



**International Human Rights
Instruments**

Distr.: General
4 December 2019

Original: English

**Common core document forming part
of the reports of States parties**


Ireland*

[Received on: 23 September 2019]

* The present document is being issued without formal editing.

GE.19-20881(E)



Please recycle 



Contents

	<i>Page</i>
I. Introduction	4
II. General information about the reporting state.....	4
A. Demographic, economic, social and cultural characteristics of the State.....	4
1. The Economy	5
2. Demographic Trends.....	5
B. Constitutional, political and legal structure of the state	7
1. The Constitution of Ireland (Bunreacht na hÉireann).....	7
2. The Government of Ireland.....	8
3. The Electoral System	9
4. The Civil Service	9
5. Local government	10
6. The Administration of Justice	10
An Garda Síochána.....	10
The Policing Authority	11
7. The Irish Legal System	12
The Courts.....	12
The Judiciary	13
The Office of the Director of Public Prosecutions (DPP)	14
Entitlement to Legal Aid.....	15
III. General framework for the promotion and protection of human rights.....	15
A. Acceptance of international human rights norms.....	15
B. Legal Framework for the protection of human rights at the national level	15
1. Constitutional Protection – Specified Rights	17
2. Constitutional Protection – Unspecified Rights	17
3. Constitutionality.....	18
4. Constitutional Reform.....	18
5. Evidence.....	18
6. Judicial Review	19
7. Legislation, conventions and treaties	19
8. Institutions and national machinery	20
The Irish Human Rights and Equality Commission.....	20
The Workplace Relations Commission.....	20
Health Service Executive.....	20
Child and Family Agency	21
Health and Safety Authority	21
National Disability Authority.....	21
Mental Health (Criminal Law) Review Board.....	21
Ombudsman, Information Commissioner and the Commissioner for Environmental Information	21
Office of the Ombudsman for the Defence Forces.....	22
Garda Síochána Ombudsman Commission.....	22
Ombudsman for Children's Office	22
Data Protection Commission	22
Press Ombudsman and Council	22
Oversight Group on National Action Plan on United Nations Security Council Resolution 1325	23
An Coimisinéir Teanga (The Language Commissioner)	23
Inspector of Prisons.....	23
Health Information and Quality Authority.....	23
Financial Services Ombudsman.....	23
Mental Health Commission and Inspectorate of Mental Health Services.....	23
Citizens' Information Board	24
The Residential Tenancies Board (RTB) and the Rent Tribunal	24
The Legal Services Regulatory Authority.....	25
C. Framework within which human rights are promoted at the national level	25
1. National and Regional Parliaments and Assemblies.....	25

2.	Dissemination of Human Rights Instruments	25
3.	Raising human rights awareness among public officials	25
4.	Promotion of human rights awareness through educational programmes and Government-sponsored public information	27
	Pre-school	27
	Primary Level	27
	Post-primary level	27
	Higher Education	29
5.	Role of Civil Society and Non-Governmental Organisations	30
6.	Promotion of Human Rights Internationally and in the context of Development Cooperation and Assistance	30
D.	Reporting process at the national level	31
E.	Other human rights related information	31
1.	Information on non-discrimination and equality and effective remedies	31
	Non-discrimination and equality	31
	Legislation	31
	Equality Mainstreaming	34
	National Strategy for Women and Girls	34
	Positive Action in the Workplace and Communities	35
	Prevention of Domestic, Sexual and Gender-based Violence	35
	Support to the National Women's Council of Ireland	36
	Women's representation on State Boards	36
2.	Promotion of Migrant Integration	36
	Education Provision for Migrant Children	37
	National Intercultural Health Strategy	38
3.	General information regarding the human rights situation of persons belonging to specific vulnerable groups in the population	38
	Persons with disabilities	38
	Members of the Traveller Community	40
	International Protection System	42
	Annexes	46

I. Introduction

1. The Government of Ireland is pleased to present its Common Core Document, forming part of its reports under the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of Persons with Disabilities (CRPD).

2. In preparing its core document, Ireland has followed the harmonised guidelines issued by the Office of the High Commissioner for Human Rights, revised in June 2009 (HRI/GEN/2/Rev 6). Ireland last submitted a core document in 2014. The information provided is correct as of the preparation of this document, which took place over a period of months in 2018 and 2019. As a result, the data presented represents a snapshot of the situation in Ireland, as distinct from a comprehensive or fully current account.

3. The core document was prepared by the Department of Foreign Affairs and Trade, which is responsible for coordinating Ireland's reports under the ICCPR and the ICESCR. Input has been received from the Department of Justice and Equality, which is responsible for drafting Ireland's reports under the CEDAW, the CERD and the CRPD; and the Department of Child and Youth Affairs, which is responsible for the reports under the CRC. Further input and assistance has been received from the Department of Education and Skills; the Department of Finance; the Department of Public Expenditure and Reform; the Department of Defence; the Department of Housing, Planning and Local Government; the Department of the Taoiseach; the Department of Culture, Heritage and the Gaeltacht; the Department of Employment Affairs and Social Protection; the Department of Communications, Climate Action and Environment; the Department of Rural and Community Development; the Department of Business, Enterprise and Innovation; the Office of the Attorney General and the Central Statistics Office.

4. The Government of Ireland recognises and appreciates the important role played by non-governmental organisations (NGOs) in promoting and implementing the rights set out in the treaties.

II. General information about the reporting state

A. Demographic, economic, social and cultural characteristics of the State

5. The island of Ireland is situated in the northwest of the continent of Europe and has a total area of 84,421 square kilometres. Pursuant to Article 3 of Bunreacht na hÉireann (the Constitution of Ireland), the laws enacted by the Oireachtas (Irish Parliament) apply to 26 of the 32 counties of the island of Ireland. The remaining north-eastern counties form part of the United Kingdom of Great Britain and Northern Ireland. Article 3 further provides that a united (32 county) Ireland shall be only brought about by peaceful means with the consent of the people, democratically expressed, in both jurisdictions in the island. Pursuant to Article 4 of the Constitution, the name of the State is "Éire", or, in the English language, "Ireland".

6. In 1921, after a War of Independence, a treaty was entered into with the United Kingdom, whereby the Irish Free State (26 counties) seceded from the United Kingdom of Great Britain and Ireland, while Northern Ireland (6 counties) remained in the United Kingdom. The adoption of the Constitution of Ireland in 1937 and the Republic of Ireland Act 1948 severed Ireland's last symbolic links with the United Kingdom. Ireland does not belong to any military alliance. Ireland became a member of the United Nations in 1955 and joined the European Communities, now the European Union, in 1973.

1. The Economy

7. The Irish economy recorded GDP growth of 8.2 per cent in 2018 and Ireland continues to be one of the fastest growing economies in Europe.

8. Employment increased by 81,200 (+3.7 per cent) in the year to Q1 2019 and there are now more people working in Ireland than ever before (2.3 million).

9. Since the financial crisis period, strong employment gains have helped reduce unemployment which has fallen from a peak of 16 per cent in early 2012 to 4.6 per cent in July 2019. In addition, employment growth has been broadly balanced across sectors. The rate of long term unemployment also continues to decline, down from 2.1 per cent to 1.7 per cent over the year Q1 2019.

10. Inflation in Ireland remains below the European Central Bank's price stability measure of close to, but below, 2 per cent over the medium term. The harmonised index of consumer prices (HICP) in Ireland increased by 1.1 per cent in June 2019 compared to the same month in 2018. Euro area inflation was 1.2 per cent in June 2019. As set out in the Stability Programme Update 2019 published by the Department of Finance, the Department is currently projecting HICP inflation of 0.9 per cent for 2019 and 1.1 per cent for 2020.

11. Despite the stronger than expected momentum throughout 2018, the risks to the Irish economy have increased in 2019. First and foremost is the potential fallout from a more adverse-than-expected outcome from Brexit. Secondly, risks from disruption to world trade remain elevated as there is the potential for a further escalation of protectionist measures to cause a disruption to global supply chains worse than currently envisaged. In addition, the risk of normalisation of monetary policy may not be as smooth as projected, changes in other jurisdictions that affect the competitiveness of Ireland's corporate tax regime and rising geopolitical uncertainty all have the potential to undermine growth in the economy. Domestically, the principal risk relates to the economy reaching and exceeding its sustainable level of production in the coming years, with a positive output gap emerging. This is consistent with an economy approaching full employment.

2. Demographic Trends

12. The 2016 Census results show that Ireland's de facto population increased by 173,613 persons over the five years since April 2011, to reach 4,761,865 persons in April 2016. This represents a total increase of 3.8% over the 5 years, or 0.8% on an annual average basis. This compares with an annual average increase of 1.6% over the previous inter-censal period 2006 to 2011.

13. The fertility rate in Ireland rose from 1.86 in 2005 to 2.05 in 2010, before dropping to 1.92 in 2015. Over a third (36.5%) of all births were outside marriage in Ireland in 2015.

14. From census 2011 to census 2016, the number of children aged less than 18 years grew from 1,148,687 to 1,190,502, an increase of approximately 3.6%. Although the proportion of the Irish population aged under 18 years fell dramatically between 1981 (36.2%) and 2002 (25.9%), it has since remained stable, and by 2016, children represented 25% of the total population. The youth dependency ratio (the proportion of those aged from birth to fourteen years to the total working-age population) was 32.3% in 2016, up from 31.9% in 2011. Furthermore, the population of Ireland is ageing. According to the Central Statistics Office's (CSO) the population aged 65 years and over increased by 102,174 to 637,567 (19.1%) in Census 2016. Older people now comprise 13.4% of the population, compared to 11.7% in 2011. The dependency rate of older people in 2016 was 20.4%, compared to 17.4% in 2011.

15. There were 30,667 deaths in Ireland in 2016 of which 15,620 were males and 15,047 were females. This is equivalent to a rate of 6.5 deaths per 1,000 total population, an increase of 0.1 from 2015 and of 0.2 from 2014. The most recent available figures on life expectancy in Ireland at age 0 are: 78.4 for males, 82.8 for females.

16. Ireland had significant net inward migration between the years 2005 and 2009, with the number of immigrants arriving to live in Ireland exceeding emigrants departing to live abroad by 297,600 over this period. This positive trend reversed in 2010 and Ireland

experienced net outward migration for each year 2010 to 2014 inclusive. Total net outward migration over the period 2010 to 2014 was estimated to be 107,800. Positive net inward migration returned to Ireland in 2015.

17. Between the census of 2002 and that of 2006, the non-Irish national population increased from 224,261 to 419,733 persons (an 87% increase). Between the 2006 and 2011 census, the non-Irish national population increased from 419,733 to 544,357 persons (a 29.7% increase). However, from 2011 to 2016 the non-Irish national population decreased by 1.6% to 535,475. Persons with dual-Irish nationality increased by 87.4% to 104,784 persons in 2016.

18. The proportion of the population who were Catholics continued to decline in 2016, to reach its lowest point at 78.3% while its congregation, at 3.73 million had decreased from 3.86 million in 2011. Of the 3.7 million Catholics in Ireland in 2016, 7.5% were non-Irish. Of the non-Irish, Polish nationals were the largest group with 105,269 persons, followed by the United Kingdom with 39,207. These two groups accounted for over half of all non-Irish Catholics.

<i>Religion</i>	<i>Census 2016</i>	<i>Census 2011</i>	<i>% change</i>
Roman Catholic	3,729,115	3,860,000	-3.4%
No religion/atheist/agnostic	481,388	277,237	73.6%
Church of Ireland	126,414	129,039	-2.0%
Muslim (Islamic)	63,443	49,204	28.9%
Orthodox(Greek, Coptic, Russian)	62,187	45,223	37.5%
Presbyterian	24,211	24,600	-1.6%
Apostolic & Pentecostal members	13,350	14,043	-4.9%
Hindu	14,332	10,688	34.1%
Buddhist	9,758	8,703	12.1%
Methodist	6,471	6,842	-5.4%
Jehovah's Witness	6,417	6,149	4.4%
Lutheran	5,329	5,683	-6.2%
Evangelical	9,724	4,188	132.2%
Baptist	3,957	3,531	12.1%
Jewish	2,557	1,984	28.9%

19. The total number of those with no religion (including atheists and agnostics), stood at 481,388 in 2016, an increase of 73.6% on the 2011 total of 277,237. There has been a seven-fold increase in this category since 1991, when the total stood at just 67,413. The pattern of more males than females in this category has persisted in 2016 and stood at 55.6%, though this is down from 60.7% in 1991.

20. From the perspective of age profiles, the highest proportion of those with no religion was among those aged 30 to 34 (12.1%), while the lowest was for those aged 85 and over where just 0.2% indicated they had no religion.

21. In 2016, persons that indicated 'No Religion' accounted for 9.8% of the population, up from 5.9% in 2011. This was an increase of 198,610 persons over the period, bringing the total to 468,421 and making 'No Religion' the second largest group in 2016.

22. There were 126,414 members of the Church of Ireland in April 2016, a decrease of 2.0% on 2011. The average age of Church of Ireland members in 2016 was 40.3, older than the general population whose average age was 37.4 years, and up 1.1 years since 2011.

23. There were 63,443 Muslims in Ireland in April 2016, representing 1.3% of the population and signalling a continued growth in the number of Muslims in Ireland. Ireland's Muslim community has grown from 3,875 persons in 1991, to 19,147 in 2002, 32,539 in 2006 and 49,204 in 2011. The number of Muslims has nearly doubled since 2006, increasing by 95%.

24. Orthodox Christians have been the fastest growing religion in Ireland since 1991. There were 62,187 Orthodox Christians in Ireland in April 2016, up 37.5% on 2011 (45,223) and over three times the number recorded in 2006 (20,798).
25. Between 2011 and 2016 the number of Presbyterians in Ireland fell marginally from 24,600 to 24,211, however, this remained higher than the 2006 total of 23,546.
26. The Apostolic and Pentecostal population in Ireland has increased substantially over the past 14 years, rising from just 3,152 persons in 2002 to 13,350 by 2016. This represents an annualised growth rate of over 10.9%. The average age for this group stood at just 25.3 years in 2016, significantly lower than the general population and heavily affected by the large proportion of under 20 year olds.
27. There was a 135.6% increase in the number of Hindus between 2006 and 2016, from 6,082 to 14,332 persons over the period.
28. There were 427,128 students aged 15 and over in April 2016, an increase of 4.5% on the 2011 figure. Males comprised 49.4% of this student population, up from 49.2% in 2011. Among those aged 19 to 22, females continue to have a higher participation in education with 59.5%, while the rate for males was 52.8%. In 2017, 53% of the population aged 30 to 34 had completed third level education. The proportion of those aged 18 to 24 who left school with, at most, lower secondary education was 5% in 2017.
29. Adults in Ireland have an adjusted mean score of 266 on the literacy scale (1 to 500) compared to the study average of 270. Literacy proficiency was split into five levels and adults in Ireland proportioned as follows:
- (a) At or below level 1 (1-225) = 17.9%;
 - (b) Level 2 (226-275) = 37.6%;
 - (c) Level 3 (276-325) = 36%;
 - (d) Level 4 (326-375) = 8.1%;
 - (e) Level 5 (376-500) = 0.4%.
30. The number of new dwellings built declined to 4,575 in 2013 however, over the following five years the number of new dwellings built has increased steadily each year to stand at 18,072 in 2018.
31. For a fuller range of statistical materials on demographic, economic, social, and cultural trends in Ireland, please refer to the statistical annexes to this document and further to the material compiled by the CSO, which is publicly available on its website, www.cso.ie.

B. Constitutional, political and legal structure of the state

1. The Constitution of Ireland (Bunreacht na hÉireann)

32. The Constitution of Ireland (or, in the Irish language, Bunreacht na hÉireann) is the basic law of the State. It was adopted by referendum in 1937, and is the successor to the 1919 Constitution of Dáil Éireann (the House of Representatives) and the 1922 Constitution of the Irish Free State. It establishes the institutions and apparatus of the State and provides for the separation of powers into three branches; executive, legislative and judicial. The Constitution defines the powers of the President, the Oireachtas (Irish Parliament) and the Government, as well as the structure and powers of the courts. It states that all legislative, executive and judicial powers of Government are derived from the people and also guarantees citizens fundamental rights which have been subjected to rigorous interpretation and enumeration by the courts.
33. The Constitution provides that the Oireachtas shall not enact any law which is in any respect repugnant to its provisions. Any legislation which is enacted and which is found to be repugnant to the Constitution shall be invalid to the extent of such inconsistency. Only the High Court, the Court of Appeal and Supreme Court have jurisdiction to consider the question of the validity of any law with regard to the provisions of the Constitution. Judicial

review is one mechanism whereby an individual can challenge the constitutionality of legislation and this remedy is explained in greater detail below (see paras 96 - 98).

34. The Constitution of Ireland can only be amended following the passage of a Bill to amend the Constitution by a simple majority of both Houses of the Oireachtas, and the subsequent approval of the proposal by a majority of those voting in a referendum. Up to 2019, the Constitution has been amended on thirty occasions by means of referendum. Since Ireland last submitted a Common Core Document in 2014, the electorate has voted by referendum to amend the Constitution four times: to provide for marriage equality; to legislate for the regulation of the termination of pregnancies; to remove the reference to blasphemy in the Constitution; and, to amend the Constitutional provisions providing for the dissolution of marriage. In May 2015, a proposal to amend the Constitution and change the age of eligibility for election to office of President was rejected by the electorate.

2. The Government of Ireland

35. Ireland is a sovereign, independent parliamentary democracy. The national Parliament, the Oireachtas, consists of the President and two Houses: a House of Representatives (Dáil Éireann) and a Senate (Seanad Éireann). The functions and powers of the President, Dáil and Seanad derive from the Constitution of Ireland and law. The Oireachtas may not enact any law which is in any respect repugnant to the Constitution.

