



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

Distr.: General
8 March 2011

Original: English

Committee on the Elimination of Racial Discrimination
Seventy-eighth session

Summary record of the 2063rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 22 February 2011, at 3 p.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under
article 9 of the Convention (*continued*)

Third and fourth periodic reports of Ireland

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Third and fourth periodic reports of Ireland (CERD/C/IRL/3-4; CERD/C/IRL/Q/3-4; HRI/CORE/1/Add.15/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Ireland took places at the Committee table.*
2. **Mr. Cole** (Ireland) said that under normal circumstances his delegation would have been led by a Government Minister. However, the general election to be held that week had regrettably made that impossible. The Irish authorities had requested a postponement, but they understood why the Committee had been unable to accede to their request.
3. He assured the Committee that no Irish political party had sought to raise immigration as a negative issue in the election campaign. There had been a major change in migration patterns during the period covered by the report. Very large immigration flows had latterly been replaced, due to economic circumstances, by a steep decline and the resumption of emigration. For example, new social security numbers had been issued to 79,816 Polish nationals in 2007 and to only 8,742 in 2010.
4. The number of non-Irish nationals living in Ireland could only be roughly estimated until the results of a census to be held on 10 April 2011 became available. The Central Statistics Office had estimated the number of non-Irish nationals aged over 15 at 393,700 in the third quarter of 2010. Other official data indicated that there were about 190,000 non-Irish children (under 18) resident in Ireland in January 2011.
5. While most immigration to Ireland had been from countries that had joined the European Union (EU) in May 2004, nationals from over 188 different countries with a wide range of cultural identities and religious beliefs were now resident in Ireland. A total of 76,645 non-Irish nationals had been recorded on the Live Register at the end of December 2010, representing a decline of just 845 since December 2009.
6. The National Office for the Prevention of Domestic, Sexual and Gender-based Violence had developed a national strategy for the five-year period 2010–2014 which recognized that such violence might be perpetrated against members of ethnic minorities. A Strategy Oversight Committee had been established to monitor implementation and to assist in identifying solutions to any difficulties or delays.
7. Work on the National Women's Strategy 2007–2016 was progressing. The Strategy was applicable to all women equally. A triennial review, due to be completed in mid-2011, would consider the issue of Traveller and migrant women. The gender equality team had been actively engaged in work on migrant women at the Council of Europe.
8. In September 2010, the Department of Education and Skills had published the National Intercultural Education Strategy, which aimed to support and improve the quality, relevance and inclusiveness of education at all levels for every student. The Strategy was based on a consultation process involving all stakeholders, including representatives of the Traveller community. Conferences and sectoral meetings had been held and over 50 written submissions received.
9. In view of the importance of early-childhood education for all children, especially those at risk of educational disadvantage, a free preschool year had been offered to all children between the ages of 3 years and 3 months and 4 years and 6 months since January 2010. The scheme was accessible to all children living in Ireland, including Traveller and immigrant children.

10. The National Intercultural Health Strategy continued to be implemented on a phased prioritized basis, within current human-resource and financial constraints. Support had been provided for the translation of information for service-users and staff: for instance, information about how to access health services, information for families about addiction issues and information for women about accessing help in situations of abuse.

11. The Criminal Justice (Female Genital Mutilation) Bill 2011 had been published on 20 January 2011. It restated the fact that female genital mutilation was a criminal offence in Ireland and gave Irish courts extraterritorial jurisdiction. However, as the Dáil (House of Representatives) had been dissolved, that Bill had lapsed.

12. The Gárda (Police) Strategy Statement setting out police commitments for the period 2010–2012 had been issued at the beginning of 2010. A key goal entitled “Working with communities” required the police to recognize the diverse needs and priorities of all people and communities in Ireland. One of the objectives was to “continue to build trust and confidence with diverse communities through the implementation of the Gárda Diversity Strategy”. A Diversity Management Unit had been established and a Diversity Strategy Board monitored implementation of the Strategy.

13. A Diversity Strategy for the Arts Sector had been launched in September 2010 and a pamphlet entitled “Cultural diversity and the arts: Language and meaning” had been published.

14. Ireland had ratified the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, on 17 June 2010. In accordance with Irish practice, national legislation had been introduced or amended for the purpose of ratification in preference to incorporation of the Convention and Protocol into national law. The Department of Justice and Law Reform had provided funds totalling €261,500 to two NGOs in 2010: Ruhama, which assisted victims of sexual exploitation, and the Migrant Rights Centre of Ireland, which assisted victims of labour exploitation.

15. The Irish Human Rights Commission had initiated a human rights education and training project in March 2010 for members of the Irish civil and public service. The project included awareness training on the Convention. In September 2010, the Commission had launched a “Human rights guide for the civil and public service”.

16. A Ministerial Council on Migrant Integration had been established in 2010 to advise the Minister for Integration, Equality and Human Rights on issues faced by migrants in Ireland. Almost 500 valid applications for appointment to the Council had been received from nationals of 76 countries. Members had been selected by the Minister and appointed for a period of five years. In making the appointments, the Minister had taken into account factors such as balance between countries of origin, places of residence in Ireland and gender balance. There were four regional formations, with 15 to 20 members in each region. Of the 74 members appointed, 37 were male and 37 female; 35 were from EU and 39 from non-EU countries. Thirty-six countries were represented. Each region had held its inaugural meeting in the last quarter of 2010.

