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Irish Centre for Human Rights

**SCHOOL OF LAW, UNIVERSITY OF GALWAY  
IRISH CENTRE FOR HUMAN RIGHTS  
CRIME, PUNISHMENT AND RIGHTS RESEARCH CLUSTER**

**JOINT STAKEHOLDER SUBMISSION TO INFORM IRELAND'S  
FOURTH UNIVERSAL PERIODIC REVIEW**

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**About**

The authors of this joint stakeholder submission are staff and postgraduate researchers at the School of Law, University of Galway, the Irish Centre for Human Rights and the Crime, Punishment and Rights Research Cluster of the University of Galway. The submission reflects our specific areas of research; it is not a comprehensive account of human rights issues arising in relation to Ireland.

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**Contact**

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## **Non-ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

Ireland has signed but not ratified the Optional Protocol (OP) to the International Covenant on Economic, Social and Cultural Rights (ICESCR), meaning individuals in Ireland cannot make complaints to the Treaty-body, the Committee on Economic, Social and Cultural Rights. Ireland signed (but did not ratify) the OP following a recommendation made at its first examination under the Universal Periodic Review mechanism in 2012.

The Covenant guarantees a number of rights that are pressing issues in Ireland currently, particularly the right to housing (Art. 11) and the right to health (Art. 12). In 2015 following examination by the Committee on Economic Social and Cultural Rights, the Committee recommended that Ireland ratify the OP (Recommendation 1.1). At Ireland’s most recent examination by the Committee on Economic, Social and Cultural Rights in 2024, the Committee again recommended that Ireland ratify the OP (Recommendation 56). To date the State has not done this.

### **Recommended Question:**

When will Ireland ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights?

## **Non-Ratification of the International Convention for the Protection of All Persons from Enforced Disappearance**

Ireland should ratify the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED). Ireland already adopted obligations on this issue under a range of human rights instruments that protect against arbitrary detention, torture and other ill-treatment, and violations of the right to life—such as the European Convention on Human Rights (Arts. 2, 3, 5 and 13), the International Covenant on Civil and Political Rights (Arts 6, 7, 9, 10 and 16) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (Arts. 2, 12, 13, 14 and 16). Ratifying the ICPPED would therefore reinforce protections that Ireland has already committed to uphold, ensuring coherence across its legal obligations.

The ICPPED requires State Parties to establish the crime of enforced disappearance as an autonomous offence with its appropriate penalties, and establish mechanisms for investigation, prosecution, and reparation for victims and their next of kin.

The absence of specific legislation addressing this matter creates a normative and legal gap in Ireland. Furthermore, ratification would contribute to the global fight against impunity for enforced disappearances, which are frequently transnational in nature, involving cross-

border elements. The ICPPED establishes obligations on States to cooperate through mutual legal assistance, extradition, and the sharing of information relevant to locating disappeared persons and holding those responsible accountable (Arts. 14-15). Ratification would establish a clear legal framework enabling Ireland to request and provide cooperation and contribute to international criminal justice efforts.

Finally, the ICPPED prohibits the expulsion, return, surrender, or extradition of a person to another State where there are substantial grounds for believing that they would be in danger of being subjected to enforced disappearance (Art. 16). While Ireland is already bound by non-refoulement obligations under international refugee and human rights law, within a context in which deportation continues to increase in the country,<sup>1</sup> ratification of the ICPPED would explicitly extend these protections to the risk of enforced disappearance.

**Recommended Questions:**

When will Ireland ratify the ICPPED?

What steps has Ireland taken, or does it plan to take, to incorporate the crime of enforced disappearance as a distinct offence in its domestic legal system?

What mechanisms exist in Ireland to ensure truth, justice, and reparation for victims of serious human rights violations, including cases that may involve enforced disappearance?

**Non-ratification of the Optional Protocol to the United Nations Convention Against Torture; gaps in the Government’s General Scheme of an Inspection of Places of Detention Bill**

Ireland has not yet ratified the Optional Protocol to the Convention Against Torture (OPCAT); it is the only EU country not to have done so. In June 2022, the Government published its *Draft General Scheme of an Inspection of Places of Detention Bill (General Scheme)*<sup>2</sup> which is intended to establish a National Preventive Mechanism for the purposes of OPCAT compliance (and ratification) in due course.<sup>3</sup> The *General Scheme* envisages the Irish Human Rights and Equality Commission acting as a ‘Co-ordinating National Preventive Mechanism’, organising a range of existing statutory inspectorates which will be designated individually as National Preventive Mechanisms.

