



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Ireland

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1,2}

2. Various human rights mechanisms recommended that Ireland: ratify the core United Nations human rights treaties to which it was not yet party;³ ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;⁴ and ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁵

3. Ireland contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) annually from 2016 to 2021.⁶

III. National human rights framework⁷

4. The Committee on the Elimination of Discrimination against Women regretted that the provision contained in article 41.2 of the Constitution, which perpetuated stereotypical views of the roles of women, and article 40.3.3 of the Constitution, which protected the right to life of the unborn and thereby unduly restricted access to abortion, had not been amended.⁸ It urged Ireland to amend those articles.⁹ Ireland noted in a follow-up report that it had revised provisions for access to abortion in 2018.¹⁰

5. The Committee on the Elimination of Racial Discrimination regretted that Ireland had not taken any steps to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal order.¹¹ It reiterated its recommendation that Ireland incorporate the Convention into its domestic legal order.¹²



6. The Committee on the Elimination of Discrimination against Women was concerned that the Irish Human Rights and Equality Commission was not fully resourced to effectively undertake its expanded mandate.¹³ It recommended that Ireland allocate sufficient budgetary and human resources to the Commission in order for it to discharge its functions effectively.¹⁴ Ireland reported that allocations for the Commission had increased, and 50 staff had been recruited, and the Committee considered the recommendation implemented.¹⁵ The Committee against Torture considered that its recommendations on the provision of resources and ensuring the independence of the national human rights institution had been substantially implemented.¹⁶

7. The Committee on the Elimination of Discrimination against Women noted that a number of institutions that had formed part of the national machinery for the advancement of women had been closed.¹⁷ It recommended that Ireland continue to strengthen coordination and provide adequate resources to the Gender Equality Division in the Department of Justice and Equality, as the national machinery for the advancement of women.¹⁸

8. The Committee on the Elimination of Racial Discrimination was concerned that the anti-racism committee was yet to be composed, and that not all functions of the former National Consultative Committee on Racism and Interculturalism had been reassigned to the existing bodies, including the Irish Human Rights and Equality Commission, which was not explicitly mandated to address racism.¹⁹ It recommended that Ireland ensure that no protection gaps existed in the policy and institutional framework for any group of people experiencing racial discrimination; develop a new National Action Plan against Racism in line with the Durban Declaration and Programme of Action; ensure that all functions of the National Consultative Committee were subsumed by existing anti-racial discrimination bodies; and expand the mandate of the Irish Human Rights and Equality Commission to include the prevention and prohibition of racial discrimination.²⁰

9. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that Ireland did not enshrine the right to education for all in its Constitution.²¹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²²

10. The Committee on the Elimination of Racial Discrimination was concerned about the reportedly high incidence of racial profiling by the Irish police (Garda) targeted at people of African descent, Travellers and Roma; the disproportionately high representation of those ethnic minority groups in the prison system; and the lack of legislation proscribing racial profiling, and of related independent complaint mechanisms.²³ It recommended that Ireland introduce legislation prohibiting racial profiling; establish an independent complaints mechanism to handle racial profiling; and incorporate racial profiling into the training curriculum of police officers.²⁴

11. The same Committee was concerned: about the increasing incidence of racist hate speech directed against Travellers, Roma, refugees, asylum seekers and migrants, particularly online; about frequent incidents of racist hate speech made by politicians; and that the Prohibition of Incitement to Hatred Act 1989 had been ineffective in combating racist hate speech.²⁵ It recommended that Ireland: strengthen its legislation on racist hate speech; intensify efforts to tackle the prevalence of racist hate speech online; ensure that the online safety and media regulation bill was in line with international human rights standards, and expeditiously enact it; and investigate acts of hate speech, including those committed by politicians.²⁶

12. The same Committee was concerned about the reportedly high level of racist hate crime targeted at ethnic minorities, and that the existing criminal laws did not include

substantive racist hate crime offences or provide for aggravating circumstances for such a crime.²⁷ It recommended that Ireland: introduce legislative provisions that included racist motivation as an aggravating circumstance; ensure that cases of racist hate crime were thoroughly investigated and prosecuted, perpetrators punished and victims provided with effective remedies; and provide training for the police, prosecutors and judges on the proper methods for identifying, registering, investigating and prosecuting racist incidents and racist hate crimes.²⁸

2. Development, the environment, and business and human rights²⁹

13. The Committee on the Elimination of Racial Discrimination was concerned that the operation of the Cerrejón mine complex in Colombia, whose headquarters was domiciled in Dublin and from which Ireland had purchased coal for one of its power stations, had been linked with serious abuses of human rights, in particular affecting people of African descent and indigenous peoples.³⁰ It recommended that Ireland: consider stopping its purchase of coal from the Cerrejón mine complex; lend its support to the initiation of an independent inquiry into the mine, and to restitution and compensation for victims; guarantee that victims had access to remedies and compensation in Ireland; adopt a regulatory framework that ensured that all companies domiciled in Ireland or under its jurisdiction identified, prevented and addressed human rights abuses in their operations in Ireland or abroad and that such companies could be held liable for violations; and ensure effective implementation of the national action plan on business and human rights.³¹

3. Human rights and counter-terrorism

14. Several special procedure mechanisms recalled that the repatriation of foreign fighters and their families from conflict zones was the only international law-compliant response to the situation faced by persons detained in camps, prisons or elsewhere in two specific countries in conflict.³² The Government confirmed the return to Ireland of the subjects in the referenced case.³³

