



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination 100th session

Summary record of the 2785th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 3 December 2019, at 10 a.m.

Chair: Mr. Amir
later: Ms. McDougall (Vice-Chair)
later: Mr. Amir (Chair)

Contents

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

Combined fifth to ninth periodic reports of Ireland (continued)

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The meeting was called to order at 10.05 a.m.

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

Combined fifth to ninth periodic reports of Ireland (continued) (CERD/C/IRL/5-9; CERD/C/IRL/Q/5-9)

1. *At the invitation of the Chair, the delegation of Ireland took places at the Committee table.*
2. **The Chair** invited Committee members to resume their consideration of the combined fifth to ninth periodic reports of Ireland (CERD/C/IRL/5-9).
3. **Ms. Iszák-Ndiaye** said that there were concerns about the National Traveller and Roma Inclusion Strategy 2017–2021, notably the slow progress of implementation and poor budgetary provision, as well as the lack of a robust monitoring framework and a coordinated government approach to implementation. She would like to know how the State party planned to address those challenges and in particular to ensure full participation and responsibility, across all government departments, for implementing the special measures, which were essential for Roma and Traveller equality. She also asked how the Department of Justice and Equality might reinforce its leadership role in that regard.
4. She wondered why the State party had not yet adopted substantive, adequately resourced measures in the areas of employment and education. A high proportion of Roma and Travellers were unemployed, and many of those who were employed reported experiencing discrimination in obtaining work or in the workplace. At the same time, the proportions of female Travellers who had completed secondary education and of Roma children under 5 years enrolled in preschool education were low.
5. She asked whether there was a clear time frame for developing the new action plan against racism, whether it would cover Travellers and Roma, and whether it was in line with the State party's commitments under the Durban Declaration and Programme of Action. The new Anti-Racism Committee was being established in the context of the Migrant Integration Strategy, yet racial discrimination affected communities who were not migrants, such as mixed-race Irish people. How could the State party ensure coverage and inclusion of all such communities?
6. She would like to know when the Department of Housing might conclude its consideration of the report and recommendations of the expert group on Traveller accommodation and establish mechanisms to address the Traveller accommodation crisis. She wondered whether any measures could be taken to roll back the criminalization of trespass under the Housing (Miscellaneous Provisions) Act 2002, which had had the effect of also criminalizing the traditional Traveller lifestyle. Noting that the Act was used by local authorities to justify forced eviction of Travellers, which could lead to their imprisonment, she would like to know where the budget for the security companies involved came from.
7. She had been disturbed to hear that accommodation centres for asylum seekers were being infiltrated by members of far-right groups opposed to such facilities. She would welcome the delegation's comments on that situation, which could exacerbate racism and the marginalization of that community.
8. **Ms. Buckley** (Ireland) said that her delegation would submit a number of replies in writing rather than attempt to answer all the questions put by Committee members orally.
9. Her country's position with regard to the incorporation of the Convention into domestic law remained unchanged. Ireland had a dualist legal system; accordingly, the parliament gave effect to international obligations by enacting appropriate legislation. The prohibition of discrimination under the Convention, for example, had been incorporated in legislation on employment equality and equal status, which had created enforceable rights that could be asserted through a complaints mechanism. It was not the case that certain conventions were given precedence over others. An international convention could on occasion be appended to an item of legislation, but purely as an interpretative tool.

10. **Mr. Hurley** (Ireland) said that his Government recognized the value of data collection. A stated objective of the National Traveller and Roma Inclusion Strategy was to gather data disaggregated by ethnicity and gender across all government departments and statutory agencies, to aid the evaluation of the impact of policies and support evidence-based policymaking. In the area of employment, for example, and notably programmes for the long-term unemployed, the recording of Traveller status had made it possible to set broader, more flexible eligibility criteria for that group than for the general population.

11. Similarly, the Migrant Integration Strategy provided for the recording of ethnicity, notably by health service providers. In accordance with European Union guidelines for improving the collection and use of equality data, the Economic and Social Research Institute had recently mapped the sources of data used in monitoring migrant integration. Areas for improvement identified by the study included the gathering of data on unaccompanied minors, as well as on the integration of persons granted protection status and of second-generation immigrants.

