



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Sent by email to: michael.guet@coe.int

Secretariat of the Framework Convention for the Protection of National Minorities
National Minorities and Minority Languages Division/Anti-Discrimination Directorate
DGII Directorate General of Democracy and Human Dignity
Council of Europe
Agora building, 1 quai Jacoutot
F-67075 Strasbourg Cedex, France

26 October 2023

RE: Advisory Committee delegation visit to Ireland as part of the fifth monitoring cycle

Dear Advisory Committee members,

The Irish Human Rights and Equality Commission ('Commission') welcomed the opportunity to engage closely with the Secretariat of the Framework Convention for the Protection of National Minorities ('FCNM') in the lead up to the delegation visit to Ireland, and to meet with Advisory Committee members on 18 September 2023.

As discussed in the meeting, the Commission is Ireland's A Status National Human Rights Institution and the National Equality Body, established under the *Irish Human Rights and Equality Commission Act 2014*. We operate independently of Government, with our institutional independence guaranteed in our establishing legislation through provision for accountability of the Commission to the Irish Parliament (Oireachtas). We have a broad mandate, including legal, inquiry, research, legislative, international reporting and engagement, awareness-raising, and policy functions. Furthermore, the Commission is the independent National Rapporteur on the Trafficking of Human Beings; the independent monitoring mechanism under the UN Convention on the Rights of Persons with Disabilities; and will be assigned the role of the National Preventative Mechanism co-ordinating body under the Optional Protocol to the Convention against Torture, pending ratification. We also have legal powers under the *Gender Pay Gap Information Act 2021*.

Much has changed since the Advisory Committee's last visit in 2018, with Ireland continuing its transformation into a diverse multi-ethnic and multi-national society. As of 2022, the number of non-Irish citizens increased to 12% of the population, 16,059 of the population identified as Roma, and the number of usually resident Irish Travellers increased by 6% to 32,949. Religious diversity is also growing, with 81,930 people in Ireland identifying as Muslims, 2,193 people identifying as



Jewish, and the number of Hindus more than doubling from 13,729 to 33,043.¹ While the recognition of Irish Travellers as an ethnic minority in 2017 had symbolic value, it is of no legal effect.² The Committee on the Elimination of Racial Discrimination has raised its concerns that no legal act followed the State's declaration, and that the rights of Travellers remain unclear. It recommended that the State take legislative measures to formalise the recognition of Travellers as an official minority group, clarify the rights accorded to them, and ensure that such rights are protected and promoted. Given the population changes, and the failure of the State to implement recommendations from other human rights monitoring bodies, the role of the Advisory Committee in promoting minority rights in Ireland is very welcome.

The purpose of this letter is to provide follow-up information on our positions in writing, to support the Committee's evaluation of the protection of national minority rights in Ireland and the drafting of the forthcoming Opinion. We are available to discuss the information presented below as required and look forward to continued engagement throughout the next stages of this procedure, including through promoting the outcomes of the process and monitoring the implementation of recommendations.

Yours Sincerely,

Sinéad Gibney

Chief Commissioner

Irish Human Rights and Equality Commission

¹ CSO, [Census of Population 2022 - Summary Results](#) (2023).

² This was restated in the High Court, where Justice Eager remarked that the recognition 'has no legal effect, clearly it is not legislation'. See *Mongans & Ors v Clare County Council* [2017] IEHC 709, para. 37.

Article 3 (Scope of application)

Data collection

The ongoing shortfalls in data collection in Ireland impede a thorough and accurate assessment of State policy and practice, and the extent to which it has implemented the FCNM. We have called for the collection, reporting and use of disaggregated equality data on a number of occasions,³ and the establishment of centralised data collection systems, which can be used by the public, civil society organisations and independent researchers.⁴ We also recommend the full implementation of the European Commission's Guidelines on improving the collection and use of equality data, including on racial and ethnic origin.⁵