B. Civil and political rights

1. Right to life, liberty and security of person³⁴

15. The Committee against Torture was concerned that fundamental safeguards against torture for persons deprived of their liberty were not always respected; that the legislation setting out the right to have a legal representative present during police interrogations had not yet commenced; and that the police did not consistently keep detention records or use closed-circuit monitoring of interview rooms.³⁵ It recommended that Ireland expedite the commencement of section 9 of the Criminal Justice Act 2011 to ensure that persons deprived of their liberty had access to a lawyer from the time of their apprehension, and ensure that national legislation established an independent body for inspecting police stations.³⁶

16. The same Committee was concerned at the absence of training for public officials on the absolute prohibition of torture, and at the lack of training on documenting health consequences resulting from torture and ill-treatment, based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).³⁷ It recommended that Ireland make training on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the absolute prohibition of torture, and non-coercive interrogation methods mandatory for public officials, particularly police and prison staff; and ensure that the Istanbul Protocol was made an essential part of the training of public officials working with persons deprived of their liberty.³⁸

2. Administration of justice, including impunity, and the rule of law³⁹

17. The Committee against Torture was concerned that: the number of women in detention had continued to rise; remand and convicted prisoners were held together in some facilities; overcrowding continued at the Dochás centre for female prisoners; in-cell sanitation continued to be problematic; there were systematic deficiencies in health-care

services in the prison system; and solitary confinement had been used for prolonged periods.⁴⁰ It recommended that Ireland strengthen the measures aimed at further decreasing the number of persons in the prison system with a view to bringing conditions into line with international standards, and ensure the separation of remand prisoners and sentenced prisoners.⁴¹ The Human Rights Committee considered that similar recommendations contained in its 2014 concluding observations⁴² had not been fully implemented.⁴³

18. The Committee against Torture also recommended that Ireland: continue efforts aimed at reducing overcrowding and improving conditions in all places where women were detained; consider increasing the use of non-custodial measures and alternatives to detention; improve in-cell sanitation; hire additional medical personnel and enable the referral of inmates requiring specialized care to outside medical facilities; and ensure that solitary confinement remained a measure of last resort, imposed for as short a time as possible, and was never applied to juveniles.⁴⁴

3. Fundamental freedoms and the right to participate in public and political life⁴⁵

19. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed concern that sections of the Digital Safety Commissioner Bill 2017 were incompatible with standards of international human rights law; that restrictions established in the Bill were inconsistent with the criteria of legality, necessity and proportionality under the International Covenant on Civil and Political Rights; and that, in the absence of a definition of “harmful digital communications”, its prohibition would lead to undue censorship.⁴⁶

20. Several special procedure mandate holders transmitted their concerns regarding the incompatibility of the Electoral Act with the International Covenant on Civil and Political Rights, asserting that the Act’s restrictions on funding for civil society activity infringed the right to freedom of association. They strongly encouraged Ireland to amend the Electoral Act.⁴⁷ In response, Ireland noted plans for the establishment, by the end of 2021, of an independent electoral commission which would review the Act.⁴⁸

4. Prohibition of all forms of slavery⁴⁹

21. The Committee on the Elimination of Discrimination against Women was concerned at the low prosecution and conviction rates in trafficking cases;⁵⁰ the Committee on the Elimination of Racial Discrimination expressed similar concerns.⁵¹ The Committee on the Elimination of Discrimination against Women recommended that Ireland effectively implement existing legislation on trafficking in persons by ensuring that cases were thoroughly investigated and perpetrators were prosecuted and adequately punished.⁵² The Committee on the Elimination of Racial Discrimination made a similar recommendation.⁵³

22. The Committee on the Elimination of Discrimination against Women was concerned that Ireland remained a source and destination country for the trafficking of women and girls for purposes of sexual and/or labour exploitation and criminal activity.⁵⁴ The Committee on the Elimination of Racial Discrimination was concerned that Ireland failed to identify and protect victims of trafficking at an early stage, and that there were no statutory rights of victims of trafficking to protection and assistance.⁵⁵

23. The Committee on the Elimination of Racial Discrimination recommended that Ireland improve the victim identification process and referral mechanism, and enact legislation to provide victims with rights to assistance and legal protection regardless of their nationality or immigration status.⁵⁶ The International Organization for Migration (IOM) made similar recommendations.⁵⁷

24. Several special procedure mechanisms were concerned that a number of migrant workers in the fishing industry might be victims of trafficking in persons for the purpose of forced labour or labour exploitation.⁵⁸

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁵⁹

25. The Committee on the Elimination of Discrimination against Women was concerned at: women's continued low-paid employment; the persistent gender wage gap; the limited availability of affordable childcare; and reports of the exploitation of women and girls in the au pair industry.⁶⁰ It recommended that Ireland: intensify efforts to guarantee equal opportunities for women in the labour market and create more opportunities for women to gain access to full-time employment; enforce the principle of equal pay for work of equal value; regularly monitor, investigate and sanction exploitative labour practices; and ensure that childcare services were affordable and available in all parts of the country.⁶¹

26. The Committee on the Elimination of Racial Discrimination was concerned about the high unemployment rates among Travellers and Roma. It urged Ireland to adopt measures with adequate resources to improve employment among Travellers and Roma.⁶²