12. In accordance with a commitment made in the 2016 Programme for Government, equality budgeting had been piloted in 2017 and further developed since then. Equality budgeting involved analysing the impact of budget decisions on population groups based on criteria such as gender or race. The Organization for Economic Cooperation and Development (OECD) had recently conducted a scan of that approach, at the Government's request, and had recommended that it should focus on improving the extent to which official statistics and administrative data provided insights into equality gaps and the impact of government interventions. Accordingly, the Central Statistics Office was conducting a government-wide equality data audit, examining all datasets in public bodies in order to determine the degree of data availability on one or more of ten dimensions of equality. The aim was to identify priorities for improved data collection and opportunities to link datasets for the purposes of research and analysis in specific areas.

13. Census enumerators were given racial awareness training, and indeed training on every question on the census form. It was not easy to explain the 1 per cent fall in the number of respondents categorized as Black Irish or Black African, but nationality and ethnicity were matters of self-identification. It was possible that there was a relationship between that fall and the rise in the number of those who had not responded, which had also been around 1 per cent.

14. **Ms. Buckley** (Ireland) said that the decline in the number of persons of African descent or African nationality recorded in the census might have been related to the unusual population flows seen at the time that the exercise had been carried out, caused by the serious recession Ireland had been going through.

15. It was hoped that the new Anti-Racism Committee would meet for the first time in the coming weeks. Its purpose was to advise the Government on the most effective ways of tackling racial discrimination in all its manifestations, including racist behaviour not only towards migrants but also towards the Roma and Traveller populations. Its terms of reference had yet to be finalized, but its approach would be informed by the Durban Declaration and Programme of Action. It was true that, in the restructuring of the architecture for tackling equality and discrimination, part of the mandate of the Irish Human Rights and Equality Commission had reverted to the Department of Justice and Equality. However, she was confident that the new committee and its recommendations would help to build a sound infrastructure for combating racism in Ireland.

16. With regard to the activities of far-right groups, it should be recognized that the Government did not control civil society, which could therefore embrace all shades of opinion. It was nevertheless important for non-governmental organizations (NGOs) to give some thought to the way in which they framed their criticisms of the Government. It had happened, particularly in relation to the treatment and accommodation of those eligible for international protection, that the language of criticisms made in good faith had been turned against the system by others who were using it in a more malicious way.

17. **Ms. Carberry** (Ireland) said that hate speech and hate crime constituted a complex area for policy. The two concepts overlapped, terms were difficult to define and legislation was therefore no easy matter. Her Government had decided to tackle both at the same time

and intended to have proposals for new legislation on hate speech and hate crime ready for consideration by the parliament by the spring of 2020.

18. As to the application of current legislation to hate crimes, a judge could take a racist motive to be an aggravating factor in sentencing but was not obliged to do so. There was no separate offence of hate crime: the hate element to a crime might not be brought up in court, or even perceived as a factor by the person reporting the crime. It was for precisely those reasons that statistics were so hard to gather.

19. The Prohibition of Incitement to Hatred Act 1989 was widely viewed as ineffective. There had been few prosecutions and there was limited information about the outcome of cases. A public consultation on reform of the Act was currently under way. More than 2,600 submissions had been received. Many of them expressed views on the groups that needed protection, while others discussed the need to calibrate any restrictions on speech to ensure that they were compatible with fundamental rights to freedom of expression and opinion under the Constitution.

20. Criminal law might not always be the most appropriate response, particularly when hate speech was essentially a product of ignorance, such as in the case of children repeating phrases they had heard at home. Training would be vital for the police, prosecutors and judges, and judges would receive guidance on sentencing. Disciplinary procedures and codes of conduct would also have a place.

21. The Department of Justice and Equality would shortly be publishing its research into hate crime legislation in other countries. There was a good deal of material on the legislation itself, but far less on the effectiveness of the approaches taken. That research, along with the public consultation, would inform her Government's proposals, which would then be put to civil society and the public for comment before being formulated into a bill.

22. An online safety and media regulation bill was being developed, taking into account proposals that had been received from the general public, NGOs, industry players and other stakeholders during the public consultation phase. The aim of the bill was to ensure that online platforms took reasonable steps to protect users and tackle the proliferation of harmful content. A number of other related legislative reforms were also under way, based on recommendations that had been made by the Law Reform Commission in 2016. For example, the offence of harassment was being updated to include online harassment, and the Post Office (Amendment) Act of 1951 was being amended so that the offence of sending threatening, false, indecent or obscene messages also related to online communications. It was envisaged that the relevant bills would be drafted in early 2020. Once they were adopted, Ireland would be in a position to review its reservation/interpretative declaration on article 4 of the Convention.