Although we have seen the introduction of administrative categories for Travellers and Roma in census data collection,⁶ a number of public bodies do not collect data by ethnicity. We have called for the introduction of ethnic identifiers and effective linkages in data across the health,⁷ criminal justice,⁸ and employment systems to measure the particular experiences of Travellers and Roma.⁹ Ethnic identifiers in social housing assessments were introduced in 2022. However, there are ongoing shortcomings in data collection relating to Traveller and Roma accommodation. For example, local authorities vary in whether they count Traveller 'households' or 'families,' making it difficult to get a true assessment of need. Similarly, a significant number of Travellers are not considered homeless for the purposes of State data collection, but are living in unsuitable overcrowded accommodation or on unauthorised sites, without basic amenities.¹⁰

We note the potential of the forthcoming National Equality Data Strategy 2024-2028 to improve the collection of equality data and the ability of public bodies to monitor the impact of policies and

³ IHREC, [Ireland and the Sustainable Development Goals](#) (2023), pp. 15-16; IHREC, [Submission on the Review of the Equality Acts](#) (2023), p. 85.

⁴ IHREC, [Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence](#) (2023), pp. 41-44; IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 19-20.

⁵ European Commission, [Guidelines on improving the collection and use of equality data](#) (2018); European Commission, [Guidance note on the collection and use of equality data based on racial or ethnic origin](#) (2021).

⁶ The Central Statistics Office has included Travellers as an administrative category in the Census since 2006, and Roma was included in Census 2022.

⁷ IHREC, [Ireland and the Rights of the Child](#) (2022), p. 69.

⁸ IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 11. We recommend that the State develop a strategy to address gaps in trust, legitimacy and accountability, impacting on the Traveller community, underpinned by data from an ethnic identifier.

⁹ IHREC, [Submission to the public consultation on the mid-term review of the Pathways to Work Strategy 2021-2025](#) (2023), p. 3.

¹⁰ IHREC, [Comments on Ireland's 20th National Report on the Evaluation of the European Social Charter](#) (2023), pp. 8-9.



initiatives.¹¹ It is critical that the forthcoming Strategy aligns with the State's human rights obligations and with national equality strategies, including the successor National Traveller and Roma Inclusion Strategy, as well as the National Action Plan Against Racism.¹²

Finally, the participation of rights-holders at all stages of policy development, implementation, monitoring and evaluation is essential.¹³ Participants at a recent Commission-organised Equality Data Conference called for greater community engagement and transparency across public bodies in all data planning, collection, dissemination and analysis processes. In addition to community engagement, participants outlined the importance of participation, particularly the opportunity to co-design data collection exercises to ensure the voice of rights holders is reflected across multiple stages of the data collection process.¹⁴

Article 4 (Non-discrimination)

Equality Acts

We welcome the Government's commitment to review equality legislation in Ireland, including its functioning and effectiveness in practice.¹⁵ In our submissions to this Review,¹⁶ we have made a number of recommendations of relevance to Traveller and Roma communities, informed by an expert Committee¹⁷ and our legal casework.¹⁸ Noting access to justice issues experienced by Travellers, we have recommended that the State broaden its rules of legal standing to enable trade unions and non-governmental organisations to take representative actions on behalf of named complainants, as well as in an organisation's own name.¹⁹ Similarly, we have recommended

¹¹ The State began the consultation process on the draft Strategy on 27 April 2023 and the Strategy is expected to be in place from 2023. IHREC is an active participant in the National Equality Data Strategy Working Group.

¹² The Centre for Effective Services, [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#), p. 148.

¹³ OHCHR, [A Human Rights Based Approach to Data](#) (2018).

¹⁴ In response to 'challenges' and 'opportunities' around the collection and use of equality data, common issues raised included the need for rights holders to be informed about how their data will be used and why it is being collected to ensure context and transparency. Community engagement was also identified as a powerful enabler in this regard, especially to maximise participation of rights holders identifying under a protected ground of discrimination.

¹⁵ Government of Ireland, [Programme for Government](#) (2020), p. 77.

