



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the fifth periodic report of Ireland*

1. The Committee considered the fifth periodic report of Ireland¹ at its 3886th and 3887th meetings,² held on 4 and 5 July 2022. At its 3911th meeting, held on 22 July 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Ireland and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee is grateful to the State party for its written replies³ to the list of issues,⁴ which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption by the State party of the following legislative measures:

- (a) The Gender Pay Gap Information Act 2021;
- (b) The Harassment, Harmful Communications and Related Offences Act 2020;
- (c) The Health (Regulation of Termination of Pregnancy) Act 2018;
- (d) Criminal Justice (Corruption Offences) Act 2018;
- (e) The Thirty-seventh Amendment of the Constitution (Repeal of offence of publication or utterance of blasphemous matter) Act 2018;
- (f) The Adoption (Amendment) Act 2017;
- (g) The Marriage Act 2015;
- (h) The Children and Family Relationships Act 2015.

* Adopted by the Committee at its 135th session (27 June–27 July 2022).

¹ [CCPR/C/IRL/5](#).

² See [CCPR/C/SR.3886](#) and [CCPR/C/SR.3887](#).

³ [CCPR/C/IRL/RQ/5](#) and the update to the replies (available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fIRL%2fIRL%2f49084&Lang=en).

⁴ [CCPR/C/IRL/Q/5](#).



4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

- (a) The Convention on the Rights of Persons with Disabilities, on 20 March 2018;
- (b) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 24 September 2014.

C. Principal matters of concern and recommendations

Domestic implementation of the Covenant

5. The Committee notes the information provided by the State party concerning the domestic implementation of the State party's international obligations, including through the direct application of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and regrets that, despite its previous recommendations,⁵ the State party has not taken steps to incorporate the Covenant into the domestic legal order and it has no intention to do so. In this regard, it reiterates that a number of Covenant rights go beyond the scope of the provisions of the European Convention on Human Rights (art. 2).

6. **The Committee reiterates its recommendation that the State party take effective measures to ensure that all rights protected under the Covenant are given full effect in its domestic legal order with a view to ensuring that the Covenant is directly invoked before, and applied by, domestic courts.**

Reservations

7. While welcoming the information provided by the State party that it is considering the partial withdrawal of its reservation to article 10 (2), the Committee reiterates its previous concern that the State party maintains its reservations to articles 10 (2) and 20 (1) of the Covenant (art. 2).

8. **Recalling its previous recommendation,⁶ the Committee recommends that the State party give further consideration to taking concrete steps to withdraw its reservations to articles 10 (2) and 20 (1) of the Covenant.**

Anti-corruption measures

9. The Committee welcomes the various anti-corruption measures taken by the State party, including the adoption of the Criminal Procedure Act 2021 and the Criminal Justice (Corruption Offences) Act 2018. The Committee also notes the information provided by the State party that it is undertaking a review of ethics in public office upon the lapse of the Public Sector Standards Bill. Nevertheless, the Committee is concerned about the low number of recommendations contained in the *Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption* (Hamilton Review) that have been fully implemented, as well as about the possible lack of independence of the Garda Anti-Corruption Unit established to prevent, detect and investigate corruption and criminality of An Garda Síochána or Garda staff. Furthermore, the Committee is concerned that whistleblower protection measures are insufficient and regrets the lack of data provided regarding the number of prosecutions and convictions for corruption (arts. 2 and 25).

10. **The State party should continue its efforts, including through international cooperation and effective adoption and implementation of legislation, for example consideration being given to re-tabling the Public Sector Standards Bill, and preventive measures to combat corruption and promote good governance, transparency and accountability. It should also work to ensure the full, effective and prompt implementation of the recommendations included in the Hamilton Review, as well as take steps to strengthen the operational and structural independence and specialization**

⁵ CCPR/C/IRL/CO/4, para. 5; and CCPR/C/IRL/CO/3, para. 6.