17. With reference to the concern expressed by the Committee in 2006 regarding the status of large numbers of domestic workers residing in Ireland, he was pleased to report that the National Employment Rights Authority had mounted a pilot education and awareness campaign in 2010 aimed specifically at workers in the domestic sector.

18. The Government had allocated significant resources over the years to asylum determination structures, reception arrangements and the provision of services to asylum-seekers. During the past five years, a total of €1.275 billion had been spent on asylum-seekers, including €424.43 million on full-board accommodation services (the “Direct

provision” system). A “Value for money review” had examined expenditure on direct provision in 2010, focusing on the period 2005–2008. It had found that the objectives of the accommodation programme run by the Reception and Integration Agency remained relevant and continued to warrant the allocation of public funds. The programme had provided for the accommodation needs of all asylum-seekers and had dispersed accommodation centres around the country to prevent any undue burden on local services, for example in the area of health or education. Asylum-seekers under the age of 18 could access full-time primary and secondary education in the same way as any other person resident in the State. The Agency coordinated the placement of children in local schools. Adult asylum-seekers could avail themselves of adult-literacy and English-language tuition facilities. The Agency, accommodation centre contractors, State service providers and NGOs promoted integration through activities, support services and other community initiatives. Children benefited from interaction with their communities through in-school and extra-curricular activities, including sports. State-funded preschool services were also available under the Early Childhood Care and Education Scheme.

19. The Government remained satisfied that the mix of targeted State services and mainstream services such as health and education provided the most effective support for asylum-seekers awaiting a decision on their application. The system also supported asylum-seekers whose claim had been rejected and who were awaiting a decision from the Minister on applications for subsidiary protection and/or leave to remain on, for example, humanitarian grounds.

20. Turning to the themes listed by the Committee (CERD/C/IRL/Q/3-4), he said that Ireland had ratified the Convention after the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000. Ireland had chosen to fulfil its international obligations under the Convention by enacting domestic legislation that dealt specifically with all forms of racial discrimination. The outgoing Government had had no plans to incorporate the Convention into domestic law.

21. The outgoing Government had had no plans either to withdraw Ireland’s reservation/interpretative declaration on article 4 of the Convention, the purpose of which was to safeguard the right to freedom of expression and the right of peaceful assembly and association, which were enshrined in the Universal Declaration of Human Rights and protected by the Irish Constitution. Ireland had strong legislation prohibiting incitement to racial hatred as well as robust equality legislation, supported by an institutional infrastructure that was designed to promote equality and to provide redress where discrimination occurred, including discrimination on grounds of race, religion or membership of the Traveller community.

22. Racial profiling was not used by the police or any law enforcement agency. The Garda Racial, Intercultural and Diversity Office offered advice to all police officers on anti-profiling measures and non-discriminatory conduct in community policing. In the case of identity cards, the Immigration, Residence and Protection Bill 2010 contained proposals in that regard reflecting the current legal position. However, the Bill had lapsed following the dissolution of the Dáil.

23. With regard to the review of the Prohibition of Incitement to Hatred Act 1989, he said that Irish criminal laws usually provided for maximum penalties in the form of a fine or imprisonment or both. The determination of the penalty in individual cases was a matter for the trial judge, who took account of all the circumstances of the offence and all relevant aggravating and mitigating factors. Researchers at the University of Limerick had expressed concern that many judges were not considering racism as an aggravating factor and some judges felt it could not be considered as such a factor under existing law. However, he was aware of specific cases in which judges had imposed stiffer penalties where, for example, verbal racist abuse had been used in a public order offence situation.

The aggravated sentencing provision in the Criminal Justice Act 1984 (consecutive sentences) had been introduced to deal with the problem of persons committing offences while on bail. The introduction of specific legislation to require racially aggravated sentencing could not be divorced from wider questions of sentencing policy. Such policy was in fact to be examined in the context of a White Paper on crime that had been promised by the outgoing Government. He was unable to speculate whether an incoming Government would proceed with the proposed White Paper.

24. Although the equality bodies and the Irish Human Rights Commission had been subject to expenditure reductions in recent years, like all other public-sector bodies they continued to carry out their statutory functions. As decisions on expenditure were political matters and such issues had arisen in the current election campaign, he was unable to enter into a discussion of the matter.

25. The position of the National Consultative Committee on Racism and Interculturalism (NCCRI) was somewhat different inasmuch as it had ceased to operate at the end of 2008. The Committee had been a private limited company, with no public-sector directors or staff. It had made a valuable contribution to the preparation and implementation of the National Plan against Racism covering the period 2005–2008. In 2006, as the scale of immigration had become increasingly evident, the Government had decided, in the light of a report by an interdepartmental committee, that a Minister should take responsibility for integration. A policy statement entitled “Migration nation” published on 1 May 2008 had outlined new forms of engagement between the Government and members of the migrant community, including consultation procedures and an extension of the remit of the Cabinet Committee on Social Questions, chaired by the Taoiseach (Prime Minister), to include migrants. The Committee had subsequently been renamed the Cabinet Committee on Social Inclusion, Children and Integration. The policy statement had also considered the position of the NCCRI. On drawing up its budget in 2008, the Government had taken decisions, in the light of the overall state of public finances, that affected both bodies with statutory functions and those without a statutory role.

