

**Resolution CM/ResCMN(2014)2
on the implementation of the Framework Convention for the Protection of National Minorities
by Ireland**

*(Adopted by the Committee of Ministers on 12 February 2014
at the 1191st meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as “the Framework Convention”),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Ireland on 7 May 1999;

Recalling that the Government of Ireland transmitted its State report in respect of the third monitoring cycle under the Framework Convention on 18 July 2011;

Having examined the Advisory Committee's third opinion adopted on 10 October 2012, as well as the written comments of the Government of Ireland received on 19 April 2013;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Ireland:

a) Positive developments

Although the authorities have not recognised any national minority *de jure*, they maintain *de facto* an inclusive and positive approach to the scope of application of the Framework Convention. The recent declaration that the proposal of recognition of Travellers as a separate ethnic minority is currently being given serious consideration, is welcome.

The authorities collect substantial amounts of data on minority related issues, in particular as concerns the Travellers. The 2010 All Ireland Traveller Health Study provides substantial basis for government's policies in the field of health, housing, access to public utilities and education for Travellers.

Ireland is committed to ensure strong equality legislation. The Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007, the Civil Law (Miscellaneous Provisions) Act 2008, and the Civil Partnership Act 2010 have been enacted or amended to provide effective protection against discrimination.

The Code for Programme Standards of the Broadcasting Authority of Ireland and the Code of Practice for Newspapers and Magazines have been adopted respectively in 2007 and 2008 and provide possibilities for redress in cases of alleged discrimination, causing grave offence or stirring up hatred against an individual or group on the basis of race, religion, nationality, colour, ethnic origin, or membership of the Traveller community.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: “Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour”.

In the past seven years, in accordance with the Traveller Education Strategy, all segregated pre-schools for Traveller children were merged into inclusive, universal and publically funded pre-school education.

The consultative National Traveller Monitoring and Advisory Committee (NTMAC) was established in 2007. In addition, a number of other committees, competent in specific fields, such as the National Traveller Accommodation Consultative Committee, the Local Traveller Accommodation Consultative Committees, the Traveller Education Strategy Advisory and Consultative Forum and The Traveller Health Advisory Committee, continue to operate.

b) Issues of concern

The authorities are planning to merge a number of currently operating structures with long experience in dealing with human rights and anti-discrimination issues. The Irish Human Rights Commission and the Equality Authority are to be merged into a new and enhanced Irish Human Rights and Equality Commission (IHREC), while the Equality Tribunal, the Labour Relations Commission, Rights Commissioners, the National Employment Rights Agency (NERA) and the Employment Appeals Tribunal will merge into a new structure which would provide for a single two-tier body with one point of entry (first instance) and one locus for appeals (appellate body).

Although the authorities continue to support manifestations of Traveller culture, such as the annual Traveller Pride Week, the support provided to Traveller culture continues to be event-centred, not allowing for continuous and sustained development of cultural projects.

In spite of some small improvements as regards educational outcomes for Traveller children, the overall situation is still a matter of concern. Traveller children continue to experience high drop-out rates and academic outcomes for Traveller children overall are significantly lower than those of the majority population.

The consultative committees established to advise the authorities on Travellers' issues remain purely advisory bodies with no power to make decisions.

Travellers continue to experience discrimination in access to the labour market, and despite various initiatives and schemes undertaken by the authorities 75% of Travellers remain unemployed. Travellers consider that the principal causes of this deplorable situation are discriminatory practices and social exclusion leading to low self-esteem and poor performance in education. The implementation of the 1998 Traveller Accommodation Act, which aims at improving the rate of provision of accommodation for Travellers, is not satisfactory. It is regrettable that there are no plans to amend or review the law concerning trespass.

While the census of 2011 allowed respondents to indicate more than one ethnic affiliation in line with international recommendations there were concerns whether the census questions created conditions to accurately reflect the numbers of persons belonging to specific ethnic communities.

2. Adopts the following recommendations in respect of Ireland:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action:²

- establish without delay the new Irish Human Rights and Equality Commission and the planned structures to replace the Equality Tribunal and ensure that they function independently and effectively;
- continue to involve Travellers in the work of all relevant consultative mechanisms and promote relevant participation in decision making at local and national levels by members of various minority groups; involve relevant stakeholders, as appropriate, in the implementation of the National Traveller/Roma Integration Strategy

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- take urgent measures to address the *de facto* exclusion of the Travellers from the labour market, develop genuine and realistic programmes to lower the unemployment among Travellers.

Other recommendations:³

- continue dialogue with representatives of persons having expressed an interest in the protection provided by the Framework Convention;
 - ensure that the right to self-identification, including the possibility of multiple affiliations, is fully respected in all data collections;
 - increase efforts to improve the integration and schooling of Traveller children;
 - improve Traveller access to accommodation, including by means of awareness-raising on minority rights.
3. Invites the Government of Ireland, in accordance with Resolution Res(97)10:
- a. to continue the dialogue in progress with the Advisory Committee;
 - b. to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.

³ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.