⁶ CCPR/C/IRL/CO/4, para. 5.

of law enforcement agencies and prosecutors dealing with corruption cases, in order to enable the investigation of complex and high-level corruption and other criminal cases. Moreover, the State party should implement the necessary measures to effectively protect whistle-blowers, inter alia, through the prompt enactment of the Protected Disclosures (Amendment) Bill 2022, as well as increase the efficiency of investigations, prosecutions and convictions for corruption.

Accountability for past human rights violations

11. While welcoming the State party's efforts to address and memorialize the past human rights violations and institutional abuse of women and children in the Magdalene laundries, children's institutions, and mother and baby homes, as well as the State party's recognition of its shortcomings in previous actions, the Committee recalls its previous concerns⁷ on the climate of impunity and is concerned by: (a) the exclusion of human rights and equality principles from the terms of reference of the Commission of Investigation into Mother and Baby Homes, and the alleged failure of the Commission to thoroughly and effectively investigate all allegations of abuse, mistreatment or neglect, taking into account the experience of all survivors; (b) the limited number of investigations carried out by An Garda Síochána and the lack of prosecutions for the violations in these institutions; (c) the failure to provide full and effective remedies to victims by including, inter alia, the obligation of victims, in order to receive compensation, to sign a waiver against further legal recourse against State and non-State actors through judicial process (arts. 2, 6–7 and 14).

12. The State party should:

(a) **Ensure the full recognition of the violation of human rights of all victims in these institutions and establish a transitional justice mechanism to fight impunity and guarantee the right to truth for all victims;**

(b) **Intensify its efforts to increase complaint mechanisms for victims and to raise their awareness in order to investigate all allegations of abuses thoroughly, taking a human rights-based, survivor-centred and trauma-informed approach, prosecute suspected perpetrators where appropriate and, if convicted, punish them with penalties commensurate with the gravity of the offences;**

(c) **Guarantee full and effective remedy to all victims, removing all barriers to access including, inter alia, overly burdensome standards of proof, short time frames to apply to the redress schemes, the ex gratia nature of the scheme and the requirement, in order to receive compensation, to sign a waiver against further legal recourse against State and non-State actors through judicial process.**

13. The Committee welcomes the publication of the three independent reports investigating the historical practice of symphysiotomy, as well as the measures implemented by the State party for survivors, including the adoption of the Surgical Symphysiotomy Ex Gratia Payment Scheme and the provision of free ongoing medical services. The Committee reiterates, however, its previous concern⁸ at the State party's failure to: (a) clearly recognize the nature of the motivation of this deliberate and systematic practice without women's prior knowledge or informed consent; (b) recognize the institutional abuses affecting women and children causing lifelong pain and disability for the survivors; (c) identify, prosecute and punish, where still possible, the perpetrators for performing symphysiotomy without patient consent; and (d) provide all survivors with the possibility of redress and support (arts. 2, 6–7 and 14).

14. The State party should: (a) initiate a prompt, independent and thorough criminal investigation into the consequences due to the cases of symphysiotomy and prosecute and punish the perpetrators; and (b) ensure all women and families affected by symphysiotomy receive adequate redress, including by removing barriers to access the Surgical Symphysiotomy Ex Gratia Payment Scheme.

⁷ Ibid., para. 10.

⁸ Ibid., para. 11.

Non-discrimination, hate speech and hate crime

15. The Committee welcomes the various legislative and policy measures taken by the State party to combat discrimination, as well as the establishment of the Independent Anti-Racism Committee in 2020, but it remains concerned about: (a) the persistent discrimination suffered by women, persons of African descent, the Traveller and Roma communities, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, especially in the areas of education, health care and employment; (b) members of the Traveller and Roma communities, as well as persons of African descent, being particularly targeted by systemic discrimination and racial profiling; and (c) the shortcomings in comprehensive data collection, including the lack of ethnic identifiers, specifically related to the activities and actions of law enforcement, as well as the investigations, prosecutions and sanctions of discriminatory and hate-based crimes (arts. 2, 7, 18, 20 and 26).