26. With regard to Committee theme 1 (f), he had already mentioned that the Immigration, Residence and Protection Bill 2010 had lapsed. A total of 3,031 persons had been refused entry to the State in 2010. However, 321 of those persons had been permitted to enter in order to pursue their application for asylum.

27. The Office of the Minister for Integration, Equality and Human Rights continued to support local authorities in promoting integration and developing anti-racism plans for their areas. In addition, financial support continued to be made available to national sporting bodies and other organizations for the same purpose. A total of just under €5.5 million had been spent during the period 2008–2010.

28. With regard to harassment and ill-treatment of migrants in public places, the staff at the Garda Racial, Intercultural and Diversity Office had urged representatives of national and local minority communities to bring any act or attempted act of racism to the attention of the police. The Office oversaw the appointment and training of ethnic liaison officers on behalf of the Garda Commissioner. There were currently 349 ethnic liaison officers who engaged regularly with minority communities in the course of their duty and encouraged them to report racist crime. As they were now accessible in most police stations, victims requiring more sensitive service were encouraged to report to those officers. The Garda Racial, Intercultural and Diversity Office gave interviews to the media, in which they spoke out against racial prejudice, xenophobia and stereotyping and in support of cultural diversity. Successive Ministers had also used the media to condemn racism.

29. Several national media campaigns had been conducted under the National Action Plan against Racism during the years 2005–2007. As a result of budget constraints over the past two years, more focused and targeted awareness-raising initiatives had been pursued.

30. In 2010, Dublin City Council's Office for Integration had launched the "One City One People" transport campaign, funded by the Office of the Minister for Integration. It promoted the message that Dublin was an open city that respected and embraced difference and was opposed to racism and discrimination. In 2011, Dublin City Council planned to develop materials for the promotion of anti-racism awareness at the local level through schools and libraries. The Office of the Minister for Integration provided substantial funding to local authorities and national sporting bodies for integration and anti-racism strategies.

31. His Government also provided support for the Annual Holocaust Memorial Day Commemoration. The Office of the Minister for Integration had provided additional funds to the Holocaust Educational Trust for the development of educational materials and awareness-raising activities concerning the dangers of discrimination and racism and the importance of tolerance, integration and respect for all.

32. An independent Press Council and Press Ombudsman's Office, funded by the press industry, had been established. A complaints mechanism provided the public with a quick, fair and free method of resolving any complaints regarding newspapers or periodicals that breached the code of practice. A scheme to sponsor the employment of immigrants as interns in local and regional newspapers had been established and was being funded by the Office of the Minister for Integration. Applications to 10 newspapers had been received from 13 persons. A decision on the successful applicants was pending.

33. The Gárda had established a comprehensive education, training and information system for all its members. Details of the human rights components of the training programmes were provided in an annex to the periodic report. Staff of the Racial, Intercultural and Diversity Office provide specialized training in human rights and anti-discriminatory policing techniques to ethnic liaison officers, specialist interviewers and senior investigating officers.

34. The Gárda Ombudsman Commission occasionally received complaints of alleged discrimination by members of the Gárda. The Commission had identified 111 complaints entailing alleged discriminatory behaviour on grounds of race and/or religion during the period 9 May 2007–31 December 2010. Sanctions had been imposed in 4 cases; no breach had been found in 54 cases; 6 complaints had been withdrawn; 29 had been declared inadmissible; and 18 cases were pending.

35. Annex VII to the Act of Accession of Bulgaria and Romania to the EU allowed existing member States to lay down certain restrictions on the rights of Romanian and Bulgarian nationals to work in their territory, subject to a periodic review of the situation. In October 2006, his Government had decided to exercise that right in the light of existing employment conditions. Romanian and Bulgarian citizens required an employment permit to work in Ireland, and employers were required to attempt to fill vacancies by offering them to Irish citizens or to persons of other nationalities who did not require a permit. In December 2008, the Government had decided to maintain the restrictions from 1 January 2009 and to review the situation by the end of 2011. The requirement for a permit applied only for the first 12 months of continuous employment. Romanian or Bulgarian citizens were subsequently entitled to work without a permit. They were also free to live in the State without a permit if they were self-employed, or if they were students (subject to certain conditions) or spouses or dependants of persons lawfully working in the State. The restriction would be reviewed during the current year and all restrictions on workers from Bulgaria and Romania would in any case be lifted by 31 December 2013.

36. There were currently 46 non-Irish nationals (17 males and 29 females) serving as members of the *Gárda* and 64 non-Irish nationals serving as members of the *Gárda Reserve*. It should be noted, however, that the National Recovery Plan 2011–2014 proposed a reduction in the number of members of the *Gárda* to 13,000 by the end of 2014.