2. Right to social security⁶³

27. The Special Rapporteur on extreme poverty and human rights asserted that the unwieldy process associated with the use of the Public Services Card presented a barrier to the right to social protection and engendered discrimination against marginalized groups. He noted that the requirement for the card had been waived for persons applying for the coronavirus disease (COVID-19) pandemic unemployment payment.⁶⁴ In its response, Ireland stated that its priority was to address the challenges posed by the COVID-19 pandemic, including rapid implementation of social protection measures. The Government did not accept the Special Rapporteur's opinion that the Card had had an unfair impact on the least well-off in society, as the Government provided support to persons from a range of socioeconomic backgrounds.⁶⁵

28. The Committee on the Elimination of Discrimination against Women was concerned that women, particularly those from disadvantaged groups who were dependent on social budgets, continued to suffer the impact of austerity measures, and that the habitual residence condition hindered entitlement to child benefit payments by Roma and migrant women.⁶⁶ It called on Ireland to intensify efforts aimed at economic recovery, and to assess the impact of the habitual residence condition.⁶⁷

3. Right to an adequate standard of living⁶⁸

29. Two special procedure mandate holders expressed concern about those laws and policies which had allowed unprecedented amounts of global capital to be invested in housing as security for financial instruments traded on global markets. They asserted that, contrary to international human rights obligations, investment in housing in Ireland had disconnected housing from its social purpose of providing people with a place to live. Heavy private housing investment, combined with cuts in the public housing budget, had made housing in Ireland unaffordable, and had an impact on security of tenure, with an exponential increase in homelessness.⁶⁹

30. In response, Ireland highlighted its Rebuilding Ireland action plan of 2016, the increased social housing budgets, the National Plan on Business and Human Rights, measures to help potential homebuyers with affordability, increased tenant protection measures, and actions taken to limit rent increases. Ireland stated that the level of institutional ownership of housing was relatively low.⁷⁰

31. The Committee on the Elimination of Racial Discrimination remained concerned about reports that ethnic minority groups such as Travellers, Roma, people of African descent and migrant communities, who had limited access to social housing, faced discrimination in the competitive private rental sector and were disproportionately at risk of being homeless.⁷¹ It recommended that Ireland: analyse the impact of the current housing crisis on ethnic minority groups and take measures to address it; improve access to social housing for those groups; take measures to address any discrimination against Travellers and Roma in the

private rental sector; place a moratorium on evictions of Traveller accommodations; and increase the budget for Traveller accommodation.⁷²

4. Right to health⁷³

32. The Committee on the Elimination of Discrimination against Women was concerned that, owing to the restrictive legal regime, framed by the Protection of Life During Pregnancy Act of 2013 and the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act of 1995, abortion in all cases other than where there was a real and substantial risk to the life of the pregnant woman was criminal and carried a maximum penalty of 14 years of imprisonment; that women and girls were compelled to travel outside Ireland to obtain an abortion; that those without means to travel might be compelled to carry their pregnancies to full term or undertake unsafe abortion; and that health-care providers could not freely provide information on abortion for fear of being prosecuted.⁷⁴ The Committee against Torture expressed concern at the physical and mental distress experienced by women and girls regarding termination of pregnancy.⁷⁵

33. The Committee on the Elimination of Discrimination against Women recommended that Ireland: repeal the Protection of Life During Pregnancy Act in order to legalize the termination of pregnancy at least in cases of rape, incest, risk to the physical or mental health or life of the pregnant woman, and severe impairment of the fetus, and decriminalize abortion in all other cases; and repeal the Regulation of Information (Services Outside the State For Termination of Pregnancies) Act.⁷⁶

34. The Committee on the Elimination of Discrimination against Women and the Committee against Torture recommended that Ireland ensure the provision of post-abortion health care for women irrespective of whether they had undergone an illegal or a legal abortion.⁷⁷

35. Ireland reported that the Thirty-sixth Amendment of the Constitution Act 2018 had been signed into law on 18 September 2018, following a referendum. The Act permitted termination of pregnancy: where there was a risk to the life, or of serious harm to the health, of the pregnant woman; where there was a risk to the life, or of serious harm to the health, of the pregnant woman in an emergency; where there was a condition present which was likely to lead to the death of the fetus before or within 28 days of birth; and without restriction up to 12 weeks of pregnancy. The Act repealed the 2013 Protection of Life During Pregnancy Act and the 1995 Regulation of Information Act. Services for termination of pregnancy had commenced on 1 January 2019.⁷⁸ The Committee on the Elimination of Discrimination against Women considered that its recommendation had been implemented.⁷⁹

36. The Committee on the Elimination of Racial Discrimination was concerned about the poor health conditions among Travellers and Roma.⁸⁰ It urged Ireland to adopt a targeted strategy and plans of action to address those poor health conditions.⁸¹

37. The Committee on the Elimination of Discrimination against Women was concerned that medically irreversible and unnecessary sex assignment surgery and other treatments were reportedly performed on intersex children.⁸² It recommended that Ireland develop a rights-based health-care protocol for intersex children, ensuring that children and their parents were informed of all options and that children were involved in decision-making.⁸³

5. Right to education⁸⁴

38. The Committee on the Elimination of Discrimination against Women was concerned at reports of stereotypes and sexism in the field of education, and the narrow approach towards the provision of sexuality education.⁸⁵ It recommended that Ireland strengthen its strategies to address discriminatory stereotypes and sexism that deterred women and girls from pursuing a career in education; UNESCO made similar recommendations.⁸⁶ The Committee recommended that Ireland integrate compulsory education on sexual and reproductive health and rights into school curricula.⁸⁷