16. The State party should:

(a) **Continue to monitor and assess legislative and policy measures on racism and non-discrimination, guaranteeing swift and full implementation of updated national strategies and the National Action Plan against Racism;**

(b) **Develop and fully implement a system of ethnic equality monitoring in line with international standards across all relevant State departments and public bodies;**

(c) **Ensure adequate training for law enforcement officials in order to sensitize them to the need to prevent racial profiling, as well as monitor the efficacy of such activities by setting up a mechanism to collect data on the exercise of stop-and-search powers by law enforcement officials;**

(d) **Increase efforts to ensure that information about complaint procedures and remedies for discrimination in the context of law enforcement activities is accessible to all victims.**

17. The Committee is concerned about reports of increases in hate crime and discriminatory incidents, especially in the context of the coronavirus disease (COVID-19) pandemic. It notes the efforts taken by the State party to publish and review the General Scheme of the Criminal Justice (Hate Crime) Bill 2021, but the Committee remains concerned about the reports that the proposed legislation may not be in line with international standards, specifically with regard to, inter alia, the proposed definitions of “hatred” and “incitement”, as well as the scope of exceptions. Furthermore, the Committee regrets reports that specific communities, inter alia, persons with disabilities and lesbian, gay, bisexual, transgender and intersex persons, were not included in the consultation process (arts. 2, 19–20 and 26).

18. The State party should redouble its efforts to combat hate speech and incitement to discrimination or violence on the grounds of, inter alia, race, ethnicity, religion or sexual orientation and gender identity, in accordance with articles 19 and 20 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. It should also, inter alia:

(a) **Proceed with the timely adoption of the Criminal Justice (Incitement to Violence or Hatred and Hate Crime) Bill 2022, ensuring its provisions and restrictions are compatible with the Covenant;**

(b) **Improve relevant data collection and take effective measures to prevent and sanction both online and offline hate speech;**

(c) **Strengthen its awareness-raising efforts aimed at promoting respect for human rights and tolerance for diversity, eradicating stereotypical prejudices based on race, ethnicity, religion or sexual orientation and gender identity;**

(d) **Encourage the reporting of hate crimes and ensure that such crimes are thoroughly investigated, perpetrators are prosecuted and punished and victims are provided with effective remedies;**

(e) **Provide adequate training to central and local authorities, law enforcement officials, judges and prosecutors on addressing hate speech and hate crimes, and to media workers on promoting acceptance of diversity.**

Sexual orientation, gender identity and intersex persons

19. The Committee is concerned about social stigmatization and discrimination against persons based on their sexual orientation or gender identity. While noting the information provided on the ongoing review of conversion practices, the Committee is concerned about reports of the continued practice of conversion therapy. The Committee is also concerned that irreversible and invasive medical interventions continue to be performed on intersex children. It notes with concern that such actions are often based on a stereotyped vision of gender roles and carried out before children are of an age to allow them to give their full, free and informed consent (arts. 3, 7, 9, 17, 24 and 26).

20. **The State party should:**

(a) **Consider taking the necessary steps to prohibit the practice of so-called conversion therapy against lesbian, bisexual and transgender persons;**

(b) **Take all steps necessary to ensure that all acts relating to the assignment of a sex to intersex children performed without their free and informed consent are specifically prohibited, except in cases in which such interventions are absolutely necessary for medical reasons and the best interests of the child have been duly considered.**

Gender equality

21. While welcoming the efforts made by the State party to address gender equality, especially by the establishment of the National Strategy on Women and Girls 2017–2020, and noting the various measures taken to promote gender equality and combat gender stereotypes in political representation at national and local levels, as well as in the private sector and in society, such as the establishment of the Citizens' Assembly on Gender Equality in 2019, the Committee remains concerned about the disparities that persist with regard to the level of representation of women in the public and private sectors, particularly in general and local elections and in the leadership of private sector business, including of women representing vulnerable groups. The Committee is also concerned about the slow progress and lack of a clear timeline for amending the language of the Constitution (arts. 40–41 thereof) on the role of women in the home and family life (arts. 2–3 and 26).