23. **Mr. Daly** (Ireland) said that the newly launched 2019–2021 Diversity and Integration Strategy of An Garda Síochána, the national police force of Ireland, reflected its commitment to providing human rights-based policing to persons from minority and diverse backgrounds. It was hoped that the Strategy – which had been developed in cooperation with civil society – would increase public confidence in reporting hate crimes and facilitate the enhanced reporting, recording, investigation and prosecution of such offences. One of the Strategy's five main principles was to ensure the effective and accurate management of data on hate crime and to tackle underreporting. To that end, there were plans to develop an online platform for victims to report incidents of hate crime and to introduce an alert mechanism to highlight hate crimes. A monitoring team had been set up within the Garda National Diversity and Integration Unit to monitor the quality and accuracy of hate-crime data and to publish annual data disaggregated by ethnicity, religion and other grounds. Another of the Strategy's main principles was to develop the skills of police officers. A new training programme to be launched in 2020 would contain modules on diversity training and unconscious bias. Online courses on hate crimes, including bias indicators and guidelines for investigators, would also be part of the training. An online toolkit was being developed to provide information, advice and guidance to officers, including specialist Garda Diversity Officers, on ethics, legislation, human rights and diversity issues that should be borne in mind during the course of their policing activities.

24. Discriminatory racial profiling was prohibited by An Garda Síochána in all circumstances. Data mining based on discriminatory profiling on grounds of race, colour, language, religion, nationality or ethnic origin did not occur. An Garda Síochána's code of ethics included a pledge by officers to treat everyone with fairness and to oppose and challenge any behaviour or language that demonstrated discrimination or disrespect, particularly with regard to vulnerable individuals or minority groups. In that connection, efforts to engage with Traveller communities in a positive and mutually respectful manner included regional dialogue days between Garda and Travellers and the establishment of an advisory group to work on areas of concern for Travellers and the police. Moreover, under section 42 of the Irish Human Rights and Equality Commission Act 2014, the police, along with other public bodies, had a legal obligation to protect, promote and fulfil the human rights of all persons, including by eliminating discrimination and promoting equal opportunity and treatment. It was made clear in training and in practice that racial profiling was prohibited; any failure to comply with that legal requirement would be subject to disciplinary investigation. If there was any evidence of a public body's failure to comply with their section 42 obligations, the Irish Human Rights and Equality Commission could request measures. The Garda Síochána Ombudsman Commission, established in 2005, also investigated complaints of misconduct or criminality of members of An Garda Síochána.

25. **Mr. Wilson** (Ireland) said that the Government was currently providing accommodation and other services to 7,500 asylum seekers. State services and accommodation for asylum seekers – provided through establishments known as Direct Provision centres – included a national reception centre, housing up to 500 persons, and 38 accommodation centres, with capacity for 5,500 persons. Those centres were at capacity owing to an increase in international protection applications, which was why the remaining 1,500 persons were in emergency shelter in 37 hotels. Living conditions in Direct Provision centres were being improved by extending independent living facilities and providing self-catering accommodation and private spaces for families. Steps were taken to minimize the placement of children in emergency housing. Around 20 per cent of the 1,500 asylum-seeking children in Ireland were currently in emergency accommodation. The ultimate aim was to end the use of emergency accommodation entirely by opening new centres. In the meantime, NGOs visited those types of accommodation, and hotlines had been set up for providers to report any concerns. National standards, which included provision for a fully independent inspection process, would be introduced in early 2021. They had been drafted in partnership with civil society and the Office of the United Nations High Commissioner for Refugees.

26. Vulnerability assessments were carried out for every asylum seeker, and medical examinations were available on a voluntary basis in order to identify any medical or psychological needs. Staff working in Direct Provision centres received training within the framework of the International Organization for Migration programme entitled "PROTECT – Preventing sexual and gender-based violence against migrants and strengthening support to victims". Policies were in place to ensure that any deaths occurring in accommodation centres were automatically recorded and referred to An Garda Síochána and the coroner. Officials also assisted family members in gaining access to any entitlement to State support.