36. The President is Head of State. In that capacity s/he signs Bills into law and has the power to decline to sign a Bill; the Office does not have executive functions. The President must generally act on the advice and authority of the Government. On the nomination of Dáil Éireann the President appoints the Taoiseach (Prime Minister) and, on the advice of the Taoiseach and with the prior approval of Dáil Éireann, the President appoints members of the Government. Government policy and administration may be examined and criticised in both Houses, but under the Constitution the Government is responsible to the Dáil alone. The President is directly elected by the people and holds office for a term of seven years. The President may not serve more than two terms.

37. Dáil Éireann (House of Representatives) has 158 members called Teachtaí Dála (“T.D.s”). Members are returned by the 40 constituencies into which the State is at present divided and no constituency may return fewer than three members. The total number of members of the Dáil may not be fixed at less than one member for each 30,000 of the population or more than one member for each 20,000 of the population. *The Electoral (Amendment) (Dáil Constituencies) Act 2017* provides for an increase in the number of members of the Dáil to 160. The new arrangements will take effect from the next General Election.

38. *The Electoral (Amendment) (Political Funding) Act 2012* provides that State funding to political parties is reduced by 50% unless at least 30% of candidates in a general election are women and 30% are men. The threshold will rise to 40% from the next general election held after 26 February 2023. Payments made to political parties under the Electoral Acts are linked to performance at a general election.

39. The Government consists of not more than 15 members and not fewer than seven, *i.e.* Taoiseach (Prime Minister), Tánaiste (Deputy Prime Minister) and between five and 13 Ministers. The Taoiseach, Tánaiste and Minister for Finance must be members of the Dáil and the other Ministers must be members of the Dáil or Seanad, with no more than two being members of the Seanad. The Government acts as a collective authority and is collectively *responsible* for the Departments of State administered by its members. It generally meets once a week. Discussions at meetings of the Government are subject to cabinet confidentiality. At the time of a general election, the Government remains in place until a new Taoiseach has been appointed.

40. Seanad Éireann (Senate) has 60 members. Eleven are nominated directly to the House by the Taoiseach. 43 are elected by members of Dáil Éireann, by outgoing members of the Seanad and by local authority members, from five panels of candidates: the Cultural and Educational Panel, the Agricultural Panel, the Labour Panel, the Industrial and Commercial Panel and the Administrative Panel. Each panel contains the names of persons with knowledge and practical experience of the interests represented by the panel. The remaining

six are elected by the graduates of universities - three by the National University of Ireland and three by the University of Dublin. The powers of the Seanad, as defined by the Constitution are, in general, less than those of the Dáil. Its powers are complementary to those of the Dáil in broad areas such as the removal from office of a President or a judge; the declaration and termination of a state of emergency; the initiation of Bills other than Money Bills; and the annulment of statutory instruments. Seanad Éireann has no power to initiate Money Bills although it can make recommendations to Dáil Éireann in respect of such Bills.

41. A system of Parliamentary Committees is in operation within the Oireachtas. Under standing orders four committees must be appointed, on Selection, on Public Accounts, on Procedure and Privileges and on Consolidation Bills. Other committees may be established by a resolution of one or both of the Houses of the Oireachtas. They are empowered to request official papers and to hear evidence from individuals. Their findings are not binding. The reports of the Committees are laid before the Oireachtas which decides what action, if any, is necessary. It is a matter for the Oireachtas to decide upon the number and range of Committees which should be established, together with their terms of reference.

3. The Electoral System

42. Citizens have the opportunity to take part in the political process by casting a vote in five decision-making procedures:

- (a) The election of the President every seven years, where there is more than one candidate;
- (b) Referendums on proposed constitutional amendments;
- (c) Elections to local authorities, every five years;
- (d) Parliamentary elections, which occur under present legislation at least every five years;
- (e) Elections to the European Parliament, every five years.

43. The minimum voting age in Ireland is 18 years. The electoral system in elections to the Dáil is proportional representation by means of the single transferable vote in multi-seat constituencies. The single transferable vote is also used for the election of the President, Members of the European Parliament, Local Authorities, and 49 of the 60 members of the Seanad.

4. The Civil Service

44. The legal basis for the present Irish system of public administration is contained in the Irish Constitution and in the *Ministers and Secretaries Act 1924* (The 1924 Act). In accordance with Article 28 of the Constitution, Ministers are in charge of their Departments. The 1924 Act, and its subsequent amendments, provides a statutory classification of the functions of Government under the various Departments of State. Ministers are responsible for all the actions of their Departments. However, the Supreme Court of Ireland has confirmed that the *Carltona doctrine* applies to the Irish civil service i.e. the official acts of a civil servant are identified as acts of the Minister of the relevant department even where no express act of delegation has taken place. The day-to-day administration of a Department's functions is overseen by its Secretary General, who is a civil servant. The *Public Service Management Act 1997* (the 1997 Act) gives a statutory framework for the allocation of authority, responsibility and accountability within and across Government Departments.

45. The Civil Service is impartial vis-à-vis political parties in the performance of its functions and senior and middle ranking civil servants are precluded from involvement in party political activity. Recruitment to the Civil Service is by open public competition administered by an independent State commission. The Civil Service comprises a number of grades with different functions. The principal grade categories are: administrative, responsible for policy formulation; technical and scientific, providing specialist advice within the Civil Service; executive, involved in the implementation of policy; and clerical, responsible for general duties. At present there are approximately 37,000 people employed

in the Civil Service. In addition, Ministers may appoint Special Advisors in accordance with provisions set out in the 1997 Act.

5. Local government

46. Local government is administered by 31 local authorities (26 County Councils, 3 City Councils and 2 City and County Councils) funded through a combination of State grants, commercial rates, charges for goods and services and by a local tax on residential properties. Local authorities are multi-purpose bodies responsible for an extensive range of services including land use (zoning) and development, fire safety and fire and emergency services, the provision of public housing, road maintenance, supports for local economic and community development, libraries, and certain other services. The *Local Government Reform Act 2014* reduced the number of local authorities from 114 to 31, and provides for a wide-ranging programme of local government reform involving action to strengthen and improve the structures, functions, resources, operations and governance of the local system. There was a particular focus on: strengthening structures at regional, county and sub-county levels; expanding the role of local government; maximising operational and organisational efficiency; improving governance, oversight, local political and executive leadership; leading economic, social and community development; and representing citizens and local communities effectively and accountably. Each county council has been configured into Municipal Districts (totalling 95) based around principal towns and their hinterlands. There is now a single county-wide executive or operational structure with resources at the disposal of both county and district levels and a significant range of functions are being performed by elected members at district level, with strategic matters dealt with at county level.

47. Ireland's Regional Authorities were streamlined into three Regional Assemblies in 2015, representing the Northern and Western, Eastern and Midlands, and the Southern regions. They have a range of powers in relation to spatial planning and economic development.

48. Local Community Development Committees (LCDCs) have been established on a statutory basis in all 31 local authorities for the purpose of bringing a more coordinated and joined-up approach to local/community development at local level. Membership includes local authority elected members and officials; State and non-State local development agencies; community and voluntary organisations; and other representatives of civil society, for example business and farming interests. LCDCs draw on the expertise and experience of public and private actors within the relevant local authority area to provide effective and efficient services to citizens, and particularly those more in need of those services. Public Participation Networks have also been established in each local authority area for the purposes of securing greater community participation and input into local authority decision-making processes. The Networks serve as a link through which the local authority and its associated structures connect and engage with community and voluntary, social inclusion and environmental interests in the local area and through which community representation is sourced for appropriate committees of the local authority, including LCDCs.

6. The Administration of Justice

An Garda Síochána

49. Ireland has a single national police service, An Garda Síochána. As of 31 July 2019, the strength of An Garda Síochána is 14,251. In addition, there are 478 Garda Reserves.

50. The manner in which the resources of An Garda Síochána are deployed is a matter for the Garda Commissioner and his management team. Garda management keeps this distribution of resources under continual review in the context of crime trends and policing priorities so as to ensure that the optimum use is made of these resources.

51. Policing levels are determined by a number of variables including demographics, policing plans/models, the needs of the service and the security of the State. As such the minimum numbers required in future years will remain an indeterminate variable. The Government has set a target of an overall Garda Workforce of 21,000, including 15,000 Garda personnel to be achieved by 2021. Garda personnel assigned throughout the country,

together with overall policing arrangements and operational strategy, are continually monitored and reviewed to optimise Garda resources, and produce the best possible Garda service to the general public.

52. An Garda Síochána is established by legislation and its internal management is subject to Regulations made by the Minister for Justice and Equality. An Garda Síochána has operational independence subject to the general financial and regulatory framework established by the Minister. The Commissioner must report to the Minister as required. The Minister is in turn politically accountable to Dáil Éireann for An Garda Síochána.

53. Section 7 of the *Garda Síochána Act 2005* sets out the functional objectives of An Garda Síochána as:

- (a) Preserving peace and public order;
- (b) Protecting life and property;
- (c) Vindicating the human rights of each individual;
- (d) Protecting the security of the State;
- (e) Preventing crime;
- (f) Bringing criminals to justice, including by detecting and investigating crime;
- (g) Regulating and controlling road traffic and improving road safety; and
- (h) Other functions conferred by law including those relating to immigration.

The Policing Authority

54. The Policing Authority was established as an independent body to oversee the performance of An Garda Síochána in relation to policing services in Ireland. Its key objective is to promote trust and confidence in policing and to help shape policing services for Ireland in the future. The Authority was established by the enactment of the *Garda Síochána (Policing Authority and Miscellaneous Provisions) Act 2015*.

55. The Act provides for an extensive range of functions for the Authority, some of which were previously the responsibility of Government or the Minister for Justice and Equality. The overarching role of the Authority is to oversee the performance by An Garda Síochána of its functions relating to policing services. The Authority's functions include:

- (a) Overseeing how the Garda Síochána performs its policing functions and ensuring that they use their resources in a way that achieves the highest levels of efficiency and effectiveness;
- (b) Putting a Code of Ethics in place to set standards of conduct and practice for members of the Garda Síochána;
- (c) Approving the Garda Síochána Strategy Statements and Policing Plans and setting priorities and levels of performance;
- (d) Making nominations for appointment by the Government to the posts of Garda Commissioner and Deputy Garda Commissioner, following a selection processes undertaken by the Public Appointments Service;
- (e) Appointing persons to the ranks of Garda Superintendent, Chief Superintendent and Assistant Commissioner;
- (f) Removing persons from ranks at and above Superintendent as provided for by law;
- (g) Reviewing arrangements for the recruitment, training and development of Garda members and civilian staff.

56. Provision has also been made for local accountability of An Garda Síochána through Joint Policing Committees, which have been established in each local authority area under the provisions of the *Garda Síochána Act 2005*. The Committees provide a forum for consultation and cooperation between An Garda Síochána, the local authority, elected

representatives for the area and other community representatives in relation to local policing issues. The Committees can make recommendations on matters concerning the policing of areas, including measures to address the levels and patterns of anti-social behaviour.

57. The powers of the police are set out in statute and all their actions are subject to review by an active and *constitutionally* independent judiciary. There is also an independent police complaints authority, the Garda Síochána Ombudsman Commission (see para 115).

58. The authority to prosecute a person for a criminal offence rests with an independent officer, the Director of Public Prosecutions (see para 74).

59. According to the Irish Prison Service Annual Report, in 2018 there were 4,812 committals to prison under sentence, which was a 20.3% decrease (1,225) in the number compared to 2017. This reduction was due to the decrease in the number of committals for the non-payment of fines. When fines committals are excluded from these figures, the numbers committed under sentence increased by 581 or 15.4% from 3,776 in 2017 to 4,357 in 2018. On 30 November 2018, there were 3,171 prisoners in custody under sentence. Of these, males comprised 3,051 and females 120. Of these prisoners, 363 were serving sentences of life, while an additional 237 were serving determinate sentences of 10+ years. The largest offence group for those in custody was Group 8 Theft and Related Offences.

60. Information on crime figures in Ireland and other statistical indicators can be found in Appendix I.

7. The Irish Legal System

61. Ireland has a common law legal system. The Constitution of Ireland is the basic law of the State and it takes precedence over other subordinate sources of law. Therefore, a common law or legislative provision which conflicts with a provision of the Constitution is void and will have no legal effect. Other important sources of law include European Union law, which operates at a supra-Constitutional level, and legislation enacted by the Oireachtas. In addition, since Ireland has a common law legal system, judge-made law is also an important source of law. Under the doctrine of precedent, or *stare decisis*, a court is expected to follow previous judgments, particularly those of higher courts, although this rule may be deviated from in certain circumstances.

The Courts

62. The Courts are structured on five levels, in ascending order: the District Court, the Circuit Court, the High Court, the Court of Appeal and the Supreme Court. The District and Circuit Courts are courts of limited and local jurisdiction. The Supreme Court, the Court of Appeal and the High Court are referred to as the Superior Courts. Where the High Court sits as a criminal court it is referred to as the Central Criminal Court.

63. The Court of Appeal was established in 2014 following a referendum to amend the Constitution. It deals with civil appeals from the High Court. Under the Court of Appeal Act 2014, the Court of Appeal was also given the appellate jurisdiction previously exercised by the Court of Criminal Appeal.

64. Appeals from the Court of Appeal to the Supreme Court are subject to obtaining leave from the Supreme Court. Such leave may only be granted where the decision involves a matter of general public importance or where, in the interests of justice, it is necessary that there is an appeal to the Supreme Court. The Supreme Court is the court of final appeal in civil and criminal matters in limited circumstances. The Supreme Court also has jurisdiction to decide on the constitutionality of a statute, prior to enactment, in the event of the President of Ireland referring the statute to the Court.

65. In addition to the Court structure outlined above there are also two Special Criminal Courts, established pursuant to Article 38.3 of the Constitution for the trial of offences in cases where it is determined that the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The Special Criminal Court was established in 1972 and sits without a jury. The Government is satisfied that there is a continuing need for this Court to deal with a range of offences arising from terrorism and organised crime and, due to the volume of cases, a Second Special Criminal Court was

established in 2016. The establishment of the Second Special Criminal Court significantly reduced waiting times from 24 months to circa 10 months. The need for the Special Criminal Courts is kept under review.

66. Waiting times in the Circuit and District Courts vary from venue to venue based on the number and complexity of cases.

67. The President of the High Court also keeps waiting times under continuous review and has introduced a number of initiatives such as reorganising sittings of the High Court outside Dublin and arranging for additional court sittings during court recesses to reduce waiting times. To assist with the management of waiting times before the Central Criminal Court, where a scheduled hearing is not proceeding in the Special Criminal Court, the High Court judge assigned to that court will sit as a judge of the Central Criminal Court to deal with any available trials. In addition, the delegation to court officials of administrative functions previously dealt with by High Court judges has increased judicial availability for trial work. These initiatives continue to be reviewed and expanded upon. Despite significant pressure, the waiting times in the High Court lists have generally reduced considerably.

68. Following the establishment of the Court of Appeal waiting times for appeal cases have reduced significantly as a result of active case management regimes implemented by the President for both the civil and criminal case lists. A Fast Tracked Short Appeals system has been introduced for civil appeals with waiting times of approximately 9 months, and other appeals taking 20 months. This compares very favourably with waiting times of in excess of 48 months prior to the establishment of the Court. Urgent appeals such as Hague Convention/Child abduction appeals are accommodated without delay and appeals involving a custody/criminal element, such as Habeas Corpus Appeals, are heard within 1 month. European Arrest Warrant cases are heard within 3 months or less where all the necessary papers are in order. Waiting times for criminal appeals have reduced to 6 months from 15 months prior to the establishment of the Court. It is open to parties in both civil and criminal cases to seek a priority hearing.

69. Waiting times in the Supreme Court, following the establishment of the Court of Appeal decreased from in excess of 4 years to an average of 8 months for appeal hearings. Average waiting times for application for leave to appeal is 5.5 weeks.

70. A Group to review the administration of civil justice in the State, chaired by the President of the High Court, was established in 2017. It will make recommendations for changes with a view to improving access to civil justice in the State, promoting early resolution of disputes, reducing the cost of litigation, creating a more responsive and proportionate system and ensuring better outcomes for court users.

The Judiciary

71. Judges in Ireland are independent both of the executive and the legislature and this independence is given full protection by the Constitution. Judges are appointed by the President on the advice of the Government, which makes its decisions with reference to recommendations from the Judicial Appointments Advisory Board. Article 35.2 of the Constitution provides that all judges shall be independent in the exercise of their functions and subject only to the Constitution and the law. They may not be members of the Oireachtas or hold any other office or position of emolument (Art. 35.3). They may not be removed from office except for stated misbehaviour or incapacity and then only upon resolutions passed by both Houses of the Oireachtas calling for their removal (Art. 35.4). This power has yet to be exercised. With the exception of the power of the Oireachtas to remove a judge, questions of discipline in relation to judges are regulated by the judiciary.

72. The Judicial Council Act 2019 provides for the establishment of a Judicial Council. The primary function of the Council, which will consist of all members of the judiciary, will be to promote and maintain excellence in the exercise by judges of their judicial functions and high standards of conduct among judges. The Board of the Council will be responsible for carrying out the functions of the Council on a day-to-day basis. A key element of the Act relates to the establishment of a Judicial Conduct Committee which will consider complaints in relation to judicial misconduct, prepare draft guidelines concerning judicial conduct and ethics for adoption by the Council and provide advice and recommendations to an individual

judge or to judges generally on judicial conduct and ethics. The membership of this Committee will include persons who are not judges. The Judicial Council will be assisted in its work by a Judicial Studies Committee which will have a role in facilitating the continuing education and training of judges. Provision is also made for a Sentencing Guidelines and Information Committee and for a Personal Injuries Guidelines Committee, both of which will be responsible for drawing up guidelines relevant to their functional area for adoption by the Council. It is envisaged that the Council will be established before the end of 2019.

