

Ireland has signed several international human rights treaties which impose strong commitments on the country to uphold and promote human rights and dignity under diverse categories, ranging from economic and social rights to children's rights to refugee rights. But when money is short and there are cutbacks in all areas, how can Ireland as a country maintain its human rights standards?

It is tempting for a government under severe financial pressure to say that it "cannot afford" human rights. But we still need the rule of law and respect for the individual even - or indeed especially - in times of restricted resources and economic uncertainty. Likewise, human rights – the freedoms and responsibilities that we have as human beings and which form part of the rule of law – do not disappear in tougher economic times.

FLAC believes that human rights begin at home. Ireland cannot ignore its commitments under international law even if it must consider very carefully how best to honour them.

Even in straitened circumstances, states have an internationally recognised legal duty to respect, protect and realise human rights. Below we set out some basic information about these laws and Ireland's duties.

★ What is international human rights law about?

Human rights under international law covers broad categories: for example, states must take every possible step to ensure that everyone in the jurisdiction has a basic level of subsistence to live in dignity; states must take account of the impact of cuts on the most vulnerable in society; and cuts must be effected in a non-discriminatory and transparent way in consultation with affected groups.

Ireland has signed up to many international treaties and thus undertaken to realise the rights contained within these laws. To assist states in carrying out their duties, human rights law has developed some basic rules on respecting, protecting and promoting human rights law in hard times.

States are legally bound to implement these basic rules; they are not optional. Further, respect for human rights is intertwined with the rule of law in our society. As the United Nations has explained, establishing respect for the rule of law is fundamental to the effective protection of human rights and to sustained economic progress and development. Everyone – from the individual up to the State itself – is accountable to laws that are known to all, enforced equally and adjudicated independently.

★ What are Ireland's international human rights duties?

As well as being bound by general human rights law obligations, Ireland has committed itself to the protection of several rights contained in international human rights treaties, covering civil and political rights, economic, social and cultural rights, children's rights, women's rights, refugee rights and anti-discrimination and anti-torture provisions.

There is a consistent obligation in all these documents to **respect, protect** and **fulfil** the rights set out in the treaties. These rights must be realised either immediately or progressively. For example, rights recognised as **economic, social** and **cultural rights**, such as the rights to housing, health, food and water, social security or education, will all have to be realised **progressively** over time. However, the right to be free from discrimination must be implemented **immediately**.

Obligations to **monitor** the extent of how rights are realised and to devise strategies and programmes to **promote** rights, are not in any way reduced or removed in recessionary times. The United Nations has devised several criteria to **examine** how this is done under each state obligation.

★ What do human rights commitments require from the State?

Firstly, there is a duty to **respect, protect** and **promote** human rights.

- ★ The duty to **respect** a right: the state must not interfere with existing access to or enjoyment of a right and to take positive steps to maintain existing access.
- ★ The duty to **protect** a right: the state must prevent third parties from interfering with equal and affordable access to that right.
- ★ The duty to **fulfil** a right: the state must provide a way for people to exercise a right where they cannot do this independently.

“Where, after all, do universal human rights begin? In small places, close to home; so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

--Eleanor Roosevelt, 1958

Secondly, there is the obligation to provide to every person in the land at least the basic level of subsistence necessary to live in dignity, while taking into consideration resource constraints. This is called the **minimum core obligation**. Where a state seeks to excuse poor performance on meeting human rights obligations, citing lack of resources, it must show that every effort has been made to use all resources at its disposal in trying to satisfy, as a matter of priority, those minimum obligations.

The precise core obligation will vary from state to state. Examples within the right to education would include the right to primary education and the right to access public educational institutions. Access to basic shelter and sanitation, to an adequate supply of water and to essential drugs have all been identified as minimum core obligations within the right to health.

Thirdly, there is the concept of **progressive realisation** which acknowledges that a state may be unable to ensure full realisation of all economic, social and cultural rights in one go. However, the state still has an immediate duty to move towards that goal as quickly as possible, even using resources available from the international community through co-operation and assistance.

Fourthly, Government must fully respect the principles of **accountability, transparency** and the **participation** of interested groups in how it formulates and implements its policies, programmes and strategies so as to meet obligations under international human rights instruments.

Finally, and importantly, there is an onus on the state to have **consistency** and **fairness** in the application of the law and in providing public services that focus on individuals' needs.

★ More information? See FLAC's paper on 'Realising Rights' available on our website: www.flac.ie