27. Arrangements were being made, including through the piloting of videoconference technology, to prevent asylum seekers living in remote areas from having to undertake lengthy journeys for interviews in Dublin. Other services, such as health and education, were provided locally, and Friends of the Centre groups encouraged interaction between the local community and asylum seekers. Asylum seekers who had been in the system for longer than nine months had the right to work. The purpose of the nine-month waiting period was to minimize the risk of exploitation.

28. **Ms. Buckley** (Ireland) said that the Workplace Relations Commission was a good example of efficient and effective access to justice. Established to handle complaints of discrimination in the workplace, it was a free service that offered mediation; complaints could be filed online and complainants did not need a lawyer. On average, complaints were resolved within six months.

29. Free legal aid was available, including to international protection applicants, and persons had the right of appeal with regard to decisions on international protection, social

welfare and housing. Lastly, domestic workers – including au pairs, who were considered to be employees rather than simply on a cultural exchange – were fully covered by employment law from the moment that they were employed. In cases where the domestic worker was seeking employment in the home of the employer, efforts were made to balance the rights of the homeowner with those of the jobseeker.

30. **Ms. Feeney** (Ireland) said that the rights of migrant workers and their families were protected under the Constitution, existing legislation and European Union law, as well as under other international human rights instruments to which Ireland was a party, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. For that reason, there were no current plans for Ireland to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, the Government would continue to review the situation.

31. Ireland was committed to promoting responsible business practices at home and abroad. For example, it was one of only 22 countries to have adopted a national plan to give effect to the United Nations Guiding Principles on Business and Human Rights. That plan contained 21 action points based on three pillars: the State's duty to protect human rights; corporate responsibility to respect human rights; and the obligation to ensure access to remedy, including for potential victims of human rights abuses committed by Irish companies overseas.

32. With reference to the reported human rights abuses occurring at the Cerrejón mining complex in La Guajira, Colombia, the recent establishment of an Irish embassy in Bogotá had enhanced the Government's ability to raise awareness of the issues. For example, the Head of Mission had visited La Guajira in September 2019, where she had met with various stakeholders, including representatives of the mine, the local community, NGOs and the local government. She had made a number of recommendations on the issue and maintained regular contact with NGOs and other stakeholders. It was a complex issue, however: the region was poor; local people were economically dependent on the mine, one of the area's largest employers; and there had admittedly been local governance challenges. That being said, there had been a shift in public opinion regarding the extraction of fossil fuels, and it was envisaged that the mine would close by 2033.

33. *Ms. McDougall (Vice-Chair) took the Chair.*

34. **Ms. Tobin** (Ireland) said that the formal recognition of Travellers as an ethnic group had helped reframe the discussion on Traveller-specific accommodation. A broad range of accommodation options were available to Travellers, from standard local authority housing to Traveller-specific accommodation, and applicants could express preferences at any stage of the housing needs assessment process. Under the Housing (Traveller Accommodation) Act 1998, local housing authorities were responsible for assessing Travellers' accommodation needs and for preparing, adopting and implementing multiannual Traveller accommodation programmes.

35. In order to identify the reasons for underspending on Traveller accommodation in spite of the increased availability of funding, the housing authorities had commissioned a review in 2017. In response to the findings, the Traveller Accommodation Expert Group had been established and tasked with reviewing legislation and developing proposals to improve the delivery of Traveller accommodation nationwide. In July 2019, the Group had presented its report, which contained comprehensive, wide-ranging recommendations on a host of topics, including research, planning, capacity-building and governance. The formal recognition of Travellers as an ethnic group underpinned the recommendations contained in the report and current discussions on their implementation. Given the wide range of stakeholders involved and the far-ranging impact of the recommendations, they would be implemented using a phased approach. The current information gathering phase involved engagement with all stakeholders, the grouping of the recommendations and the establishment of subject matter expert groups. During the subsequent pre-project phase, a multi-stakeholder programme board and a programme manager would be appointed to define the projects and oversee progress. Project initiation was scheduled for early 2020. At

that stage, project teams and managers would be appointed and project plans developed. Each project would have its own timeline for completion.

