



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Information received from Ireland on follow-up  
to the concluding observations on its  
fifth periodic report\***

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\* The present document is being issued without formal editing.



**A. Follow-up information relating to paragraph 12(a) of the concluding observations (CCPR/C/IRL/CO/5)**

1. The final report of the Commission of Investigation into Mother and Baby Homes (hereafter, the Commission) was published in January 2021. On 13 January 2021, the then Taoiseach Michéal Martin apologised on behalf of the Irish Government to those who spent time in a Mother and Baby Home or a County Home. This apology expressly recognises the State's deep regret for the failure to uphold the fundamental rights and dignity of all those who spent time in these institutions and formed the basis for restorative action for survivors and former residents of the institutions. It represented the starting point for all of the other measures which built on the spirit in which the apology was made.

2. In responding to the Commission's findings and recommendations, in November 2021 the Government approved an 'Action Plan for Survivors and Former Residents of Mother and Baby and County Home Institutions' (hereafter the 'Action Plan') encompassing a suite of twenty-two specific measures across several distinct themes.

3. Since then, there has been substantial progress in implementing the commitments in the Action Plan. Of the 22 Actions in the Action Plan, thirteen are completed and nine are in progress. Moreover, of the seven major commitments set out, six are now delivered and in place, with the seventh – the establishment of the National Centre for Research and Remembrance – well underway. In terms of relevant impacts for survivors, key achievements include:

(a) A Special Advocate for Survivors was appointed on 25 March 2024, who provides systemic advocacy for all survivors. Since her appointment, the Special Advocate has engaged with over 1,200 survivors and affected people, with survivor groups, as well as with partner and support organisations in Ireland and overseas. The Special Advocate will be informed by an advisory panel of survivors representing the various pillars of types of institutions, which is due to be in place by Q3 of 2025. The publication of her first Annual Report in June 2025 outlined the issues raised by survivors and recommendations to address these issues. The Irish Government has reviewed these recommendations and are working with the Special Advocate to address these recommendations where possible;

(b) Government has made significant progress in recent years in relation to both preservation of records and providing access to records for Survivors and Affected persons. This has been achieved through the landmark Birth Information and Tracing Act, 2022 and the Preservation of Private Records Act, 2024. The Birth Information and Tracing Act, 2022 overcame three decades of failed attempts to legislate for access rights to identity information. Since then, over 16,000 applications for identity information have been completed and all applications are dealt with within statutory timeframes. Ireland remains committed to delivering on the creation of a central repository of records relating to Ireland's institutional past, operated by the National Archives of Ireland and situated within the National Centre for Research and Remembrance. Work is ongoing in this regard in relation to conservation, digitisation and transfer of records to the National Archives, as well as work on the development of legislative proposals to underpin access to records for survivors, affected persons, families, researchers and the wider public;

(c) In March 2017 the Commission reported that it had identified a significant number of children's remains in underground chambers at the site of the former Mother and Baby Institution in Tuam, Co. Galway. On 4 October 2022 the Government directed the establishment of an independent Office, under the Institutional Burials Act 2022, to lead an intervention at the Tuam site. A Director of Authorised Intervention was appointed in May 2023 and following extensive preparations, works to forensically excavate the Tuam site began on 16 June. This will work to ensure respectful reburial for the children who died in Tuam;

(d) In May 2025 Ireland's educational curriculum authority, the National Council for Curriculum and Assessment, published a curriculum resource for post-primary schools to enable students to learn about the historical experiences of women and children in Mother

and Baby Homes in Ireland. The resource entails a suite of documents and sources, and related classroom activities, based on survivor testimony as well as other historical and contextual material.

## **B. Follow-up information relating to paragraph 12(b) of the concluding observations**

4. Upon publication, the final report of the Commission was sent to the Attorney General, the Garda Commissioner and the Director of Public Prosecutions. Having concluded that there was insufficient detail in the Commission's report to initiate criminal investigations, An Garda Síochána (Ireland's police force) appealed in April 2021 for anyone with information about potential crimes in these institutions. Specially trained officers are in place within An Garda Síochána to assist anyone making such a complaint.