37. There was no policy of systematic detention of adults or children seeking asylum in Ireland. Although section 9 of the Refugee Act 1996, as amended, provided for the detention of asylum-seekers on certain grounds, that provision did not apply to persons under 18 years of age. The Act stipulated that detained asylum-seekers must be brought before a judge of the district court for their detention to be reviewed. Conditions of detention and other entitlements were governed by the Refugee Act 1996 (Places and Conditions of Detention) regulations 2000.

38. Minors were normally not subject to detention. In cases of removal, however, detention could be used as a last resort, in line with article 17 of the EU Removals Directive.

39. Persons served with a deportation order were detained only if they sought to “evade” their deportation. In such cases, they were detained only until such time as deportation arrangements could be made. Persons served with a deportation order who complied with *Gárda* National Immigration Bureau reporting requirements were not detained.

40. A High-Level Group on Traveller Issues had been established in December 2003 under the aegis of the Cabinet Committee on Social Inclusion to ensure that statutory agencies involved in providing services to Travellers focused on improving the integrated practical delivery of such services. The Government and social partners were committed to offering Travellers opportunities to participate in employment in the public, private and voluntary sectors and to supporting measures to improve communication between Travellers and the general population.

41. At the instigation of the Minister for Integration, Equality and Human Rights, initial discussions had been held with the five National Traveller Groups concerning ethnicity. The question has also been the subject of extensive discussion at meetings of the National Traveller Monitoring and Advisory Committee. Although the State accepted the right of Travellers to their cultural identity, the outgoing Government had not concluded that Travellers were ethnically different from the majority of Irish people. According to the 2009 report of the National Traveller Monitoring and Advisory Committee, some members of the Committee felt that it was debatable whether the majority of Travellers would welcome their recognition as a distinct ethnic group and that such action could serve to further marginalize Travellers. The Committee had recommended that the Government should open discussions with the Traveller community on the issue. That view had been endorsed by the President of the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities. Further action would be a matter for the incoming Government.

42. Progress had been made in recent years in implementing policies affecting Travellers in the areas of housing, education, employment and health care. The Housing (Traveller Accommodation) Act 1998 required each major housing authority to draw up, adopt and implement multi-annual Traveller accommodation programmes. Although the number of Traveller families recorded in Ireland had increased by 28 per cent in five years, Traveller accommodation had improved during the period. The number of families living on unauthorized sites had declined by 45 per cent from 601 in 2004 to 422 in 2009. An additional 604 Traveller families had been permanently accommodated in standard local authority housing, 103 families had been assisted in purchasing their own home by their local authority, and 126 families had been accommodated in Traveller-specific group housing.

43. There had been an enormous increase in the number of families living in private rented accommodation. Over 96 per cent of the 2,003 families recorded as living in such accommodation received assistance in meeting accommodation costs either through the payment of a rent supplement or through the Rental Accommodation Scheme. Travellers living in private rented accommodation remained on their local authority housing list and were offered permanent accommodation in line with their local authority's scheme.

44. During the period 2005–2010, a total of €178 million had been spent on the provision of new, and the refurbishment of existing, Traveller-specific accommodation.

45. In the area of education, the "Report and recommendations for a Traveller education strategy" had been published in November 2006. The report covered all aspects of Traveller education from preschool to further and higher education. Action would focus on the development of a more inclusive and intercultural school environment through a review of planning procedures, admission policies and codes of behaviour. A key aim of the strategy was to enhance educational service delivery to Travellers and to focus on "individual educational need" rather than "Traveller identity". In line with the Government's recommendations in the National Action Plan against Racism 2005–2008, high-quality and integrated education for Travellers would be underpinned by the principles of inclusion and mainstreaming, with emphasis on equality and diversity and the adoption of an intercultural approach. The Intercultural Education Strategy published in September 2010 identified Travellers as "the most distinct indigenous minority group" in the host community.

46. Special teaching resources for Travellers in primary school and at the post-primary level had been withdrawn from the 2011 budget. In future, teaching supports for Traveller students would be provided on the same basis as for other students. Travellers would thus be supported on the basis of identified need rather than their identity as members of the Traveller community. Alleviation measures would be considered for schools with a high concentration of Traveller children.

47. A wide range of health services had been developed specifically for Travellers and were currently costing over €11 million a year. They included Traveller health units, which operated throughout the country and were run in partnership with local Traveller organizations. Designated nurses for Travellers had also been appointed and primary health care for Traveller projects had been implemented.

48. The All-Ireland Traveller Health Study, launched in July 2007, had been the first such study since 1987 and the first to involve Travellers from both jurisdictions. It had included a census of the Traveller population and had examined their health status and use of health services. The results had highlighted the impact of the social determinants of health, particularly the importance of education. The findings would provide a framework for future policy development and practice in relation to Traveller health. Travellers had worked as peer researchers with the researchers from University College Dublin to collect the data.