36. **Mr. Cronin** (Ireland) said that Travellers experienced labour market disadvantages. They were more likely to be unemployed and more vulnerable to long-term unemployment than the overall population. Those who were registered as unemployed with the public employment service were entitled to jobseeker benefits. Roma and Travellers who were not registered as unemployed could also make use of employment support services. Dedicated case officers provided targeted support. In order to reach out to the Traveller and Roma communities, the public employment service held quarterly meetings with Traveller and Roma representative groups. It had also produced targeted videos and booklets, in cooperation with those groups, which explained the role of the public employment service. The age requirement for eligibility for enrolment in the Community Employment Programme had been lowered from 21 to 18 years for Roma and Travellers, in order to facilitate access. The budget allocated for pre-employment support programmes for marginalized groups, including Travellers and Roma, amounted to €2.5 million for 2020. The improved labour market situation had reduced the number of jobseekers and thus freed up capacities for a stronger focus on marginalized groups. The Government's new labour market activation strategy would also consider the specific needs of Travellers and Roma.

37. **Ms. Ní Néill** (Ireland) said that Travellers and Roma had equal access to public health services, including medical cards and general practitioner visit cards for low-income households. Eligibility was determined by the Health Service Executive and was essentially residency- and means-tested. Additional targeted initiatives and programmes designed to improve the health status of Travellers and Roma included Traveller health units, primary health care for Traveller projects, Traveller counselling services and culturally appropriate mental health services. A primary health care for Roma project was currently being piloted.

38. Given their comparatively lower life expectancy – only 3 per cent of Travellers were aged 65 and over, compared with 13 per cent of the overall population – existing tools for monitoring progress under the National Positive Ageing Strategy did not capture the reality for Travellers. The Department of Health had therefore developed 14 indicators for positive ageing for Travellers, in cooperation with 50 members of the travelling community. The age cut-off had been lowered from 50 to 40 years, and the housing indicator had been revised to include Traveller-specific accommodation.

39. **Mr. Geraghty** (Ireland) said that the Social Inclusion and Community Activation Programme 2018–2022 was the primary tool for assisting marginalized population groups. Its €190 million budget was used to tackle poverty and social exclusion through local engagement and partnerships between disadvantaged individuals, community organizations and public sector agencies. The Programme was managed by local community development committees; relevant actions and initiatives were delivered by local development companies. All beneficiaries belonged to one of 13 predefined target groups, which included Roma and Travellers. Ethnic identity was established by way of self-identification. The Department of Rural and Community Development had recently issued best practice guidelines for programme implementers on ethnic data collection. The National Traveller and Roma Inclusion Strategy had been a key implementing tool for the Programme. Under the Social Inclusion and Community Activation Programme 2015–2017, 281 and 1,851 members of the Roma and Traveller communities, respectively, had received support. Some 1,400 individuals had been assisted under the 2018–2022 Programme to date.

40. **Ms. Cregg** (Ireland) said that key objectives of the National Traveller and Roma Inclusion Strategy were to phase out segregation, to include Traveller children in mainstream education and to improve educational outcomes across the board. The Government was investing heavily in tackling educational disadvantage, with considerable success. The DEIS (Delivering Equality of Opportunity in Schools) Plan 2017 facilitated support to schools with a high proportion of disadvantaged pupils, and the new model for special education teaching support enabled additional support and teaching resources to be provided to disadvantaged pupils in all schools. Targeted actions were also being implemented to increase Traveller and Roma children's access to higher education.

41. **Mr. Hurley** (Ireland) said that a government-funded non-governmental steering committee had been established to develop a plan of action for the implementation of the International Decade for People of African Descent.

42. **Ms. Buckley** (Ireland) said that the Government was strongly committed to investigating the treatment of vulnerable women and children in mother and baby homes. The Commission of Investigation into Mother and Baby Homes and Certain Related Matters had been established in 2015 to provide a full account of the occurrences during the period 1922–1998. The Commission had the appropriate scope and powers to examine the concerns, determine the central issues and make relevant recommendations. It was tasked, among other things, with identifying the extent to which any groups of residents might have been treated differently on any grounds, such as religion, race, Traveller identity or disability. Acknowledging the aspirations for redress and other State responses, the Government was of the view that such complex issues could not be addressed until a full understanding of all relevant matters had been established. The investigation was critically important for Ireland to come to terms with its own history.

43. **Mr. Kut** asked whether the State party had a specific strategy to tackle racist hate speech by politicians and public officials. Did the political will exist to address those issues?