The *General Scheme* broadens the current role of the Inspector of Prisons to include inspection of Garda Síochána (police) stations, Garda and Irish Prison Service vehicles, and courthouse holding cells or settings (renamed the Chief Inspector of Places of Detention). It also designates as ‘places of detention’ military service custody, Oberstown Children Detention Campus, the Central Mental Hospital, and ‘approved centres’ under the Mental Health Act.

However, the *General Scheme* fails to cover several forms of *de jure* deprivation of liberty. It does not acknowledge children’s secure care in Special Care Units under the Children Act 1991 as amended, although this was a major area of focus for the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during the CPT’s visit to Ireland in 2024 and its ensuing report.<sup>4</sup> It also fails to cover court-ordered deprivation of liberty under wardship or the inherent jurisdiction of the High Court; these forms of deprivation of liberty and their inadequate regulation were also a key focus for the CPT in 2024.<sup>5</sup> Further forms of *de jure* deprivation of liberty which are not recognised in the *General Scheme* are infectious disease-related quarantine under the Health Act 1947 as amended, and the custody of children by the Child and Family Agency.

The *General Scheme* further fails entirely to cover places and practices that deprive individuals of their liberty solely on a *de facto* basis. Head 14 of the *General Scheme* defines ‘Place of detention’ as ‘any place where a person or persons may be detained by a court or under any enactment’.

The UN Subcommittee on Prevention of Torture’s (SPT’s) General Comment No 1 emphasises that whether or not a person is free to leave a particular setting is a substantive rather than formal question.<sup>6</sup> The approach of the European Court of Human Rights<sup>7</sup> and Irish Supreme Courts<sup>8</sup> is similar. The SPT’s General Comment clarifies that the ‘places of deprivation of liberty’ covered by the OPCAT’s requirements include ‘private or public settings’ and ‘any form of placement in a setting under the State’s jurisdiction or control that a person is not permitted to leave at will’.<sup>9</sup> The Irish government’s *General Scheme* falls far short of the SPT’s understanding of what amounts to deprivation of liberty thus requiring oversight under OPCAT.

### **Recommended Questions:**

When will Ireland ratify the OPCAT?

Will Ireland ensure comprehensive coverage of places and practices where individuals are or may be either *de jure* and *de facto* deprived of their liberty in its legislation for the establishment of National Preventive Mechanisms to comply with OPCAT?

## **Prisoners’ Rights**

### *Persistent and Serious Overcrowding in Prisons*

Between 2023-2026, the number of detained persons increased by 30%. All closed adult prisons are overcrowded, with the prison system operating at 125% capacity. Female prisons are the most overcrowded (Dóchas Centre<sup>10</sup> -151% and Limerick prison - 159%). Of the 5,909 prisoners in custody, 599 are sleeping on the floor. The Office of the Inspector of Prisons has stressed that overcrowding has become a ‘grave, system-wide problem, permeating all aspects of prison life... [with] detrimental consequences ... on cell conditions, hygiene and sanitation, violence and safety, and access to activities and services’.<sup>11</sup>

The Chief Inspector of Prisons has warned that conditions may be described as ‘inhumane and degrading’ and that overcrowding was ‘a root cause of worsening mental health outcomes, restricted regimes, unacceptable living conditions for prisoners and poor working conditions for prison staff’.<sup>12</sup> The Irish Council for Civil Liberties has noted that imprisonment in Ireland was characterised by crowded and undignified conditions and interruptions to educational and psychological interventions.<sup>13</sup> An Irish Penal Reform Trust study has found a deterioration in safe custody limits standards and stressed that the Irish Prison System was ‘overwhelmed, overstretched, and unable to uphold the fundamental rights of people in its care’.<sup>14</sup>