22. **The State party should:**

(a) **Continue its efforts to increase women's participation in general and local elections, as well as in the public and private sectors, particularly at the highest levels, including the participation of women representing vulnerable groups;**

(b) **Take effective measures to fully implement the Gender Pay Gap Information Act 2021;**

(c) **Strengthen strategies to raise public awareness with a view to combating gender stereotypes in society and implement the recommendations of the Citizens' Assembly on Gender Equality, especially with regard to the modification of the language used in articles 40 and 41 of the Constitution.**

Violence against women

23. The Committee welcomes the various measures taken by the State party to address violence against women, including the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2019, as well as the measures introduced by the Domestic Violence Act 2018, such as the new criminal offence of coercive control. However, it is concerned that violence against women continues to increase, in particular in cases of domestic violence in the context of the COVID-19 pandemic. It is also concerned about the lack of available and disaggregated data on violence against women, including sexual-based and domestic violence, and about the hardship faced

by women from minority groups, such as the Traveller and Roma communities, migrants and asylum-seekers, in accessing services and protection (arts. 2–3, 6–7 and 26).

24. The State party should continue its efforts to curb gender-based violence, in particular by taking all measures necessary to ensure the effective functioning of the new Domestic Violence Agency under the National Strategy on Domestic, Sexual and Gender-based Violence and by pursuing awareness-raising campaigns about the unacceptability and adverse impact of violence against women. The State party should also take action to systematically inform women of their rights and the avenues available for complaining and obtaining protection, assistance and redress, as well as continue its efforts to train judicial officers and law enforcement personnel, especially with regard to women belonging to minority groups, such as the Traveller and Roma communities.

Voluntary termination of pregnancy and sexual and reproductive rights

25. The Committee welcomes the enactment of the Thirty-sixth Amendment to the Constitution Act 2018, repealing the Eighth Amendment and leading to the State party's adoption of the Health (Regulation of Termination of Pregnancy) Act 2018, permitting voluntary termination of pregnancy under specific conditions. The Committee regrets, however, the establishment of criminal liability introduced in section 23, making it a criminal offence for any person to aid or abet abortion outside the specific terms of the Act. The Committee is concerned by provisions that subject women to a mandatory three-day waiting period prior to termination of pregnancy, as well as by the challenges faced by women and girls to access safe and legal abortion due to the alleged low percentage of general practitioners providing abortion services, disproportionately affecting women and girls in vulnerable situations and rural communities. It is also concerned by the restrictive specifications of section 11 of the Act requiring the opinion of two medical professionals that the fetus is not likely to survive beyond 28 days following birth, leaving many women forced to continue with pregnancies with fetal abnormalities. Furthermore, the Committee is concerned by reports that women and girls continue to travel abroad to seek abortion services upon being denied or not being able to access abortion services in Ireland (arts. 2–3, 6 and 17).

26. The State party should:

(a) Consider taking the necessary steps to remove criminal sanctions against medical service providers who assist women and girls to undergo abortion;

(b) Review provisions that could create barriers to women seeking safe abortions, such as those prescribing mandatory waiting periods and those caused as a result of the exercise of conscientious objection by individual medical providers;

(c) Take the necessary steps to remove existing barriers to ensure that women seeking abortions because of fetal abnormalities have adequate access to such services;

(d) Implement the necessary measures to guarantee the universality of and equal access to abortion services for all women and girls, especially for rural women, women living in poverty, women with disabilities, asylum-seekers, victims of domestic violence and women from ethnic or religious minorities;

(e) Strengthen efforts to prevent the stigmatization and trauma of women and girls who seek abortion, including through the provision of “safe access zones” in all concerned health services in a timely manner.

State of emergency

27. The Committee notes the information provided by the State party indicating that restrictions were introduced by the Health (Preservation and Protection and Other Emergency Measures in the Public Interest) Act 2020 on certain individual rights and freedoms as a result of measures taken to protect public health following the onset of the COVID-19 pandemic. It also welcomes the efforts made by the State party to ensure that the decision-making process, in relation to the COVID-19 pandemic, was done in compliance with the obligations arising from the Covenant. However, the Committee remains concerned about reports that

rights such as freedom of movement and freedom of peaceful assembly have been significantly and disproportionately reduced during the COVID-19 pandemic (art. 4).