39. The Committee on the Elimination of Racial Discrimination was concerned about the disproportionately low levels of school enrolments and academic achievements among Traveller and Roma students.⁸⁸ It urged Ireland to develop a new strategy on Traveller and

Roma education with an adequate budget and concrete action plans.⁸⁹ The Committee on the Elimination of Discrimination against Women expressed similar concerns, and recommended that Ireland take remedial action to address low levels of education attainment among Traveller, Roma and migrant women.⁹⁰

40. UNESCO noted that there was no explicit reference to the levels of education nor number of years of free education in the Education (Admission to Schools) Act 2018.⁹¹ It recommended that Ireland explicitly guarantee in the law free primary and secondary education for 12 years.⁹²

D. Rights of specific persons or groups

1. Women⁹³

41. The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material was concerned that, up to the 1990s, girls transferred to the Magdalen laundries had been made to work in arrangements that could amount to the sale of children.⁹⁴ The Committee against Torture considered that its recommendations to investigate allegations of ill-treatment of women at the Magdalen laundries operated by the Catholic Church, prosecute perpetrators and ensure that victims obtained redress had not been implemented.⁹⁵ The Committee on the Elimination of Discrimination against Women noted that Ireland had failed to establish an independent, thorough and effective investigation, in line with international standards, into related allegations of abuse.⁹⁶

42. The Special Rapporteur on sale of children and two treaty bodies recommended that Ireland undertake a thorough and impartial investigation into allegations of ill-treatment of women at the Magdalen laundries, ensure the prosecution and punishment of perpetrators, and ensure that victims obtained redress.⁹⁷

43. Ireland stated that no factual evidence to support allegations of systematic torture or ill-treatment of a criminal nature had been found and that the Government remained satisfied that a specific Magdalen inquiry or investigation was not required.⁹⁸

44. The Committee against Torture considered that its recommendations relating to the adoption of the Criminal Justice (Female Genital Mutilation) Bill, implementation of awareness-raising programmes on female genital mutilation and explicit recognition of female genital mutilation as amounting to torture had been partially implemented.⁹⁹ It recommended that Ireland investigate and prosecute the crime of removing a girl from Ireland for the purpose of committing female genital mutilation, increase efforts to deter the practice, and reconsider its position regarding the double criminality requirement in its domestic legislation.¹⁰⁰

45. The Committee against Torture recommended that Ireland provide mandatory training on gender-based and domestic violence for law enforcement and other public officials dealing with victims of gender-based violence.¹⁰¹ The Committee on the Elimination of Discrimination against Women made a similar recommendation.¹⁰²

46. The Committee on the Elimination of Discrimination against Women remained concerned that domestic violence was not criminalized and that there was no specific definition of domestic violence in legislation; at the failure to address psychological, emotional and economic violence; and about the lack of legal protection against emerging forms of gender-based violence.¹⁰³ The Committee against Torture reiterated its concern that the Domestic Violence Bill did not contain a specific offence of domestic violence.¹⁰⁴ The Committee on the Elimination of Discrimination against Women recommended that Ireland criminalize domestic violence and introduce a specific definition of domestic violence and other emerging forms of gender-based violence. The Committee against Torture made similar recommendations.¹⁰⁵

47. The Committee against Torture recommended that Ireland ensure that all allegations of violence against women were effectively investigated and perpetrators prosecuted and punished, and that State funding for related services was sufficient.¹⁰⁶

48. The same Committee expressed concern about the past practice of subjecting women and girls to symphysiotomy childbirth operations, entailing surgical division of a pelvic joint.¹⁰⁷ The Committee on the Elimination of Discrimination against Women noted that no effort had been made to establish an independent investigation to identify, prosecute and punish the perpetrators who had performed the symphysiotomy procedure without the consent of women.¹⁰⁸ The Committee against Torture recommended that Ireland initiate an impartial, thorough investigation into the cases of women who had been subjected to symphysiotomy, and ensure that criminal proceedings were initiated against perpetrators and that survivors obtained redress; the Committee on the Elimination of Discrimination against Women made a similar recommendation.¹⁰⁹ The Human Rights Committee considered that similar recommendations contained in its 2014 concluding observations had not been fully implemented.¹¹⁰

49. Ireland stated that, based on the research and evidence collated, including academic texts and a 2015 High Court case, it could not be accepted that obstetricians at the time were perpetrators who should now be punished.¹¹¹ The Committee on the Elimination of Discrimination against Women considered that its recommendation on the Magdalen laundries and symphysiotomy had not been implemented.¹¹²

50. The same Committee was concerned that temporary special measures under the Electoral Act did not extend to local government elections and that there were no measures in other areas.¹¹³ It recommended that Ireland increase the use of temporary special measures in all areas covered by the Convention on the Elimination of All Forms of Discrimination against Women in which women were underrepresented.¹¹⁴