49. One of the key findings had been that on average Traveller men and women lived 15 years less and 11.5 years less than men and women in the general population. Deaths from respiratory diseases, cardiovascular diseases and suicides were more common in Travellers than in the general population. There was, however, evidence of good access to health services and improvements in Traveller women's health. Over 94 per cent of Travellers had medical cards, which entitled them to free medical care, and nearly 97 per cent were registered with a family doctor. However, the study had reported that the health-care experience was not as good as that of the general population, with communication cited as a major issue by both Travellers and service providers.

50. The Traveller Health Advisory Committee and the Health Service Executive were currently working together to devise a plan of action which would focus service provision

on the basis of the findings of the study. Priority areas for attention in 2011 included mental health, suicide, men's health, addiction and alcohol, domestic violence, diabetes and cardiac health.

51. Conflict occurred within Traveller families, between Traveller families, and between Travellers and the settled community, sometimes with fatal consequences. In order to facilitate mediation, funding of €130,000 a year had been allocated to Pavee Point, an NGO working to protect Irish travellers' human rights, between 2002 and 2008. In line with other cuts, that funding had been reduced to €51,000 in 2010. The service was available to members of the Traveller community and the settled community. In parallel, the Department of Community, Equality and Gaeltacht Affairs had, in partnership with key players, been exploring strategic approaches to preventing disputes from escalating.

52. Mediation workers had made significant progress in contacts with Traveller families, the Garda, the probation service, the judiciary, the prison service, local authorities, sports groups, churches and Traveller training centres. Various training programmes for Travellers had also been delivered. The ultimate aim was for the Traveller community itself to have the capacity to prevent disputes from escalating. An early assessment had shown that the level of violence had declined significantly and that the situation was much less volatile than it had been in 2007.

53. While there were no reliable figures for Roma in Ireland, it was estimated that there were between 3,000 and 3,500. Ireland had not experienced the difficulties encountered by other European States in that regard. Nonetheless, on the basis of its experience of dealing with Travellers and its limited experience with the Roma, Ireland would contribute to EU efforts to devise a strategy in that area.

54. The 2006 report and recommendations for a Traveller education strategy had identified the importance of mainstreaming provision. It had revealed that Traveller children were participating in primary and junior cycle post-primary education, but that their attainment and attendance continued to be relatively low and few of them progressed to the senior cycle. A 2006 Survey on Traveller Education Provision had found that more than 60 per cent of Traveller pupils in the primary sector had been below the twentieth percentile in English reading and in mathematics, while 2 per cent had been in the top quintile. The Department of Education and Skills was currently consulting key stakeholders on its draft national plan to improve literacy and numeracy, which highlighted the importance of implementing preventative measures to enable children in vulnerable groups, including Traveller children, to derive maximum benefit from education.

55. Since January 2009, Travellers aged 15 to 18 had not been allowed to enrol in segregated senior Traveller training centres and all such centres were due to close by June 2012. Adult Travellers were now attending mainstream further education programmes and higher education authorities were encouraging Travellers to consider the possibility of entering higher education programmes. The 2010 Intercultural Education Strategy promoted a dynamic two-way integration process that included the majority and minority communities.

56. There had been much discussion on the need to provide a wider choice of schools to meet the needs of Ireland's more diverse society. Owing to historical developments, the vast majority of primary schools were privately owned, publicly funded and denominational in character. The majority of new schools were multid denominational or Irish medium schools. The increased range of school types reflected the increased plurality and diversity of Irish society.

57. The Commission on School Accommodation was undertaking a review of the criteria and procedures for the recognition and establishment of new primary schools and was expected to report to the incoming Government. Community national schools were a

new model of school under the patronage of the Vocational Education Committees, which provided for the needs of parents seeking a denominational, multidenominational or non-denominational education for their children. Since 2008, five new community national schools had been opened.

58. Schools took in new students in line with their own published enrolment policy, which was the responsibility of the managerial authority of each school. The main responsibility of the Department of Education and Skills was to ensure that the schools in a given area could, between them, accommodate all pupils seeking places, which sometimes resulted in some pupils not obtaining a place in the school of their first choice.

59. Four of the six teacher training colleges in the country accepted students of all faiths or no faith on their Bachelor of Education and postgraduate programmes. The remit of the Church of Ireland College of Education was to provide teachers for the Protestant primary school sector. The most recently established college offered a postgraduate programme and had no religious affiliation. The Teaching Council had established an advisory group to recommend criteria for extended, amended programmes of teacher education. The role of religious education was among the many aspects under consideration. The group was due to report in 2011.

60. Under the Constitution and the Education Act, no student was required to attend instruction in any subject which was contrary to the conscience of the student's parent. In the primary sector, it was the school's responsibility to provide religious education relating to the ethos of the school, but also to make arrangements for those students who did not wish to attend the religious education classes on offer. At post-primary level, religious education was available as an option for students of all faiths or none, and was an examination subject. Under the Equal Status Act, schools could refuse to admit students to denominational schools on the ground of religion if that was deemed necessary in order to protect the ethos of the school. The Irish Human Rights Commission had launched a consultation process on the role of religion in primary and post-primary schools and planned to make recommendations to the incoming Government on the basis of its findings.