## **C. Follow-up information relating to paragraph 12(c) of the concluding observations**

5. Since 2021, there has been significant progress in implementing the commitments in the Action Plan. Key achievements resulting in tangible impacts for survivors, in addition to those outlined under paragraph 'A' above, include:

(a) The Mother and Baby Institutions Payment Scheme opened in March 2024 and has received over 6,600 applications, with the value of financial payments totalling almost €66 million to date. The Mother and Baby Institutions Payment Scheme is designed to be non-adversarial, no one needs to bring forward evidence of abuse and there is no individualised assessment of an applicant's personal experiences in order to qualify for a payment under the scheme;

(b) A Postgraduate Scholarship in Childhood Disadvantage opened for applications through the Irish Research Council in September 2021. To date, six research projects have been funded under the scholarship;

(c) The establishment of a Commemorative Grant Scheme to support survivor-centred advocacy organisations in commemorating their experiences in a way of their own choosing. This includes both virtual and in-person events that respond to the specific needs of their communities;

(d) The masterplan for the National Centre for Research and Remembrance has been approved and planning permission has been granted. This planned development of a national memorial and site of conscience delivers on recommendations from the Commission to Inquire into Child Abuse (Ryan Report), the Magdalene Commission Report (Quirke Report) and the Commission of Investigation into Mother and Baby Homes. To ensure the National Centre is informed by survivors, in late 2024 and early 2025 a series of in-person engagement events for survivors and affected persons, their families and advocates took place in Cork, Dublin, Galway and London. An online event also took place, to facilitate those living in other countries, or who otherwise couldn't or did not wish to attend an in-person event;

(e) All survivors have access to counselling services and out of hours counselling services free of charge.

6. Progress on the delivery of the Action Plan is monitored via an Annual Report, the first of which was published in March 2023, the second in June 2024, and the third in late June 2025.

7. Survivors are also kept informed on progress via quarterly updates to a mailing list.

8. All reports and updates are available to view online.

**D. Follow-up information relating to paragraph 18(a) of the concluding observations**

8. The Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill was published on the 28 October 2022. The legislation was amended and renamed to the Criminal Justice (Hate Offences) Act 2024 (hereafter, the '2024 Act'). The 2024 Act was signed into law by the President of Ireland on 29 October 2024 and it was commenced in full on 31 December 2024.

9. The 2024 Act creates specific, aggravated forms of certain existing criminal offences, where those offences are motivated by hatred of a protected characteristic, or when hatred was demonstrated at the time of committing the offence. The aggravated offences generally carry an enhanced penalty, compared to the ordinary offence, and the record of any conviction for such an offence would clearly state that the offence was motivated by prejudice such that it was a hate crime.

10. The new offences also carry a provision for an alternative verdict, where the 'hate' element of the offence has not been proven. In such cases, the person can be found guilty of the ordinary version of the offence, rather than the aggravated version.

11. There is a further provision for any other criminal offence; where a specific hate-aggravated form of the offence has not been created, but where the court finds the offence was motivated by hatred. In these cases, the court must consider the hate motive as an aggravating factor at sentencing, and this must be placed on the formal record.

12. The list of protected characteristics in the Act reflects those in the Prohibition of Incitement to Hatred Act 1989 (hereafter 'the 1989 Act') with the addition of descent, sex characteristics, gender, and disability as new protected grounds.

13. The 1989 Act remains in law and it will continue to be an offence to incite hatred on the basis of the protected characteristics listed in the Act.

14. There is a commitment in the 5-year Programme for Government to introduce amendments to modernise the 1989 Act following engagement with the Joint Oireachtas Committee, in line with EU standards. Further consideration is required before engaging with the Committee and therefore this body of work is not part of the Department of Justice's 2025 work programme.

15. Without prejudice to this commitment, Ireland has engaged in correspondence with the European Commission in relation to the transposition of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Ireland's position is that the Framework Decision is effectively transposed by existing Irish constitutional, statute and common law in a manner that is appropriate and tailored to the domestic system of criminal law and procedure. Ireland will continue to engage with the Commission in this regard.

**E. Follow-up information relating to paragraph 18(b) of the concluding observations**

16. The Central Statistics Office and the Department of Children, Disability and Equality are finalising a National Equality Data Strategy which will shortly be submitted to Government for approval. It includes commitments in relation to the classification, collection, use and analysis of equality data.

17. Section 77 of the Policing, Security and Community Safety Act 2024 sets out the obligations of the Garda Commissioner to ensure data is stored, compiled and provided to the Minister and the Central Statistics Office as follows:

(a) Section 77(1): 'The Garda Commissioner shall ensure that, in respect of each specified period, statistical information concerning offences, criminal proceedings and the state of crime in the State is compiled and stored';

(b) Section 77(2): ‘The Garda Commissioner shall make information compiled in accordance with subsection (1) available to the Minister and the Central Statistics Office at such times and in such manner as the Minister may require’.

18. In respect of data on hate speech, an annual report is compiled by the Garda Síochána Analysis Service and published, providing a breakdown of hate crimes and hate incidents (non-crime). The data is broken down by discriminatory motive, geographical area and incident type. There is no category of hate speech. It is the experience of the Garda National Diversity Unit that hate speech offences are recorded as hate incidents. Since 2021 these account for approximately 12-15% of recorded incidents. The full reports, published since 2022, are available online.