2. Children¹¹⁵

51. The Committee against Torture considered that its recommendations to implement the recommendations from the report of the Commission to Inquire into Child Abuse, and to investigate allegations of torture and ill-treatment at reformatory and industrial schools operated by the Catholic Church, prosecute and punish perpetrators of such abuse and provide redress to the victims had been partially implemented.¹¹⁶ The Special Rapporteur on sale of children was concerned by the lack of reports of criminal prosecutions following investigations by the Commission.¹¹⁷ The Committee against Torture recommended that Ireland: encourage victims of abuse suffered in residential institutions to cooperate with the Garda; collect data on all criminal investigations undertaken by the Garda into such abuse; and ensure that victims of torture or ill-treatment obtained redress.¹¹⁸ The Special Rapporteur called on the Government to ensure accountability for related abuses and guarantee support to the victims.¹¹⁹

52. The Special Rapporteur on sale of children reported that, following the 1952 passage of the Adoption Act, so-called mother and baby homes, which were institutions managed by Catholic orders to house pregnant unmarried women and girls, had facilitated the large-scale adoption of children, against the wishes, or through the deception, of the natural mothers.¹²⁰ The Special Rapporteur was concerned that the limited scope of the work of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters would mean that its investigation was not broad enough to uncover the full scale of illegal adoption.¹²¹ The Committee against Torture and the Committee on the Elimination of Discrimination against Women expressed similar concerns.¹²²

53. The Committee on the Elimination of Racial Discrimination was concerned about reports of abuses based on race in mother and baby homes. It welcomed the inclusion of examination of systematic discrimination on the ground of race in the terms of reference of the Commission of Investigation into Mother and Baby Homes and Certain Related Matters.¹²³

54. The Committee against Torture and the Committee on the Elimination of Discrimination against Women recommended that Ireland carry out an independent and effective investigation into allegations of ill-treatment at all mother and baby homes, and ensure that perpetrators were prosecuted and punished and that victims obtained redress.¹²⁴ The Committee on the Elimination of Racial Discrimination recommended that Ireland ensure that the Commission of Investigation carried out effective investigations and fully

implement the recommendations of the Commission in order to bring perpetrators to justice, providing victims with adequate remedies.¹²⁵

55. Ireland responded that the Government was satisfied that the Commission had sufficient powers and scope to examine a broad range of issues, and to make a determination on their relevance to the central issues.¹²⁶ The Human Rights Committee and the Committee on the Elimination of Discrimination against Women considered that their related recommendations had not been fully implemented.¹²⁷

56. The Special Rapporteur on sale of children noted positively that Ireland had experienced a significant decrease in intercountry adoption following its ratification in 2010 of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption,¹²⁸ and had introduced a new amendment recognizing children as rights holders under the Constitution.¹²⁹

57. However, the Special Rapporteur noted gaps in the criminal justice system.¹³⁰ The accessibility of the Internet also posed new risks in terms of abuse and exploitation.¹³¹ The Special Rapporteur also observed that the decrease in legal avenues for intercountry adoption could increase the popularity of international surrogacy.¹³²

58. The Special Rapporteur on sale of children recommended that Ireland: adopt a national strategy to protect children from sexual violence;¹³³ enact legislation that would regulate surrogacy arrangements to ensure that the best interests of the child were protected; enact legislation that would facilitate transparent adoption processes; consider legislation that would expand protection for information and communications technology-related abuse;¹³⁴ create child-friendly reporting and complaint mechanisms; and educate judges, prosecutors, lawyers and law enforcement agencies on international child right norms.¹³⁵

3. Persons with disabilities¹³⁶

59. The Committee against Torture was concerned at reports that older persons and other vulnerable adults were being held in residential care settings in situations of de facto detention, and at reports that some were subjected to conditions that could amount to inhuman or degrading treatment.¹³⁷ It recommended that Ireland prioritize the commencement of the Assisted Decision-making (Capacity) Act 2015, and repeal the Lunacy Regulations (Ireland) Act 1871; ensure that the Inspection of Places of Detention Bill provided for independent monitoring of residential and congregated care centres for older persons and persons with disabilities within the national preventive mechanism; and ensure that allegations of ill-treatment in residential care settings were effectively investigated, perpetrators were prosecuted and punished, and victims were provided with redress.¹³⁸

4. Minorities¹³⁹

60. The Committee on the Elimination of Racial Discrimination was concerned that no legal act had followed the 2017 declaration recognizing Travellers as an ethnic minority, that the rights of Travellers remained unclear, and that Ireland had not yet developed concrete action plans or allocated a sufficient budget to implement the National Traveller and Roma Inclusion Strategy 2017–2021.¹⁴⁰ It recommended that Ireland: take legislative measures to formalize the recognition of Travellers as an official minority group; clarify the rights accorded to them; and fully implement the National Traveller and Roma Inclusion Strategy 2017–2021.¹⁴¹

61. The same Committee was concerned that people of African descent were disadvantaged and discriminated against in every aspect of life, including employment and education.¹⁴² It recommended that Ireland take effective measures to address all forms of discrimination against people of African descent and to combat stereotypes of people of African descent.¹⁴³

5. Migrants, refugees and asylum seekers¹⁴⁴

62. The Committee on the Elimination of Racial Discrimination and Office of the United Nations High Commissioner for Refugees (UNHCR) were concerned about the large backlog of applications for international protection and the excessive waiting time in the application

process.¹⁴⁵ The Committee was also concerned about the lengthy stay, under inadequate living conditions, in direct provision centres; the operation of direct provision centres by private actors on a for-profit basis without proper accountability mechanisms; and the extensive use of emergency accommodation for lengthy periods owing to the capacity limit of direct provision centres.¹⁴⁶ The Committee recommended that Ireland: expedite the processing of applications with a view to delivering the decision within six months; improve living conditions in direct provision centres and reduce the length of stay in the centres; set up clear standards of reception conditions for direct provision centres and hold those responsible accountable in case of a breach of standards; and halt emergency accommodation.¹⁴⁷