61. **Mr. Corr** (Ireland) said that Ireland's domestic and foreign policies were consistent with paragraph 6 of the Durban Review Conference outcome document, which stated that all human beings were born free and equal in dignity and rights. Irish Aid, the country's development cooperation programme, reflected the Government's commitment to achieving international justice and fully implementing the Millennium Development Goals.

62. The development education programme helped raise public awareness of development issues and encouraged children to cherish difference. Support for development education, which had earned praise from the Organization for Economic Cooperation and Development in 2009, had become an integral part of the country's official development assistance programme. Ireland's relationship with the developing world was based on a spirit of partnership and equality, and those principles underpinned its development education strategy. Irish Aid's work at primary, post-primary and tertiary level, with teachers and youth groups, and in adult education reflected the provisions of article 5 of the Convention. The development education strategy specifically recognized that the increasingly diverse cultural mix in Ireland's educational establishments offered new opportunities for integrating development education into intercultural learning and raising awareness of the Millennium Development Goals.

63. **Mr. Amir** (Country Rapporteur) said that the State party's report and the NGO reports the Committee had received attested to the transparent approach adopted in the State party. The global financial and economic crisis continued to place a great strain on the State party, which appeared not to have adopted a social policy to protect the rights of ethnic minorities. Nonetheless, the report of the Committee's Coordinator on Follow-up

(CERD/C/69/Misc.9) had concluded that the State party's monitoring of racial discrimination was generally satisfactory. The State party's comments on the Committee's previous concluding observations (CERD/C/IRL/CO/2/Add.1) had included reference to a decision to include a question on ethnicity in the forthcoming census. He therefore failed to understand why there was such resistance in the State party to identifying Travellers as an ethnic minority. Travellers were indeed Irish citizens, but they had a specific way of life and cultural traditions. The situation of Traveller children was of particular concern, especially their access to education and health.

64. The 2005 National Action Plan against Racism reflected the State party's commitment to promoting a more inclusive, intercultural society. While the efforts to eliminate racial discrimination described in the State party's report were laudable, regrettably it had not yet incorporated the Convention into its domestic legal order. He asked what status the Convention had in relation to domestic legislation and whether incorporation of the Convention into the domestic legal order would not provide additional protection and stability. He urged the authorities to undertake a thorough examination of the possibility of withdrawing its declaration on article 4 of the Convention, which would strengthen its efforts to eliminate all forms of racial discrimination and send a strong message that racial hatred would not be tolerated.

65. While the periodic report indicated that civil society had been consulted in the process of preparing the report, it was difficult to see where the views expressed in the numerous NGO reports the Committee had received were reflected in the periodic report. Nonetheless, that report did highlight the difficulties the State party faced in its efforts to eliminate racial discrimination and effectively implement its legislation.

66. Referring to the comments submitted by the State party on the Committee's previous concluding observations, he said that while special terminology was used to refer to Travellers, they had not yet been granted the status necessary for self-identification.

67. The Committee would like to know what measures had been adopted to ensure that the budget cuts affecting institutions such as the Irish Human Rights Commission, the Equality Authority and the NCCRI did not hamper the participation of NGOs in the country's efforts to combat racism. Moreover, it was unclear how the Department of Justice, Equality and Law Reform and civil society could join forces in the fight against discrimination without adequate financial means.

68. The problems facing asylum-seekers in terms of housing, employment and education were shared by all minorities. While the Committee recognized that the current financial situation in Ireland had prevented the Government from taking more steps to combat racism, it maintained that a country that had fought so valiantly for its own freedom should not seek to deny minorities the right to freedom of speech, nationality or residence.

69. It was hoped that the current financial situation would be only a temporary bar to the Government acting on the NGO recommendations concerning minority rights.

70. **Mr. Avtonomov** welcomed the measures adopted by Ireland in the area of anti-discrimination over the past two years, in particular the appointment of the Minister of Integration and the establishment of the Ombudsman Commission.

71. While Ireland had made significant advances in combating discrimination, various problems persisted. The fact that international laws could not be automatically incorporated into Irish domestic legislation had impeded the full implementation of the Convention. Consequently, the State party should adopt the necessary measures to facilitate their alignment. With regard to the Equal Status Act, the Committee noted that it did not cover all the elements of racial discrimination set out under the Convention and would appreciate

more detailed information on the legislative measures taken over the past four years to ensure its full implementation and incorporation into Irish domestic legislation.

72. As to the status accorded to Travellers, the Committee drew attention to the decision handed down by a court in the United Kingdom that had classed Travellers as a minority group in their own right. The Committee urged the Irish authorities to adopt measures to reflect the idea of separate identity, as non-recognition would only breed discrimination and result in their situation being passed over. Furthermore, any measures adopted to provide assistance to minorities should be tailored to the specific needs of the group concerned.

73. The Committee noted with concern that many schools operated an admissions policy that gave preference to children whose fathers had attended the school previously. The itinerant lifestyle of the Traveller community meant that the policy denied the vast majority of Traveller children access to those schools and made it more difficult for them to compete with those with a higher level of education. There was no place for such a discriminatory practice in a modern State such as Ireland, which had an obligation to ensure that all citizens enjoyed the highest standards of education.