19. An Garda Síochána has a robust policy in place to deal with reports of hate crime and non-crime hate incidents. All reports of hate crime received by An Garda Síochána are recorded and managed in accordance with its policy. In the absence of legislative guidance defining hate crime, An Garda Síochána developed a working definition which supports its service in identifying and categorising these incidents. All Garda personnel have received training to recognise, record and respond to hate crime appropriately. An Garda Síochána will continue to collate and publish annual data relating to hate crime following the enactment of the Criminal Justice (Hate Offences) Act 2024.

## **F. Follow-up information relating to paragraph 18(c) of the concluding observations**

20. Ireland adopted the National Action Plan Against Racism (NAPAR) in 2023, and the National LGBTIQ+ Inclusion Strategy II 2024-2028 (NLIS II) in 2025, as part of its efforts aimed at promoting respect for human rights and tolerance for diversity.

21. Ireland’s NAPAR was launched on 21 March 2023, marking the International Day for the Elimination of Racial Discrimination. Ireland’s NAPAR sets out the context of how the State is seeking to address racism, including on a systemic basis, and it represents a national level, State-led, co-ordinated approach to eliminating racism in all its forms in Ireland. This includes antisemitism, Islamophobia, racism that impacts the Traveller and Roma people and communities, and racism affecting people of African Descent. Ireland is taking a broad approach to this issue, by considering all facets of racism.

22. A Special Rapporteur on Racial Equality and Racism was appointed on 2 July 2024. The Special Rapporteur will monitor progress towards the objectives of the NAPAR and will make an annual report to the Minister, this will also be submitted to the relevant Oireachtas Committee. The Special Rapporteur’s first report on the National Action Plan Against Racism is expected in early September 2025.

23. To support this work, an Advisory Committee on Racism and Racial Equality, chaired by the Special Rapporteur, has been established with membership from a cross section of society. This Committee is also tasked with monitoring and helping to progress the implementation of the NAPAR and will provide their knowledge and expertise and support the development and implementation of policies in this area.

24. The first of two departmental NAPAR Implementation Reports, produced by the Antiracism Policy and Funds Administration Unit, was published on the webpage of the Department of Children, Equality, Disability, Integration and Youth on 29 August 2024. This report is currently available on the Department of Justice, Home Affairs and Migration’s website following the recent Transfer of Functions. The second Implementation Report for 2024 is expected to be published by the Department of Justice, Home Affairs and Migration in the next few weeks.

25. The NLIS II, and a two-year Action Plan (2025-2026), were published and launched on 12 June 2025. The Strategy will provide a roadmap towards equality for LGBTIQ+ people in Ireland over the coming years.

26. The NLIS II seeks to build on the successes and achievements of the National LGBTI+ Youth Strategy (2018-2020) and the National LGBTI+ Inclusion Strategy (2019-2021) and

to deliver on key actions to address the continuing challenges that LGBTIQ+ people face. The NLIS II aims to do this through a whole of lifecycle approach enabling a focused approach to meet the specific and identified needs of the LGBTIQ+ community throughout their lives. It is underpinned by human rights principles and is guided by Ireland's international human rights commitments.

27. The Pillars on which the Strategy is built – Safety, Health and Wellbeing, Participation and Inclusion, and Equality and Non-Discrimination seek to directly confront the continuing challenges faced by LGBTIQ+ people today. The actions through which the Strategy will be implemented reflect the determination of the whole-of-Government and State Agencies to work together to that end.

28. The NLIS II will aim to promote and respect the right of LGBTIQ+ people to live their lives safely, free of harassment and violence through several prevention and protection measures. This will include:

- (a) Addressing misinformation in relation to LGBTIQ+ people;
- (b) Developing effective approaches within the criminal justice system towards addressing the safety issues experienced by the LGBTIQ+ community;
- (c) Ensuring mechanisms are in place to make hate crime/hate speech laws effective and providing supports for victims;
- (d) Addressing and preventing LGBTIQ+ bullying in schools;
- (e) Enhancing awareness of the occurrence of Domestic, Sexual and Gender Based Violence (DSGBV) within the LGBTIQ+ community;
- (f) And improving safety for LGBTIQ+ people in public spaces.

29. The Strategy will also aim to advance health and wellbeing outcomes for LGBTIQ+ people through improved investment in and access to a range of health services and providing for a more inclusive health and social care environment for LGBTIQ+ people.

30. The NLIS II will aim to promote and support the participation and inclusion of LGBTIQ+ people through measures to improve visibility and inclusion across a wide range of areas; improve funding supports for LGBTIQ+ services; to ensure better availability of data is captured on the needs of LGBTIQ+ people and to build on initiatives already undertaken within the business community and by employers so that LGBTIQ+ people are enabled to participate fully within the workplace.