¹⁶ See IHREC, [Submission on the Review of the Equality Acts](#) (2021) and IHREC, [Submission on the Review of the Equality Acts](#) (2023).

¹⁷ In preparation for the review of the Equality Acts we established an expert committee, the Advisory Committee on the Future of Equality Legislation. The Committee brought relevant legal and civil society experts together with Commission members to assist the Commission in identifying and examining the key issues that must be addressed to build a more comprehensive and effective framework of equality legislation and to support equality infrastructure.

¹⁸ For example, the Commission has acted for Roma clients who have been denied service in shops, constituting discrimination on the basis of race prohibited by the *Equal Status Acts*.

¹⁹ IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 11-12.



increases to the allocation of sustainable core funding to organisations providing legal, independent advocacy and support services to people experiencing discrimination across the equality grounds.²⁰ In light of the overrepresentation of Travellers and other ethnic minorities in the criminal justice system, we recommended a broad prohibition on discrimination on the grounds of criminal conviction.²¹ Further recommendations include a call for recognition of intersectional discrimination, removal of exemptions in the *Equal Status Act* which prevent challenges to discriminatory laws, and removal of overbroad defences with potential for misuse.²²

While a public consultation on the Equality Acts review has been finalised,²³ there are ongoing delays in bringing forward legislative proposals and no concrete timelines in place.²⁴ The finalisation of this review must be prioritised.

Intoxicating Liquor Act

The operation of the *Intoxicating Liquor Act 2023* ('ILA') is an important issue for consideration by the Advisory Committee. Section 19 of the ILA requires people claiming discrimination against licensed premises to apply to the District Court rather than the informal, more accessible Workplace Relations Commission ('WRC'). The transfer of jurisdiction to the District Court creates more adversarial conditions and imposes onerous obligations on claimants. In particular, formal rules, burden of proof requirements and technical documentation create a procedurally complex system which is more costly than the WRC, with negative impacts for access to justice. This has a disproportionate impact on Travellers and Roma as they are frequently refused admission to licenced premises and therefore more likely to require redress.²⁵ Commission-supported research demonstrates that Travellers are 38 times more likely to experience discrimination in shops, pubs and restaurants than white Irish people.²⁶

²⁰ The submission notes that existing services are provided by civil society organisations, do not have access to multi-annual funding and are insufficient to respond to need. IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 14-15.

²¹ IHREC, [Submission on the Review of the Equality Acts](#) (2023), pp. 65-67.

²² IHREC, [Submission on the Review of the Equality Acts](#) (2021), pp. 27-33, 37-38.

²³ Department of Children, Equality, Disability, Integration and Youth, [Minister O'Gorman publishes report on the submissions to the public consultation on the Review of the Equality Acts](#) (2023).

²⁴ Department of Children, Equality, Disability, Integration and Youth, [Equality Issues](#) (July 2023).

²⁵ According to data provided by the Courts Service, in 2018 49 of 50 applications made under the ILA Act were lodged by members of the Traveller community and 49 of the total applications were withdrawn, struck out or adjourned. There were no orders for compensation, or orders directing the closure of any premises, made by the District Court. In 2019, 43 of 45 applications were lodged by members of the Traveller community and 36 of the total applications were withdrawn, struck out or adjourned. There were 9 orders made for compensation, and no orders made for closure of the premises. IHREC, [Submission on the Review of the Equality Acts](#) (2021), p. 64.

²⁶ IHREC and ESRI, [Who experiences discrimination in Ireland?](#) (2017), p. 36.

We note that the Advisory Committee recommended changes to this system during its last visit in 2018,²⁷ however this was not adequately addressed in the State report.²⁸ In 2022, we published a report of a review of section 19 of the ILA Act, in line with our statutory mandate.²⁹

Accommodation

We continue to be concerned about Traveller accommodation, in line with our legal casework³⁰ and related outreach and repeated findings by the European Committee of Social Rights.³¹ While the full Traveller accommodation budget is being drawn down, it is often spent on refurbishment rather than building new units, meaning that demand for Traveller accommodation is not being met. Furthermore, there are variations in the drawdown rate across different local authorities. The budget allocations themselves are insufficient, and are far below pre-2008 levels despite significant increases in construction costs.