44. **Ms. Izsák-Ndiaye** said that it would be useful to obtain data on the number of complaints of police racial profiling filed with the Garda Síochána Ombudsman Commission and to learn about the outcomes. The delegation might also wish to describe the racial profiling training provided to investigating officers and the mechanisms in place to ensure the independence of those investigations. Given the difficulty of dealing with racist discourse by politicians and office holders, and in the light of the forthcoming elections, it would be interesting to learn more about plans to develop standards and establish a mechanism to hold politicians and candidates accountable for racist discourse.

45. **Mr. Murillo Martínez** said that he would welcome further information on the implementation of the International Decade for People of African Descent, including budget allocations. Data on the ethnic composition of the State party's prison population would also be appreciated.

46. It would be helpful to learn about any plans to reverse the burden of proof in cases of racial discrimination. Had the State party conducted any surveys of public perception of the phenomenon of racism, racial discrimination and hate speech? During the current process of developing legislation on hate speech, the State party might wish to draw on the Committee's general recommendation No. 35 on combating racist hate speech, which provided useful insights with regard to the scope and forms of such discourse.

47. With the increased use of artificial intelligence and algorithms to predict and combat crime, it would be helpful to know what measures the State party had taken to prevent racial profiling in the context of automated decision-making. The delegation might also wish to indicate to what extent the provisions of the European Union General Data Protection Regulation, in particular articles 13 (2) (f), 14 (2) (g), 15 (1) (h) and 22 (b), were taken into account in that context.

48. *Mr. Amir (Chair) resumed the Chair.*

49. **Ms. Buckley** (Ireland) said that Ireland had relaunched the European Network Against Racism (ENAR) Ireland's Anti-racism Election Protocol in 2019. The Protocol had been signed by all political parties and independent elected representatives at the local and national level. High-ranking Irish politicians had strongly condemned derogatory comments about the Traveller community by a candidate to the 2018 presidential elections. Most recently, a member of one of Ireland's main political parties who had come under criticism for a statement made on Twitter had met with a Travellers' representative and offered a personal apology. The Committee's comments and recommendations related to racist discourse by office holders, and the need to ensure compliance with the Convention, would be taken into account in the context of the forthcoming establishment of an electoral commission. Her delegation would also engage with the Standards in Public Office Commission, among others, on the matter.

50. The Garda Síochána Ombudsman Commission was fully independent. Data on the number of complaints filed and the training provided to investigators would be submitted in writing.

51. The Government attached the utmost importance to making hate crimes and hate speech prosecutable. The Committee's recommendations were of great value to current efforts to strengthen existing laws to that effect. The issue of reversal of the burden of proof was being considered in that context. Ireland's political culture was characterized by lively debate, which posed challenges and opportunities. While challenging and defeating the concepts underlying hate speech were important, not giving "oxygen" to those who used racist discourse to gain followers on Twitter might also be an appropriate response in certain circumstances.

52. She believed the initial budget that the Government had earmarked for the International Decade for People of African Descent was €55,000. The Government was waiting for proposals on how the Decade would be marked in Irish society.

53. The Irish Human Rights and Equality Commission had investigated instances of discriminatory and hate activity. If more data were needed to shape policy in that area, the Department would do more research.

54. Another government department was preparing a policy on artificial intelligence. Since Ireland hosted the bases for Europe, the Middle East and Africa of so many major information and communication technology companies, the Government had strong data protection legislation and a well-resourced, independent data protection office. It had received no complaints from the European Commission concerning its application of the General Data Protection Regulation, which it believed it was implementing properly.

55. **Ms. McDougall** said that free legal aid did not necessarily mean putting money in solicitors' pockets; it included options such as offering free professional services.

56. She wondered whether the delegation's response regarding the housing crisis was a comprehensive answer, since the crisis might affect minorities other than Travellers, such as Roma, migrants and persons caught in the web of private housing services. Noting that several local housing authorities had not spent their full housing allotment, she asked whether that was due to a failure to understand housing needs or the result of racial bias and would be interested to know how the Government had responded.

57. She wished to know whether discriminatory refusals of service at licensed facilities fell under the scope of the Equal Status Acts 2000–2012 or the Intoxicating Liquor Acts 1833–2018. If they fell under the latter, complaints would have to be lodged with the district court, which would make the process adversarial, expensive for the complainant, who might belong to a minority group, and not victim-centric. Should the burden of proof be shifted? How was the transfer of jurisdiction disadvantaging minority groups?