### *Conditions of Detention*

Overcrowding represents ‘the greatest contributor to violations of international minimum standards in prisons’.<sup>15</sup> All persons deprived of their liberty should be treated with humanity and respect for their inherent dignity, and prison systems should aim to support the social rehabilitation of prisoners.<sup>16</sup> Accommodation should be in individual cells, with exceptions only permitted in cases of temporary overcrowding.<sup>17</sup> Further, accommodation should respect human dignity and meet the requirements of health and hygiene, with adequate floor space, air, lighting, heating and ventilation.<sup>18</sup> The CPT requires a minimum of 6m<sup>2</sup> of living space in single-occupancy cells and 4m<sup>2</sup> in multiple-occupancy cells and that ‘all persons deprived of their liberty ... be provided, at minimum, with... decent sleeping and living conditions’.<sup>19</sup>

The constant pressure on space in Irish prison systems has meant that cell sharing has become the default position, normalising a sub-optimal approach to accommodation. The CPT noted following its 2024 visit that ‘chronic overcrowding continues to plague the entire prison estate, with severe consequences for prison life in terms of adequacy of living conditions and access to a regular regime of purposeful out-of-cell activities’ and that people were being detained in ‘cramped, squalid spaces with insufficient ventilation... with mentally ill individuals ... forced to sleep on mattresses’.<sup>20</sup> It is important that steps are taken to mitigate the harmful impacts of overcrowding such as ensuring access to healthcare and ventilation, maintaining hygiene, increasing time out of cells, access to activities and contact with family, and maximising space for sleeping.<sup>21</sup>

### *Legal Capacity Ceiling*

The Irish Prison Service is obliged to accept all persons committed to custody by the courts, and those suspected or convicted of immigration offences (Ireland has no immigration detention facilities), even when operating above capacity. National legislation should ensure that minimum requirements in relation to conditions are ‘not breached’ by overcrowding.<sup>22</sup>

The CPT,<sup>23</sup> the Office of the Inspector of Prisons<sup>24</sup> and IPRT<sup>25</sup> have called for the introduction of an absolute legal ceiling on the number of people who can be held in each prison. A *numerus clausus* could provide a means to ‘prevent systemic saturation’.<sup>26</sup> A formal limit

would also facilitate the introduction of an *early warning system* to enable the prison system to alert prosecutors and the judiciary when a prison is coming close to or has reached capacity, and put a response protocol in place.<sup>27</sup>

To ensure prisons uphold dignity and promote reintegration, it is also important that capacity is conceived of as a concept that goes *beyond space*, to include qualitative indicators such as regime, activities, education and programmes, healthcare and safe levels of staffing.<sup>28</sup>

#### *Non-custodial measures, diversion and decarceration*

A ‘significant number of the current prison population are serving short custodial sentences’ –77% of sentences imposed in 2024 were for 12 months or less, with approximately 2/3 imposed for non-violent offences.<sup>29</sup> In 2023, the average length of a prison sentence in Ireland was 7 months, compared to the Council of Europe average of 10 months.<sup>30</sup> Although community service orders were introduced by legislation in 1983, ‘sentencing judges have been increasingly reticent to impose’ them.<sup>31</sup>

The Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2026<sup>32</sup> seeks to enhance their use by increasing the number of hours that can be imposed, enabling their imposition in place of sentences up to 24 months and requiring judges to give reasons for not imposing a CSO.<sup>33</sup> The Criminal Justice (Community Sanctions) Bill,<sup>34</sup> first introduced in 2014 and still under policy review, also aims to facilitate the effective and efficient use of community sanctions by the judiciary. The Government has committed to increased funding for the Probation Service to support the supervision of bail supervision, community sanctions and temporary release, and funding to pilot electric monitoring (Budget 2026). However, priority seems to have been given to the creation of additional prison spaces, with funding allocated to provide over 1500 spaces by 2031 and the creation of a new prison at Thorton Hall. A greater focus on diversion is needed.

#### **Recommended Questions:**

What are the Government’s immediate, short-term, medium-term and long-term plans for reducing and preventing overcrowding, and mitigating its harmful impacts?

Will the Government introduce a legal ceiling on capacity for each prison?

What progress has been made on introducing legislation to increase the use of community services orders and other non-custodial sanctions and measures to support diversion?

