



TPN 021/2020

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Secretary-General of the United Nations (High Commissioner for Human Rights) and refers to the communication OL IRL 1/2020.

With reference to the aforementioned communication, enclosed please find a response from Tánaiste & Minister for Foreign Affairs and Trade, Mr Simon Coveney T.D.

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Secretary-General of the United Nations (High Commissioner for Human Rights) the assurances of its highest consideration.





Professor Philp Alston
Special Rapporteur on extreme poverty and human rights

21 April 2020

Dear Professor Alston,

Thank you for your letter of 14 April bringing to the attention of the Government, information you have received concerning the Public Services Card (PSC).

At the outset, I would like to note our disappointment that, in spite of attempts to engage with you on these critically important issues, you have not responded to our invitation to discuss them directly. Instead it appears that you have based your review on third party observations and have not sought to validate or verify the information received. As a consequence there are a number of factual errors and misconceived assumptions in your review.

It is regrettable that your Communication lacks the balance that we believe would have been provided by a more constructive approach.

As you will appreciate, the over-riding priority of the Irish Government at present is to address the challenge posed to the State and our people by the COVID-19 pandemic. We are wholly committed to confronting this crisis and dealing with its consequences as effectively as possible. This has included the rapid implementation of social protection measures by this State's Department of Employment Affairs and Social Protection (DEASP) for those who have become unemployed. In the last month over 800,000 claims for COVID-19 support payments have been processed. This is equivalent to processing just under 4 years' worth of claims in a single month.

It is surprising that there is no reference to this global crisis in your Communication apart from one instance where you use actions taken in response to the crisis to draw an incorrect conclusion about Irish Government policies.

The exceptional and temporary arrangements made across a variety of areas of public life, in Ireland and in other states, to meet this international crisis are not measures which obtain in ordinary times. The Irish Government has taken decisions in line with the latest Health Service Executive and World Health Organisation advice around social distancing, in order to fight the spread of the COVID-19 virus. No inference should be drawn from any decision to minimise face-to-face contact to the effect that the Public Services Card process is "unduly burdensome" in the normal course of events.

Notwithstanding these unprecedented pressures on our system, we believed that it was important to respond to your extremely detailed Communication, at the earliest possible opportunity. Our initial analysis suggests that most if not all of the information contained therein is taken from material already in the public domain, most notably the Final Report of the Data Protection Commission which was published in September 2019. It is somewhat surprising that your Communication does not give any weight to, or even reference, the information contained in the DEASP Response to that Report, which was published at the same time as the Final Report.

You now address a number of specific questions to the Irish Government. The Data Protection Commission served an Enforcement Notice against the DEASP on 6 December 2019. The Government respectfully disagreed with the DPC's findings and requirements, and launched an appeal to the Circuit Court against them. As you are aware, those proceedings are currently underway. As the matter is *sub-judice*, I am therefore not in a position to answer all of these questions. In respect of Question 3, however, I wish to draw to your attention the results of a customer survey on the Public Services Card, published in March 2019. This survey conducted by a reputable research agency found that 96% of people were either satisfied or very satisfied with the process of applying for a PSC, while 88% felt that they had the right level of information or more information than was required in respect of the PSC. Again it is somewhat surprising that your Communication does not reference the results of this Survey.

Ambitious and comprehensive social welfare systems such as the one operated in Ireland are by definition complex. While we accept of course that further improvements can always be brought to bear, we do not accept the opinion you have expressed that the PSC impacts unfairly on the least well-off in Irish society. Every week in Ireland, over 1.3 million people receive some type of social welfare payment and a further 600,000 receive a monthly payment. Most of these payments, to almost 2 million people out of an adult population of 3.4 million, are either universal or based on social insurance contributions. The people who receive these supports are from a range of social and economic backgrounds. While many fall into a low income/risk of poverty category, many others do not. Since its introduction, over 3 million persons have authenticated their identity and have been issued with a Public Services Card. This clearly indicates that it is not targeted at, nor does it discriminate against, people on low incomes and I am gratified to note that your Communication does not identify a single case of extreme poverty arising from the requirement that a person must first authenticate their identity before qualifying for a social welfare payment.

While I am precluded by the legal proceedings currently underway from responding in detail to your opinions concerning data protection and privacy, I would like to reiterate the Irish Government's clear position that the PSC is properly grounded in law and does not contravene any of Ireland's human rights obligations. The legislative measures concerned were debated and approved by the Oireachtas (Parliament) prior to implementation, affording strong protection against any unwarranted or undemocratic expansion of their scope.

The promotion and protection of human rights is at the core of Ireland's foreign policy. We strongly support the international human rights system, including the critically important work of the special procedures of the UN's Human Rights Council. We consistently co-sponsor resolutions on special procedures at the Council and at the UN General Assembly. We also take seriously our responsibility to engage with and respond fully and in a timely manner to communications from special procedures. In the course of 2019, we replied in detail to three such communications. We also made submissions in response to requests for information on a number of topics from mandate holders. I note for example that we were one of only 22 UN Member States to respond to your questionnaire on the introduction of digital technologies in the implementation of national social protection systems in May 2019.

We are one of a small number of countries that has issued a standing invitation to all special procedures to visit Ireland. Indeed, we were pleased to welcome your predecessor on an official visit in 2011. We are at a loss to understand therefore, given your obvious interest in our social protection system, why you did not take up this invitation during the term of your mandate.

Such a visit would have permitted you to establish a dialogue with the relevant Government Department and with all other stakeholders and to be more fully informed on this important issue. A further missed opportunity was your failure to reply to the letter of 7 August 2019 from a senior official of the Department of Employment Affairs and Social Protection offering to clarify any questions you might have about SAFE/PSC and to meet with you.

Your lack of engagement with my Government prior to your letter of 14 April has unfortunately resulted in a narrow and partial analysis of this complex issue, resulting in an entirely misleading and false depiction of the Irish social welfare system. Any suggestion that people in Ireland, regardless of background, are unable to get the support they need from that system by virtue of PSC requirements are wholly untrue. Any further response on this issue must, of necessity, be circumscribed at this time by reference to the parameters of the ongoing legal proceedings.

You can be assured that our commitment to human rights, both at home and at a global level, is secure. As your mandate will conclude at the end of this month, we look forward to following up with your successor on issues concerning the impact of extreme poverty on human rights.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Simon Coveney', is written over a horizontal line.

Simon Coveney T.D.

Tánaiste and Minister for Foreign Affairs and Trade