

**Speech by the Minister for Social Protection
Leo Varadkar, TD
At the UCD Seminar related to Equality, Diversity Inclusion
& Human Rights
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I'm delighted to be here today and I want to thank you sincerely for the invitation. I am particularly appreciative, as a Trinity alumnus, for the warm reception I always get here in Belfield.

And I'm especially honoured to have been asked to give this talk about Equality, Diversity, Inclusion and Human Rights and I thought, as we are in an institute of learning, I might pose a few questions for you, the audience, to consider.

To try to share with you some of the questions my colleagues and I have to mull over when formulating policy and making decisions.

When preparing this paper I was thinking about what Equality means to me, how we arrived at this place and how I would talk about it today.

I don't mean the dictionary definition.

I mean what really matters - its impact on the citizen.

While pondering this and thinking about what equality means from a Government perspective, I was reminded of an image I saw on twitter a while back. It is a famous graphic of three children, aged 4, 8 and 12, each standing on three equally sized boxes, behind a solid wooden fence, trying to watch a game.

The 12 year old can see everything fine. The 8 year old can just about see over the fence while standing on the box. But the 4

year old, the 4 year old can't see anything. But, they each were given the same sized box, so it is equal, it is fair, right?

Maybe, but what's the impact? The outcome for the kids?

The solution is provided in a third image in which none of the children had a box and the wooden fence was now a transparent fence.

It still fulfilled the primary objective of keeping unauthorised people out, but none of the children needed special supports or accommodations because the inequity was addressed by the systematic barrier being removed. And that, is the ultimate goal.

My job, as both a T.D., and especially as a Minister, is to develop safeguards and policies that further the betterment of society. We are here to try and make decisions that can be applied equally and equitably, and ideally bring about positions where State supports are no longer required and perverse incentives and traps are avoided.

On rare occasions those decisions are markedly easy to support. The marriage equality referendum is one example and one that will always remain a high point of Fine Gael's time in Government.

It is at moments like the count at Dublin Castle, that you remember why you entered politics and what it is really all about.

A right, the right to marry the person you love, that was the preserve of the majority of our citizens was extended to a minority – and no one was any the worse off for it.

But those instances, difficult and challenging as they may be to progress, are indeed rare examples of where extending a right in one aspect does not have a correlating negative impact on anyone else. These changes are not all that common.

As a Government we try and take decisions that will benefit all of society, but often we need to prioritise the needs of one particular part of that society at a time.

When one does this, when you propose a reform and improvement to one part of life, you invariably create a situation in which there are perceived ‘winners & losers’, costs and opportunity costs.

Take, for example, the recent budget. In the Budget we wanted to begin to reduce the cost of childcare that is a barrier for many working parents to be able to enter or re-enter the work-force if they so wish.

Invariably, critics looked for a ‘loser’ in this scenario and sought out the opinion of stay-at-home parents who did not wish to return to the work-force and make the equally valid choice to remain with their children.

But for me, that is what Equality should be about: the freedom to make choices in your own life, without unreasonable barriers being put in place.

And so, Human Rights and Equality are complex issues. A key question is: which ‘human right’ takes precedence where rights come into conflict with each other?

We are in the midst of another socially divisive conversation around reproductive rights at the moment and the harshness of the words exchanged can be chilling. I know many legislators and others have received very abusive correspondence from citizens who are absolutely convinced their viewpoint, and ONLY their viewpoint, is the correct one.

But there are many rights involved. There are the rights to life of the pregnant woman and of the baby in the womb. There is the right to bodily integrity. There is the right to physical and emotional security.

These are all important rights and Government and the Oireachtas have to listen to all these arguments and weigh them carefully.

Consider the attacks on the 'Charlie Hebdo' offices in 2015. At the heart of this is a debate over two competing rights, the right to freedom of expression or freedom of speech and the non-discrimination on grounds of religion and respect for religion. In Ireland, we have Article 40.6.1 on Blasphemy in our Constitution, and so it is a right to which we have given the highest protection. In 2009 the Oireachtas legislated for the new offence of "publication or utterance of blasphemous matter", against any religion and thus broadened previous understanding of the Article beyond the Christian faiths, in line with the Constitutional guarantee of religious equality.

So, this gives rise to a number of questions. Would the Irish press be in breach of the Blasphemy law if they re-printed some of the Hebdo material or the Danish cartoons? And would we want that?

These are the questions that we wrestle with. These are the questions that can often be easily answered when posed in the media and online, until you come across a scenario or situation that had not been foreseen and then different rights come into conflict.

Conventions

I'd like to move now to explain how Ireland is evaluated for its performance in the area of Equality and Human Rights.

As you know, Ireland has commitments under three main international bodies.

We have the United Nations and its treaties. The most famous of these is the United Nations Declaration of Human Rights and we recently underwent a UN Universal Periodic Review, where Ireland's entire rights apparatus came under examination.

We also have reporting commitments under the other Conventions, such as the Elimination of Discrimination Against Women (CEDAW), Elimination of Racial Discrimination (CERD), Rights of the Child amongst others. The report on the Elimination of Discrimination Against Women was submitted in September and Ireland will be in Geneva in February defending its record.

We have the Council of Europe and its European Convention of Human Rights and its European Court of Human Rights. There is a significant reporting obligation arising here. Indeed, as I give this speech, I know that officials are in Strasbourg discussing Traveller and Roma rights in one venue, with LGBT issues being discussed in another.