28. The State party should consider carrying out a comprehensive review of its response to the COVID-19 pandemic, including a human rights impact assessment that evaluates the effect of restrictions on rights, specifically with regard to minority groups. It should also consider establishing a human rights and equality-based independent monitoring mechanism to ensure that restrictive measures taken in times of public emergency remain in conformity with article 4 of the Covenant. The State party should ensure adequate oversight and that such restrictions comply with the principle of proportionality, in a transparent and non-discriminatory manner.

Institutional care

29. The Committee notes the information provided by the State party with regard to the response to the COVID-19 pandemic in institutional care settings, including in nursing homes, and welcomes the ongoing review of its response and regulatory framework. The Committee, however, is concerned about the rate of deaths related to COVID-19 in nursing homes throughout the course of the pandemic, exacerbated by the collective living arrangements in long-term institutional care. The Committee is also concerned by reports of younger persons with disabilities being accommodated in nursing homes (arts. 6–7).

30. The State party should continue its efforts to carry out a comprehensive review of the regulatory and protection framework for social care services to ensure that older and structurally vulnerable communities have adequate protection and support. It should also put measures in place to guarantee that the inspection mechanisms are adequate, independent, supported by a human rights framework, and incorporate all public, voluntary and private health and social care providers. The State party should also continue to take targeted measures to protect older persons from COVID-19 and/or other major public health emergencies.

Trafficking in persons

31. The Committee welcomes the efforts of the State party to combat trafficking in persons, including the preparation of National Action Plans to Prevent and Combat Human Trafficking in Ireland and the designation of the Irish Human Rights and Equality Commission as the National Rapporteur on the Trafficking of Human Beings. It also notes the State party's progress in introducing a new national referral mechanism. The Committee, however, remains concerned about: (a) the barriers in the criminal justice system and the low rate of identification of victims, especially child victims, as well as the very low rate of investigations, prosecutions and convictions for the crime of trafficking; and (b) the lack of gender-specific accommodation for victims, especially sexually exploited, trafficked women and girls (arts. 7–8 and 24).

32. The State party should:

(a) Swiftly implement nationwide the new national referral mechanism with a clear timeline and explicit provisions to guarantee early identification of victims and gender, child and exploitation-specific assistance;

(b) Review barriers in the criminal justice system and redouble its efforts to identify victims of trafficking and adopt the necessary measures to ensure assistance to victims is not conditional upon cooperation with the competent authorities in investigations and criminal proceedings;

(c) Take the necessary steps to improve the identification of child victims of trafficking, inter alia, through the adoption of a child-specific identification procedure;

(d) Continue efforts to provide adequate training, including on standards and procedures for the identification and referral of victims of trafficking, to all relevant State officials, including judges, prosecutors, law enforcement officials, immigration officers and staff working in all reception facilities, and to lawyers;

(e) **Ensure that all cases of trafficking in persons are thoroughly investigated, that perpetrators are prosecuted and punished with appropriate penalties and that victims are provided with full reparation;**

(f) **Guarantee the protection and adequate treatment of sexually exploited and trafficked women and children, establishing gender-sensitive accommodation facilities with integrated support, such as medical, material, legal and other integration assistance.**

Coercive measures in psychiatric institutions

33. The Committee notes the information provided in regard to the ongoing review of the Mental Health Act 2001 with a view to providing safeguards against coercive treatments in psychiatric institutions that are aligned with the principles of the Assisted Decision-Making (Capacity) Act 2015, and welcomes the State party's commitment to age-appropriate treatment and to reducing the number of children admitted to adult psychiatric institutions. It is, however, concerned about the significant delays in the commencement and reform of enacted legislation concerning legal capacity and persons with psychosocial disabilities. The Committee is also particularly concerned that the State party has asserted that children will likely continue to be admitted to adult psychiatric institutions in situations in which there is an issue with institutional capacity. Furthermore, recalling its previous concerns,⁹ the Committee regrets the reports of ongoing use of, inter alia, seclusion, physical restraint, electroconvulsive therapy and involuntary administration of medication (arts. 2, 7 and 14).

