



AN COIMISIÚN UM CHEARTA AN DUINE
IRISH HUMAN RIGHTS COMMISSION

CERD Hearing - Remarks to the Committee

Wednesday, 23 February 2011

Dr Maurice Manning, President, Irish Human Rights Commission

I want to thank the Committee most sincerely for the opportunity to make this presentation. As Ireland's National Human Rights Institution, and also as Chair of the European Group of National Human Rights Institutions, I am particularly aware of the importance of NHRIs engaging with Treaty Bodies.

The CERD Committee is a leading example of how NHRIs and Treaty Bodies can engage. As some members of the Committee may be aware, the Irish Human Rights Commission was the first NHRI to be given the opportunity to speak during the State Party hearing. Since then, NHRIs on the international level have advocated for the other Treaty Bodies to include this formal role for NHRIs. We also greatly value the opportunity we had yesterday morning to meet with Committee Members privately, to present our concerns.

I would like to first address the Committee with our concerns arising from the human rights and anti-discrimination infrastructure in Ireland, before dealing with some specific thematic issues.

It became apparent that there were serious economic problems facing Ireland in late 2008. One of the first areas in which the Government made cuts was to the equality and human rights infrastructure. The slashing of the budgets of the Human Rights Commission and the Equality Authority and the closure of the National Consultative Committee on Racism and Interculturalism and Combat Poverty Agency, has caused damage to the national infrastructure for the promotion and protection of human rights that will take years to rectify.

The cuts made were among the harshest to any public bodies. At the same time, initiatives such as the National Action Plan Against Racism were discontinued.

It is essential that funding for equality, human rights and anti-discrimination bodies and programmes be reinstated. The functions of those agencies that have been closed must also be integrated into other independent state bodies. We

hope that the Committee will encourage the incoming Government to take these steps.

Commitments to tackling racism and discrimination must include awareness and education. The Commission has continually highlighted the need for positive action by the State to raise awareness of CERD and other human rights treaties. This has not been done in Ireland in any systematic way. In particular, there is a lack of dedicated education and training for Civil and Public Servants on human rights. We firmly believe that a commitment by the State to human rights training for all Civil and Public Servants would help ensure that anti-discrimination measures are mainstreamed into Irish law, policy and practice.

Because we recognised the impact that this lack of awareness and education has on human rights in Irish law, policy and practice, the Commission launched a philanthropically funded Human Rights Education and Training Project aimed at Civil and Public Servants in 2010. We published a human rights guide for the Civil and Public Service with the aim of improving human rights awareness and are undertaking training directly with Civil and Public Servants. There are very positive developments in this area. In particular, the Garda Síochána (Police) are undertaking excellent work in developing human rights training within the Service. We have particularly welcomed the opportunity to work with them in developing training modules and very much look forward to longer-term engagement. In addition, we are starting to see a greater openness to receiving human rights training from Government Departments and have received overwhelmingly positive feedback from the participants of our training sessions to date. We hope that the CERD Committee will encourage Ireland to ensure human rights training is mainstreamed throughout Government departments, in cooperation with the Human Rights Commission.

Another structural issue I would like to highlight to the Committee is the lack of data on incidents of racial crime and racial discrimination in Ireland. As I have mentioned, the National Consultative Committee on Racism and Interculturalism (NCCRI), which was so ably chaired by Committee Member Anastasia Crickley, was shut down in 2008. The NCCRI was responsible for the independent monitoring of racist incidents. There is now no independent state institution in Ireland with this responsibility. Although some civil society organisations are making great efforts to fill this gap, monitoring and reporting of racist incidents must be also carried out by a properly resourced independent state institution. I would encourage the Committee to call on the State to ensure that the mandate of the NCCRI is covered by another independent agency, such as the Commission, and that adequate resources are made available to allow such an agency to monitor racist incidents.

We also consider a published state policy on human rights, including on anti-racism and non-discrimination would assist at the systemic level in tackling racism and discrimination. The Human Rights Commission is calling on the Government to adopt a National Action Plan for Human Rights. This should explicitly include all issues raised under CERD and involve in its creation and

implementation, the Commission and Civil Society Organisations, including Traveller, migrant and community groups. We hope that the Committee would also consider encouraging the State to adopt a National Action Plan.

I have focussed so far on structural and systemic issues because we consider that if these structural issues are addressed they will have a knock-on impact that will improve the situation for everyone in Ireland.

However, one specific area I would like to bring to the Committee's attention is discrimination against Travellers. Travellers are among the most marginalised communities in Irish society. As we have heard, the State does not recognise Travellers as an ethnic minority. Travellers have extremely low outcomes in terms of health and education compared to the settled population. The Traveller Health Study that was published last September details the shocking disparity between the Traveller and settled population in life expectancy, health and education. It also details the impact of the discrimination that Travellers continue to face on health and educational attainment.

We hope that the Committee will encourage the State to take concrete measures to improve the situation of Travellers in Ireland. There must be a concerted effort by the State, with full participation of Traveller representatives, to address the real discrimination faced by Travellers in health, education, employment, housing, provision of services and other areas. Any such efforts must ensure specific targets and timeframes. There should also be a national awareness campaign to bring about a change in attitude to the Traveller community in Ireland. Finally, specific proactive measures must be put in place to ensure Traveller representation in public life in Ireland.

I would also wish to draw the Committee's attention to the policy of Direct Provision and its impact on refugees and asylum seekers. Although the system was originally intended for short periods, in practice people remain for years in a system that requires they stay in full-board accommodation centres such as old hotels or disused holiday parks. They are not allowed to work and have almost no personal autonomy, often sharing rooms with 2 or 3 strangers. The prevalence of mental health problems for asylum seekers living in direct provision has been documented. Problems may be particularly acute for those who have been in the process for a lengthy period.

I recently visited a Direct Provision centre in Galway, in the west of Ireland, and the asylum seekers I met told me how immensely stressful their situation was. They particularly emphasised the hugely negative impact of the length of the process, which means that they spend years in a state of limbo and uncertainty. We hope that the Committee will encourage the State to ensure that no one is in this system for more than a year and that any difficulties with regard to access to healthcare and provision of appropriate food at direct provision centres are fully addressed. It is also critical that an independent system for dealing with complaints at direct provision centres be established.

We in the Irish Human Rights Commission are fully aware of the challenges of racism and discrimination in Ireland. A concerted and systematic approach at both the macro and micro levels is required for the State to live up to its commitments under this Convention. We hope that the Committee's Concluding Observations will act as a catalyst to tackling racism and discrimination in Ireland.

I would like to thank the Committee again for its time and consideration.