With regard to Traveller and Roma accommodation, the following areas are of particular concern:

- *Planning issues:* The development of culturally appropriate Traveller accommodation is significantly hindered by the current planning system, including due to local opposition and the consequent politicisation of the process. We have issued observations on the *Planning and Development Bill 2023*, including concerns about the dilution of current obligations to provide Traveller-specific accommodation and the scope of the community to mount legal challenges for failure to deliver.³²
- *Living conditions:* The issues arising include a lack of running water, inadequate or the absence of sanitation facilities, and no mains or adequate electricity support. Where Travellers are provided with sanitation facilities, some of these facilities are designed as a short-term measure and are of poor quality. The conditions are frequently linked by the residents to ongoing medical issues and other impacts on family life and the education of children. Many reside in these conditions for a long period of time, in some cases for decades.³³

²⁷ Advisory Committee of the Framework Convention for the Protection of National Minorities, [Fourth Opinion on Ireland](#) (2018).

²⁸ In response to this recommendation, the State report notes the mandate of IHREC, the work of FLAC and ongoing review of the Equality Acts and Civil Legal Aid but does not propose any changes to the ILA. Department of Children, Equality, Disability, Integration and Youth, [Framework Convention for the Protection of National Minorities: Fifth Periodic Report](#) (2023), pp. 35-37.

²⁹ See IHREC, [Report of a review of section 19 of the Intoxicating Liquor Act 2003 carried out pursuant to section 30 of the Irish Human Rights and Equality Commission Act 2014](#) (2022).

³⁰ See for example, our third party intervention in *Faulkner v Ireland and McDonagh v Ireland and Clare County Council v McDonagh*: IHREC, [Annual Report 2022](#), pp. 31, 34.

³¹ IHREC, [Comments on Ireland's 20th National Report on the Evaluation of the European Social Charter](#) (2023).

³² IHREC, [Commission warns New Bill may have Significant Consequences for the Traveller Community](#) (October 2023).

³³ For further information see, IHREC, [Comments on Ireland's 20th National Report on the Evaluation of the European Social Charter](#) (2023), pp. 13-15.



- *Location of accommodation:* Some Travellers are resident on halting sites that are owned by the local authority. The location of these sites is often unsuitable for residential purposes and residents face vermin and pest infestations amongst other issues.
- *Culturally appropriate accommodation:* Due to issues in the provision of culturally appropriate accommodation, many of the Travellers we have engaged with have been on the housing list for many years. These years are often spent living in unsatisfactory conditions and, over time, they sometimes change their accommodation preference away from culturally appropriate accommodation such as halting site or group housing type accommodations. Many give the reason for the change in preference as their belief that culturally appropriate accommodation will never come on stream or will not be available to them within a reasonable timeframe. They often indicate that they are more likely to obtain suitable accommodation in a shorter timeframe if they move away from halting site and/or group housing type accommodations and express a preference for standard social housing. Furthermore, while the State has piloted a caravan loan scheme, loans amounts are often too low to purchase quality caravans or make repairs.
- *Homelessness:* Both the Traveller and Roma communities are significantly over-represented in the homeless population.³⁴ The lack of culturally appropriate emergency accommodation is also a concern, noting in particular the generally larger family sizes of Traveller and Roma families and the deep-rooted connections to extended family.
- *Evictions:* We have criticised the lack of safeguards governing Traveller evictions, which has been accepted by the European Committee of Social Rights. The provisions of the *Criminal Justice (Public Order) Act 1994* governing trespass indirectly discriminate against Travellers by criminalising an intrinsic way of life of this group.³⁵