73. Section 5 of the Courts (Supplemental Provisions) Act, 1961, as amended by the Courts and Court Officers Act, 1995, the Courts and Court Officers Act, 2002 and the Court of Appeal Act, 2014, provides that the following persons shall be qualified for appointment as a Judge of the Superior Courts:

(a) A person who—

(i) Is or was at any time during the period of 2 years immediately before the appointment concerned—

- A judge of the Court of Justice of the European Communities ;
- A judge of the Court of First Instance attached to that Court;
- An Advocate-General of the Court of Justice of the European Communities;
- A judge of the European Court of Human Rights established under the Convention for the Protection of Human Rights and Fundamental Freedoms done at Rome on the 4th day of November, 1950;
- A judge of the International Court of Justice established under the Charter of the United Nations;
- A judge of the International Criminal Court established under the Rome Statute of the International Criminal Court done at Rome on the 17th day of July, 1998, upon the entry into force of that Statute;
- A judge of an international tribunal within the meaning of section 2 of the International War Crimes Tribunals Act, 1998.

And

(ii) Was a practising barrister or a practising solicitor before appointment to any of the offices referred to in subparagraph (i) of this paragraph.

(b) A judge of the Circuit Court who has served as such a judge for a period of not less than 2 years shall be qualified for appointment as a judge of the Supreme Court, the Court of Appeal or the High Court;

(c) The President of the Court of Appeal shall be qualified for appointment as an ordinary judge of the Supreme Court;

(d) An ordinary judge of the Court of Appeal shall be qualified for appointment as an ordinary judge of the Supreme Court;

(e) The President of the High Court shall be qualified for appointment as an ordinary judge of the Court of Appeal or of the Supreme Court;

(f) An ordinary judge of the High Court shall be qualified for appointment as an ordinary judge of the Court of Appeal or of the Supreme Court.

The Office of the Director of Public Prosecutions (DPP)

74. The Office of the Director of Public Prosecutions was established by the *Prosecution of Offences Act 1974*, which conferred on the Director “all functions capable of being performed in relation to the criminal matters” by the Attorney General immediately before the passing of the Act. The principal such function is the power to prosecute criminal offences. The Director is independent in the performance of his/her functions. Only the Director may prosecute indictable offences, but summary offences may also be prosecuted by relevant Ministers, other prosecution agencies and by individuals acting as “common

informers". As part of his/her function in ensuring the proper conduct of criminal prosecutions the Director has the responsibility for the nomination and instruction of Counsel. The Office also determines and discharges the fees of Counsel who are instructed to act on behalf of the Director.

Entitlement to Legal Aid

75. The *Criminal Justice (Legal Aid) Act 1962* and a series of regulations made thereunder provides that an applicant for criminal legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal representation. The Court must also be satisfied that, by reason of the gravity of the charge or exceptional circumstances, it is essential in the interests of justice that the applicant should have legal aid. The constitutional right to legal aid was established in 1976 in the *State (Healy) v. Donoghue* [1976] I.R. 325. In addition, Article 6(3) (c) of the European Convention on Human Rights provides that every person charged with a criminal offence is entitled to defend him/herself in person or through legal assistance of his/her own choosing or, if he/she has insufficient means to pay for legal assistance, to be given it free when the interests of justice so require. The grant of legal aid entitles the applicant to the services of a solicitor and, in certain circumstances, up to two counsel, in the preparation and conduct of his/her defence or appeal. The Courts, through the judiciary, are responsible for the granting of legal aid.

76. The Legal Aid Board was established to administer a scheme of civil legal advice and aid to persons of modest means in Ireland. The scheme of Civil Legal Aid and Advice was introduced in 1979 following the judgment of the European Court of Human Rights in the case of *Airey v. Ireland* and the recommendations made by the Pringle Committee which had been set up by the Minister for Justice to advise him on the introduction of such a Scheme. It operated on an administrative basis until the introduction of the *Civil Legal Aid Act 1995*. The primary model of service delivery is the law centre model, although it is complemented by the use of private *solicitors* for certain matters. Most civil matters come within the scope of the scheme and there are relatively few exclusions. While the Legal Aid Board is responsible for administering most civil law matters it does not administer the scheme of legal aid for representation before Mental Health Tribunals. This scheme is administered by the Mental Health Commission. Legal aid for criminal matters is provided under the *Criminal Justice (Legal Aid) Act 1962*. The main criminal legal aid scheme is currently administered by the Department of Justice and Equality, although responsibility is due to transfer to the Legal Aid Board.

III. General framework for the promotion and protection of human rights

A. Acceptance of international human rights norms

77. Ireland has signed and ratified most of the core United Nations human rights conventions. The table below outlines the signature and ratification dates of the major United Nations human rights treaties.

<i>Signed</i>	<i>Ratified</i>	<i>Reservations/ Declarations</i>	<i>Reports</i>
International Covenant on Civil and Political Rights			
1 October 1973	8 December 1989	Reservations: Article 10, para. 2; Article 20, para. 1.	First report: 1992; Second report: 1998; Third report: 2007; Fourth report: 2012. Fifth report: due in 2019
Optional Protocol to the International Covenant on Civil and Political Rights			
	8 December 1989	Reservations:	N/A

Article 5, para. 2

Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the Death Penalty

18 June 1993 None N/A

International Covenant on Economic, Social and Cultural Rights1 October 1973 8 December 1989 Reservations:
Article 2, para. 2 First report:
Article 13, para. 2 (a) Second report: 2000
Third report: 2012
Fourth report: due in
2020**Convention on the Elimination of All Forms of Discrimination Against Women**23 December 1985 Reservations:
Article 11 (1); First report: 1987;
Article 13 (a); Combined second and
Article 16, 1 (d) & (f). third report: 1997;
Combined fourth and
fifth report 2003;
Combined sixth and
seventh report: 2016**Optional Protocol to the Convention on the Elimination of Discrimination Against Women**

7 September 2000 7 September 2000 None N/A

International Convention on the Elimination of All Forms of Racial Discrimination21 March 1968 29 December 2000 Reservation:
Article 4 Combined first and
second report: 2004;
Combined third and
fourth report: 2009;
Combined fifth, sixth
and seventh report:
submitted 2018 (not
yet considered)**Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**28 September 1992 11 April 2002 Declarations:
Article 21; First report: 2009;
Article 22. Second report: 2017

78. Ireland has not signed or ratified the Convention on the Rights of Migrant Workers and their Families. Nevertheless, the rights of migrant workers and their families are extensively protected under existing Irish legislation and under the Irish Constitution, as well as under EU law. In addition, the rights of migrant workers and their families are addressed by Ireland's commitments under the international human rights instruments to which the State is a party. These international instruments include the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

79. At present, there are no plans to sign or ratify the Convention. However as with all outstanding ratifications of international human rights instruments, the position regarding the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families will be kept under review.

80. Ireland signed the Convention on the Rights of Persons with Disabilities when it opened for signature on 30 March 2007 and ratified it on 20 March 2018. The Convention came into force for Ireland on 19 April 2018. Ongoing progress and implementation is monitored internally through the structures in place to support the implementation of the National Disability Inclusion Strategy (NDIS), which was published on 14 July 2017. The Civil Justice and Equality Policy Unit in the Department of Justice and Equality has been designated as the focal point under Article 33 of the Convention. The monitoring framework

includes both the Irish Human Rights and Equality Commission (IHREC) and the National Disability Authority (NDA).

81. Ireland signed the International Convention for the Protection of All Persons from Enforced Disappearances (ICED) on 29 March 2007. Ireland intends to ratify the ICED as soon as practicable; it is likely that legislation will be required to fully ratify this convention. The position in this regard is currently under examination. Any necessary legislation will be advanced as legislative priorities generally permit.

82. The Irish Government has a policy of keeping existing reservations to human rights treaties actively under review, consistent with the Vienna Declaration and Program of Action. At present all of the reservations under these articles are considered necessary.

83. Ireland is fully committed to ratification of the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and a relevant Bill is being prepared with a view to enabling the ratification of OPCAT as soon as possible. It is intended that a legislative Scheme of the Bill will be finalised and submitted for Government approval before the end of the year.

84. Ireland signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 23 March 2012. The question of ratification of the Optional Protocol remains under consideration by the Government.

85. Ireland has issued a standing invitation to all UN human rights special procedures. The UN Special Rapporteur on the sale and sexual exploitation of children, Ms Maud de Boer-Buquicchio made a country visit to Ireland from 14 – 21 May 2018. Legal Framework for the protection of human rights at the national level.

B. Legal Framework for the protection of human rights at the national level

1. Constitutional Protection – Specified Rights

86. A large number of rights are specifically provided for in the Constitution. They are principally, although not exclusively, to be found in Articles 40-44, under the heading Fundamental Rights. These include: (a) equality before the law (Art. 40.1); (b) the right to life (Arts. 40.3.2 and 3); (c) the right to protection of one's person (Art. 40.3.2); (d) the right to one's good name (Art. 40.3.2); (e) property rights, including the right to own, transfer, bequeath and inherit property (Art. 40.3.2 in conjunction with Art. 43); (f) personal liberty (Art. 40.4); (g) the inviolability of the dwelling (Art. 40.5); (h) freedom of expression (Art. 40.6.1 (i)); (i) freedom of assembly (Art. 40.6.1 (ii)); (j) freedom of association (Art. 40.6.1 (iii)); (k) family rights (Art. 41); (l) the right of parents to provide for children's education (Art. 42.1); (m) the right of children to receive a certain minimum education (Art. 42.3.2); (n) freedom of conscience and the free profession and practice of religion (Art.44); (o) the right to vote (Arts. 12.2.2, 16.1 and 47.3); (p) the right to seek election (Arts. 12.4.1 and 16.1); (q) the right to have votes treated as being of equal weight (Art. 16); (r) the right to have justice administered in public by judges who are independent (Arts. 34 and 35); (s) the right to criminal trial in Courts of law (Art. 38.1); (t) the right to trial by jury (Art. 38.5); and (u) the right not to have one's acts retrospectively declared to be unlawful (Art. 15.5.1), (v) the rights of children and the duty of the State to protect and vindicate those rights (Article 42A); and (w) the recognition of same sex marriage (Article 41.4).

2. Constitutional Protection – Unspecified Rights

87. The Constitution addresses the issue of personal rights as follows:

Article 40.3.1

“The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen”

Article 40.3.2

“The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen”

88. In interpreting the provisions of the Constitution, the Courts have identified a number of rights which, although not expressly referred to in the Constitution, are nonetheless provided for by it. The most notable of these unspecified constitutional rights are:

- (a) The right to bodily integrity;
- (b) The right to travel within the State;
- (c) The right to travel outside the State;
- (d) The right not to have health endangered by the State and freedom from torture and from inhuman or degrading treatment or punishment;
- (e) The right to litigate and have access to the Courts;
- (f) The right to legal counsel;
- (g) The right to communicate;
- (h) The right to marry;
- (i) The right to marital privacy;
- (j) The right to procreate;
- (k) The rights of an unmarried mother concerning her child;
- (l) The right to legal representation in certain criminal cases; and
- (m) The right to fair procedure.

3. Constitutionality

89. Under Article 34 of the Constitution, the High Court, the Court of Appeal and the Supreme Court each have the power to assess and determine the validity of any law in terms of its constitutionality.

90. In the event that a Court concludes that a particular law is unconstitutional, that law ceases to have any legal validity *ab initio*.

4. Constitutional Reform

91. Following a Constitutional referendum on 22 May 2015, Article 41 of the Constitution was amended to provide that marriage may be contracted in accordance with law by two persons without distinction as to their sex. The constitutional amendment was given legislative effect by the Marriage Act 2015 which came into operation on 16 November 2015.

92. In a referendum held on 25 May 2018, the citizens of Ireland voted to amend the Constitution to provide for the regulation of the termination of pregnancy. The *Health (Regulation of Termination of Pregnancy) Bill 2018* was passed by the Houses of the Oireachtas on 13 December 2018 and enacted on 21 December 2018 to give effect to this vote. Services for termination of pregnancy commenced on 1 January 2019.

93. In a referendum held on 26 October 2018, a majority voted to remove the reference to blasphemy in the Constitution.

94. Following a Constitutional referendum on 24 May 2019, the citizens of Ireland voted to amend the Constitution in Article 41.3 to reduce the term people must be living apart before applying for a divorce and to replace the text of Article 41.3.3 which deals with the recognition of foreign divorces.

5. Evidence

95. The general rule in Ireland is that evidence obtained as a result of a deliberate breach of a person’s constitutional rights is inadmissible.

6. Judicial Review

96. Judicial review is a remedy which lies against persons or bodies exercising public functions (including the lower courts) to restrain them from acting contrary to law or to compel them to act in accordance with law and to comply with basic rules of natural justice and fair procedures. It encompasses the old common law remedies of *certiorari*, *mandamus* and prohibition. The modern system of judicial review is an expeditious means by which an order may be sought to set aside a decision or action of such a body, or to compel it to act or prevent it from acting contrary to law.

97. A person seeking to challenge the constitutionality of legislation may do so by way of judicial review. The procedure is not, however, confined to cases where constitutional irregularity is involved. While an Act of the Oireachtas may be found invalid only for constitutional irregularity, subordinate legislation may also be set aside where the powers conferred by the enabling legislation are exceeded, i.e. on the grounds that the subordinate legislation is *ultra vires* the enabling Act. Furthermore, the decisions of state bodies and other bodies exercising public functions may be challenged by way of judicial review. Such bodies are obliged to act within their powers and to comply with the basic rules of natural justice and fair procedures. Any failure to do so may be challenged by way of judicial review on grounds of, *inter alia*, unlawfulness, procedural irregularity and/or breaches of fair procedure and natural justice.

98. The following remedies exist in Irish law for breaches of human rights protected by the Constitution of Ireland: judicial review of legislation, or proposed legislation, for constitutional infirmity, where the legislation is, or would involve, the breach of a constitutionally protected right; judicial review of delegated legislation for constitutional infirmity or incompatibility with the statutory provision which authorises the delegated legislation; judicial review of administrative action for constitutional infirmity or other non-compliance with law, including a failure to observe the rules of natural justice; with regard to the European Convention on Human Rights Act 2003, where it is not possible to interpret the statute, statutory instrument, rule of common law etc., concerned in a manner which is compatible with the Convention, provision is made in Section 5 of the Act of 2003 for the Superior courts to make a Declaration of Incompatibility which will be laid before both Houses of the Oireachtas. Provision is also made in Section 5 (4) for a system of *ex gratia* compensation from the State in circumstances where the party to the proceedings concerned makes an application in writing to the Attorney General, in respect of an injury, or loss, or damage suffered by him or her as a result of the incompatibility concerned.

7. Legislation, conventions and treaties

99. Article 29.3 of the Constitution states that, "Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States". These principles include international human rights law insofar as it forms part of customary international law. Ireland has a dualist system under which international agreements to which Ireland becomes a party do not become part of domestic law unless so determined by the Oireachtas through legislation.

100. Ireland is party to human rights treaties adopted under the auspices of the Council of Europe, including the European Convention on Human Rights. Further effect was given to the Convention in domestic law by way of the European Convention on Human Rights Act 2003. The Act provides for rights under the Convention to be pleaded directly before Irish Courts and tribunals.

101. As a State party to the European Convention on Human Rights, Ireland is obliged to abide by the judgments of the Court in cases to which it is party. Judgments against Ireland have, in a number of cases, required the payment of just satisfaction to applicants as ordered by the Courts. Under the supervision of the Committee of Ministers of the Council of Europe, the Government will continue to take all necessary steps for the execution of the Court's judgments.

102. As a Member State of the European Union, Ireland is bound by the Charter of Fundamental Rights of the European Union. The Charter recognises specific rights, freedoms and principles (economic and social as well as civil and political), to which EU citizens are

entitled when the institutions of the Union and the Member States are implementing Union law. In December 2009, with the entry into force of the treaty of Lisbon, the Charter was given binding legal effect equal to that of the EU Treaties.

8. Institutions and national machinery

103. The Government recognises the importance of independent complaints, monitoring and inspection bodies and has established the following such bodies.

The Irish Human Rights and Equality Commission

104. The Irish Human Rights and Equality Commission (IHREC) was established on 1 November 2014 from a merger of the Human Rights Commission and Equality Authority. It is Ireland's national human rights and equality institution. It is an independent public body that accounts to the Oireachtas, with a mandate established under the *Irish Human Rights and Equality Commission Act 2014* (IHREC Act 2014). The Commission has a broad statutory remit in relation to the protection and promotion of human rights and equality under the Act. The work of the Commission ranges from working at the policy level to review the effectiveness of human rights and equality law, policy and practice in the State and within public bodies, to working with communities and civil society to monitor and report on people's real life experiences of human rights and equality on the ground. Its legal powers include giving practical help, including legal assistance to help people defend their rights, and contributing to legal cases (*amicus curiae*) that deal with an individual's equality or human rights.

The Workplace Relations Commission

105. The Workplace Relations Commission (WRC), was established under the *Workplace Relations Act 2015* on 1 October 2015 and brought together the functions of the Labour Relations Commission (LRC), the National Employment Rights Authority (NERA), the Equality Tribunal, and the first instance functions of the Employment Appeals Tribunal (EAT). The WRC's core services include the provision of conciliation, mediation facilitation and advisory services, adjudication on employment, equality, pension and equal status complaints, the monitoring via a dedicated inspectorate of employment conditions to ensure the compliance and enforcement of employment rights legislation and the provision of information to the public in relation to employment legislation (other than the Employment Equality Act)¹.

106. The WRC provides the means by which first instance complaints under employment rights, employment equality and industrial relations legislation can be investigated, resolved by early intervention or adjudicated as appropriate. The WRC deals with complaints of discrimination in employment and access to goods and services under the Employment Equality Acts 1998 - 2015 and the Equal Status Acts 2000 - 2015. The Employment Equality Acts outlaw discrimination at work including as regards: recruitment and promotion; equal pay; working conditions; training or experience; dismissal; and harassment, including sexual harassment. They cover the nine grounds of gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community. The Equal Status Acts also cover the nine grounds and prohibit discrimination in the provision of goods and services, accommodation and education. In addition, the Acts prohibit discrimination in the provision of accommodation services against people who are in receipt of rent supplement, housing assistance, or social welfare payments.