34. **The State party should ensure the prompt and full commencement and reform of legislation concerning capacity and psychosocial disabilities, guaranteeing a human rights-based approach that endorses non-discrimination in line with international standards. The Committee urges the State party to implement the necessary measures with a view to guaranteeing age-appropriate treatment, eliminating the practice of admitting children into adult psychiatric facilities. The State party should also:**

(a) **Take effective measures to ensure full implementation of legal provisions related to the use, in compliance with the Covenant and other international instruments, of physical restraint and coercive force, ensuring that any decision to use restraints or involuntary seclusion in such institutions be made after a thorough and professional medical assessment to determine the amount of restraint or coercive force to be applied, and that any restrictions be legal, necessary and proportionate to the individual circumstances and include guarantees of an effective remedy;**

(b) **Ensure that non-consensual use of psychiatric medication, electroconvulsive therapy and other restrictive and coercive practices in mental health services is prohibited. Non-consensual psychiatric treatment may only be applied, if at all, in the most exceptional cases as a measure of last resort, where absolutely necessary for the benefit of the persons concerned, provided that they are unable to give consent, for the shortest possible time, without any long-term impact and under independent review;**

(c) **Offer adequate community-based or alternative social care services for persons with intellectual or psychosocial disabilities to provide less restrictive alternatives to forcible confinement;**

(d) **Ensure an effective and independent monitoring and reporting system for mental and social care institutions, aimed at effectively investigating and sanctioning abuses and providing redress to victims and their families.**

Treatment of persons deprived of their liberty

35. The Committee welcomes the measures taken by the State party to improve the conditions of detention, including the building programme in Limerick prison for women

⁹ Ibid., para. 12.

detainees, as well as those taken to address the situation of prisoners during the COVID-19 pandemic. The Committee, recalling its previous concerns,¹⁰ remains concerned about:

- (a) The persistence of overcrowding, despite reductions, contributing to a lack of separation between remand and convicted prisoners;
- (b) Reports of the continued and increasing practice of solitary confinement, especially as a part of the practices of the National Violence Reduction Unit;
- (c) The disproportionately high rate of persons in prison with severe mental health issues compared with that of the general population, and the lack of sufficient mental health services in detention facilities to support them;
- (d) The poor state of sanitation facilities resulting in detained persons using the toilet in the presence of others or in “slopping out”;
- (e) The lack of specific information on the cause and investigation of deaths in detention;
- (f) The lack of transparency and reiterated refusal to publish the Dóchas reports on the treatment and conditions of detention of women detainees (arts. 6–7, 9 and 11).

36. **The State party should:**

- (a) **Eliminate overcrowding in places of detention, including by continuing its efforts to resort to non-custodial alternative measures to detention, especially in relation to persons who default on their court-imposed fines as stipulated in the Fines (Payment and Recovery) Act 2014;**
- (b) **Take the necessary measures to ensure separation between adult remand and convicted prisoners;**
- (c) **Refrain from imposing solitary confinement, except in the most exceptional circumstances and for strictly limited periods, and take the necessary steps to ensure that all persons deprived of their liberty have access to an independent and effective complaints mechanism to investigate allegations of torture and ill-treatment that guarantees prompt, effective and direct access to the bodies responsible for handling such complaints;**
- (d) **Strengthen efforts to ensure adequate mental health care for prisoners, considering alternative options to detention for prisoners with psychosocial disabilities, and put preventative measures in place with the aim to reduce the prevalence of persons with psychosocial disabilities in detention;**
- (e) **Step up its efforts to improve the sanitary conditions in prisons and to completely eliminate the practice of “slopping out” in all prison facilities in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);**
- (f) **Guarantee swift, thorough investigations of all deaths in detention and ensure there is adequate transparency, inter alia, through the prompt publication of investigative reports;**
- (g) **Improve transparency related to the conditions of detention of women detainees, including by publishing the Dóchas reports;**
- (h) **Continue its effort to proceed with the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