63. UNHCR welcomed the national standards for accommodation offered to people in the protection process. It recommended that Ireland phase out the use of emergency accommodation, develop a contingency planning framework, and establish an independent inspectorate to monitor implementation of the national standards.¹⁴⁸

64. The Special Rapporteur on trafficking in persons, especially women and children offered considerations for the White Paper on the future of the international protection system. In its response, Ireland reported on new measures, including providing applicants with accommodation in the community after four months.¹⁴⁹

65. The Committee against Torture remained concerned that immigration detainees continued to be detained in a number of prisons and police stations with remand and convicted prisoners.¹⁵⁰ It recommended that Ireland enshrine in legislation the principle that asylum seekers should be detained only as a measure of last resort, for as short a period as possible, and in facilities appropriate for their status.¹⁵¹ IOM made similar recommendations.¹⁵² The Committee against Torture and UNHCR recommended establishing a vulnerability-screening mechanism.¹⁵³

66. Regarding migrant victims of domestic violence, IOM recommended that Ireland increase resources for domestic violence service providers that mainstreamed the specificities of migrant communities; and adopt immigration legislation that placed provisions for independent status for victims of domestic violence on a statutory footing.¹⁵⁴

67. IOM noted barriers for migrants in securing employment and housing.¹⁵⁵ It recommended that Ireland recognize and validate educational qualifications, including professional skills acquired abroad.¹⁵⁶

68. Regarding undocumented migrants, IOM recommended that Ireland implement a coherent regularization scheme, ensure that irregular migrants had access to long-term residency pathways, and engage cultural mediators to support the regularization process.¹⁵⁷

6. Stateless persons

69. The Committee on the Elimination of Racial Discrimination and UNHCR were concerned about the absence of a procedure to determine statelessness.¹⁵⁸ The Committee and UNHCR recommended that Ireland establish such a procedure.¹⁵⁹

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Ireland will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/IEIndex.aspx.

² For relevant recommendations, see A/HRC/33/17, paras. 135.1–135.75, 135.82, 135.152, 136.1–136.10, 136.29, 136.48 and 137.1–137.10.

³ CAT/C/IRL/CO/2, para. 38, and CERD/C/IRL/CO/5-9, para. 51.

⁴ A/HRC/40/51/Add.2, para. 77 (a).

⁵ CAT/C/IRL/CO/2, para. 8 (a).

⁶ OHCHR, “Funding” in *OHCHR Report 2016*, p. 78; OHCHR, “Funding” in *UN Human Rights Report 2017*, p. 79; OHCHR, “Funding” in *United Nations Human Rights Report 2018*, p. 76; OHCHR, “Funding” in *United Nations Human Rights Report 2019*, p. 90; OHCHR, “Funding” in *United Nations Human Rights Report 2020*, p. 108.

- ⁷ For relevant recommendations, see A/HRC/33/17, paras. 135.83, 135.103–135.104, 135.132, 135.136, 136.11, 136.20–136.25, 136.30–136.32, 136.46–136.47, 136.71 and 136.90.
- ⁸ CEDAW/C/IRL/CO/6-7, para. 10.
- ⁹ Ibid., para. 11 (a) and (c).
- ¹⁰ CEDAW/C/IRL/FCO/6-7, para. 3.
- ¹¹ CERD/C/IRL/CO/5-9, para. 7.
- ¹² Ibid., para. 8.
- ¹³ CEDAW/C/IRL/CO/6-7, para. 16.
- ¹⁴ Ibid., para. 17.
- ¹⁵ CEDAW/C/IRL/FCO/6-7, paras. 36–37, and https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_FUL_IRL_44525_E.pdf, p. 2.
- ¹⁶ CAT/C/IRL/CO/2, para. 6.
- ¹⁷ CEDAW/C/IRL/CO/6-7, para. 18.
- ¹⁸ Ibid., para. 19 (a).
- ¹⁹ CERD/C/IRL/CO/5-9, para. 13 (b)–(c).
- ²⁰ Ibid., para. 14.
- ²¹ UNESCO submission for the universal periodic review of Ireland, fourth page.
- ²² For relevant recommendations, see A/HRC/33/17, paras. 135.26, 135.105–135.110, 135.112–135.119, 135.127, 135.144, 136.55–136.56, 136.43–136.45 and 136.49.
- ²³ CERD/C/IRL/CO/5-9, para. 15.
- ²⁴ Ibid., para. 16 (a)–(b) and (d).
- ²⁵ Ibid., para. 19.
- ²⁶ Ibid., para. 20 (a)–(d).
- ²⁷ Ibid., para. 21.
- ²⁸ Ibid., para. 22 (a) and (d)–(e).
- ²⁹ For relevant recommendations, see A/HRC/33/17, paras. 136.96–136.97.
- ³⁰ CERD/C/IRL/CO/5-9, para. 47.
- ³¹ Ibid., para. 48.
- ³² See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24957>, p. 3.
- ³³ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35110>, p. 2.
- ³⁴ For relevant recommendation, see A/HRC/33/17, para. 135.122.
- ³⁵ CAT/C/IRL/CO/2, para. 9.
- ³⁶ CAT/C/IRL/CO/2, para. 10 (a)–(b).
- ³⁷ Ibid., para. 13.
- ³⁸ Ibid., para. 14 (a) and (d).
- ³⁹ For relevant recommendations, see A/HRC/33/17, paras. 135.8, 135.120–135.121, 135.123–135.125, 136.27–136.28, 136.50, 136.70 and 137.11.
- ⁴⁰ CAT/C/IRL/CO/2, para. 15 (a)–(f).
- ⁴¹ Ibid., para. 16 (a) and (d).
- ⁴² CCPR/C/IRL/CO/4.
- ⁴³ See https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_23626_E.pdf and https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_27218_E.pdf.
- ⁴⁴ CAT/C/IRL/CO/2, para. 16 (b)–(c) and (e)–(g).
- ⁴⁵ For relevant recommendations, see A/HRC/33/17, paras. 135.126, 135.139 and 136.53–136.54.
- ⁴⁶ See communication IRL 1/2018, p. 6, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24169>.
- ⁴⁷ See communication IRL 2/2020, p. 3, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25665>.
- ⁴⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35803>, p. 2.
- ⁴⁹ For relevant recommendations, see A/HRC/33/17, paras. 136.150–136.151 and 136.95.
- ⁵⁰ CEDAW/C/IRL/CO/6-7, para. 30.
- ⁵¹ CERD/C/IRL/CO/5-9, para. 41.
- ⁵² CEDAW/C/IRL/CO/6-7, para. 31 (a), and CERD/C/IRL/CO/5-9, para. 42 (a).
- ⁵³ CERD/C/IRL/CO/5-9, para. 42 (a).
- ⁵⁴ CEDAW/C/IRL/CO/6-7, para. 30.
- ⁵⁵ CERD/C/IRL/CO/5-9, para. 41.
- ⁵⁶ Ibid., para. 42 (b)–(c).