#### **Direct Provision**

The Irish International Protection system, commonly referred to as ‘Direct Provision,’<sup>35</sup> has faced widespread criticism since its inception in 1999 for violating the human rights of persons seeking international protection in Ireland. Direct Provision provides largely

institutionalised, communal setting accommodation, on a bed and board basis, with access to some ancillary services as well as a small weekly allowance of €38.80 for adults and €29.80 for children per week, access to medical cards, and ancillary supports.<sup>36</sup>

Direct Provision (and more recently Emergency Accommodation centres) are not purpose-built nor suitable for housing international protection applicants for protracted periods, especially families, children,<sup>37</sup> and other vulnerable groups. Emergency Accommodation centres have less oversight and support in place compared to Direct Provision centres.<sup>38</sup> There is a lack of independent monitoring of these emergency accommodation centres by the Health Information and Quality Authority (HIQA), which currently only has a mandate to undertake inspections in Direct Provision centres.<sup>39</sup> In addition, due to a lack of available International Protection Accommodation Service (IPAS) accommodation since the end of 2023, some male international protection applicants have not been offered accommodation<sup>40</sup> and have faced extreme risk living in street homelessness<sup>41</sup> as a result.

International protection applicants are forced to live in unsuitable congregated settings of Direct Provision in situations of precarity, insecurity and powerlessness. This includes living in material poverty, social isolation (often in remote rural locations lacking access to support services), negative power dynamics with Direct Provision staff, lack of access to psychosocial supports, impacts of racism, and lack of access to appropriate levels of legal support. Persons with disabilities<sup>42</sup> living in Direct Provision and Emergency Accommodation centres face additional challenges due to a widespread lack of accessible accommodation, and a lack of institutional focus on disability<sup>43</sup> across the Irish protection system overall.

**Recommended Question:**

By what date with the Health Information and Quality Authority's (HIQA's) mandate be expanded to include (in addition to Direct provision centres) the requirement to undertake inspections of the 254 Emergency Accommodation centres contracted by IPAS to house child and adult international protection applicants?

## **Upcoming EU Pact on Migration and Asylum Legislation June 2026**

Grave concerns exist<sup>44</sup> regarding the upcoming<sup>45</sup> New EU Pact on Migration legislation to be introduced in June 2026, which will potentially see an even greater shrinking of focus on the protection of human rights and disability rights in the new Irish international protection system. Specific concerns include the border procedure, restriction on movement, and potential of detention; reduced access to special reception conditions and vulnerability assessments of vulnerable groups, which for example, will act to directly increase risk to persons with disabilities<sup>46</sup> (especially those with newly acquired, less visible, or invisible disabilities), and survivors of human trafficking and SGBV; accelerated procedures (concerns include that individuals will automatically be placed in accelerated procedures based on their country of origin being designated a 'safe country', or a person automatically placed in accelerated procedure due to originating from a country historically with less than twenty percent success rate for international protection claims in Ireland); and reduced

timeframes available for appeals of negative decisions in accelerated procedures, with no option for in person appeals.

**Recommended Question:**

How will individuals from vulnerable groups such as persons with disabilities (including less visible or invisible disabilities), survivors of human trafficking, and all other vulnerable groups be assessed for special reception conditions by vulnerability assessment in the 12-week accelerated border procedures: particularly those from designed 'safe countries' and/or from countries with less than 20% historic positive international protection claims who are automatically placed in the accelerated border procedures on these grounds?

### **Access to Justice for Persons with Disabilities**

Ensuring effective access to justice for persons with disabilities remains a central requirement of Ireland's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD), particularly Article 13 (Access to Justice). Research conducted in 2024 examining Ireland's compliance with Article 13 highlights a number of systemic barriers that continue to affect the ability of disabled people to access and participate effectively in the Irish justice system.<sup>47</sup> The research identified significant gaps in awareness and understanding of the CRPD within the legal system, including among legal professionals and justice system actors. This lack of knowledge undermines the effective implementation of disability rights and limits the availability of procedural accommodations required to enable disabled people to participate effectively in legal proceedings. Participants in the study emphasised the need for comprehensive training in human rights and disability awareness for judges, legal practitioners, Gardaí (Irish police) and other justice system personnel to ensure that the justice system operates in a manner consistent with Ireland's obligations under Article 13 of the CRPD.