Health Service Executive

107. Statutory responsibility for the provision of health services is vested in the Health Service Executive under the *Health Act 2004* which provides that the Health Service Executive has the responsibility to manage and deliver, or arrange to be delivered on its behalf, health and personal social services. Prior to the establishment of the Health Service Executive, responsibility for such services was vested in the regional health boards under the

¹ Employment Equality Act information provided by the Irish Human Rights and Equality Commission

Health Act 1970 and the Eastern Regional Health Authority under the Health (Eastern Regional Health Authority) Act 1999.

Child and Family Agency

108. Statutory responsibility for the provision of specified child and family services is vested in the Child and Family Agency, Tusla, under the *Child and Family Agency Act 2013* which provides that the Agency has responsibility, *inter alia*, to manage and deliver or arrange to have delivered on its behalf, services to support and promote the development, welfare and protection of children; to support and encourage the effective functioning of families; and to support the promotion of school attendance, participation and retention; and to provide care and protection for victims of domestic, sexual or gender-based violence. The Agency also supervises and inspects early years services in respect of pre-school and school age childcare provided by the community/voluntary and commercial sectors.

Health and Safety Authority

109. The Health and Safety Authority is the national statutory body with responsibility for regulating occupational safety and health as well as chemicals and market surveillance. The Irish National Accreditation Body (INAB) is also part of the Authority. The mandates of the Authority are:

- (a) to regulate the safety, health and welfare of people at work and those affected by work activities;
- (b) to promote improvement in the safety, health and welfare of people at work and those affected by work activities;
- (c) to regulate and promote the safe manufacture, use, placing on the market, trade and transport of chemicals;
- (d) to act as a surveillance authority in relation to relevant single European market legislation; and
- (e) to act as the national accreditation body for Ireland.

National Disability Authority

110. The National Disability Authority provides expert advice on disability policy and practice to the Minister for Justice and Equality. Public sector organisations are obliged to promote and support the employment of people with disabilities, and achieve a statutory minimum 3% target of staff with disabilities. The Authority monitors compliance by public bodies and can recommend specific action where a public body is in breach of these obligations.

Mental Health (Criminal Law) Review Board

111. The Mental Health (Criminal Law) Review Board was established under the *Criminal Law (Insanity) Act 2006*, as amended by the *Criminal Law (Insanity) Act 2010*. The function of the Board is to review the detention of persons detained in designated centres who have been referred there by a Court having been found unfit to stand trial or not guilty of an offence by reason of insanity. The Board also reviews the detention of persons who are transferred to a designated centre from prison for care or treatment. Currently the only designated centre in the State is the Central Mental Hospital.

Ombudsman, Information Commissioner and the Commissioner for Environmental Information

112. The Office of the Ombudsman was established by legislation in 1980 to provide for the examination of complaints concerning the administrative actions of Government Departments, the Health Service Executive, public hospitals and local authorities. The Ombudsman (Amendment) Act 2012 strengthens the Ombudsman's powers and extends the Act to at least another 150 public bodies including, for example, all third level institutions. More recently the Ombudsman's jurisdiction has been extended to cover the private nursing

home sector, and since early 2017 the Ombudsman has been formally allowed to accept complaints from residents living in direct provision centres. The Ombudsman plays a critical role in vindicating the rights of citizens in their dealings with public bodies.

113. While they are in law separate entities, the Offices of the Ombudsman and the Information Commissioner have been held by the same person and the two offices have operated together since the Office of Information Commissioner was established in 1997. The function of Commissioner for Environmental Information was also added to the role in 2007 as part of Ireland's implementation of the Aarhus Convention. The Commissioner is responsible for reviewing (on application) decisions of public bodies in relation to Freedom of Information and Access to Information on the Environment requests and, where necessary, making binding new decisions; reviewing the operation of the Freedom of Information Acts to ensure that public bodies comply with the provisions of the legislation; and preparing and publishing commentaries on the practical operation of the Acts. The Commissioner for Environmental Information may also refer any question of law arising in an appeal under that code to the High Court for determination.

Office of the Ombudsman for the Defence Forces

114. The Office of the Ombudsman for the Defence Forces was established under the Ombudsman (Defence Forces) Act 2004 to provide a complaints procedure for members and former members of the Defence Forces in situations where internal complaints procedures have been exhausted. The Ombudsman may also consider complaints made by members of the Defence Forces in relation to penalisation following the making of a protected disclosure.

Garda Síochána Ombudsman Commission

115. The independent police complaints authority, the Garda Síochána Ombudsman Commission, is empowered to directly and independently investigate complaints against members of An Garda Síochána, or any matter where it appears that a Garda may have committed an offence or behaved in a manner that would justify disciplinary proceedings.

Ombudsman for Children's Office

116. The main areas of work of the Ombudsman for Children's Office include independent handling of complaints by young people or by adults on young people's behalf; communication and participation, including supporting people in finding out about children's and young people's rights; and research and policy, including advising the Government on children's rights issues.

Data Protection Commission

117. The Data Protection Commission is responsible for upholding the rights of data subjects and enforcing the obligations of data controllers and processors, in particular the rights and obligations set out in the *General Data Protection Regulation (Regulation (EU) 2016/679)* and the *Data Protection Act 2018*. The Commission is completely independent in the performance of its functions and exercise of its powers. An individual who feels that his or her data protection rights have been, or are being, infringed can complain to the Commission. The Commission has a range of investigative tools and sanctions at its disposal under both the Regulation and the 2018 Act.

Press Ombudsman and Council

118. The Press Council of Ireland and the Office of the Press Ombudsman safeguard and promote professional and ethical standards in Irish newspapers and magazines. The Office of the Press Ombudsman ensures *that* everybody now has access to an independent press complaints mechanism that is quick, fair and free. These structures are designed to ensure that the freedom of the press is never abused, and that the public interest is served.

Oversight Group on National Action Plan on United Nations Security Council Resolution 1325

119. An Oversight Group on the implementation of Ireland's National Action Plans (NAP) on United Nations Security Council Resolution 1325 and eight subsequent related resolutions on Women Peace and Security, made up of 50% Academic and Civil Society Organisation representatives and 50% Government representatives, with an independent Chair, oversees the regular and systematic review of progress in achieving the objectives, actions and targets of the current National Action Plan.

An Coimisinéir Teanga (The Language Commissioner)

120. The Office of An Coimisinéir Teanga is a fully independent Office as set out in the *Official Languages Act 2003*. The functions and powers of the Commissioner are specified in the 2003 Act and essentially are to monitor compliance with the Act by public bodies and investigate complaints from the public.

Inspector of Prisons

121. The Inspector carries out regular inspections of the 12 prisons and places of detention, and reports on each institution inspected. These reports, together with an Annual Report, are published.

Health Information and Quality Authority

122. The Health Information and Quality Authority (HIQA) is the independent Authority established to drive continuous improvement in Ireland's health and personal social care services, monitor the safety and quality of these services and promote person-centred care for the benefit of the public. The Authority's mandate extends across the quality and safety of the public, private (within its social care function) and voluntary sectors. Reporting to the Minister for Health and the Minister for Children and Youth Affairs, the Health Information and Quality Authority has statutory responsibility for:

- (a) Setting Standards for Health and Social Services;
- (b) Registering and inspecting residential centres for older people and residential disability centres;
- (c) Monitoring the quality and safety of health and personal social care services; and
- (d) Investigating as necessary serious concerns about the health and welfare of people who use these services.

123. The role of the Health Information and Quality Authority also includes developing standards and inspection in respect of children's services. HIQA inspects protection and welfare services; foster care provision children's residential centres including secure units which provide intensive support for children in a secure facility provided by the Child and Family Agency (formerly the HSE). It also inspects children's detention schools.

Financial Services Ombudsman

124. The Financial Services and Pensions Ombudsman deals independently with unresolved complaints from customers about their individual dealings with financial services and pensions providers, including in relation to mortgage and other consumer credit matters.

Mental Health Commission and Inspectorate of Mental Health Services

125. The functions of the Mental Health Commission are to promote, encourage, and foster the maintenance of high standards and good practices in the delivery of mental health services and to take all reasonable steps to protect the interests of detained patients.

126. The Inspectorate of Mental Health Services is required by law to visit and inspect every approved centre annually and, as the Inspectorate thinks appropriate, to visit and inspect any other premises where mental health services are being provided. As part of the

inspection process, the functions of the Inspectorate include ascertaining the degree of compliance by approved centres with any applicable Code of Practice or statutory regulations.

Citizens' Information Board

127. The Citizens' Information Board supports the provision of free information, advice, advocacy, money advice and budgetary services on a broad range of public and social services. It supports the regional network of Citizens' Information Services and Money Advice and Budgeting Services which deliver services, at local level, around the country. It also supports the Citizens' Information Phone Services, the Sign Language Interpreting Service and the National Advocacy Service.

The Residential Tenancies Board (RTB) and the Rent Tribunal

128. The Residential Tenancies Board (RTB) was established as an independent statutory body under the *Residential Tenancies Act 2004* to operate a national tenancy registration system and to facilitate the resolution of disputes between landlords and tenants.

129. The *Residential Tenancies (Amendment) Act 2015* amended section 3 of the Residential Tenancies Act 2004 to bring dwellings let by approved housing bodies (AHBs) to social housing tenants within the remit of the Residential Tenancies Act 2004. This means that the same rights and obligations that are afforded to landlords and tenants in the private rented sector are now afforded to those residing under tenancy in the Approved Housing Body Sector.

130. The position of AHB tenants is significantly improved by this change, which commenced on 7 April 2016, as they now benefit from:

- (a) Increased security of tenure;
- (b) Access to Residential Tenancies Board (RTB) dispute resolution procedures, including free mediation; and
- (c) Binding obligations on AHBs, as landlords, to inter alia, register all tenancies, keep dwellings in good repair and allow peaceful occupation.

131. Security of tenure provisions are included in Part 4 of the Residential Tenancies Act 2004 and were originally based on rolling four-year tenancy cycles (six-year tenancy cycles since 2016). Where a tenant has been in occupation of a dwelling under tenancy for a continuous period of 6 months and a valid notice of termination has not been served in respect of that tenancy during that period, the tenancy is legally secured to continue in being for a period of 6 years from the commencement of the tenancy. In accordance with Part 5 of the *Residential Tenancies Act 2004*, a tenant or a landlord can serve a notice of tenancy termination prior to the expiry of the 6 years. Section 34 of the Act prescribes the limited grounds required for a landlord to terminate a tenancy. A tenant can benefit from tenancy rights under a private tenancy contract that are more beneficial than the statutory tenancy rights.

132. More recently, the Residential Tenancies (Amendment) Act 2019 brought licensed student accommodation under the remit of the RTB. It implemented a number of measures contained in *Rebuilding Ireland - Action Plan for Housing and Homelessness* and commitments made in September 2017 to provide the RTB with additional powers and resources to deliver enhanced protections to both tenants and landlords. The Act also extended the operation of Rent Pressure Zones (RPZs) out to the end of 2021 thus continuing rent protection for those renting in RPZs.

133. The Rent Tribunal was established under the *Housing (Private Rented Dwellings (Amendment) Act 1983* and is the arbitrating body in the determination of rent and other terms of tenancy of dwellings which were formerly rent controlled under the *Rent Restrictions Acts 1960 – 1981*. The Tribunal may determine new cases or may review cases previously determined by the District Court or by the Tribunal itself. On 7 January 2016, the Rent Tribunal was dissolved by the Minister for Housing, Planning and Local Government and its functions were undertaken by the Residential Tenancies Board (RTB).

The Legal Services Regulatory Authority

134. The Government established an independent Legal Services Regulatory Authority on 1 October 2016 as part of the package of legal services and legal costs reforms introduced under the *Legal Services Regulation Act 2015*. This includes the setting-up by the Authority of an independent complaints framework dealing with allegations of legal professional misconduct that will replace those complaints procedures historically operated through the legal professional bodies. This is supported by the establishment of a new and independent Legal Practitioners' Disciplinary Tribunal to adjudicate on matters of serious misconduct in relation to both solicitors and barristers. The Act also places greater obligations on legal practitioners to keep clients informed in relation to legal costs and provides separately for a new Office of the Legal Costs Adjudicators, replacing that of the Taxing-Master, to adjudicate disputed legal costs and to maintain a public register of its determinations. The Legal Services Regulatory Authority has completed a series of statutory public consultations and reports since its establishment, including on the introduction of new and more competitive legal services models, and has set out a schedule for the roll-out of its remaining functions and capacities in its published Strategic Plan 2018-2020.

Civil Society

135. Ireland is fully committed to a pluralistic and open democracy and values the role played by a diverse and inclusive civil society in this regard. Government recognises the contribution that social dialogue can make to maximising common understanding across all sectors of society. Ministers and their Departments continue to have regular interaction with representatives of all sectors of society. Successive Governments have attached much importance to the role of the NGO community in the area of human rights. In order to provide a formal framework for a regular exchange of views between the Department of Foreign Affairs and Trade and representatives of the NGO community, the DFAT Committee on Human Rights (formerly, the NGO Standing Committee) was established, comprising representatives of NGOs and experts, as well as officers of the Department. In addition to the Committee, a Forum on Human Rights, to which all interested are invited, is held annually.

C. Framework within which human rights are promoted at the national level

1. National and Regional Parliaments and Assemblies

136. A number of Joint Oireachtas Committees consider issues relevant to human rights and public affairs. These include, *inter alia*, the Joint Committee on Employment Affairs and Social Protection, the Joint Committee on Health, the Joint Committee on Children and Youth Affairs, the Joint Committee on Justice and Equality and the Joint Committee on Foreign Affairs, Trade, and Defence..

2. Dissemination of Human Rights Instruments

137. Information relating to the main human rights conventions ratified by Ireland and the national reports submitted to the United Nations on the implementation of these conventions is available on the Department of Foreign Affairs and Trade website (www.dfa.ie). The individual government departments responsible for implementation and compliance with UN human rights instruments are also responsible for dissemination.

138. The Universal Declaration of Human Rights has been printed in both national languages and has been widely distributed. Copies of international human rights instruments ratified by Ireland have also been made available to the general public and circulated to members of Dáil Éireann.

3. Raising human rights awareness among public officials

139. The Government of Ireland aims to ensure that all public officials are aware of their obligations under various human rights instruments. Human rights training is provided to

public officials including members of An Garda Síochána, members of the Defence Forces and custodial personnel working in the Irish Prison Service.

140. The Irish Human Rights and Equality Commission (IHREC) is mandated under the Irish Human Rights and Equality Commission Act 2014 to promote and protect human rights and equality. One of its specific functions is to promote human rights education and training and awareness of human rights. In its previous guise, the Irish Human Rights Commission (IHRC) developed a Human Rights Education and Training Project (HRETP) specifically for the Irish civil and public service.

141. The Irish Defence Forces provide on-going human rights training at United Nations Training School Ireland (UNTSI) in the Defence Forces Training Centre both for members of the Defence Forces and for participants from armed forces abroad. Training is also provided through UNTSI to Gardaí, civil servants, humanitarian actors, students and academics. The overall training package is based on the programme provided by the United Nations Office of the High Commissioner for Human Rights (OHCHR).

142. Since 2007, all Recruit Prison Officers (RPO) in the Irish Prison Service undertake the Higher Certificate of Arts in Custodial Care (HCCC) which is a bespoke 2-year Level 6 qualification designed, developed and delivered by the Irish Prison Service and its academic partner, currently Waterford Institute of Technology. There are currently over 900 staff who have completed or are undertaking the HCCC. The HCCC places significant emphasis on the place of human rights in the custodial environment. Human rights is the frame through which the programme is developed: during semester 1 RPOs are introduced to the human rights framework.

143. The Irish Prison Service College is working in partnership with the Irish Human Rights and Equality Commission and has developed a tailored and revised “Train the Trainer” human rights and equality training package, based on participative methodology for training tutors in the Irish Prison Service College. The revised training programme includes the relevant human rights framework along with the practical application of principles of human rights, such as dignity, respect, equality, proportionality and transparency. This will allow the trainers to deliver a two-hour training course to all prison personnel across Ireland and concentrate on the principles of dignity, respect and equality in the daily interaction of Prison officers and prisoners. The programme is to be delivered throughout 2019 as part of a 2-day continuous professional development programme for all staff.

144. The function of An Garda Síochána under Section 7 of the Garda Síochána Act 2005 is to provide policing and security services for the State, with specific objectives including vindicating the human rights of each individual. In doing so, it is bound by obligations including Section 3 of the European Convention on Human Rights Act 2003 and Section 42 of the Irish Human Rights and Equality Commission Act 2014.

145. The Policing Plan 2017 and the Garda Síochána Strategy Statement 2016 - 2018 reflect the importance of human rights. A Code of Ethics was launched in January 2017, in which human rights is a key element. Further, each Garda member is required on appointment to make a solemn declaration to discharge his/her duties with “fairness, integrity, regard for human rights, diligence and impartiality, upholding the Constitution and the laws and according equal respect to all people”.

146. An Garda Síochána has taken and is currently undertaking a number of measures to ensure it provides a human rights-based policing and security service. For example, a Human Rights Section has been established and is proposed to be expanded in the near future in light of the requirements of Section 42 of the Irish Human Rights and Equality Act 2014. The Strategic Human Rights Advisory Committee (SHRAC) is being re-established with the membership proposed to expand to include external experts in this area. SHRAC is chaired by the Deputy Commissioner, Policing & Security, and is examining how to ensure that human rights is a central focus of policing. A draft Human Rights Framework document has been prepared to support the embedding of a human rights-based approach in the development of policy, training and operations. Human rights is a key element of the training provided to Garda trainees, probationers, members and staff. All Garda policies are human rights screened. An Garda Síochána has a dedicated office to engage with minority

communities and there are currently over 200 Ethnic Liaison/LGBT Officers across the country.