And we have the European Union with its Charter of Fundamental Rights enforced by the European Court of Justice.

Ireland has not yet ratified two of the United Nations treaties we have signed, on Enforced Disappearances and more topically, the Convention on the Rights of Persons with Disabilities. This last ratification is of particular priority for Government.

As the last EU member state to ratify, we fully acknowledge that it has taken too far long to get to this point.

Different countries take different approaches to ratification of international human rights Conventions. We sign Conventions as a declaration of our commitment that we want to apply the Convention in Ireland, but we ratify when we can satisfy our international partners that we are meeting our commitments.

Considerable progress has already been made to overcome barriers to Ireland's ratification. We are nearly there and we are determined to get it right.

The Assisted Decision-Making (Capacity) Act 2015 was signed into law last year and is a comprehensive reform of the law on decision-making capacity. Commencement will begin before the end of the year.

The Criminal Law (Sexual Offences) Bill 2015 will reform the law to facilitate the full participation in family life of people with intellectual disabilities and the full expression of their human rights.

The General Scheme of the Equality/Disability (Miscellaneous Provisions) Bill was submitted to the Oireachtas Committee on Justice and Equality in June as part of the pre-legislative scrutiny process.

That is just a sample of the extraordinary amount of work that can go on behind the scenes when trying to bring long standing legislation into line with new best practices

Political Changes

I think we can all agree, that Ireland and the developed world has made great strides in advancing equality, diversity and human rights in recent decades. But it would be wrong of me to finish without making some reference to the political changes happening in our world in the United States, Russia, Turkey and Central Europe.

Last week, in London, Prime Minister Teresa May spoke about the post-War ‘liberal consensus’ and opined that it has failed to maintain the consent of many people.

I am not yet sure if Ms May is, in fact, a supporter of that liberal consensus herself, but whether she is or not, her words should be heeded. We must not allow human rights and equality to become latter day secular religions, replete with their own doctrine in the form of Conventions and even their own clergy and inquisition to silence dissenters and opponents.

Human Rights and equality should not be doctrines or fundamental truths to be upheld for their own sake. Human rights and equality are only of value if they impact in a meaningful way, and for the better, on the lives of people and citizens.

And the measures introduced to realise human rights and deliver equality must attain the consent of people and citizens.

There is a quote that I remember hearing back as a student:

‘To sin by silence, when they should protest, makes cowards of men.’

It was often attributed to Abraham Lincoln, but it was actually written by Ella Wheeler Wilcox in a poem called 'Protest' written at the start of the first world war.

I've been thinking about those words in the last week or so, because of the range of views expressed about how we should respond to the election of Donald Trump. Some are outraged – and rightly so - by some of the views expressed by President-Elect Trump and Vice-President-Elect, Mike Pence, concerning women, gay people, and different ethnic groups.

Some think that there should be no accommodation with people who hold offensive views. That we should boycott them. That we should turn our backs on them. That we should brand and demonise them. That we should protest, rather than become cowards.

Last Friday, in New York, Mike Pence and his family went to the theatre to see the musical 'Hamilton', a play about one of the founding fathers, and he was booed and jeered repeatedly by sections of the crowd. That is their right in a free world, but was it the right response?

What I thought was more powerful – more moving – and more likely to soften hearts and change minds – was the response of the cast. At the end of the performance, the actor playing Aaron Burr, another Vice President, spoke directly to Pence, welcomed him to the theatre, thanked him for attending and made an eloquent plea for diversity, and toleration, and for the American values that some fear are under threat.

If we really believe in our values, then we should trust that they can withstand robust engagement, including when they come into contact with people who believe the exact opposite.

We shouldn't be afraid to meet other people and talk to them and engage with them. Because that's the only way that hearts will soften and views will change. No arguments are won in echo chambers where people only engage with other people who share and re-inforce their views, and that's true on the left and right, liberal and conservative, in person, on-line and on the streets.

Another Vice President and one of the most powerful in America's recent history is Dick Cheney, who was seen as a social conservative.

His second daughter, Mary, is lesbian and supports equal marriage, and convinced her father to support it as well. He has publicly supported it since leaving office. Human stories change hard views just as they did in Ireland in the run up to the referendum on marriage equality.

The best thing for the cause of equality, human rights and diversity in the US might very well be for Vice President Pence to come to Ireland, our country and the country of his forebears, to see how we have embraced marriage equality, multiculturalism, greater equality among the sexes, freedom of religion, diversity and respect.

How a country that was once one of the most conservative and closed in the world, when it came to social issues, has changed because the key issues were debated in a spirit of toleration and respect, not by shunning or abusing those with other points of view.

So, what would Ella Wheeler Wilcox have said? In her poem she acknowledges that *'The human race has climbed on protest. Had no voice been raised against injustice, ignorance, and lust, the inquisition yet would serve the law, and guillotines decide our least disputes'*.

But her solution was 'speech'. She urged that *'The few who dare, must speak and speak again'* and reminded us that speech should never be gagged or throttled.

Ireland has never been a powerful country in the world, we have never had a dominant army or real economic power. But there is one thing that we are famous for around the world, and that is the way we use words, and the way we have used the power of speech throughout our history. We have it in our power to be an eloquent champion of human rights, of equality and diversity. We should do it by articulating and defending the values we believe in.