- ⁵⁷ IOM submission, p. 11.
- ⁵⁸ See communication IRL 1/2019, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24331>. See also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34620>.
- ⁵⁹ For relevant recommendations, see A/HRC/33/17, paras. 135.91, 135.128 and 135.143.
- ⁶⁰ CEDAW/C/IRL/CO/6-7, para. 40 (a)–(c).
- ⁶¹ *Ibid.*, para. 41 (a)–(d).
- ⁶² CERD/C/IRL/CO/5-9, paras. 33 (a) and 34 (a).
- ⁶³ For relevant recommendations, see A/HRC/33/17, paras. 135.129, 136.57 and 137.13.
- ⁶⁴ See communication IRL 1/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25176>.
- ⁶⁵ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35231>.
- ⁶⁶ CEDAW/C/IRL/CO/6-7, para. 46.
- ⁶⁷ *Ibid.*, para. 47.
- ⁶⁸ For relevant recommendations, see A/HRC/33/17, paras. 135.130–135.131 and 135.133–135.135, 136.58–136.60 and 137.12.
- ⁶⁹ Communication IRL 2/2019, pp. 1–3, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24499>.
- ⁷⁰ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34705>.
- ⁷¹ CERD/C/IRL/CO/5-9, para. 27.
- ⁷² *Ibid.*, para. 28.
- ⁷³ For relevant recommendations, see A/HRC/33/17, paras. 136.62–136.69 and 136.72–136.79.
- ⁷⁴ CEDAW/C/IRL/CO/6-7, para. 42. See also CCPR/C/116/D/2324/2013.
- ⁷⁵ CAT/C/IRL/CO/2, para. 31.
- ⁷⁶ CEDAW/C/IRL/CO/6-7, para. 43 (a) and (c).
- ⁷⁷ *Ibid.*, para. 43 (d) and CAT/C/IRL/CO/2, para. 32 (e).
- ⁷⁸ CEDAW/C/IRL/FCO/6-7, paras. 39–43.
- ⁷⁹ See https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_FUL_IRL_44525_E.pdf, p. 3.
- ⁸⁰ CERD/C/IRL/CO/5-9, para. 33 (c).
- ⁸¹ *Ibid.*, para. 34 (c).
- ⁸² CEDAW/C/IRL/CO/6-7, para. 24 (b).
- ⁸³ *Ibid.*, para. 25 (b).
- ⁸⁴ For relevant recommendations, see A/HRC/33/17, paras. 135.138, 135.140–135.142, 135.146, 135.76–135.81 and 136.80.
- ⁸⁵ CEDAW/C/IRL/CO/6-7, para. 38 (a) and (c).
- ⁸⁶ *Ibid.*, para. 39 (a), and UNESCO submission, sixth page.
- ⁸⁷ CEDAW/C/IRL/CO/6-7, para. 39 (c).
- ⁸⁸ CERD/C/IRL/CO/5-9, para. 33 (b).
- ⁸⁹ CERD/C/IRL/CO/5-9, para. 34 (b).
- ⁹⁰ CEDAW/C/IRL/CO/6-7, paras. 38 (d) and 39 (d).
- ⁹¹ UNESCO submission, fourth and fifth pages.
- ⁹² *Ibid.*, sixth page.
- ⁹³ For relevant recommendations, see A/HRC/33/17, paras. 135.88–135.89, 135.92–135.102, 135.137 and 136.33–136.42.
- ⁹⁴ A/HRC/40/51/Add.2, para. 16.
- ⁹⁵ CAT/C/IRL/CO/2, paras. 6 and 25.
- ⁹⁶ CEDAW/C/IRL/CO/6-7, para. 14 (a).
- ⁹⁷ A/HRC/40/51/Add.2, para. 78 (d), CAT/C/IRL/CO/2, para. 26 (a)–(b), and CEDAW/C/IRL/CO/6-7, para. 15 (a).
- ⁹⁸ CEDAW/C/IRL/FCO/6-7, paras. 5–7. See also CAT/C/IRL/CO/2/Add.1, paras. 13–20.
- ⁹⁹ CAT/C/IRL/CO/2, paras. 6 and 33.
- ¹⁰⁰ *Ibid.*, para. 34.
- ¹⁰¹ CAT/C/IRL/CO/2, para. 14 (b).
- ¹⁰² CEDAW/C/IRL/CO/6-7, para. 27 (b).
- ¹⁰³ *Ibid.*, para. 26 (b)–(c).
- ¹⁰⁴ CAT/C/IRL/CO/2, para. 31.
- ¹⁰⁵ CEDAW/C/IRL/CO/6-7, para. 27 (c), and CAT/C/IRL/CO/2, para. 32 (a).
- ¹⁰⁶ CAT/C/IRL/CO/2, para. 32 (c)–(d).
- ¹⁰⁷ *Ibid.*, para. 29.
- ¹⁰⁸ CEDAW/C/IRL/CO/6-7, para. 14 (b).
- ¹⁰⁹ CAT/C/IRL/CO/2, para. 30, and CEDAW/C/IRL/CO/6-7, para. 15 (a).