147. An Garda Síochána and the Law Society of Ireland are in the process of developing joint training for Solicitors and members of An Garda Síochána in the context of Garda interviews. This initiative aims to further support and vindicate the rights of all persons detained for interview in Garda custody.

148. Gardaí attached to the Garda National Immigration Bureau receive additional training appropriate to their role as immigration officers. Likewise, civilian immigration officers of the Irish Naturalisation and Immigration Service assigned to frontline immigration control duties also receive appropriate training in human rights. The training programmes cover areas such as international human rights mechanisms, human trafficking and developing cultural competence.

149. Ireland's overseas aid programme – Irish Aid – has a significant focus on public engagement around development and human rights. Much of this comes in the form of work at primary and secondary school level but also with the informal education sector. In addition, Irish Aid engages in a variety of outreach and communications activities through the Irish Aid Information and Volunteering Centre located in the heart of Dublin city.

4. Promotion of human rights awareness through educational programmes and Government-sponsored public information

150. Human rights issues are addressed at pre-school, primary and post-primary levels and there are Human Rights programmes in a number of third-level education institutions.

Pre-school

151. At pre-school level, Aistear: the Early Childhood Curriculum Framework, and Siolta, the National Quality Framework for Early Childhood Education implemented in state-funded early years education services settings, emphasise the importance of nurturing equality and diversity in early childhood. Promoting equality is seen to be about creating a fairer society in which everyone can participate equally with the opportunity to fulfil his/her potential. Diversity is about welcoming and valuing individual and group differences, and understanding and celebrating difference as part of life.

Primary Level

152. At Primary level, human rights can feature in a range of contexts across the curriculum which is taught in an integrated way. At this level the strongest emphasis is on Social, Personal and Health Education (SPHE). “Developing Citizenship” is a core element of this mandatory subject, from infant classes through to completion of primary education.

Post-primary level

153. At post-primary level knowledge of human rights can also be developed in a range of contexts across the curriculum. Most commonly it features in SPHE, History, Geography, Business Studies and Civic, Social and Political Education (CSPE). CSPE and SPHE are part of the core curriculum in lower secondary post primary schools (junior cycle). They are studied as part of the Wellbeing area of learning. CSPE aims to inform, inspire, empower and enable young people to participate as active citizens in contemporary society at local, national and global levels, based on an understanding of human rights and social responsibilities. A new short course in CSPE was made available to schools in September 2014. A new optional subject for senior cycle, Politics and Society, was introduced in 2016. Politics and Society aims to develop the learner's capacity to engage in reflective and active citizenship, informed by the insights and skills of social and political sciences.

154. In the Framework for Junior Cycle, published in August 2015, the learning at the core of junior cycle is described in 24 Statements of Learning. One of these provides that all students in the end of Junior Cycle should “value what it means to be an active citizen, with rights and responsibilities in local and wider contexts”. In addition, one of the principles of the Framework is Inclusive Education, whilst the key skill of Working With Others will

address conflict, co-operation, respecting difference and contributing to make the world a better place. All these elements are key skills in the context of our understanding and awareness of human rights.

155. In addition, the Department of Education and Skills works with HETI (Holocaust Education Trust Ireland) and has provided funding over a number of years. In 2019 funding totalling €156,829 was provided for courses which are designed to give a personal grasp to teachers of the enormity of, and create a greater awareness of the Holocaust. The understanding of the Holocaust and the reflection of its consequences assists teachers in the teaching of History in the classroom and prompts discussions on combating racism and intolerance all of which are pertinent subjects to which students can easily relate. The funding received by HETI contributes to a number of school programmes, outreach initiatives and also includes a certificate qualification.

156. An Action Plan on Bullying was launched in January 2013, setting out the approach of the Department of Education and Skill to tackle bullying and promote an anti-bullying culture in schools. The plan sets out 12 actions that focus on support for schools, teacher training, research and awareness raising and aim to ensure that all forms of bullying are addressed. A number of these actions have been implemented in full, while others by their nature involve continuous action and are the subject of ongoing implementation. The Action Plan also aims to promote respect for diversity and inclusiveness in Irish schools and communities.

157. Arising from the Action Plan on Bullying, national Anti-Bullying Procedures for Primary and Post Primary schools were published in September 2013 and are currently being implemented by all 4,000 primary and post primary schools in the country.

158. The procedures, which have been published on the Department's website, are designed to give direction and guidance to school authorities and school personnel in preventing and tackling bullying behaviour amongst their pupils. They require that the prevention of bullying must be an integral part of a school's anti-bullying policy. All Boards of Management are required to adopt and implement an anti-bullying policy that fully complies with the requirements of the procedures. They include specific requirements in relation to the use of prevention and education strategies and the consistent investigation, follow up and recording of bullying behaviour. The strategies that schools implement must be documented in the anti-bullying policy and must explicitly deal with the issue of identity-based bullying. Schools' actions to create a positive school culture and to prevent and tackle bullying are included in the whole school evaluation process carried out by the Department's Inspectorate.

159. Other actions included in the Action Plan on Bullying are support for anti-bullying awareness raising initiatives and the development and roll out of anti-bullying training materials for parents, teachers and Boards of Management. The Department funds anti-bullying training sessions for parents, which are provided nationwide by the National Parent's Council, providing supports to parents to enable them to assist their children when issues of bullying arise. The Department also funds the national anti-bullying website www.tacklebullying.ie launched in 2015 as a single point of information and support for young people, parents and teachers affected by bullying.

160. In relation to online safety, there are extensive training and curricular supports and resources available to assist schools in the development of policies and practices on the safe use of the internet and on the prevention of bullying and harassment using the internet. In particular, Webwise.ie an internet safety initiative funded by the Department and the European Union, promotes the autonomous, effective, and safer use of the internet by young people through a sustained information and awareness strategy targeting teachers and schools, parents, and children themselves with consistent and relevant messages. The Webwise team develops and disseminates resources that help teachers integrate internet safety into teaching and learning in their schools. The team works closely with the Health and Wellbeing team in the Department-funded teachers support service (PDST) to ensure internet safety messages, including tackling cyber-bullying, are considered in the mediation of strands of the Social, Personal and Health Education (SPHE) curriculum/syllabus.

Information, advice, and tools are also provided to parents to support their engagement in their children's online lives.

161. DEIS – Delivering Equality of Opportunity in Schools is the main policy initiative of the Department of Education and Skills to address educational disadvantage at school level. DEIS Plan 2017 sets out the vision for future interventions in the critical area of educational disadvantage policy and builds on what has already been achieved by schools who have benefitted from the additional supports available under the initial DEIS programme introduced in 2005.

Higher Education

162. Within higher education, a wide range of programmes that pertain to human rights are provided. While the study of human rights forms an important component of courses in law, politics, and international relations, it also features in courses across a wide range of disciplines, including sociology, psychology, health sciences, education, and gender studies. There are two dedicated research centres for human rights in Ireland: the Centre for Criminal Justice and Human Rights at University College Cork (UCC), and the Irish Centre for Human Rights at the National University of Ireland, Galway (NUIG), in addition to which a number of centres in Irish higher education institutions have a strong human rights focus, including Trinity College Dublin (TCD)'s Centre for Post-Conflict Justice and University College Dublin (UCD)'s Equality Studies Centre.

163. It is incumbent on higher education institutions to uphold and protect the human rights of students and staff. Under the Equality Act 2004, the Equal Status Act 2000, and the Disability Act 2005, higher education providers are required to prevent discrimination against students and staff and to accommodate the needs of those with disabilities. All institutions have in place policies and procedures for addressing complaints about bullying and harassment, as well as codes of conduct and ethics policies. Support services in higher education institutions include disability, counselling, and health services, as well as online information services and pastoral care provided to students by personal tutors.

164. There is a range of initiatives and supports that aim to ensure equity of access to higher education for all citizens, including those from disadvantaged backgrounds and minority groups. The third National Access Plan for Equity of Access to Higher Education (2015-2019) was launched in December 2015. A Progress Review of this National Access Plan was published in 2018 which also sets out National Access Plan Priorities to 2021. The vision of the National Access Plan is to ensure that the student body entering into, participating in and completing higher education reflects the diversity and social mix of Ireland's population. The Plan identifies the target groups that are currently being under-represented in Higher Education, which includes entrants from socio-economic groups that have low participation in higher education, Irish Travellers, Students with disabilities, First time, mature student entrants, Part-time/flexible learners and further education award holders. Lone Parents and ethnic minorities are also included within these groupings.

165. In support of this national commitment the HEA has funded a wealth of access initiatives through the Strategic Innovation Fund (SIF), including the reform and mainstreaming of the Higher Education Access Route (HEAR)²; and the Disability Access Route to Education (DARE)³; which offer access to higher education courses with a reduced point-score in the Leaving Certificate examination for students from socio-economically disadvantaged backgrounds and for those with a disability, respectively. Many higher education institutions have established programmes to widen access, including for example Dublin Institute of Technology (DIT)'s 'Community Links Programme', which supports educationally disadvantaged children and adults to access higher education; Dublin City University's 'DCU in the Community' initiative, which provides a drop-in centre to promote educational opportunities to the local community; and TCD's Trinity Access Programmes (TAP).

² <http://www.accesscollege.ie/hear/>.

³ <http://www.accesscollege.ie/dare/>.

166. Higher education institutions in Ireland are active in promoting active citizenship among students and staff. NUIG is a leader in this regard, with civic engagement embedded into its Strategic Plan 2009–2014. Since its establishment in 2001, NUIG’s Community Knowledge Initiative (CKI) has actively promoted civic engagement, hosting the ALIVE student volunteering programme, embedding service-learning into degree programmes, and supporting collaborative research and knowledge-exchange with community partners. DCU’s annual President’s Award for Engagement celebrates the engagement of staff and students in the life of the wider community; and TCD’s Voluntary Tuition Programme (VTP) enables Trinity students to mentor children and teenagers in the local communities of Pearse Street and Ringsend. The NUIG-led, SIF-funded Campus Engage Network has enhanced the provision of service-learning, community-based learning, and volunteering opportunities for students, as well as the promotion of active citizenship across Irish universities.

167. While acknowledging the achievements of the sector to date in supporting civic engagement, the *National Strategy for Higher Education to 2030* calls for ‘higher education institutions to become more firmly embedded in the social and economic contexts of the communities they live in and serve’, and to this end the HEA is supporting the broadening of the Campus Engage Network into a national platform for civic engagement. In addition, the performance evaluation framework for the sector that the HEA is developing will support the strategic development of higher education institution’s engagement missions.

5. Role of Civil Society and Non-Governmental Organisations

168. Ireland has a strong and active NGO community who play a central role in human rights education. They provide vital information to Government about human rights issues which affect people at the grassroots level, through specific Government forums with NGOs as well as on a more general level. At the same time, they serve to educate the public about the human rights programmes and protection available to them. Consultation with NGOs forms a central part of the human rights reporting mechanism.

6. Promotion of Human Rights Internationally and in the context of Development Cooperation and Assistance

169. The promotion and protection of human rights and fundamental freedoms has always been a cornerstone of Irish foreign policy. Ireland has a strong record of providing assistance to developing countries to address poverty, vulnerability and marginalisation. Ireland’s official aid programme, Irish Aid, is an integral part of the Department of Foreign Affairs and Trade. It continues to rank among the best in the world due to its poverty focus. In 2019, Ireland increased its ODA budget by 16% or approximately €110 million, bringing Ireland’s ODA to over €817 million in 2019. In addition, in 2018, the Government reaffirmed its commitment to making progress on delivering the United Nations target of allocating 0.7% of Gross National Income (GNI) to official development assistance by 2030.

170. Ireland’s new Policy for International Development, A Better World, was launched in 2019. A Better World is framed by Ireland’s commitment to the transformative ambition of the UN Sustainable Development Goals (SDGs), and in particular to the rallying call to reach ‘the furthest behind first’. Ireland will increase its resources and capacity to influence and engage globally across four policy priorities: gender equality, reducing humanitarian need, climate action and strengthening governance. Ireland recognises that the enjoyment of all human rights – civil, cultural, economic, political and social – is essential for development. Equally, development is essential to enable the full enjoyment of those rights. The United Nations Charter, the Universal Declaration of Human Rights and the United Nations’ core Human Rights Treaties set the framework for Ireland’s international relations including development cooperation. The Irish Government, through its international development cooperation programme provides funding to a wide range of human rights programmes in a number of developing countries. Support to civil society amounted to around 22% of our total budget in 2017, much higher than the OECD average. In 2017, approximately 8% of Ireland’s ODA budget (€61 million) was provided to governance, human rights and gender equality work. In addition, Ireland provides core support to the UN system, including the Office of the High Commissioner for Human Rights.

D. Reporting process at the national level

171. The following table shows the lead Government department with responsibility for coordinating the reporting process under the principal UN human rights instruments.

<i>UN Instrument</i>	<i>Lead Government Department</i>
ICCPR	Human Rights Unit, Department of Foreign Affairs and Trade
ICESCR	Human Rights Unit, Department of Foreign Affairs and Trade
CAT	Criminal Justice Policy Unit, Department of Justice and Equality
CEDAW	Gender Equality Unit, Department of Justice and Equality
CRC	Child Care Legislation and Children's Rights Policy Unit, Department of Children and Youth Affairs
CERD	Civil Justice and Equality Policy Unit, Department of Justice and Equality
CRPD	Civil Justice and Equality Policy Unit, Department of Justice and Equality

172. The initial drafting process for all of Ireland's human rights reports involves inter-departmental meetings with all relevant Government Departments. Extensive consultation with civil society is carried out at various stages of the drafting process. The Irish Human Rights and Equality Commission is also invited to consult on the reports.

173. The Government of Ireland recognizes the important role played by non-governmental organisations (NGOs) in promoting and implementing the rights set out in the treaties, and usual practice in the preparation of national reports includes consultations with a broad range of relevant NGOs.

E. Other human rights related information

174. Ireland underwent its first review under the United Nations Universal Periodic Review (UPR) process in October 2011 and submitted an Addendum to the Report of the Working Group to the UN in March 2012. Of the 127 recommendations made by UN member states, Ireland accepted 91, partially accepted 17 and declined 19.

175. Ireland's Cycle 2 National Report was submitted to the UN in February 2016 and Ireland's last review took place on 11 May 2016. 262 recommendations were made to Ireland by other UN Member States, and of these, 152 were accepted immediately, 13 were not accepted, and 97 recommendations were retained for further consideration. Our responses to the outstanding 97 recommendations are set out in the Addendum to the Report of the Working Group, which was submitted to the UN on 5 September 2016. Overall, of the 262 recommendations made to Ireland, 176 have been accepted, 45 have been partially accepted and 41 have not been accepted.

1. Information on non-discrimination and equality and effective remedies

Non-discrimination and equality

Legislation

176. Ireland is advanced in its promotion and protection of the principles of equality and freedom from discrimination. A set of equality laws is in place to ensure equality for all. The primary legislation is set out in the table below:

Bunreacht na hÉireann (Constitution of Ireland) - Article 40.1, Article 40.3.1, Article 40.3.2, and Article 44.2.3

- Unfair Dismissals Acts 1977–2007.
- Ombudsman Act 1980.

- Prohibition of Incitement to Hatred Act 1989.
- Pensions Act 1990.
- Maternity Protection Act 1994.
- Adoptive Leave Act 1995.
- Civil Legal Aid Act 1995.
- Parental Leave Act 1998.
- Employment Equality Act 1998.
- Education Act 1998.
- Equality (Miscellaneous Provisions) Act 2015.
- Equal Status Act 2000.
- Human Rights Commission Act 2000.
- Intoxicating Liquor Act 2003.
- Irish Human Rights and Equality Commission Act 2014.
- Redundancy Payments Act 2003.
- Equality Act 2004.
- Residential Tenancies Act 2004.
- Social Welfare (Miscellaneous Provisions) Act 2004.
- Public Service Management (Recruitment and Appointments) Act 2004.
- Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007.
- Civil Law (Miscellaneous Provisions) Act 2008 Part 16.
- Merchant Shipping Act 2010.
- Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.
- Civil Law (Miscellaneous Provisions) Act 2011.
- Ministers and Secretaries (Amendment) Act 2011.
- Protection of Employees (Temporary Agency Work) Act 2012.
- Equal Status (Amendment) Act 2012.
- Code of Practice on harassment and sexual harassment in the workplace, Statutory Instrument No. 208 of 2012.

177. The major pieces of legislation enacted include the Employment Equality Acts 1998 to 2011 and the Equal Status Acts 2000 to 2012. These Acts prohibit both direct and indirect discrimination in the areas of employment and access to goods and services, including housing, healthcare and education, on nine grounds; gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. The Acts also outlaw victimisation, i.e. discrimination against an individual because he or she has taken a case or is giving evidence under the equality legislation, or has opposed by lawful means discrimination which is prohibited under this legislation. These Acts established the necessary institutional structures to ensure effective implementation of the legislation. Developments in this infrastructure are set out in paragraphs 104 to 106 above.