The research also identified substantial unmet legal need among disabled people in Ireland. Participants highlighted barriers including limited access to legal aid, the shortage of legal professionals experienced in supporting disabled clients, and delays within the legal system which can disproportionately affect disabled litigants. The study further noted that procedural accommodations are often inconsistently provided, particularly for people with intellectual disabilities, psychosocial disabilities or neurodivergence. These barriers are compounded by limited access to advocacy supports and the absence of comprehensive data on disability and access to justice. These issues indicate that significant reforms are required to ensure that disabled people can effectively vindicate their rights and participate on an equal basis in legal system, as required under Article 13 of the CRPD.

The concerns identified in the Minority Report of the Review of the Civil Legal Aid Scheme reinforce the findings of the baseline study regarding unmet legal need among disabled people in Ireland.<sup>48</sup> In particular, the report highlights systemic barriers within the civil legal

aid framework, including limited scope and accessibility, which may further impede the ability of disabled people to vindicate their rights and participate effectively in legal proceedings.

#### **Recommended Questions:**

Will Ireland commit to adopting Recommendation 9 of the Minority Report of the Review of the Civil Legal Aid Scheme by establishing a dedicated Disability Rights Law Centre?

Will Ireland introduce a statutory right to independent advocacy for disabled people and ensure adequate, sustained funding for advocacy services to eliminate waiting lists and support effective participation in justice processes?

### **The Rights of Older People in relation to Care and Personal Support**

The number of people aged 65 and over in Ireland is expected to double from 806,000 in 2023 to 1.6 million in 2051.<sup>49</sup> Yet, Ireland lacks any framework of statutory rights to adult social care services and personal supports other than an entitlement to be assessed for 'Fair Deal'<sup>50</sup> nursing home fees support. With regard to both older people and disabled people, this situation appears to violate the Article 19 CRPD requirement asserted by the UN Committee on the Rights of Persons with Disabilities in *Maria Simona Bellini v Italy*: that according to the right to live independently and included in the community, 'individualized support services must be considered a right rather than a form of medical, social or charity care'.<sup>51</sup> It leaves a significant gap in the domestic legal framework of protection against arbitrary deprivation of liberty and torture or other cruel, inhuman or degrading treatment.<sup>52</sup>

The Irish Longitudinal Study on Ageing has found that family-provided care must be better supplemented by State-provided home support in order to function sustainably.<sup>53</sup> Relatedly, Ireland's Economic & Social Research Institute and Health Information and Quality Authority (HIQA) have both reported that institutionalisation is being imposed on many older people and disabled people who should, and wish to, instead be enabled to live at home and included in their community.<sup>54</sup>

In 2021 the Citizens' Assembly on Gender Equality recommended a Referendum to constitutionally oblige the Irish State 'to take reasonable measures to support care within the home and wider community'.<sup>55</sup> The Citizens' Assembly further recommended improved pay and career structures for professional carers; reform of Carers' Allowance and pension entitlements for informal carers, and provision of adequate respite services for them; and the creation of a 'statutory right for payment for home care packages as well as nursing care'.<sup>56</sup> The Citizens agreed:

Older people and persons with disabilities should:

- (a) Be actively supported and resourced to live independently.
- (b) Have access to person centred financial supports to serve their individual needs.

- (c) Be enabled to participate as fully as possible in decisions on their care needs, based on the principles of fairness, respect, equality and dignity.
- (d) Be facilitated and resourced as much as possible if their choice is to be cared for at home.<sup>57</sup>

The Government chose not to put the Citizens' Assembly's Referendum proposal to the people in 2024. However, it remains possible at any time for legislation to be passed that would guarantee access to consensual, respectful, person-centred forms of care and support for older people, people with disabilities, carers and communities. The 2020 Programme for Government committed to introducing statutory entitlements to homecare<sup>58</sup> and the 2025 Programme for Government does the same.<sup>59</sup>

**Recommended Question:**

When will Ireland introduce a statutory framework that guarantees access to wide-ranging, consent-based social care services and personal supports?