58. She would welcome information on how the Government dealt with discrimination issues faced by women, such as through a ministry of women or an equality and human rights institute. Differential policies were needed for different groups of women, such as Travellers, Roma and migrants, based on how each group experienced discrimination.

59. **Mr. Avtonomov** said that he would appreciate details of how Ireland was participating in the International Decade for People of African Descent, at both international and domestic levels. He also wished to know how much support the Government provided for the Shelta language, noting that methods existed in other countries to teach people in languages that, like Shelta, were mainly oral.

60. **Mr. Calí Tzay** said that, according to some NGOs, the Social Inclusion and Community Activation Programme was limited and action under the Programme was at the discretion of the respective implementation bodies. What plans existed for the full inclusion of ethnic and minority communities, Roma, Travellers, refugees and asylum seekers?

61. **Mr. Diaby** said that he wished to know what measures had been taken to combat hate speech and whether any prosecutions had taken place; how Africa Day Dublin had helped to combat intolerance and highlight contributions, so that anti-racism legislation

could move forward; and how Roma, Travellers and people of African descent living in Ireland were portrayed in school textbooks and the media.

62. **Ms. Buckley** (Ireland), acknowledging that legal aid in Ireland was not comprehensive enough, said that access to justice was a much broader goal and included aspects such as cheaper and faster access to justice. Also, people discriminated against by providers of private accommodation on the grounds that they received housing assistance could now take their cases to the Workplace Relations Commission and the Labour Court. In that regard, there had already been some prominent cases of action taken, with support from NGOs.

63. **Ms. Timmons** (Ireland) said that, every year since 2016, the Summary of Social Housing Assessments had tracked the profiles of vulnerable groups, including people waiting for Traveller accommodation, thereby creating enough data to perform trend analysis. The waiting list for accommodation had fallen by a quarter since 2016; the housing crisis was having a major impact on vulnerable groups; and spending on traveller housing was back up to €30 million, having fallen to €3 million during the economic crisis.

64. **Ms. Tobin** (Ireland) said that there had not been an underspend on the overall housing budget housing, only on the ring-fenced budget for Traveller accommodation. The recommendations made in the Traveller Accommodation Expert Review would be used to try to address that underspend.

65. **Ms. Buckley** (Ireland) said that responsibility for reviewing complaints of discrimination committed by the owners of licensed premises had been moved from the Equality Tribunal to the district courts because they were the courts responsible for licensing venues. That change reduced costs as much as possible, since district courts were the lowest courts in Ireland.

66. The National Strategy for Women and Girls 2017–2020 included commitments for Traveller and minority ethnic women. The Government had been addressing gender and race together, by working with Traveller and Roma NGOs to track commitments from both its gender and race strategies in tandem. It understood that it needed to improve its implementation of policies and strategies and was seeking to address historical and current discrimination through an approach involving all government departments.

67. Ensuring the participation of minorities in public life was a task for political parties. Five persons from a Traveller background had stood in recent local elections, and greater local participation was being encouraged. Persons from minority backgrounds were starting to come through into political life. Despite the improvements made, the Irish Government realized that the civil service needed to better reflect the mixed nature of the community it served, and it would accordingly consider measures such as internship programmes for Travellers and Roma.

68. She would provide the Committee with written information on the portrayal of ethnic minorities in school textbooks. The new national heritage plan, Heritage Ireland 2030, was expected to include protection of the heritage and cultural identities of minority communities.

69. **Ms. Shepherd** said that she wished to know when the legislation on hate speech would be implemented and how the State party would monitor enforcement of the prohibition of racial profiling by the police, given that Ireland did not collect ethnic data. Noting that there had been 378 reported cases of female genital mutilation, she would appreciate information on whether anybody had been prosecuted under the law banning the practice. She wished to encourage the State party to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Lastly, she wondered how the State party would ensure that Travellers and Roma met the habitual residence condition for access to social welfare payments, given their nomadic lifestyles.

70. In conclusion, she thanked the State party for the importance it attached to the Committee and its willingness to engage with it. She encouraged the State party to take the Committee's suggestions into consideration, to abide by its international commitments, to

do all it could to improve the lives of those living in Ireland, and to make racists feel uncomfortable in Ireland.

71. **Ms. Buckley** (Ireland) said that the Government treated its obligations under the Convention and the Committee's work very seriously. Although Ireland had been slow to recognize its mixed cultural heritage, it had made great strides.

The meeting rose at 1 p.m.