178. Recent enhancements to equality legislation include the following

(a) Following the introduction of registered civil partnership for same-sex couples, the protection from discrimination on the basis of marital status was extended to cover registered partnership, and the ground was renamed as ‘civil status’;

(b) The maximum compensation that may be awarded in cases of discrimination in the field of employment was increased, to provide for enhanced redress for workers on low pay;

(c) The *Education (Admission to Schools) Act 2018*, which was signed into law on the 18th July 2018, introduces a more parent-friendly, equitable and consistent approach to how school admissions policy operates for the almost 4,000 primary and post-primary schools in Ireland, and a fair and balanced school admission process for all pupils. The provisions of the Act aim to make it easier for parents to more easily access local schools and to enrol their children in a school that meets their needs. The Act requires schools to be fair and transparent in deciding how to prioritise children for admission to the school. When commenced, the Act will require that where schools are not oversubscribed they must accept all applicants. The Act will abolish waiting lists, thus removing discrimination against parents moving to a new area. Certain sections of the Act were commenced in 2018. The Act amends the *Equal Status Act 2000* to prohibit the use of religion as a selection criterion in primary school admissions, with certain protections provided to ensure that a child of a minority religion can access a school providing a religious instruction or religious education programme consistent with his or her religious beliefs. The Act prohibits admission fees in non-fee paying schools. The Act also provides the Minister with a power to compel a school to make additional provision in respect of children with special educational needs i.e. open a special class or classes, where the National Council for Special Education (NCSE) has identified a need for such provision within an area;

(d) Section 19 of the *Technological University Act 2018* provides for the preparation by a technological university of equality statements to cover periods of 3-5 years, which shall specify its policies relating to the promotion of access to the TU and the education it provides, by economically or socially disadvantaged persons, by persons who have a disability and by persons from sections of society significantly underrepresented in the student body and the policy of the TU relating to equality, including gender equality, in all activities of the TU. Section 9 of the Act sets out the general functions of a technology university, which include promoting gender balance and equality of opportunity among the students and staff of the technological university;

(e) As EU Directive 2005/36 applies to the *Teaching Council Acts 2001-2015*, Statutory Instrument 8 of 2017 gives further effect to the recognition of professional qualifications by a competent authority in the State and entitles the beneficiary to gain access in the State to the same profession as that for which he or she is qualified in his or her home Member State and to pursue it in the State under the same conditions as nationals of the State (i.e. precludes discrimination in admission to the teaching profession (among others) in Ireland, on the basis of EU nationality other than Irish);

(f) The *Equality (Miscellaneous Provisions) Act 2015* amended sections 2 and 6 of the *Equal Status Act 2000*, so a person cannot be discriminated against when renting because they are getting Rent Supplement, HAP or any other social welfare payment. This means that landlords can no longer state, when advertising accommodation, that Rent Supplement (or HAP) is not accepted and they cannot refuse to rent accommodation to a person because he or she is in receipt of a social welfare payment;

(g) The *Equality (Miscellaneous Provisions) Act, 2015*, made it illegal for religious-run schools and medical institutions to discriminate against LGBT staff over their sexuality.

179. These Acts also give effect in domestic law to Ireland's obligations as a member of the European Union to implement Community initiatives provided for under Council Directives 2000/43/EC, 2000/78/EC, and 2004/113/EC adopted under Article 13 of the EC Treaty, and Council Directives 2002/73/EC and 2006/54/EC adopted under Article 141 of the Treaty. The directives, commonly known as the equality directives, provide for equal treatment on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

180. The overall effect of these directives is to require member states to prohibit direct discrimination, indirect discrimination and harassment on grounds of gender, racial or ethnic origin, religion or belief, disability, age, and sexual orientation in regard to employment, self-

employment or occupational and vocational training. Sexual harassment and victimisation are also prohibited. Discrimination on the race and gender grounds in access to the supply of goods and services is prohibited under directives 2000/43/EC and 2004/113/EC, while directive 2000/43/EC also prohibits race discrimination in the areas of social protection, social advantages and education.

Equality Mainstreaming

181. Government procedures require all substantive proposals submitted to Cabinet to take account of the impact on gender equality, on persons with disabilities, and on vulnerable groups.

182. The Programme for a Partnership Government (2016) set out a commitment to “develop the process of budget and policy proofing as a means of advancing equality, reducing poverty and strengthening economic and social rights.” The Programme further committed to drawing directly on the expertise of the Irish Human Rights and Equality Commission (IHREC) to support the proofing process.

183. The Department of Public Expenditure and Reform has undertaken significant work on equality budgeting. A pilot initiative for Equality Budgeting was announced as part of Budget 2018. Six equality objectives were identified in the pilot, and performance measurements for them were then included in the Revised Estimates 2018. Five of the objectives related to gender equality, whilst the sixth related to socio-economic equality. An update on the pilot programme was included in the Public Service Performance Report 2017 (published in April 2018).

184. Following the achievements of the pilot programme, Equality Budgeting is being further developed to build on the momentum achieved and broaden its scope to other dimensions of equality including poverty, socioeconomic inequality and disability. The Revised Estimates 2019 includes further objectives and an Appendix with performance indicators. This year’s Performance Report again contained an update on this work.

185. An Equality Budgeting Expert Advisory Group has been set up to support this process and bring expert knowledge on how best to progress this important work. The introduction of Equality Budgeting is bringing greater awareness to the impacts of budgetary decisions and greater transparency to the areas which need attention.

186. Section 42 of the Irish Human Rights and Equality Commission Act 2014 places a positive duty on public sector bodies to have regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work.

187. This Public Sector Equality and Human Rights Duty aims to embed equality and human rights in the centre of policy making, service provision and employment within the public sector in Ireland. In 2018, IHREC continued to support the implementation of the Duty through the development of practical guidance and resources for public bodies, and ongoing external awareness-raising across a wide range of public bodies and civil society organisations. The Commission undertook five pilot projects to support the development of an approach to implementing the Duty in different contexts. These pilot projects were put in place to bring forward sectorial learning on the Duty in practice, across diverse public sector organisations. The pilot projects have informed further practical guidance on the Duty, and the learning is captured through case studies to support other organisations during the early stage of implementation.

National Strategy for Women and Girls

188. The successor to the National Women's Strategy 2007-2016, the National Strategy for Women and Girls 2017-2020 (NSWG), was approved by Government and launched on 3 May 2017. It provides a whole-of-Government framework through which women’s empowerment continues to be advanced, reflecting a key theme running through the Programme for a Partnership Government and the Government's commitments under the Beijing Platform for Action and the 2030 Agenda for Sustainable Development. Preparation of the NSWG involved extensive public consultation, with women’s groups, civil society

actors, the trade union movement and business representatives among the stakeholders across Irish society who contributed to its development.

189. The vision of “An Ireland where all women enjoy equality with men and can achieve their full potential, while enjoying a safe and fulfilling life” continues to underpin the Strategy, while its overall goal is “to change attitudes and practices preventing women’s and girls’ full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing or at risk of experiencing, the poorest outcomes.”

190. For the purpose of advancing this goal, the NSWG sets out 139 separate actions, which are being undertaken by Government Departments and agencies in cooperation with social partners and civil society as appropriate, under six high-level objectives as follows:

- (a) Advance socio-economic equality for women and girls;
- (b) Advance the physical and mental health and well-being of women and girls;
- (c) Ensure the visibility in society of women and girls, and their equal and active citizenship;
- (d) Advance women in leadership at all levels;
- (e) Combat violence against women; and
- (f) Embed gender equality in decision-making.

191. Stakeholders, including women’s groups and civil society groups, continue to be closely involved in the Committee overseeing implementation of the NSWG. The Committee is chaired by the Minister of State with responsibility for equality, immigration and integration and its membership also includes representatives of Government Departments. It is supported in its work by a secretariat in the Department of Justice and Equality.

Positive Action in the Workplace and Communities

192. The Women Returning to the Workforce and Women’s Entrepreneurship Programme is a positive action programme for women, co-funded by the Government and the European Social Fund as part of the Programme for Employability, Inclusion and Learning (PEIL) 2014-2020. It aims to support a cohort of those women who are currently detached from the labour market (neither employed nor unemployed) in order to assist their return to the labour market.

193. €11m has been allocated for the funding of this programme over the period 2016-2022. Funds are distributed to operations following Open Calls for Proposals. The first projects under the two strands of this programme were selected following a Call for Proposals issued in 2016, and will run for three years.

194. Under the Women’s Entrepreneurship Strand €1.2 million has been allocated, with 4 projects being funded.

195. The Government also provides funding support to the National Collective of Community-based Women’s Networks (NCCWN) to deliver a Women’s Equality and Development Programme to enhance the inclusion of women in communities. This funding has been provided since 2016 by the Department of Justice and Equality and amounted to €1.385m in 2016 and 2017, €1.405m in 2018 and €1.439m in 2019. The NCCWN was established as a national organisation in 2002 focusing on women’s community development.

Prevention of Domestic, Sexual and Gender-based Violence

196. The Department of Justice and Equality is mandated by Government since June 2007 to provide the State’s response to domestic, sexual, and gender-based violence, all of which affect women disproportionately. The Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021 sets out a comprehensive range of actions to address both the primary interventions of prevention, recognizing and understanding of this violence and also secondary interventions in the areas of reporting, referring and ensuring the appropriate responses to acts of violence.

Support to the National Women's Council of Ireland

197. The Government provides core funding to the National Women's Council of Ireland (NWCi), in recognition of its roles as a representative body which puts forward women's concerns and perspectives. In 2018, this funding amounted to €500,000 and in 2019 it is €525,000.

198. While it is independent of Government on policy issues, answerable only to its own elected executive committee and members, the NWCi's Government funding stems from the recommendation made in 1992 to the then Government: that the NWCi would provide women's organizations at local regional and national level with a forum in which women's views, opinions, experience and perspectives can be shared and developed; that through its work at national level, the NWCi would bring such views and perspectives to bear on policy and decision-making, while at the same time encourage and support the work of its affiliates and other women's groups to work locally and regionally; and develop leadership and developmental programmes for women's groups around the country. In addition to its developmental role, the NWCi is recognized as an informed and constructive contributor to the implementation and review of policy initiatives and its leaders interact frequently with senior politicians and policymakers.

Women's representation on State Boards

199. The 2016 Programme for a Partnership Government restates the Government commitment to increasing representation on State Boards to 40% of each gender. The commitment is reflected in the National Strategy for Women and Girls 2017-2020.

200. Between 2011 and 2014, significant changes were made to the system for State Board appointments with a view to promoting wider access to opportunities on State Boards and greater transparency in appointments. The Minister for Public Expenditure and Reform issued Guidelines on Appointments to State Boards in 2014. Under the new arrangements, appointments to State Boards are advertised openly on the State Boards portal, www.stateboards.ie, operated by the Public Appointments Service (PAS). Applications are assessed against the advertised specification for the board member roles by the PAS, which submits a shortlist of potential board members for consideration by the relevant Minister. In keeping with Government policy on gender balance on State Boards, PAS consistently monitors the gender balance throughout the appointments process. In 2017, women accounted for 35% of applications received, 38% of applicants assessed as suitable, and 52% of board members appointed through this process.

201. The following are the key statistics in relation to membership of State Boards serving in December 2018:

- (a) Almost half (47.6%) of all State Boards had at least 40% of each gender among their membership;
- (b) The average gender balance on State Boards was 41.5% female and 58.5% male; and
- (c) The gender breakdown of chairpersons of State Boards was 29.8% female and 70.2% male.

2. Promotion of Migrant Integration

202. The Civil Justice and Equality Policy Unit is the focal point for the Government's commitment on anti-racism as a key aspect of integration, diversity management and broader national social policy. It provides funding to a number of local authorities, community and voluntary organisations to support local programmes that educate the public on issues such as immigration, integration and anti-racism. This Unit has also provided funding to key NGOs such as Show Racism the Red Card, who have run a creative competition for school children in the past number of years. Funding is also provided to the Holocaust Educational Trust Ireland for educational initiatives that teach children the dangers of racism and the importance of integration and tolerance. The Civil Justice and Equality Policy Unit is also the National Liaison point for international reporting on racism to the United Nations,

Council of Europe, and is represented on the European Union's High Level Working Group on Combatting Racism and Xenophobia.

203. The Government of Ireland is committed to promoting policies which integrate minority ethnic groups in Ireland, and which promote social inclusion, equality, diversity and the participation of immigrants in the economic, social, political and cultural life of their communities. A significant level of activity is taking place in pursuit of this commitment.

204. Ireland is currently operating under a comprehensive Migrant Integration Strategy, which was launched in February of 2017. This is a Whole-of-Government Strategy. At its heart is the vision that migrants are facilitated to play a full role in Irish society, that integration is a core principle of Irish life, and that Irish society and institutions work together to promote integration. The Strategy will be implemented over four years through a series of initiatives across all branches of Government. Focus areas include access to citizenship and public services; employment and education; political participation and the promotion of intercultural awareness. Government Departments, agencies, cities and local communities all have their part to play in delivering on the commitments in the Strategy. The National Strategy is also the main vehicle to promote intercultural awareness and to combat racism and xenophobia. It includes an action to review the current legislation on racially motivated crime with a view to strengthening the law. It also intends to address the issue of under-reporting of racially motivated crime.

205. From 2017-2019 the Civil Justice and Equality Policy Unit allocated over €4.5 million to national and community projects to support integration over three to four years with Irish Government funding. Projects are aimed at promoting integration, combating racism and xenophobia, and increasing mutual understanding between migrants and their host communities. In addition, €12.3m from EU (Asylum, Migration and Integration Fund & European Social Fund) funding has been allocated to these measures over the period 2017-2022. Government Departments and agencies can also finance integration activities from their own resources.

206. The Civil Justice and Equality Policy Unit also redeveloped its website in 2018 to be more user friendly and to focus more on raising public awareness about government integration policy, the funding available for integration projects and highlight integration and anti-racism activities taking place across the State. This website provides migrants with access to information on a wide range of relevant topics including developments in the area of integration/diversity management, practical information for new migrants and advice on dealing with racist incidents or racial discrimination.

Education Provision for Migrant Children

207. The education system in Ireland operates on an inclusive basis in keeping with our obligations under the Constitution, national and international law. Legislation relevant to the education sector such as the Education Act 1998, the Education Welfare Act 2000 and the Education for Persons with Special Education Needs Act 2004 clearly set out principles of equality. Additional supports, where required, are allocated on the basis of identified individual educational need. All immigrant children, including children of asylum seekers, refugees, migrant workers and unaccompanied minors can access pre-school, first and second level education in a manner similar to Irish nationals, until they have reached the age of 18 years. Boys and girls can access the education system on the same basis.

208. The Education and Training Boards nationally provide ESOL (English for Speakers of Other Languages) training for migrant and new community members in Ireland. This programme is available for unemployed migrants and asylum seekers and priority is given to those in need of basic English language skills to a level of functional competency. SOLAS and ETBI published its report on English language provision and language assessment for low-skilled and unemployed migrants in ETB provision at levels 1-3: Recommendations for good practice, in March 2018. This was developed following a comprehensive stakeholder consultation and research process and highlights existing good practice in ESOL and the strong commitment across ETBs to provide flexible and responsive learning options to migrants whose first language is not English. The report focusses on low-skilled and unemployed migrants, and together with its recommendations, provides a solid foundation to

inform decision making on ESOL provision at levels 1-3 on the National Framework of Qualifications.

National Intercultural Health Strategy

209. The HSE National Intercultural Health Strategy 2007 – 2012 provided a framework within which the health and care needs of people from diverse cultures and ethnic backgrounds should be addressed, with staff supported in delivering responsive, culturally competent services. A second HSE Intercultural Health Strategy 2018-2023 was launched in January 2019. This second strategy will provide a framework within which the health and care needs of service users from diverse ethnic and cultural backgrounds such as refugees, Roma, migrants, foreign students and asylum seekers are addressed.

210. A comprehensive whole of government strategy, “Healthy Ireland”, was launched in 2013 which aims to improve the health and well-being of all people in Ireland and contains a strong commitment to getting better health outcomes for those people from disadvantaged communities. It aims to do this by improving cross-government and inter-agency working and by working in partnership with key stakeholders, and by improving the monitoring of health outcomes. A programme of more detailed work to achieve this is now in the process of being developed.

211. Implementation of the recommendations of the strategy took place on a phased basis over a five-year time frame. Priorities that have been addressed are translation of information, work around developing standardised models of interpretation and staff learning and support. Within these areas, the approach taken is one of mainstreaming, where actions are aimed at enhancing access for all service users on an equal basis.

3. General information regarding the human rights situation of persons belonging to specific vulnerable groups in the population

Persons with disabilities

212. There have been significant developments in the disability sector in Ireland, informed by the recommendations of the report of the Commission on the Status of People with Disabilities.

213. In June 2000, the Government launched the mainstreaming initiative which required public bodies, where possible, to integrate services as far as possible for people with disabilities with those for other citizens.

214. The National Disability Authority (NDA) was established by statute in June 2000 to develop and monitor standards in services for people with disabilities and to advise on disability policy and practice. The NDA is funded by the Government.

215. The Comhairle Act 2000 established Comhairle as a mainstream information provider funded by the then Department of Social and Family Affairs. The agency has a statutory commitment to assist and support people, particularly those with disabilities, in identifying and understanding their needs and options and in accessing their entitlements to social services. The Citizens Information Act 2007 amended the Comhairle Act 2000 to change the name of Comhairle to the Citizens’ Information Board. The Social Welfare (Miscellaneous Provisions) Act 2008 further extended the remit of the Citizens’ Information Board to include the Money Advice and Budgeting Service. The total funding provided to the Citizens’ Information Board was €54,775 million in 2018.

216. In 2015 the Department of Justice and Equality, with the assistance of the National Disability Authority (NDA), commenced a broad and comprehensive consultation process with a view to the development of a new National Disability Inclusion Strategy. Following the conclusion of the final phase, the Department of Justice and Equality prepared a new Disability Inclusion Strategy for the period 2017 – 2021. The Strategy was launched on 14 July 2017. Implementation of the Strategy is being overseen by a steering group, which comprises representatives of the key government departments and agencies and of disability stakeholders. The steering group is supported by independent analysis and advice from the NDA and by periodic review and oversight by the Cabinet Committee on Social Policy as

appropriate. Government Departments are tasked with progressing the advancement and monitoring of relevant actions under the Strategy at local level through their Departmental Consultative Committees.

217. The key elements of the Strategy are:

- (a) The Disability Act, 2005;
- (b) The Citizens Information Act 2007, which equips the Citizens' Information Board (formerly Comhairle) to provide a personal advocacy service for people with disabilities;
- (c) The Education for Persons with Special Educational Needs Act, 2004;
- (d) Sectoral plans prepared by six Government Departments.