### **Young Persons with Disabilities Inappropriately Accommodated in Nursing Homes**

Over 1,200 persons with disabilities under the age of 65 years old are being inappropriately accommodated in nursing homes, with more than one out of seven of these 1,200 individuals being aged under 50 years of age.<sup>60</sup> Sustainable funding and immediate government strategies need to be adopted as a matter of urgency<sup>61</sup> to ensure these young persons with disabilities can live independently in the community, as is their right under the Convention on the Rights of Persons with Disabilities (CRPD), which Ireland ratified in 2018.

**Recommended Question:**

What specific measures will be taken by the Government to provide targeted individual support to the 1,200 persons with disabilities under the age of 65 currently living in nursing homes, to be able to leave these nursing home settings and live in the community independently with agency and appropriate supports?

### **Equitable Traveller Housing Provision**

According to Pavee Point, approximately 39%<sup>62</sup> of Travellers experience homelessness.<sup>63</sup> Endemic discrimination, and lack of targeted action by city and County Councils<sup>64</sup> including lack of drawdown and spending by City and County Councils on Traveller-specific accommodation, all compound the current Traveller accommodations crisis and extreme levels of homelessness. Urgent action must be taken by the Irish government to provide additional and sustainable funding, as well as targeted oversight measures to ensure Travellers have access to appropriate and secure housing options and that discriminatory

institutional practices that reinforce housing inequalities in City and County councils are directly identified and legally remedied.

**Recommended Question:**

What measures will the Government take to ensure that City and County Councils' institutional processes are fully assessed to ascertain and legally remedy the specificities of how discriminatory attitudes and practices act as direct barriers to the equitable provision of sustainable Traveller housing, including the lack of full drawdown of allocated funding for Traveller specific housing annually, in each City and County Council area?

## **Business and Human Rights**

### *National Action Plan*

Ireland should ensure that third parties, including business enterprises operating in or domiciled in Ireland, respect human rights throughout their operations. Ireland's *National Plan on Business and Human Rights 2017-2020* focused on encouraging corporate sector respect for human rights, rather than developing legal obligations such as mandatory human rights due diligence, specifically in relation to overseas activities.

The Irish State has yet to produce its second national action plan on business and human rights (now six years overdue), thus failing to implement recommendations 157.76 and 157.111 from the Third UPR cycle. Ireland's second national action plan must deliver meaningful and substantive impact through setting ambitious targets, providing clear and consistent guidance to business enterprises, ensuring adequate implementation, and establishing effective oversight. In a range of areas, concerns arise regarding private sector activities in Ireland and the State's compliance with its obligations under international human rights law and adherence to the UN Guiding Principles on business and human rights with respect to the activities of business enterprises.

### *Housing and homelessness*

Lack of effective State control regarding private ownership of rental properties is contributing significantly to the housing and homelessness crisis – where a record 17,112 people are accessing emergency accommodation.<sup>65</sup> Short-term property lets, e.g. via Airbnb, are insufficiently regulated by the State and outnumber long-term lets by 4 to 1,<sup>66</sup> while many lack the requisite planning permission.<sup>67</sup> New legislation which will come into force in May fails to adequately address this issue.<sup>68</sup>

### *Israel's unlawful occupation and breaches of humanitarian law and international crimes, including war crimes, crimes against humanity and genocide*

The activities of numerous multinational corporations with Irish-based operations have been linked to the unlawful Israeli occupation of Palestinian territories and to breaches of

humanitarian law and international crimes, including war crimes, crimes against humanity and genocide, committed by the Israeli military in the Occupied Palestinian Territories. For example:

- Microsoft Ireland Operations Limited's Azure cloud system has been used as part of the Israeli military's 'Al Minasseq' surveillance system (a mass surveillance operation which has been linked to lethal targeting of civilians in Gaza); most of the communications data were stored in data centres in the Netherlands and Ireland.<sup>69</sup>
- Ireland has approved export licences for dual-use products and components being used by the Israeli military.<sup>70</sup> At least €96.5 million worth of licences have been issued for exports since October 2023, with 'companies in the Israeli defence, security or weapons industries or an Israeli state body' receiving almost one third of these exports.<sup>71</sup>
- Airbnb, which conducts much of its global business activities through a Dublin-based company, Airbnb Ireland, engages in rental of property in unlawful Israeli settlements in occupied Palestinian territory.<sup>72</sup>

