



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
20 January 2011

Original: English

Committee on the Elimination of Racial Discrimination

Seventy-eighth session

14 February –11 March 2011

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

List of themes to be taken up in connection with the consideration of the third and fourth periodic reports of Ireland (CERD/C/IRL/3-4)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the third and fourth periodic reports of Ireland. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. The Convention in domestic law and legislative and the policy framework for its implementation (arts. 1, 2 and 6):

(a) The need to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into domestic law in order to supplement existing legislation with a view to afford citizens and non-citizens more protection against racial discrimination (CERD/C/IRL/3-4 para. 49 and CERD/C/IRL/CO/2/Add.1, para. 19);

(b) Update on efforts to withdraw the declaration of the State party on article 4 of the Convention following the research commissioned by the Department of Justice, Equality and Law Reform to assess the effective use of current domestic law to combat racially motivated crime (CERD/C/IRL/CO/2/Add.1, paras. 21 and 22);

(c) Lack of legislation proscribing racial profiling by the police and other law enforcement personnel. Grounds for requiring foreign nationals to carry identity cards at all times and to produce them when stopped by the police, requirements that do not apply to Irish citizens (CERD/C/IRL/3-4 para. 228);

(d) Update on the review of the Prohibition of Incitement to Hatred Act 1989 in the light of research findings by the Centre for Criminal Justice, University of Limerick. Measures taken to ensure that judges take into account racist motive as an aggravating factor during sentencing (ibid., paras. 51-53);

(e) Measures taken to ensure that the current budget cuts to institutions such as the Irish Human Rights Commission (32 per cent), Equality Authority (43 per cent) and the National Consultative Committee on Racism and Interculturalism (100 per cent) do not stifle the monitoring of the implementation of the obligations of the State party under the Convention (ibid., para. 190);

(f) Lack of legislative clarity to elaborate grounds for refusal of leave to land, and the non-existence of appellate or review procedures to challenge such immigration decisions (CERD/C/IRL/CO/2/Add.1, para. 94). Update on the status of the Immigration and Residence Bill (ibid., para. 206).

2. Integration, combating racial prejudices and the situation of non-citizens (migrant workers, asylum-seekers and refugees) (arts. 2, 5 and 6):

(a) Measures taken to halt the harassment and ill-treatment of migrants on the street and in other public places and to encourage reporting of racist incidents (CERD/C/IRL/3-4, paras. 375 and 507). Measures taken to encourage the media to disseminate messages to combat racial prejudice and xenophobic stereotyping and to promote cultural diversity (CERD/C/IRL/CO/2/Add.1, para. 28);

(b) Following the report by the Garda Human Rights Audit that was launched in March 2005, which identified the shortcomings of the police especially with regard to their discriminatory treatment of foreigners, concrete measures taken (a) to sensitize police officers against discriminatory treatment, and (b) to investigate and prosecute those alleged to have committed crimes through the Garda Ombudsman Commission established under the Garda Síochána (Police) Act of 2005 (CERD/C/IRL/3-4, paras. 75-79 and 376 and CERD/C/IRL/CO/2/Add.1, paras. 118-122 and 139);

(c) Information on the reasons for the Government's decision, announced on 17 December 2008, to restrict access to the Irish labour market for nationals of Bulgaria and Romania starting from 1 January 2009 (CERD/C/IRL/3-4, para. 297);

(d) Update on the recruitment of people of other national origin into the Garda following the revision of qualification requirements including language proficiency (ibid., paras. 263-264 and CERD/C/IRL/CO/2/Add.1, paras. 126-128 and 138);

(e) Measures taken to review the definition of family to ensure that family reunification is not unduly restrictive (CERD/C/IRL/3-4, para. 530);

(f) In the light of the fact that the detention of asylum-seekers is not carried out on a systematic basis (CERD/C/IRL/CO/2/Add.1, para. 96), concrete measures taken to ensure that asylum-seekers who are neither suspected of having committed a crime nor convicted of a crime are not detained in prisons and police stations but in special holding facilities for asylum-seekers (ibid., paras. 91-94 and 96).

3. Ethnic minority issues and the situation of Traveller communities (arts. 2, 3 and 5):

(a) Update on the implementation of the recommendations made by the High Level Group on Traveller Issues approved by the Government on 21 March 2006, which, among other things, recommended the need to have meaningful consultations with Travellers (ibid., para. 163);

(b) Progress made to ensure that self-identification is primarily used in determining whether or not a people are an ethnic minority. Update on the efforts to recognize various Traveller communities and groups as ethnic minority groups (CERD/C/IRL/3-4, paras. 8 and 11; CERD/C/IRL/CO/2, para. 20; and CERD/C/IRL/CO/2/Add.1, para. 158);

(c) In the light of shortcomings acknowledged by the State party with regard to the implementation of policies affecting Travellers in areas of housing, education, employment, health care and access to essential goods and services, concrete measures taken to improve the livelihood of Travellers and members of their families (CERD/C/IRL/CO/2/Add.1, paras. 160 and 161);

(d) Measures taken to improve school attendance and retention of pupils from Traveller communities. Steps taken to establish the root causes of early school leaving, lower attendance rates, and attainment levels in English and mathematics following the Survey of Traveller Education Provision (STEP) (*ibid.*, para. 169).

4. Equal enjoyment of socio-economic rights (arts. 2 and 5):

(a) Update on measures taken to ensure that all students have a wider choice to attend non-denominational schools. Further, that non-denominational teacher-training institutions are readily available so that prospective teachers of non-faith and minority religious backgrounds are not deterred from accessing teacher training (*ibid.*, para. 146).
