



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/IRL/CO/2
14 April 2005

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixty-sixth session
21 February-11 March 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

IRELAND

1. The Committee considered the initial and second periodic reports of Ireland, submitted in one document (CERD/C/460/Add.1), at its 1687th and 1688th meetings (CERD/C/SR.1687 and 1688), held on 2 and 3 March 2005. At its 1699th meeting (CERD/C/SR.1699), held on 10 March 2005, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report submitted by the State party, which is in conformity with the reporting guidelines and which was drafted following consultation with organizations of civil society, as well as the comprehensive additional oral and written information provided by the high-ranking delegation. The Committee was encouraged by the attendance of a large and well-qualified delegation and expresses its appreciation for the opportunity thus afforded to enter into a constructive dialogue with the State party.

B. Positive aspects

3. The Committee commends the State party for the recent adoption of the first National Action Plan against Racism, and the extensive consultations with civil society organizations during the drafting of this plan. The Committee also welcomes the information provided by the

delegation concerning the forthcoming inclusion of representatives of civil society organizations in the High-Level Strategic Monitoring Group for the implementation of the National Action Plan. The Committee welcomes this initiative as a positive reflection of the State party's commitment to developing an ongoing and constructive relationship with civil society.

4. The Committee notes with appreciation the establishment of several independent institutions with competence in the field of human rights and racial discrimination, namely the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism, as well as judicial bodies with specific jurisdiction on equality and non-discrimination, such as the Equality Tribunal.

5. The Committee welcomes the enactment of a comprehensive legislative framework on anti-discrimination, which includes the Employment Equality Act 1998, the Equal Status Act 2000 and the Equality Act 2004, and notes with satisfaction that legislation to implement Council Directive 2000/43/EC of 29 June 2000, which prohibits discrimination on the grounds of racial or ethnic origin in employment, education, social protection and access to goods and services, is currently before Parliament.

6. The Committee, recalling the importance of gathering accurate and up-to-date data on the ethnic composition of the population, welcomes the decision by the State party to include a question on ethnicity in the next census in 2006, and encourages the State party to include in the next periodic report detailed information on the population, including non-citizens.

7. The Committee notes with appreciation that the State party has ratified the amendment to article 8 of the Convention, and has made the declaration under article 14 recognizing the competence of the Committee to receive and consider individual communications. As regards the latter, the Committee hopes that adequate measures will be taken within the State party to give it adequate publicity among the general public.

8. The Committee also notes with satisfaction the specific initiatives taken so far with regard to the Traveller community, including the National Strategy for Traveller Accommodation and the Traveller Health Strategy.

C. Concerns and recommendations

9. The Committee regrets that the State party has not yet incorporated the Convention into the domestic legal order, particularly in light of the fact that the State party has incorporated other international instruments into domestic law (Convention, art. 2).

The Committee invites the State party to envisage incorporating the Convention into its domestic legal order.

10. The Committee notes that the State party made a declaration on article 4 of the Convention. The Committee believes that no compelling reasons exist impeding the withdrawal of this declaration (art. 2).

Recalling its general recommendation XV, the Committee recommends to the State party that it reconsider its position and encourages it to withdraw the declaration made on article 4 of the Convention.

11. While noting the continuous efforts undertaken by the State party to combat racial discrimination and related intolerance, the Committee remains concerned that racist and xenophobic incidents and discriminatory attitudes towards ethnic minorities are still encountered in the country (art. 2).

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotyping, especially in the media, and fight prejudice and discriminatory attitudes. In this context, the Committee recommends that the State party introduce in its criminal law a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance allowing for a more severe punishment.

12. While noting the existence, in the area of the application of the Convention, of a diversified NGO community in Ireland and welcoming in particular the establishment by the State party of several independent institutions and judicial bodies in the field of human rights and non-discrimination, as referred to in paragraph 4 above, the Committee wishes to underscore the importance of providing adequate resources to these institutions, in order to enable them to efficiently and effectively exercise their duties and functions (art. 2).

The Committee recommends that the State party provide the newly established institutions in the field of human rights and non-discrimination with adequate funding and resources to enable them to exercise the full range of their statutory functions, and also support the NGO community.

13. The Committee is concerned at the possible implications of the policy of dispersal of and direct provision for asylum-seekers (art. 3).

The Committee encourages the State party to take all necessary steps with a view to avoiding negative consequences for individual asylum-seekers and to adopt measures promoting their full participation in society.

14. The Committee is concerned about reported instances of exploitation of foreign workers by some employers and of violations of labour regulations prohibiting discrimination (art. 5).