31. The NLIS II will also seek to advance equality for, and counter discrimination against, LGBTIQ+ people through the introduction or amending of legislation across key areas and through continued advocacy for the protection and promotion of LGBTIQ+ rights at an international level.

32. The following initiatives provide a framework for how An Garda Síochána contributes to raising awareness and supporting equality, diversity, inclusion and the protection of human rights, with regard to hate crime:

- (a) Garda policy and procedure, and working definitions for hate crime and for hate crime and hate incidents introduced in 2019;
- (b) Process for recording hate crime and associated discriminatory motives in place;
- (c) Publication of hate crime data available on the Garda website (since 2022);
- (d) Online Hate Crime Report -platform hosted on Garda website;
- (e) Mandatory hate crime training for all Garda Personnel delivered in 2022-2023;
- (f) Bespoke hate crime training to cater to various aspects of policing services created and delivered upon request;
- (g) Network of Garda Diversity Officers (over 500, April 2025) who are trained and supported to actively engage with and attend to the concerns of minority and diverse communities;

- (h) Garda Traveller and Roma Advisory Group (quarterly meetings);
- (i) Consistent engagement with international counterparts and national partners/stakeholders to ensure policy and practice is informed by best practice.

### **G. Follow-up information relating to paragraph 18(d) of the concluding observations**

33. An Garda Síochána actively encourages the reporting of hate crimes throughout its service through the following:

- (a) Online Hate Crime Report platform on the Garda Website;
- (b) Community Engagement – with a network of 536 Garda Diversity Officers (April 2025), An Garda Síochána advocates and builds trust with communities, and encourages reporting of hate crime;
- (c) Third Party Referral – An Garda Síochána is actively seeking to collaborate with Non-Governmental Organisations and Civil Society Organisations to facilitate reporting through their services;
- (d) Provision of information and support to victims throughout the police process;
- (e) Provision of information in multiple languages to ensure accessibility for non-English speaking people;
- (f) Training for Garda Personnel to ensure reports of hate crime are managed sensitively and effectively;
- (g) Engaging and working with community groups, Non-Governmental Organisations and Civil Society Organisations to raise awareness, keep open lines of communication, create opportunities for dialogue.

### **H. Follow-up information relating to paragraph 18(e) of the concluding observations**

34. The provision of judicial training is a matter for the Judicial Council, which was established in 2019 pursuant to the Judicial Council Act 2019. The Judicial Council is independent in its functions, and its Judicial Studies Committee is responsible for the delivery of judicial training. The purpose of the Judicial Studies Committee is to facilitate the continuing education and training of judges, key components in the delivery of excellence by judges in carrying out their judicial functions.

35. Under its statutory functions, the Judicial Studies Committee on behalf of the Judicial Council provides regular training in areas relevant to addressing hate speech and hate crimes, including programmes on unconscious bias, ethics, and human rights. While education and training programmes are not explicitly labelled as targeting hate speech or hate crimes, they are underpinned by the principles of procedural justice and fairness. Importantly, the training content actively discourages all forms of discrimination, promoting instead a culture of integrity, respect, and accountability.

36. The Department of Housing, Local Government and Heritage provides funding of €1,000,000 per annum for a range of measures to:

- (a) Promote gender equality and greater diversity in local government structures and decision making and
- (b) Generate awareness of local government among potential candidates for local elections.

37. These measures include, for example, funding to Non-Governmental Organisations to deliver training and capacity building, for the purpose of encouraging and supporting women and persons from diverse cohorts to participate in local government.

38. Under this funding stream, the Department of Housing has also issued annual calls for funding since 2019, requesting applications from local authorities for projects that help to increase gender balance and diversity in local government decision making and structures.

**I. Follow-up information relating to paragraph 42(a) of the concluding observations**

39. We acknowledge the concerns which have been raised. It is noted that a constitutional amendment would be required to take forward this recommendation.

**J. Follow-up information relating to paragraph 42(b) of the concluding observations**

40. Section 37 (1) of the Employment Equality Act 1998, as amended, aims to better protect employees against discrimination in an appropriate and balanced way, while respecting religious freedoms guaranteed in the Constitution.

41. The amended Section 37 draws a distinction between religious institutions that are entirely privately funded and those which are funded by the taxpayer. The rationale is, in the case of the second category, that the government has the right – and arguably a duty – to protect employees who are paid from public monies from unfair treatment or discrimination in their work place.

42. Section 37 as amended now obliges relevant employers in religious-run schools and hospitals to show that any favourable treatment of an employee or prospective employee is limited to the religious ground and that any action taken against a person is objectively justified by reference to that institution's aim of protecting its religious ethos and that the means of achieving that aim appropriate and necessary.

43. The amended provision raises the threshold so that religious run schools and hospitals must show real damage to their ethos, are precluded from discrimination on any of the other equality grounds and that any action taken is reasonable and proportionate.

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