Several Irish universities are involved in EU-funded academic and industry-based research collaborations which include Israeli institutions. One example is the €4 million EU-funded ASTERISK project which University of Galway coordinates and which involves Technion – Israel Institute of Technology as a partner.<sup>73</sup> Technion is understood to be an established research partner of the Israel Defense Forces (IDF).<sup>74</sup> The ASTERISK project aims to further 'green hydrogen production on a scale compatible with the needs of today's industry' through seawater electrolysis.<sup>75</sup> Staff of the Irish Centre for Human Rights have written an open letter to the President of University of Galway, explaining and emphasising that the University's prevailing legal obligations require—without qualification or reasonable dispute—that University of Galway immediately cease collaborating with Technion.<sup>76</sup> There is also a need for Government coordination to guide and support Irish universities in exiting partnerships with state and/or industry actors reasonably believed to be linked to serious human rights violations including international crimes.

### *Use of Shannon Airport*

The use of the commercially operated Shannon Airport in County Clare as a refuelling stop for US military planes and rendition flights highlights the role of commercial and private enterprises in violations of human rights and international law. Consistent reporting demonstrates that the airport has facilitated refuelling of US aircraft going to Iraq, Afghanistan and Israel,<sup>77</sup> carrying military personnel and allegedly weapons that may contribute to war crimes, crimes against humanity and genocide<sup>78</sup> (including the context of the US and Israel's aggression against Iran).<sup>79</sup> ICE deportation flights, such as those involving deportation of Ukrainians and Palestinians,<sup>80</sup> have also stopped at Shannon and mirror a history of facilitating US rendition programmes.<sup>81</sup> Privately hired planes and aviation charter companies are regularly used in these rendition flights.<sup>82</sup> Shannon Airport is run by Shannon

Group plc, a commercial semi-state company.<sup>83</sup> By facilitating these stopovers without sufficient safeguards, Shannon Group plc is profiting off potential breaches of international law.<sup>84</sup>

### *Corporate tax rate*

As highlighted by the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, Ireland's tax regime and fiscal policy hinders the ability of Ireland and other State parties to meet their human rights obligations.<sup>85</sup> The State's low corporate tax rate, accompanied by further loopholes and incentives, has led to Ireland being described as 'the number one destination for profit shifting' worldwide.<sup>86</sup> While Ireland purports to tackle tax avoidance, these practices persist or are replaced with similar structures,<sup>87</sup> at times undermining developing economies' tax bases and their ability to fulfil and protect human rights.<sup>88</sup>

### *Cerrejón mine in Colombia*

Irish State-owned company ESB previously imported millions of tonnes of coal from Cerrejón mine in Colombia.<sup>89</sup> While ESB is no longer burning coal at the Moneypoint power plant, it has failed to respond to the serious human rights impacts on the effected communities. ESB is directly linked to these impacts due to a lack of sufficient human rights due diligence and overreliance on the "Bettercoal" multi-stakeholder initiative.<sup>90</sup>

### *Hate speech online*

As highlighted by the Committee on the Elimination of Racial Discrimination, Ireland's legislation remains ineffective in combatting hate speech online, in particular towards Travellers, Roma, refugees, asylum seekers and migrants. The Criminal Justice (Hate Offences) Act 2024 did not address hate speech, and proposed legislation<sup>91</sup> targeting hate speech has not been enacted by the Irish Government.<sup>92</sup> Ireland has taken insufficient measures in relation to social media companies, including X (which has its European headquarters in Dublin), for the generation of abusive and harmful content, including child sexual abuse material.

### *Export of alumina to Russia*

Aughinish Alumina, a plant in County Limerick responsible for the production of alumina, has been linked to the continuation of Russia's illegal invasion of Ukraine via its supply chain. In 2025, 68% of the plant's total exports went to Russian smelters owned by Rusal, the same company that owns Aughinish Alumina.<sup>93</sup> These Russian smelters then sell to trading companies that directly supply Aluminium to arms companies (many of which have been sanctioned by the EU) which provide weapons to the Russian military.

### **Recommended Questions:**

Will Ireland ensure that the introduction of human rights and environmental due diligence legislation pursuant to EU Omnibus I will extend beyond a limited number of large companies to ensure a broader and more appropriate scope of such a legal obligation?