Refugees and asylum-seekers

37. The Committee welcomes the measures taken to protect refugees and asylum-seekers, including through the creation of a single protection determination procedure under the International Protection Act 2015, as well as the establishment of national legislation on

¹⁰ Ibid., para. 15.

reception conditions through the transposition of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 (the Reception Conditions Directive) and the extension of the remit of the Ombudsman and the Ombudsman for Children to include those living in asylum-seeker accommodation. The Committee, however, remains concerned about the significant and increasing delays in processing international protection applications determined at first instance, as well as for appeals before the International Protection Appeals Tribunal. It is also concerned about: (a) the reception conditions for asylum-seekers and the increased use of emergency accommodation; (b) issues faced by asylum-seekers under direct provision, exacerbated by the COVID-19 pandemic, including overcrowding, difficulty in accessing medical services and social protection payments, feelings of insecurity due to sharing communal areas and, at times, bedrooms with non-family members, as well as harassment and threats experienced by lesbian, gay, bisexual, transgender and intersex asylum-seekers; and (c) reports on the disappearance of unaccompanied minors, making them vulnerable to many forms of exploitation, as well as trafficking in persons (arts. 2 and 13).

38. **Recalling its previous recommendations,¹¹ the State party should:**

(a) **Continue its efforts and take active measures to significantly reduce the processing time for international protection applications with a view to meeting its proposed objective of six months;**

(b) **Take concrete measures to improve reception conditions for asylum-seekers by, inter alia, establishing a robust system of vulnerability assessments for international protection applicants, phasing out the use of emergency accommodation for asylum-seekers and developing a contingency planning framework for their accommodation;**

(c) **Ensure that living conditions and treatment in accommodation centres for asylum-seekers are in conformity with international standards, including by taking the necessary measures to swiftly implement the new model of accommodation and support for applicants of international protection, ensuring its procedures and protections are in line with international standards;**

(d) **Consider conducting an independent review of child protection measures for unaccompanied minors in order to identify the necessary measures to uphold their rights and to prevent the disappearance of children.**

Traveller and Roma communities

39. The Committee welcomes the formal recognition of Travellers as a distinct ethnic group in Irish society, as well as the State party's acknowledgement of the systemic racism affecting this community for decades. The Committee is concerned, however, that the formal recognition has not yet been backed up by a legal act, ultimately implying that the rights of Travellers are still unclear. It is also concerned about the multiple forms of discrimination that the Traveller and Roma communities face, inter alia, in education, housing and employment, in interactions with law enforcement, including through racial profiling and unwarranted home searches, as well as the overrepresentation of Travellers in all parts of the penal system (arts. 2, 24 and 26–27).

40. **The State party should:**

(a) **Thoroughly and effectively assess the impact of the formal recognition of Travellers with the aim of identifying the necessary legal measures to prevent them from being subjected to multiple forms of discrimination;**

(b) **Ensure an adequate review of the National Traveller and Roma Inclusion Strategy 2017–2021, guaranteeing the active participation of the Traveller and Roma communities in the consultation process, and ensure prompt and full implementation of a successor strategy containing clear deliverables founded on human rights and guaranteeing the protection of all rights in line with international standards;**

¹¹ Ibid., para. 19.

(c) **Promptly follow through on its Programme for Government and develop adequate and specific measures to address the issues faced by the Traveller and Roma communities, such as the National Traveller Education Strategy, the National Traveller Mental Health Action Plan and the Traveller and Roma Training, Employment and Enterprise Strategy;**

(d) **Redouble its efforts on preventative measures, inter alia, adequate human rights-based training of all public officials, including judicial officers.**

Freedom of religion

41. The Committee welcomes the adoption of the Education (Admissions to Schools) Act 2018 to prohibit the use of religion as a selection criterion in primary school admissions and the measures taken towards the establishment of multi-denominational schools. However, recalling its previous concerns,¹² the Committee regrets the lack of information regarding access to secular education through the establishment of non-denominational schools. The Committee is concerned that the provisions of the Act only apply to primary education and about reports that more than half of secondary schools are under religious patronage and operate with a religious ethos. It is also concerned at the slow progress in amending the provisions of the Constitution that oblige individuals wishing to take up senior positions in public office to take religious oaths. Furthermore, the Committee reiterates its previous concern that, under section 37 (1) of the Employment Equality Act, institutions under the direction or control of a body established for religious purposes, including in the fields of education and health, can discriminate against employees or prospective employees to protect the religious ethos of the institution (arts. 2, 18 and 26).