74. With regard to the reception of immigrants in Ireland, the Committee would like to know whether those immigrants who had lived in Ireland for some time were discriminated against by being the first people to be made redundant or by being denied access to incapacity benefits, medical treatment or pension plans.

75. In view of the fact that a great number of immigrants worked in the domestic sector, the Committee would like to know whether Ireland had considered acceding to the proposed ILO domestic workers convention in order to help to solve some of the problems in that area.

76. **Ms. Dah** recalled the support that the Committee had received from Ireland in the context of its follow-up procedure and the visit of the Special Rapporteur on follow-up to discuss the implementation of the Committee's recommendations.

77. Ireland had achieved symbolic status because of the role of its emigrants in contributing to the wealth of other countries. In turn, Ireland must do justice to that status and continue to welcome immigrants. It should take steps to set itself apart from the other European countries operating closed-door policies on immigration.

78. Regrettably, the economic crisis had hit Ireland when it was just emerging as a prosperous country in its own right. The crisis, coupled with Ireland's current political situation, had severely weakened the capacity of the institutions responsible for immigration to perform their functions. The Committee noted with concern that the Immigration, Residence and Protection Bill, which would eventually replace all previous legislation, was still before the Irish parliament for consideration.

79. It was hoped that the newly elected parliament would take up the Bill and make it one of the most progressive of its kind in Europe. Furthermore, it was hoped that the drastic measures adopted in recent months would help to set the country to rights and enable it to once again become a land of opportunity.

80. **Mr. Peter** asked for clarification on several issues. In the light of reports it had received of domestic violence against migrant women, the Committee would like to know the specific ethnic minorities covered by the National Strategy on Domestic, Sexual and Gender-Based Violence and whether it made provision for migrant women. Currently, migrant women were dependent on their partners or husbands to remain in the country and therefore often chose not to leave an abusive relationship for fear of repatriation. The Committee wished to know why there was no strategy in place to protect migrant women in abusive relationships and help them to obtain permission to stay in their own right.

81. The Committee had taken note of the concern expressed regarding the lack of follow-up to the Irish Human Rights Commission's initiative of providing civil service departments with human rights training. Following talks held with the Commission, the Committee had learned that no training had been provided and that there was little will to do so. Training in human rights was essential in raising awareness about immigration issues among civil servants. The Committee would like to have the delegation's assurances that due attention would be given to the matter.

82. Ireland had chosen to fulfil the international obligations arising from the Convention by drafting domestic legislation to address the forms of racial discrimination prohibited by the Convention. However, the Committee remained unconvinced that the narrow scope of the Employment Equality Act 1998 and the Equal Status Act 2000 could replace substantive domestic legislation that did justice to the broad scope of the Convention, and it would like to know the reasons for the State party's reluctance to incorporate the Convention in its legislation. Furthermore, as Ireland was a dualist State, international law needed to be incorporated through domestic channels in order to be binding on judges.

83. There was still some confusion as to the circumstances that had led to the budget cut imposed on the NCCRI. The outgoing Government had indicated that it would take a decision on the fate of certain statutory and non-statutory bodies but had not divulged the details of that decision.

84. He had the overriding impression that, by and large, immigrants were not welcome in Ireland. Given that situation, the Committee would be interested to know whether it was a coincidence that Ireland had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

85. He asked why denominational schools were allowed to refuse admission to pupils on religious grounds in order to protect something as vague as the ethos of those schools. That surely left the way open for discrimination. He wondered, given the existence of such a provision in the law, whether it was merely coincidental that the State party had not ratified the Convention against Discrimination in Education, adopted by UNESCO in 1960.

86. **Mr. Diaconu**, supported by **Mr. de Gouttes**, underlined the need for Ireland, which was a dualist State, to incorporate the Convention into its domestic legislation. Failure to do so meant that provisions of the Convention could be ignored, thus leaving numerous loopholes in domestic laws. He also urged it to pass the Immigration, Residence and Protection Bill, or similar legislation, as soon as possible after the forthcoming elections in order to shorten lengthy asylum application procedures. The Committee had received reports that some asylum-seekers suffered from mental health problems because of the extremely protracted nature of those procedures.

87. He asked the delegation to explain why members of minority groups in the State party might feel they were subjected to racial discrimination by members of high levels of society, as affirmed in a survey conducted by the EU Agency for Fundamental Rights. The State party had provided few data on cases of racial discrimination. It would be interesting to have more information on the results of, and any follow-up to, a 2008 study that had recommended that racism be considered an aggravating circumstance in the prosecution of crimes and proposed other measures to address racism.

88. He could not understand why Travellers were not recognized as a minority group when they identified themselves, and were perceived by others, as such. He asked if the State party had used objective criteria, such as their nomadic lifestyle and common cultural values, or their tradition of the extended family, to judge whether Travellers should be considered an ethnic group. The State party itself consulted them on certain matters and, by so doing, implicitly treated them as a distinct group. The Commissioner for Human Rights of the Council of Europe and other human rights bodies had also recommended that they be

recognized as a minority group. The Committee was privy to reports indicating that Travellers suffered discrimination in the areas of housing, health, work and education. It also appeared that certain measures had also had discriminatory consequences. A number of local authorities allowed Travellers temporary accommodation only if they resided permanently in the respective county, which was tantamount to obliging them to abandon their nomadic lifestyle. He was also critical of measures to create the offence of trespassing on public land, which clearly affected Travellers more than anyone else.