What steps is Ireland taking to ensure exports are not used in breaches of human rights and international law?

What is Ireland doing to implement safeguards and control on the number of short-term property lets?

Will Ireland ensure that the adoption of the Occupied Territories Bill includes both goods and services and is passed in a timely fashion to prevent any aid or assistance to the unlawful situation in the Palestinian Occupied Territories as identified by the International Court of Justice?

Will Ireland introduce safeguards to ensure that Shannon Airport, a semi-state-owned facility, is not being used to facilitate breaches of international law?

What is the Irish State doing to ensure that partnerships involving Irish universities do not see them implicated in human rights violations linked to research partners, including in the private sector?

What steps is Ireland taking to ensure that its corporate tax rate is not undermining its and other states' abilities to fulfil human rights?

Will Ireland ensure that ESB, a state company, responds effectively to the human rights breaches in Cerrejón mine and provides reparations?

What steps has Ireland taken in line with its human rights obligations to ensure remedies for victims of harms caused by the private sector, including those occurring outside of Ireland but linked to Irish companies?

## **Environmental Justice and Climate Change**

### *Impact of environmental and climate injustice on vulnerable and marginalized communities*

The International Court of Justice made clear in its *Advisory Opinion on The Obligations of States in Respect of Climate Change*, issued in July 2025, that the right to a clean, healthy and sustainable environment forms part of international human rights law and is 'inherent in the enjoyment of other human rights' (para. 393). It is well established that communities

experiencing disadvantage or marginalisation are often more vulnerable to the effects of climate change, pollution, energy poverty and other environmental harms. In the Irish context this applies to those from disadvantaged socio-economic backgrounds but probably most starkly, to members of the Travelling Community, who are one of Ireland's most marginalised groups and who suffer discrimination on a number of fronts, not least in the area of adequate housing/adequate facilities for those who wish to continue a nomadic way of life. A report from 2022 on the key dimensions of environmental and climate injustice experienced by vulnerable and marginalised communities identifies women, migrants and Travellers as particularly marginalised voices in this field and makes a number of recommendations on how Ireland can address environmental injustice.<sup>94</sup>

### *Proposed Importation of Fracked Gas*

The national Climate Change Advisory Council warns that 'Ireland remains substantially off track in meeting its EU and national emissions reduction targets'.<sup>95</sup> In this context, it is gravely concerning that the Irish Government recently overturned its established policy against importing fracked gas<sup>96</sup> and now plans to import this extremely harmful fossil fuel.

Ireland banned onshore fracking via the *Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017*, and the Government's (now obsolete) 2021 Policy Statement on the Importation of Fracked Gas had committed to (i) not allowing the importation to Ireland of fracked gas (pending a national energy security review), (ii) working 'with like-minded European States...to allow the importation of fracked gas to be restricted', and (iii) working 'with international partners to promote the phasing out of fracking at an international level'.<sup>97</sup>

In January 2026 the Government published the *General Scheme of the Strategic Gas Emergency Reserve Bill 2025*.<sup>98</sup> It will provide for a Floating Storage and Regasification Unit (FSRU), which is 'a large vessel with the ability to store, transport, and regasify Liquefied Natural Gas (LNG) and distribute this natural gas to the national gas network'.<sup>99</sup> The Government has identified the community of Kildysart, Co Clare, as the location for the planned FSRU.<sup>100</sup> This location in the West of Ireland, and President Donald Trump's comments during St Patrick's Day ceremonies in Washington DC in March 2026,<sup>101</sup> indicate that the LNG imported into Ireland will be fracked gas from the United States. During her recent country visit to Ireland, the United Nations Special Rapporteur on the human right to a clean, healthy and sustainable environment, Astrid Puentes Riaño, noted that the Government's plan is 'yet to include adequate, comprehensive and scientifically based assessments of environmental and climate impacts'.<sup>102</sup>

### Recommended Questions:

What is Ireland doing to ensure that the right to a clean, healthy and sustainable environment, as recognised by the International Court of Justice, is upheld domestically, particularly in the context of vulnerable or marginalised groups?

Will Ireland reinstate its policy statement against importing fracked gas?

Will Ireland work with international partners to promote the phasing out of fracking at an international level?

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