Safe Access Zones are necessary to ensure women and pregnant can access all health services, including abortion services, safely, privately and with dignity.

2. **Introduce Hate Crime Legislation so that we all feel safer from hateful attacks**

There is currently no law to deal with attacks motivated by hatred in Ireland. We are witnessing a worrying rise in racism in Ireland, particularly with regard to migrants including asylum seekers. Our laws and policies must be strengthened to sanction and help prevent hate crime and to provide justice for those who are victim to it. Hate crime legislation will also help address criminal behaviour which is targeted at other groups, including women, Travellers, LGBT+ people, and disabled people. Systems of recording hate crime and appropriate policing policies should be put in place to support this legislation.

3. **Protect our privacy and data by halting the illegal Public Services Card project**

ICCL opposes government and corporate systems that interfere with or otherwise process our sensitive information unnecessarily. The rapid digitisation of government welfare and services systems is one example of how such interferences are undermining our personal data rights, and the poorest amongst us are targeted in particular. The Public Services Card project is invasive, costly, and entirely unnecessary. Key aspects of the scheme have been found illegal by the Data Protection Commissioner, but the government is spending taxpayer money to appeal this. Scrap the card now.

4. Establish a new Independent Office of the Police Ombudsman so that everyone can have confidence in An Garda Síochána

Police play an essential role in protecting human rights, but police officers also have exceptional powers. Effective accountability and oversight of those powers is the key to ensure human rights compliant policing. The Commission on the Future of Policing (CFP) accepted ICCL's recommendations that a comprehensive restructuring of Irish policing should be based on principles of human rights. It is essential that promised legislation puts in place strong oversight and complaints mechanisms, including a new Independent Office of the Police Ombudsman. It's also vital that the proposed Policing and Community Safety Oversight Commission (PCSOC) has full powers of unannounced access to garda stations and oversight of intelligence and surveillance.

5. To prevent torture, ratify OPCAT and begin inspections of all places of detention

Our tragic history of institutional abuse shows us that independent and effective inspection of the closed places where people are detained is essential to prevent gross human rights violations up to and including torture. At present garda stations, nursing homes, and direct provision centres are only some of the places of detention that are not subject to independent inspection in Ireland. Ratifying the Optional Protocol to the UN Convention Against Torture (OPCAT) would require the State to put in place a comprehensive inspection system everywhere people can be detained. A National Preventive Mechanism (NPM) would then be put in place to ensure that all places where people are detained are subject to inspection. Despite signing this treaty in 2007, Ireland remains one of the few European countries not to ratify it.

6. Establish an Ombudsman for Victims of Crime to ensure justice for victims of crime

Victims' rights must be respected by all agencies in the criminal justice process – police, prosecution, support services, and non-statutory agencies, in line with the Victims' Rights Act 2017. Victims of crime should also be able to access a quick, clear and independent complaints procedure. This requires an Ombudsman for victims rights within the justice system.

7. Outlaw image-based sexual abuse to prevent abusive sharing of intimate images online

The Non-Fatal Offences Against the Person Act needs to be amended to outlaw the creation and/or sharing of private sexual images without consent – commonly but incorrectly referred to as "revenge porn". There are, as yet, no specific laws addressing this phenomenon in Ireland. The Act should be amended so that a pattern of harassment does not have to be shown and single instances can be prosecuted.

8. Reform the Electoral Act to allow civil society organisations to function without fear

The Electoral Act sets out a number of restrictions on political campaign financing. These restrictions are appropriate and necessary to protect the integrity of our elections; however, poorly drafted amendments to the Act mean that community organisations, residents' groups and charities have faced prosecution for expressing views on matters of public interest. The EU Fundamental Rights Agency has stated that this anomaly presents a serious threat to freedom of expression and association in Ireland. A Private Members Bill has been published to fix anomalies in the Electoral Act and to ensure that necessary rules on political financing do not impede on the rights of civil society groups to organise and advocate for social change.