- 110 See
https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_23626_E.pdf; and
https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_27218_E.pdf.
- 111 CEDAW/C/IRL/FCO/6-7, para. 25.
- 112 See
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_FUL_IRL_44525_E.pdf, p. 2.
- 113 CEDAW/C/IRL/CO/6-7, para. 22.
- 114 *Ibid.*, para. 23.
- 115 For relevant recommendations, see A/HRC/33/17, paras. 135.84–135.86, 135.90 and 136.51.
- 116 CAT/C/IRL/CO/2, paras. 6 and 23.
- 117 A/HRC/40/51/Add.2, para. 31.
- 118 CAT/C/IRL/CO/2, para. 24.
- 119 A/HRC/40/51/Add.2, para. 31.
- 120 *Ibid.*, para. 11.
- 121 *Ibid.*, para. 14.
- 122 CAT/C/IRL/CO/2, para. 27, and CEDAW/C/IRL/CO/6-7, para. 14 (c).
- 123 CERD/C/IRL/CO/5-9, para. 17.
- 124 CAT/C/IRL/CO/2, para. 28, and CEDAW/C/IRL/CO/6-7, para. 15 (a).
- 125 CERD/C/IRL/CO/5-9, para. 18.
- 126 CEDAW/C/IRL/FCO/6-7, para. 15.
- 127 See
https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_23626_E.pdf;
https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/IRL/INT_CCPR_FUL_IRL_27218_E.pdf; and
https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_FUL_IRL_44525_E.pdf.
- 128 A/HRC/40/51/Add.2, para. 12.
- 129 *Ibid.*, para. 38.
- 130 *Ibid.*, para. 75.
- 131 *Ibid.*, para. 37.
- 132 *Ibid.*, para. 20.
- 133 *Ibid.*, para. 79 (a).
- 134 *Ibid.*, para. 77 (c)–(e).
- 135 *Ibid.*, para. 80 (a) and (e).
- 136 For relevant recommendations, see A/HRC/33/17, paras. 136.81–136.82.
- 137 CAT/C/IRL/CO/2, para. 35.
- 138 *Ibid.*, para. 36.
- 139 For relevant recommendations, see A/HRC/33/17, paras. 135.83, 135.145, 135.147 and 136.84–136.86.
- 140 CERD/C/IRL/CO/5-9, para. 31.
- 141 *Ibid.*, para. 32.
- 142 *Ibid.*, para. 23.
- 143 *Ibid.*, para. 24 (a)–(b).
- 144 For relevant recommendations, see A/HRC/33/17, paras. 135.148–135.149, 136.87–136.89 and 136.91–136.94.
- 145 CERD/C/IRL/CO/5-9, para. 35 (a) and UNHCR submission for the universal periodic review of Ireland, p. 5.
- 146 CERD/C/IRL/CO/5-9, para. 37 (a)–(c).
- 147 *Ibid.*, paras. 36 (a) and 38 (a)–(c). See also communication IRL 1/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26043>.
- 148 UNHCR submission, pp. 4–5.
- 149 See communication IRL 1/2021, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26043>; see also <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36250>.
- 150 CAT/C/IRL/CO/2, para. 11.
- 151 *Ibid.*, para. 12 (a).
- 152 IOM submission, p. 5.
- 153 CAT/C/IRL/CO/2, para. 12 (b) and UNHCR submission, p. 4.
- 154 IOM submission, pp. 2–3.

¹⁵⁵ Ibid., p. 3.

¹⁵⁶ Ibid., p. 4.

¹⁵⁷ Ibid., p. 5.

¹⁵⁸ CERD/C/IRL/CO/5-9, para. 35 (d) and UNHCR submission, p. 6.

¹⁵⁹ CERD/C/IRL/CO/5-9, para. 36 (d) and UNHCR submission, p. 6.