218. The Disability Act 2005 is a cross-cutting piece of legislation and is a positive action measure designed to support the provision of disability-specific services to people with disabilities and to improve access to mainstream public services for people with disabilities. In drafting this legislation, the Government facilitated extensive consultation nationally. Compliance with the Disability Act is a statutory requirement for all Government Departments.

219. The Disability Act 2005 puts on a statutory footing a wide variety of positive action measures to improve the position of persons with disabilities in Irish society including:

- a) An independent assessment of individual health service needs (and education where appropriate) and a related Service Statement outlining services to be provided with access to independent complaints, appeals and enforcement;
- b) A duty to make public buildings and services accessible, a requirement for six key Government Departments to publish sectoral service delivery plans and a related complaints mechanism with access to the Ombudsman;
- c) An obligation on public bodies to be proactive in employing persons with disabilities. Part 5 of the Act provides for a statutory target, currently set at 3%, for the recruitment and employment of people with disabilities in the public sector. Public bodies are required to submit annual reports to monitoring committees on their compliance with the target;
- d) Restriction in the use of genetic testing information for employment and insurance purposes; and
- e) The establishment of a Centre of Excellence in Universal Design (CEUD). The CEUD was established in the NDA in early 2007 under Part 6 of the Act. 'Universal design' refers to the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by people regardless of their age, size or disability. The mission of the CEUD is to promote the development of that environment.

220. A significant number of sections of the Education for Persons with Special Educational Needs (EPSEN) Act have been commenced, principally those establishing the National Council for Special Education (NCSE) and those promoting an inclusive approach to the education of children with special educational needs. The remaining sections of the Act have yet to be commenced. The Government will develop a plan to implement the objectives of the EPSEN Act so as to deliver improved educational outcomes for students with special needs.

221. Ireland ratified the UN Convention on the Rights of Persons with Disabilities on 20 March 2018. The Convention came into force for Ireland on 19 April 2018. Ongoing progress and implementation will be internally monitored through the structures in place to support the implementation of the National Disability Inclusion Strategy (NDIS). The ongoing implementation of Ireland's National Disability Strategy in many respects comprehends many of the provisions of the Convention.

222. The *Assisted Decision-Making (Capacity) Act 2015* provides a modern statutory framework to support decision-making by adults with capacity difficulties. The Act was signed into law on 30 December 2015. Work is underway to put in place as soon as possible

the new administrative processes and support measures that must be established before the substantive provisions of the Act can be brought into operation.

Members of the Traveller Community

223. As defined in the *Equal Status Act 2000*, “Traveller community” means... “the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.”

224. On 1 March 2017, the Taoiseach informed Dáil Eireann of the Government’s decision to recognise Travellers as an ethnic minority. The Government has recognised the special position of Ireland’s Traveller community in a range of legislative, administrative and institutional provisions. In addition to equality legislation, these include laws to provide for Traveller accommodation by local authorities and specific Traveller strategies, developed with the input of Traveller organisations, in relation to Health, Education and Accommodation. Travellers in Ireland have the same civil and political rights as other citizens under the Constitution. The key anti-discrimination measures, the *Prohibition of Incitement to Hatred Act 1989*, the *Unfair Dismissals Acts 1977*, the *Employment Equality Acts 1998 – 2015* and the *Equal Status Acts 2000 – 2018* specifically identify Travellers by name as a protected group. The *Equality Act 2004*, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across all of the nine grounds contained in the legislation, including the Traveller community ground. All the protections afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments explicitly protects Travellers.

225. The Government is committed to challenging discrimination against Travellers and has defined membership of the Traveller community as a separate ground on which it is unlawful to discriminate under equality legislation. This was not meant to provide a lesser level of protection to Travellers compared to that afforded to members of ethnic minorities. On the contrary, the separate identification of Travellers in equality legislation guarantees that they are explicitly protected.

226. The *National Traveller and Roma Inclusion Strategy* (NTRIS) was launched in June 2017. It contains 149 actions, grouped under ten themes: cultural identity; education; employment and the Traveller economy, children and youth, health, gender equality, anti-discrimination and equality; accommodation; Traveller and Roma communities and Public Services.

227. A steering group meets on a quarterly basis to consider the progress being made on the actions. Four sub-committees have been established to focus on priority actions, namely the retention of Traveller and Roma children in education; mediation to end feuding in the Traveller community; development of an ethnic identifier for equality purposes; and development of employment proposals to counteract the high unemployment rate among these communities.

228. Levels of education have been increasing over time for both Travellers and non-Travellers. While the majority of non-Travellers aged 25 to 34 have completed second level education (86%), less than one in ten Travellers in this age group have done so (9%). This suggests that Travellers benefited less from the general improvement in education since the 1960s.

229. Key education-related actions proposed in the National Strategy include:

- (a) Traveller and Roma should be supported in key areas including education, employment and economic development;
- (b) The development of education resources on Traveller and Roma culture and history for use in primary, post primary and adult education settings;
- (c) Improved access, participation and outcomes for Travellers and Roma in education to achieve outcomes that are equal to those for the majority population;

(d) SOLAS and ETBs to consider the needs of disadvantaged groups including Travellers and Roma in the planning of FET provision;

(e) Strengthening of cooperation between formal education and non-formal learning sectors to address the high rate of early school-leaving in the Traveller and Roma communities;

(f) A positive culture of respect and protection for the cultural identity of Travellers and Roma across the education system.

230. The *Housing (Traveller Accommodation) Act 1998* is the principal statutory basis for the provision of Traveller accommodation in Ireland. The Act requires each local authority, following a consultation process with all relevant stakeholders, to prepare, adopt and implement 5 year rolling Traveller Accommodation Programmes to meet the existing and projected accommodation needs of Travellers in their areas. The Programmes have been operating since 2000 with the current Programmes adopted in 2014 and running until the end of 2018. Preparations are underway for the next Programme which will run from 2019-2024.

231. In adopting Programmes, local authorities are required to identify the accommodation needs of Travellers over the period of the programme across a range of accommodation options including standard and group housing, permanent residential sites for caravans and transient sites. To identify need, they must ensure that they consult widely with all stakeholders, including the Traveller community, Traveller representative groups, relevant public bodies and the general public. The Programmes must contain annual targets which are monitored by the Department of Housing, Planning and Local Government on an ongoing basis. These Programmes provide a road map for local authority investment priorities over the period of the Programme and form the basis for the allocation of funding from the Department of Housing, Planning, and Local Government.

232. The Act also provides for the establishment on a statutory basis of the National Traveller Accommodation Consultative Committee (NTACC). The Committee comprises representatives of statutory authorities dealing with the provision of Traveller accommodation and National Traveller organisations. The main function of the Committee is to advise the Minister for Housing, Planning and Local Government on matters relating to Traveller accommodation nationally. In addition, local authorities are also required to ensure that Local Traveller Accommodation Consultative Committees (LTACCs) are in place. The role of the LTACC is to advise on local matters relating to Traveller accommodation and to liaise between the Traveller community and the local authority on accommodation issues. Membership consists of Travellers and Traveller representative groups, elected members of the local authority and local authority officials.

233. Accommodation for Travellers is provided across a range of options and it is open to Travellers to opt for any form of accommodation. These include standard local authority housing, which is financed from the Department's capital allocations for social housing, private rented accommodation or private housing assisted by local authorities or voluntary organisations and Traveller-specific accommodation which receives 100% capital funding from the Department. Traveller-specific accommodation includes group housing schemes and halting sites.

234. Significant funding has been made available for the provision of Traveller-specific accommodation over the past 10 years. In that period, €156.8m has been made available to local authorities for the delivery of Traveller accommodation however, only 67% of that funding was drawn down by local authorities. It has become apparent that the delivery of Traveller accommodation in many local authorities has become challenging in recent years to the extent that available funding is not being fully expended.

235. Following on from a commitment in "*Rebuilding Ireland*", the *Government's Action Plan on Housing and Homelessness*, a review of capital and current funding for Traveller Accommodation Programmes (TAPs) for the period 2000 to 2017 was undertaken. The review took account of targets contained in the housing authority TAPs and actual units delivered. Where targets had not been met, the review identified issues constraining the implementation and management of the TAPs. On foot of this review the National Traveller Accommodation Consultative Committee recommended that an independent expert review

group be established to review the existing legislation around the provision of the Traveller Accommodation including the *Housing (Traveller Accommodation) Act 1998* and all other legislation that impacts on the delivery of Traveller accommodation.

236. The Independent Expert Review Group was established in September 2018, comprising three members with expertise in the areas of social policy, law and planning with a mandate to examine the effectiveness, implementation and operation of legislation and to put forward proposals to improve delivery. The Expert Group's report was completed in July 2019 and its recommendations will be considered by the Department of Housing, Planning and Local Government with a view to improving the delivery of traveller accommodation nationally and ensuring that full use is made of the increasing level of funding available for investment in Traveller accommodation.

237. Traveller health and the provision of health services for Travellers is a priority for the Department of Health in partnership with the Health Service Executive, and considerable work has been undertaken in this area. A wide range of specific Traveller dedicated health services, such as Traveller Health Units and Primary Health Care for Travellers Projects, have been developed.

238. A key element of the approach taken to provide targeted health services to Travellers was the development of a model for Traveller participation in the development of health services. This was achieved through the Primary Healthcare for Travellers Projects which play a key role in the delivery of health services to Travellers. The Projects are peer led initiatives and play an invaluable role in delivering measures aimed at improving the health status of the Traveller community.

239. Travellers, mostly Traveller women, are recruited from the Traveller community and trained to work as Community Health Workers in the Projects. This allows primary health care to be developed based on the Traveller community's own values and perceptions so that positive, long term outcomes can be achieved by enabling individuals to improve their health through informed health care, self-help and mutual aid. The Projects are credited with bringing real and substantial benefits to the Traveller communities where they are located.

240. A key health action in NTRIS is #73, to develop and implement a detailed action plan to address the health needs of Travellers, using a social determinants approach. The lead role in developing the action plan rests with the HSE, which is committed to completing the action plan in consultation with all stakeholders by quarter 4, 2019.

International Protection System

241. Ireland's international protection system is based on a number of key principles:

(a) Meeting our obligations under international law, including the 1951 Convention Relating to the Status of Refugees;

(b) Ensuring that persons who are found, after a fair and efficient determination process, not to be in need of protection are returned to their countries of origin as quickly as this can be arranged;

(c) Ensuring that robust systems are in place to prevent abuse in the protection system by persons who are entering the State for purposes other than seeking protection from persecution.

242. The processing of international protection applications takes place within a well-defined national and international (1951 Refugee Convention, EU Directives and Regulations) legal framework which must be complied with. Accordingly, all applications for international protection status are examined in accordance with the statutory requirements set out in the International Protection Act, 2015. Where it is established that a well-founded fear of persecution exists or a real risk of suffering serious harm if returned to their country of origin, the applicant will be granted refugee status, or subsidiary protection status, as appropriate.

243. The *International Protection Act 2015* was commenced in full on 31 December 2016. The Act introduced a single procedure for international protection applicants, replacing the *Refugee Act 1996*. The Act simplifies and streamlines existing international protection

arrangements in Ireland. The Act introduced a single application procedure, which enables all grounds for examining and deciding on all applications for international protection (refugee status and subsidiary protection) or permission to remain in the State for other humanitarian reasons to be determined in one process, rather than sequentially as before.

244. The *International Protection Act 2015* put in place two offices, which make recommendations to the Minister for Justice and Equality on whether international protection status should be granted. These offices are:

- (a) The International Protection Office to deal with applications at first instance;
- (b) The International Protection Appeals Tribunal, an independent statutory body that reviews appeals against negative recommendations of the International Protection Office.

245. Based on the recommendation of the International Protection Office or the International Protection Appeals Tribunal, the Minister for Justice and Equality decides whether to give a refugee declaration; a subsidiary protection declaration; or refuse the application.

246. In 2017 the International Protection Office put the new procedures in place, including transitional arrangements. The Chief International Protection Officer accorded priority to certain classes of applications under Section 73 of the International Protection Act 2015, which established a two-stream system to prioritise the scheduling of interviews for applications on the basis of the age of applicants, the likelihood that the application is well founded, and health aspects.

247. The scope of the Act is wide-ranging and, as well as dealing with first instance decisions and appeals, also covers the right to legal representation and interpretation and provides specifically for a direct contribution to be made by the Office of the United Nations High Commissioner for Refugees to the international protection determination process.

248. The Legal Aid Board operates a specialised service which provides independent, confidential legal advice and assistance at all stages of the international protection process to persons applying for asylum in Ireland. Applicants may register with the Board at any stage of the international protection process – initial application, appeal stage and, post-appeal, in relation to matters such as applications for humanitarian permission to remain.

249. The number of asylum applications received for each year since 2003 are shown below. Application volumes dropped year on year since 2002 when volumes peaked at 11,634, reaching a low of 946 in 2013, before increasing thereafter. From 2014 the number of applications received began to increase again. Some 324 applications received during 2018 and some 524 received in 2017 were from protection applicants transferred to Ireland under the EU Relocation Decisions. When EU relocation cases are excluded, there was an increase of just over 39% in 2018 when compared to 2017.

2003	7,900	2008	3,866	2013	946
2004	4,766	2009	2,689	2014	1,444
2005	4,323	2010	1,939	2015	3,276
2006	4,314	2011	1,290	2016	2,244
2007	3,985	2012	956		

Applications received for International Protection

<i>Single procedure, so includes refugee status and subsidiary protection status claims, and separately, permission to remain</i>	
2017	2,926
2018	3,673
2019 (to end July)	2,680

250. In terms of reception conditions of international protection applicants, the Irish Supreme Court ruled in May 2017 where there is no temporal limit on the processing of international protection applications, an absolute ban for asylum seekers to access the labour market was unconstitutional. Following this ruling, the Government established an Inter-Departmental Taskforce in July 2017 with a mandate to examine the implications of the judgment and to propose solutions. The Government decided that the State exercise its discretion to participate in the Directive 2013/33/EU on reception conditions under Protocol 21 of the Treaty of Lisbon on 22 November 2017. Since June 2018, asylum seekers who have been in the system for longer than nine months, and are still awaiting their first instance decision, are eligible to apply for a letter of permission to work in Ireland by the Labour Market Access unit in the Department of Justice and Equality. There is no fee or charge for applying. This permission to work is for six months, and is renewable until a final decision on their international protection claim is given. As of 5th June 2019, 2,583 International Protection applicants have been granted a Labour Market Access Permission from a total of 3,814 applications. 1,913 applicants who reside in RIA Accommodation centres have received a Labour Market Access Permission.

251. The Irish Refugee Protection Programme (IRPP) was established by Government Decision on 10 September 2015 as a direct response to the humanitarian crisis that developed in Southern Europe because of mass migration from areas of conflict in the Middle East and Africa. Under this programme, the Government pledged to accept up to 4,000 persons into the State primarily under two European Union Council Decisions on Relocation and an expanded commitment to the UNHCR Resettlement Programme. Relocations did not take place from Italy as An Garda Síochána did not receive permission from Italian Authorities to conduct security screening in Italy. The IRPP has utilised other mechanisms to meet the commitment:

(a) Relocation Strand: Ireland's EU relocation programme concluded in March 2018. Overall, 1,022 people, including 6 unaccompanied minors, arrived safely from Greece. Ireland committed to accept 1,040 programme refugees by the end of 2017 under the Resettlement strand of the programme. . Approximately 255 of this group formed part of the 2018/19 pledge to the EU, as it was not possible to resettle these refugees in 2017. The Minister pledged to take 1,200 programme refugees from Lebanon between 2018 (255 as per above plus 345) and 2019 (600), bringing the total Resettlement commitment under the IRPP to 1,985. To date, 1,383 people have arrived under the Resettlement strand of the programme;

(b) The balance of the 4,000 is being met through a variety of different mechanisms. As part of the IRPP, the Minister launched the IRPP Humanitarian Admission Programme 2 (IHAP). Operating under discretionary Ministerial powers, IHAP provides an opportunity for Irish citizens and people with Convention Refugee status, Subsidiary Protection status, and Programme Refugee status, who have immediate eligible family members from the top ten major source countries of refugees, to propose to the Minister for these family members to join them in Ireland. Given the volume of proposals received to date, it is expected that those now received will be sufficient to enable 740 places under the Programme to be filled;

(c) In support of those EU countries most affected by migration in the Mediterranean, Ireland agreed to accept 58 people from Sicily and Malta in 2018 from search and rescue missions in the Mediterranean. 22 adults and 4 unaccompanied minors have

arrived in the country from Malta and 32 adults have arrived from Sicily. The Minister has also agreed to accept a further 5 unaccompanied minors from Malta in 2019 as part of burden sharing arrangements with the EU. On foot of requests from the European Commission, Ireland will take two persons from each vessel docking in the Mediterranean subject to a maximum of 100 persons in total for the remainder of 2019;

(d) A total of 41 unaccompanied minors arrived in the State from the Calais Special Project. This project has now concluded. Of those 41 individuals, 3 were reunited with family in Ireland and Tusla assumed responsibility for the care of the remaining 38. In December 2018 the Minister for Justice and Equality along with the Minister for Children and Youth Affairs agreed to take 36 additional unaccompanied minors from Greece in 2019.

252. At the end of June 2019, there were 6,050 persons living in accommodation centres provided by the Reception and Integration Agency. A further 988 persons are currently accommodated in emergency accommodation in hotels and guesthouses. Not all of these people were awaiting decisions on their applications for international protection. Almost 700 have been granted some form of status, but they continue to live in State-provided accommodation while they look for private accommodation. 51 RIA residents who are living in Direct Provision over 5 years, as of end May 2019, have deportation orders requiring that they remove themselves from the State. The Report of the Working Group on improvements to the protection process, including direct provision and supports to asylum seekers, had a significant impact, as improvements to accommodation centres continue to be made. The average length of time spent in State-provided accommodation centres has gone down from 38 months in 2015 to 24 months at the end of 2018.