42. **The Committee reiterates its previous recommendations¹³ that the State party should:**

(a) **Consider taking concrete steps to amend articles 12, 31 and 34 of the Constitution that require religious oaths to take up senior positions in public office, taking into account the Committee's general comment No. 22 (1993) on freedom of thought, conscience and religion, concerning the right not to be compelled to reveal one's thoughts or adherence to a religion or belief in public;**

(b) **Take the appropriate measures to provide secular education through the establishment of non-denominational schools and ensure the further amendment of section 37 (1) of the Employment Equality Act in a way that bars all forms of discrimination in employment in the fields of education and health.**

Peaceful assembly

43. The Committee is concerned at reports of alleged excessive use of force by police against protesters in the context of the COVID-19 pandemic, disproportionately affecting specific communities, such as young persons, ethnic and racial minorities, Travellers and Roma. It is also concerned at reports of private security providers' involvement in the policing of assemblies, particularly those arising around evictions and business activities, and the lack of adequate monitoring of private security providers (arts. 2, 6–7 and 9).

44. **The State party should ensure that the use of force by law enforcement officials, including during peaceful assemblies, is in line with the Committee's general comment No. 37 (2020), the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. It should also take the necessary steps to ensure the effective investigation of allegations of excessive use of force and the prosecution and punishment of those responsible. Furthermore, it should ensure that private security forces are subordinate to State law enforcement officials, that victims of acts committed by law enforcement officers and private security personnel have access to justice and to**

¹² Ibid., para. 21.

¹³ Ibid.

effective redress mechanisms, and that private security personnel also receive human rights training.

Right to privacy

45. While noting the steps taken towards due respect of the right to privacy in the area of access to public services by introducing a new programme of work, a product of the 2021 agreement between the Data Protection Commission and the Department of Social Protection, the Committee remains concerned by the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of access to and collection of personal data and their disclosure within the various State bodies, including the collection and retention of data for the public services card necessary to access public services. The Committee is also concerned by the lack of information from the State party with regard to the proposed extension of police surveillance powers, in particular the introduction of the general scheme of the Garda Síochána (Recording Devices) Bill 2022, which uses unclear and vague terminology (art. 17).

46. The State party should ensure that all types of surveillance activities and interference with privacy are in full conformity with article 17 of the Covenant. Such activities should comply with the principles of transparency, proportionality and necessity. The State party should also ensure that the processing and collection of personal data are subject to effective independent oversight mechanisms and that there is access to effective remedies in cases of abuse.

Participation in public affairs

47. The Committee notes the efforts of the State party to strengthen its democracy and improve the participation and transparency of its electoral system, including through the introduction of the Electoral Reform Bill 2022 and the Electoral Commission. It is concerned, however, about: (a) the slow progress in adopting the Electoral Reform Bill; and (b) the Commission's missing role in addressing issues and challenges related to hate speech in the electoral process (arts. 7, 14 and 25–26).

48. The State party should take the necessary measures to complete the adoption of the Electoral Reform Bill and ensure the effective and independent functioning of the new Electoral Commission and should consider attributing a role to the Commission with regard to the regulation and monitoring of discriminatory rhetoric and hate speech in the electoral process. It is also encouraged to redouble its efforts to guarantee political participation, particularly of marginalized and traditionally underrepresented groups.

D. Dissemination and follow-up

49. **The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the other official language of the State party.**

50. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 28 July 2025, information on the implementation of the recommendations made by the Committee in paragraphs 12 (accountability for past human rights violations), 18 (non-discrimination, hate speech and hate crime) and 42 (freedom of religion) above.**

51. In line with the Committee's predictable review cycle, the State party will receive in 2028 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its sixth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2030.