The Committee, recalling its general recommendation XXX on discrimination against non-citizens, encourages the State party to ensure full practical implementation of legislation prohibiting discrimination in employment and in the labour market. In this context, the State party could also consider reviewing the legislation governing work permits and envisage issuing work permits directly to employees.

15. The Committee regrets the absence of special detention facilities for asylum-seekers whose request for asylum has been rejected and for undocumented migrants awaiting deportation (art. 5).

The Committee recommends that the State party provide additional information in its next report on the conditions of detention of asylum-seekers and undocumented migrants awaiting deportation.

16. The Committee notes the reported occurrence of discriminatory treatment against foreign nationals entering Ireland during security checks at airports (art. 5).

The Committee encourages the State party to review its security procedures and practices at entry points with a view to ensuring that they are carried out in a non-discriminatory manner.

17. While welcoming the efforts of the State party with regard to the human rights training of the national police force, the establishment of a Garda Racial and Intercultural Office and the appointment of Garda Ethnic Liaison Officers, the Committee expresses concern about allegations of discriminatory behaviour by the police towards members of minority groups and regrets that data on complaints of racial discrimination against the police have not been provided in the report (arts. 5 (b) and 6).

The Committee invites the State party to include in its next periodic report data on the number of complaints against members of the police concerning discriminatory treatment as well as on the decisions adopted. It further recommends that the State party intensify its sensitization efforts among law enforcement officials, including the setting up of an effective monitoring mechanism to carry out investigations into allegations of racially motivated police misconduct.

18. The Committee, noting that almost all primary schools are run by Catholic groups and that non-denominational or multid denominational schools represent less than 1 per cent of the total number of primary education facilities, is concerned that existing laws and practice would favour Catholic pupils in the admission to Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available (art. 5 (d) (vii) and 5 (e) (v)).

The Committee, recognizing the “intersectionality” of racial and religious discrimination, encourages the State party to promote the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) to schools is concerned.

19. The Committee is concerned that the non-discrimination requirement stipulated in the 2000 Equal Status Act only covers Government functions falling within the definition of a “service” as defined by the Act itself (art. 5 (f)).

In order to ensure comprehensive protection against discrimination by public authorities, the Committee urges the State party to consider expanding the scope of the Equal Status Act so as to cover the whole range of Government functions and activities, including controlling duties.

20. Recalling its general recommendation VIII on the principle of self-identification, the Committee expresses concern at the State party’s position with regard to the recognition of Travellers as an ethnic group. The Committee is of the view that the recognition of Travellers as an ethnic group has important implications under the Convention (arts. 1 and 5).

Welcoming the open position of the State party in this respect, the Committee encourages the State party to work more concretely towards recognizing the Traveller community as an ethnic group.

21. While noting the efforts made so far by the State party with regard to the situation of members of the Traveller community in the field of health, housing, employment and education, the Committee remains concerned about the effectiveness of policies and measures in these areas (art. 5 (e)).

The Committee recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be taken urgently to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle.

22. The Committee notes that members of the Traveller community are not adequately represented in the State party's political institutions and do not effectively participate in the conduct of public affairs (art. 5 (c)).

The Committee invites the State party to consider adopting affirmative action programmes to improve the political representation of Travellers, particularly at the level of Dáil Eireann¹ and/or Seanad Eireann.²

23. The Committee is particularly concerned about the situation faced by women belonging to vulnerable groups and at the instances of multiple discrimination they may be subject to (art. 5).

The Committee, recalling its general recommendation XXV, encourages the State party to take measures with regard to the special needs of women belonging to minority and other vulnerable groups, in particular female Travellers, migrants, refugees and asylum-seekers.

24. The Committee remains concerned that a fairly short time limit has been introduced in respect of the judicial review of administrative decisions on immigration issues (art. 6).

The Committee hopes that all issues pertaining to the appeal procedure will be adequately resolved within the framework of the proposed Immigration and Residence Bill.

25. The Committee wishes to encourage the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and the ILO Migration for Employment Convention (Revised), 1949 (No. 97) to ensure better protection for migrants and migrant workers.

26. The Committee recommends to the State party that it continue consulting with organizations of civil society working in the area of combating racial discrimination during the preparation of the next periodic report.

27. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

28. The Committee recommends that the State party submit its third and fourth periodic reports, due on 28 January 2008, jointly and that it address therein all points raised in the present concluding observations.

Notes

¹ The Lower House of Parliament.

² The Upper House of Parliament (Senate).