253. At the end of May 2019, the number of cases awaiting processing by the International Protection Office was 5,729. Some 1,200 (est.) of these are not cooperating with the protection process. Under the transitional measures of the 2015 Act, the International Protection Office was required to take responsibility for some 3,500 cases, which had not been finalised by the former Office of the Refugee Applications Commissioner or the Refugee Appeals Tribunal, with a further 500 cases transitioned afterwards. This added significantly to the caseload of the International Protection Office. These processing challenges are being addressed by deploying increased resources and a continual assessment of procedures to maximise quality outputs. It should be noted that further cases may be added into this category if legacy cases previously closed through the Dublin process time out and are reactivated or if a case is reopened following judicial review proceedings.

254. Under the single application procedure, an applicant makes one application and has all grounds for seeking international protection (refugee status and subsidiary protection status) and to be permitted to remain in the State on humanitarian grounds examined and determined in one process. The processing of such cases is complex and extremely resource intensive and must be done in strict compliance with the Constitution, together with relevant international treaties, such as the European Convention on Human Rights.

255. Decisions to Grant or Refuse Refugee Status at first instance and Appeal Stage (2013–2018):

Year	<i>Decisions to Grant Refugee Status</i>	<i>Decisions to Refuse Refugee Status</i>	<i>Decision to Grant Subsidiary Protection</i>	<i>Decision to Refuse Subsidiary Protection</i>	<i>Total Decisions</i>	<i>Grant Rate</i>
2013	192	766	-	-	958	20.04%
2014	207	458	262	731	1658	28.28%
2015	325	732	228	634	1919	28.82%
2016	579	1099	146	502	2326	31.16%
2017*	669	74	98	327	1168	34.33%
2018*	818	490	223	55	1586	34.36%

* The figures include decisions made under the Refugee Act, Subsidiary Protection Regulations and the International Protection Act.

Note: Figures in respect of those granted or refused refugee status in any given year do not necessarily relate to those who applied in that year.

Note: 2017 and 2018 figures are not directly comparable due to the comprehensive transitional arrangements necessitated following the commencement of the International Protection Act 2015 on 31 December 2016.

Annexes

Statistical annexes

Table 1

Recorded crime incidents¹ classified by offence group, annualised² total to Q2 2017 and 2018

Annualised total to Q2

	ICCSq offence group		<i>Change</i>	<i>Change</i>
	<i>2017</i>	<i>2018</i>		
Homicide offences	77	77	0	0.0
Sexual offences	2,675	2,947	+272	+10.2
Attempts or threats to murder, assaults, harassments and related offences	17,728	19,200	+1,472	+8.3
Dangerous or negligent acts	8,182	8,284	+102	+1.2
Kidnapping and related offences	127	104	-23	-18.1
Robbery, extortion and hijacking offences	2,032	2,339	+307	+15.1
Burglary and related offences	18,509	18,368	-141	-0.8
Theft and related Offences	66,901	68,248	+1,347	+2.0
Fraud, deception and related offences	5,476	5,339	-138	-2.5
Controlled drug offences	16,771	17,375	+604	+3.6
Weapons and explosives offences	2,194	2,428	+234	+10.7
Damage to property and to the environment	22,875	22,184	-691	-3.0
Public order and other social code offences	30,042	31,320	+1,278	+4.3
Offences against Government, justice procedures and organisation of crime	12,565	14,205	+1,640	+13.1

¹ These statistics are categorised as Under Reservation. This categorisation indicates that the quality of these statistics do not meet the standards required of official statistics published by CSO.

² The annualised figure for a given quarter is the total number of crimes recorded in the 12 months prior to end of that quarter.

Table 2 –*Indicators of income inequality by year*

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
	%	%	%	%	%	%	%	%	%	%
Gini coefficient (%)	31.7	30.7	29.3	31.6	31.1	31.8	32.0	32.0	30.8	30.6
At risk of poverty threshold	€	€	€	€	€	€	€	€	€	€
60% of median income	11,890	12,455	12,064	11,155	10,889	10,966	10,957	11,318	12,000	12,358

Table 3*Share of (household) consumption expenditures on food, housing, health and education*

	<i>Food</i>	<i>Housing</i>	<i>Health</i>
<i>Sex of Household Reference Person</i>			
Male	14.7	19.3	2.2
Female	14.7	20.2	2.2
<i>Age Category of Household Reference Person</i>			
Under 25 years	14.2	32.3	1.2
25 to 34 years	13.5	25.7	1.4
35 to 44 years	13.8	24.2	1.7
45 to 54 years	14.3	18.0	1.9
55 to 64 years	15.0	14.1	2.8
65 years & over	17.9	13.3	3.8
<i>Location</i>			
Urban	14.4	21.6	2.1
Rural	15.5	14.9	2.4
<i>Gross Household Income Decile</i>			
1st Decile	17.8	22.7	2.1
2nd Decile	17.8	23.0	2.0
3rd Decile	18.7	19.5	2.7
4th Decile	17.1	20.8	2.2
5th Decile	16.0	21.5	2.1
6th Decile	15.5	18.7	2.1
7th Decile	15.1	19.0	2.2
8th Decile	14.5	18.2	2.3
9th Decile	13.1	19.2	2.4
10th Decile	11.7	19.2	2.0
<i>Region</i>			
Border	15.6	17.3	1.9
Dublin	13.8	23.8	2.2
Mid East	14.0	19.8	2.2
Mid West	14.7	17.1	2.3
Midlands	15.9	15.8	2.1
South East	16.1	16.1	2.2
South West	15.5	17.8	2.1

West	14.9	18.2	2.7
<i>Tenure status</i>			
Owned outright	16.7	10.2	3.1
Owned with mortgage	13.1	22.7	1.9
Rented from local authority	20.1	19.0	1.5
Rented from private owner	13.9	28.3	1.6
Rent free	19.4	10.8	2.2
<i>Livelihood Status of Reference Person</i>			
Self employed	14.4	17.5	2.2
Employee	13.7	21.0	1.9
Unemployed	17.8	23.3	1.5
Retired	16.9	13.7	4.0
Other	17.6	20.5	1.9
<i>Household Composition</i>			
1 adult	13.3	24.7	2.4
1 adult with children	16.2	27.1	1.7
2 adults	15.0	17.4	2.8
2 adults with 1-3 children	13.8	23.5	1.7
3 + adults	15.0	17.4	2.8
Other households with children	15.8	19.9	1.7
<i>Household Size</i>			
1 Person	13.3	24.7	2.4
2 Persons	15.0	17.7	2.8
3 Persons	14.8	19.4	2.2
4 Persons	14.6	19.9	1.9
5 Persons	14.9	19.1	1.7
6 + Persons	15.7	18.8	1.8
<i>State</i>	14.7	19.6	2.2

Table 4

Population, estimated number of households and estimated number of persons per house

<i>Total population</i>	Q3 16	Q4 16	Q1 17	Q2 17	Q3 17	Q4 17	Q1 18	Q2 18
<i>Total population (thousands)</i>	4,757.6	4,772.5	4,784.4	4,792.5	4,805.9	4,826.4	4,830.4	4,857.0
<i>Number of households (thousands)</i>	1,754.7	1,752.9	1,751.8	1,764.5	1,813.2	1,830.2	1,829.6	1,846.1
<i>Average number of persons per household</i>	2.71	2.72	2.73	2.72	2.65	2.64	2.64	2.63

Source: Labour Force Survey (LFS), Central Statistics Office, Ireland. Reference period: q1=Jan-Mar, q2=Apr-Jun, q3=Jul-Sep, q4=Oct-Dec.

Note: The average grossing factor of all members of a household is used to calculate the number of households. The number of households should be treated as indicative only.

Note: A new Labour Force Survey (LFS) replaced the Quarterly National Household Survey (QNHS) in Q3 2017 and, as a result, care should be taken when comparing data from before and after this period.

Table 5
**Estimated adult members of family units classified by composition of family unit, ILO
 Economic Status and sex**

	Q4 16	Q1 17	Q2 17	Q3 17	Q4 17	Q1 18	Q2 18
<i>Family unit type/ILO Economic Status/Sex</i>							
Couple without children							
<i>In employment</i>							
Male	209.4	204.1	208.4	215.9	226.9	226.8	228.9
Female	179.2	178.4	184.2	184.8	197.8	190.2	192.1
Total	388.6	382.5	392.6	400.7	424.7	416.9	421.0
<i>Unemployed</i>							
Male	9.2	11.0	7.7	9.7	9.7	8.5	[7.6]
Female	9.3	8.3	[7.5]	[8.6]	9.3	10.6	8.9
Total	18.5	19.2	15.2	18.4	19.0	19.0	16.5
<i>Not in the labour force</i>							
Male	179.4	182.8	183.1	179.0	181.9	180.0	183.4
Female	201.1	203.7	205.9	213.1	214.9	215.7	218.0
Total	380.5	386.5	389.0	392.1	396.7	395.8	401.4
Total							
Male	397.9	397.8	399.2	404.6	418.6	415.3	419.8
Female	389.5	390.4	397.6	406.5	421.9	416.5	419.1
Total	7787.5	788.2	796.8	811.1	840.5	831.8	838.9
Couple with children							
<i>In employment</i>							
Male	573.8	573.6	573.4	565.3	560.0	568.7	568.8
Female	420.1	428.4	423.3	427.8	427.8	432.2	431.1
Total	993.9	1,002.0	996.7	993.1	987.8	1,000.9	999.9
<i>Unemployed</i>							
Male	26.3	28.7	27.4	24.9	24.3	19.8	20.4
Female	20.7	21.3	14.2	19.4	16.6	16.4	16.9
Total	47.0	50.0	41.6	44.4	40.8	36.2	37.2
<i>Not in the labour force</i>							
Male	90.1	86.4	88.9	83.9	80.9	80.5	81.5
Female	231.5	229.1	231.0	206.6	206.4	208.0	200.3
Total	321.6	315.5	319.9	290.5	287.2	288.6	281.7
Male	690.2	688.6	689.7	674.2	665.2	669.1	670.6
Female	672.2	678.9	668.5	653.8	650.7	656.6	648.3
Total	1,362.4	1,367.5	1,358.2	1,328.0	1,315.8	1,325.7	1,318.9
Lone parent							
<i>In employment</i>							
Male	11.1	13.3	14.5	20.5	19.8	20.7	24.4
Female	95.2	91.9	96.9	102.4	102.8	102.4	107.3
Total	106.3	105.2	111.4	123.0	122.6	123.0	131.7
<i>Unemployed</i>							
Male	*	*	*	*	*	*	*
Female	13.3	14.2	13.2	11.7	12.1	9.1	10.6
Total	14.8	15.4	14.5	14.0	13.4	12.0	11.7
<i>Not in the labour force</i>							
Male	10.6	10.3	10.6	12.8	9.2	9.6	9.7
Female	87.8	86.1	87.9	80.6	78.9	75.6	78.0
Total	98.5	96.5	98.5	93.5	88.1	85.2	87.7

Total							
Male	23.3	24.8	26.3	35.7	30.3	33.2	35.1
Female	196.3	192.3	198.0	194.8	193.8	187.1	195.9
Total	219.6	217.1	224.3	230.4	224.0	220.2	231.0
All family units							
<i>In employment</i>							
Male	794.2	790.9	796.3	801.8	806.7	816.2	822.0
Female	694.5	698.8	704.5	715.0	728.4	724.7	730.6
Total	1,488.8	1,489.7	1,500.7	1,516.8	1,535.1	1,540.9	1,552.6
<i>Unemployed</i>							
Male	37.0	40.8	36.4	37.0	35.3	31.2	29.0
Female	43.3	43.8	34.9	39.7	37.9	36.1	36.4
Total	80.2	84.7	71.3	76.7	73.2	67.3	65.4
<i>Not in the labour force</i>							
Male	280.2	279.5	282.7	275.7	271.9	270.2	274.5
Female	520.3	519.0	524.7	500.4	500.1	499.4	496.3
Total	800.5	798.5	807.4	776.0	772.1	769.5	770.8
Total							
Male	1,111.4	1,111.2	1,115.3	1,114.5	1,114.0	1,117.6	1,125.6
Female	1,258.1	1,261.6	1,264.1	1,255.1	1,266.4	1,260.2	1,263.3
Total	2,369.5	2,372.8	2,379.4	2,369.5	2,380.4	2,377.7	2,388.8

Source: Labour Force Survey (LFS), Central Statistics Office, Ireland.

Note: For the purpose of this table, an adult is either a lone parent or a member of a couple. Never married persons (regardless of age), living with a parent or parents are defined as children provided those persons are themselves not part of a separate family unit. In addition, users should note that the adjustment factors assigned to each spouse within a family unit may differ.

Note: A new Labour Force Survey (LFS) replaced the Quarterly National Household Survey (QNHS) in Q3 2017 and, as a result, care should be taken when comparing data from before and after this period.

* Estimates for numbers of persons or averages where there are less than 30 persons in a cell are not produced as estimates are too small to be considered reliable.

Parentheses [] indicate where there are 30-50 persons in a cell, estimates are considered to have a wider margin of error and should be treated with caution.

Reference period: q1=Jan-Mar, q2=Apr-Jun, q3=Jul-Sep, q4=Oct-Dec.

Table 6
Persons aged 18-64 classified by ILO Economic Status, age, highest level of educational attainment and sex

Age group/Highest education level attained/Sex/IL O Economic Status	Q4 16	Q1 17	Q2 17	Q3 17	Q4 17	Q1 18	Q2 18
Persons aged 18-24							
Early leavers from education and training aged 18-24							
Male							
In employment	50.1	39.2	39.7	30.0	31.3	23.1	33.9
Unemployed	21.6	25.0	30.1	16.6	21.1	14.6	19.4
Not in the labour force	28.2	35.8	30.3	53.4	47.6	62.2	46.6
Female							
In employment	29.3	23.0	23.5	[21.8]	[14.2]	[30.5]	[16.3]
Unemployed	24.5	10.2	12.4	[13.8]	[22.9]	[6.8]	[14.2]

Not in the labour force	46.2	66.8	64.0	[64.4]	[62.9]	[62.7]	[69.5]
All persons							
In employment	42.7	33.4	33.7	26.6	25.4	26.5	28.0
Unemployed	22.7	19.7	23.5	15.4	21.7	11.1	17.7
Not in the labour force	34.6	46.9	42.8	58.0	52.9	62.5	54.3
Other persons aged 18-24							
Male							
In employment	56.1	53.6	54.5	56.6	56.0	54.7	56.5
Unemployed	10.8	8.0	10.9	11.0	7.9	7.2	9.7
Not in the labour force	33.1	38.4	34.6	32.4	36.1	38.1	33.8
Female							
In employment	59.6	56.0	57.2	53.9	54.8	51.1	55.7
Unemployed	6.8	6.8	8.0	8.7	4.8	6.1	8.1
Not in the labour force	33.6	37.2	34.8	37.5	40.4	42.8	36.2
All persons							
In employment	57.8	54.8	55.9	55.3	55.4	53.0	56.1
Unemployed	8.8	7.4	9.4	9.8	6.4	6.7	8.9
Not in the labour force	33.3	37.8	34.7	34.9	38.2	40.3	34.9
Persons aged 25-64							
Persons aged 25-64 with lower secondary or below as highest level of education							
Male							
In employment	62.3	62.4	61.8	63.5	63.9	63.0	64.9
Unemployed	9.1	8.5	8.4	7.6	7.4	7.0	5.8
Not in the labour force	28.6	29.0	29.8	28.9	28.7	30.0	29.3
Female							
In employment	34.1	34.0	34.3	37.5	35.2	35.5	35.7
Unemployed	4.8	4.9	3.5	2.9	3.4	2.9	3.4
Not in the labour force	61.0	61.1	62.2	59.6	61.4	61.5	60.8
All persons							
In employment	50.3	50.4	50.1	52.3	52.2	51.3	52.9
Unemployed	7.3	7.0	6.3	5.6	5.8	5.3	4.9
Not in the labour force	42.4	42.6	43.6	42.1	42.0	43.4	42.3
Other persons aged 25-64							
Male							
In employment	84.9	85.1	85.1	86.3	86.0	87.0	86.2
Unemployed	4.6	4.8	4.5	4.6	4.3	3.8	3.9
Not in the labour force	10.5	10.0	10.4	9.0	9.7	9.2	9.9
Female							
In employment	71.8	72.2	72.5	73.2	74.0	74.1	74.4
Unemployed	4.2	4.3	3.6	4.2	3.7	3.6	3.5
Not in the labour force	24.0	23.5	23.9	22.6	22.3	22.3	22.1
All persons							
In employment	78.0	78.3	78.4	79.4	79.6	80.2	80.0
Unemployed	4.4	4.5	4.0	4.4	4.0	3.7	3.7
Not in the labour force	17.6	17.2	17.5	16.2	16.4	16.1	16.3

Source: Central Statistics Office, Ireland.

Note: The definition of Early School leavers (ESL) has been updated to take account of persons on holidays from education or training in the previous 4 weeks. This primarily affects estimates for quarter

3 of each year. Revisions have been made to data of Percentage unemployed is shown as persons unemployed as percentage of all persons in population - not comparable to unemployment rate.

Persons whose educational situation is unknown or not stated are not included.

Early leavers from education and training are defined as persons aged 18 to 24 whose highest level of education attained is lower secondary or below and who have not received education (either formal or non-formal) in the four weeks prior to the survey. The definition applied corresponds to that applied by the European statistical office (Eurostat) since Q1 2010 and for comparison purposes this definition has also been used to derive the indicator for periods prior to this.

* Estimates for numbers of persons or averages where there are less than 30 persons in a cell are not produced as estimates are too small to be considered reliable.

Parentheses [] indicate where there are 30-50 persons in a cell, estimates are considered to have a wider margin of error and should be treated with caution.