89. **Mr. Thornberry** said he was pleased to note that the issue of race was not being raised in the State party's impending general election. Citing the State party's periodic reports, according to which there were no restrictions on the enjoyment by Travellers of their own culture, he observed that an absence of restrictions was not quite the same as the kind of support that would be appropriate in the case of ethnic groups. The lack of recognition as a minority group deprived Travellers of recourse to a series of human rights standards applicable to minorities. He wondered whether the absence of such recognition had any effect on intercultural education. The State party's periodic reports contained a great deal of information on that subject but most of it related only to immigrants.

90. There had been a steady increase in recognition of ethnic groups by many States. In some cases that had been a consequence of migration but in others it constituted long overdue recognition of the cultural complexity of the State concerned, which might have been disguised by layers of discrimination and the invisibility of certain groups. Recognizing them, therefore, had ethical and symbolic importance as well as legal significance.

91. It appeared that efforts to combat racism had suffered disproportionately from funding cuts in the wake of the economic crisis. It remained to be seen whether new structures could fulfil the objectives of the anti-discrimination organizations that had been dismantled after cost-cutting. On the question of education, he asked the delegation whether information in the State party's periodic reports indicated a move in a more pluralist direction in schools. He reiterated the Committee's request that the State party withdraw its reservation to article 4 of the Convention, noting that, on closer inspection, reservations often proved meaningless and that, in some cases, they were left in place only through bureaucratic inertia. He suggested that the Committee might also need to revise its own general comments in the light of the emergence of new kinds of hate speech.

92. The fact that some judges in the State party did not consider racism an aggravating factor deserving tougher sentences was, in his view, reason enough for incorporating the provisions of the Convention into domestic law. At the very least, it indicated that the State party needed to look closely at the training of judges.

93. He urged the State party to look again, as soon as a new Parliament was convened, at streamlining the procedures relating to applications for refugee and subsidiary-protection status. While other EU member States looked at applications on the grounds of individual persecution and of widespread violence in the home country at the same time, asylum-seekers in Ireland waited for years while, first, the grounds of individual persecution and then, those of widespread violence in the home country were examined.

94. **Mr. de Gouttes**, noting that the economic crisis had led to a sharp drop in immigration since 2008, wondered whether that situation would lead to an easing of immigration policy or the opposite. He asked whether immigrants who had chosen to remain in Ireland were more exposed to xenophobia.

95. Echoing concerns expressed by Mr. Thornberry on the effect of the economic situation on funding for anti-discrimination bodies like the Ombudsman, he asked why the Ombudsman had no influence on decisions concerning immigration, naturalization, detention and the right of asylum.

96. With regard to unaccompanied minors and separated children seeking asylum, he cited reports that more than 400 such children had been abandoned and asked what measures the State party was taking to assist them.

97. Turning to women's rights, he said he had received reports of rape cases in which the victims were not Irish nationals and which had not been brought to court. He would like to know what measures the State party had taken to ensure that such crimes were properly investigated and their perpetrators tried.

98. Noting that Travellers generally lived in insalubrious campgrounds, which was itself a public health issue, he said that the EU was launching a broad plan to improve the situation of Roma people. Had Ireland considered whether Travellers, even if not recognized as a minority group, could also be covered by that plan?

99. Referring to recent legislation criminalizing female genital mutilation, which contained provisions granting Irish courts extraterritorial powers to hear such cases, he asked if the courts could do so even if neither the perpetrator nor the victim was an Irish national. In other words, did the Irish courts have universal jurisdiction in that area?

100. **Mr. Kut**, while welcoming the news that all Irish political parties had signed an anti-racism protocol and recognizing that the State party was undergoing a period of considerable economic difficulty, said he wondered why budget cuts imposed on anti-discrimination institutions had been so swingeing. Something had to be done to keep the anti-discrimination spirit alive and politicians needed to be reminded of their responsibility not to ignore such issues. He also wished to know if it was true that a disproportionate number of stabbing victims were of non-Irish descent.

101. **Mr. Saidou** said that the Irish Human Rights Commission had enjoyed category A status under the Paris Principles, but the deep cuts in its funding would seriously compromise the financial autonomy upon which that status depended. With regard to criminal law, he asked if any provisions had been put in place to criminalize acts of discrimination. He also wished to know if there was any anti-Muslim sentiment in the State party.

102. **Mr. Lindgren Alves**, endorsing **Mr. Thornberry's** comments on assertions by the State party that treating Travellers as a separate minority group would be of "no domestic legal significance", asked why, if there was no advantage to be had from such recognition, the Committee and the Council of Europe, through its Framework Convention for the Protection of National Minorities, continued to underline the importance of recognition of minorities in general. If, on the other hand, there were something to be gained by the minorities concerned from achieving such recognition, refusal to grant it seemed to point to a desire to discriminate against them.

The meeting rose at 6 p.m.