In 2019, the Commission invited each of the 31 local authorities in the State to undertake a review of the practices, procedures and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation. In 2020, we received responses on the Equality Reviews from all local authorities and subsequently published an account of the Equality Reviews, together with recommendations.³⁶ In November 2022, invitations to prepare and implement an Equality Action Plan issued to seven local authorities - South Dublin County Council, Limerick City and County Council, Wicklow County Council, Cork City Council, Mayo County Council, Tipperary County Council, and Donegal County Council. The invitations included detailed guidance on the preparation of a Plan, with an emphasis on the need for meaningful consultation with the affected community and the identification of specific, measurable, attainable, relevant and time-based objectives. Local authorities were invited to address a list of concerns identified from the recommendations made by the Commission pursuant to the Equality Reviews and issues that could

³⁴ IHREC, [Comments on Ireland's 20th National Report on the Evaluation of the European Social Charter](#) (2023).

³⁵ IHREC, [Comments on Ireland's 20th National Report on the Evaluation of the European Social Charter](#) (2023), pp. 16-17.

³⁶ See IHREC, [Equality Reviews: provision of Traveller accommodation by local authorities](#).

be properly addressed through an Equality Action Plan. All action plans have now been received and are under review. The accounts will be finalised by the Commission and published in 2024.

National Traveller and Roma Inclusion Strategy

The Commission is a member of the National Traveller and Roma Inclusion Strategy ('NTRIS') Steering Committee, and we have criticised the State's failure to fully implement this policy framework on multiple occasions.³⁷ We are also concerned about the significant and ongoing delays in the development of the successor to NTRIS. Despite concluding in 2021, a new Strategy has not been developed, and there is no concrete timeline for its publication available. While we note that the Steering Committee has continued its work in the absence of a strategy, we are concerned by the slow rate of progress.

We note the findings of a recent State-commissioned evaluation of national equality strategies.³⁸ Issues identified include inadequate implementation structures; a lack of Departmental ownership over assigned actions; and the need for greater financial resources and administrative support. The successor to NTRIS must ensure clear targets, indicators, outcomes, timeframes and budget lines, as well as cross-Governmental co-operation and independent, accountable monitoring structures.³⁹

Civil legal aid

The State is currently reviewing the Civil Legal Aid Scheme, and has completed a call for submissions, a public survey, and a consultation focused on 'hard to reach groups'.⁴⁰ In our submission to this review, we noted that the *Civil Legal Aid Act 1995* does not apply to eviction proceedings, which can have a disproportionate effect on Travellers. Eviction proceedings can occur as soon as 24 hours after notice is served, meaning that Travellers often find themselves without legal representation in these hearings.⁴¹

We have also criticised the exclusion of administrative tribunals from the remit of the Legal Aid Board, given the disproportionate effect on structurally vulnerable groups⁴² such as Travellers and

³⁷ IHREC, [Developing a National Action Plan Against Racism](#) (2021), pp. 46, 57; IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination](#) (2019), pp. 61, 86-87.

³⁸ IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women: Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle](#) (2023). For the full report, see The Centre for Effective Services (CES), [Realising the promise of national equality policy: An evaluation of the processes of implementation of three national equality strategies](#) (2023).

³⁹ IHREC, [Developing a National Action Plan Against Racism](#) (2021), p. 8.

⁴⁰ Department of Justice and Equality, [Legal Aid](#), 3 May 2023.

⁴¹ IHREC, [Submission to the Independent Review of the Civil Legal Aid Scheme](#) (2023), p. 21.

⁴² We define a structurally vulnerable person as someone who is particularly vulnerable to violations of their rights due to political, economic, social and cultural structures. Instead of focusing on the personal characteristics of individuals and groups and viewing them as lacking agency, 'structural vulnerability' refers to

Roma. For example, legal aid is not available for claims made in the Workplace Relations Commission. This is a key avenue through which Travellers and Roma invoke their rights under equality legislation, so the ability of these groups to challenge discrimination is compromised. The Legal Aid Board is also not authorised to represent applicants in Social Welfare Appeals Office proceedings.⁴³ Furthermore, the financial contribution which applicants must pay to access legal aid or advice is a barrier to access for Travellers and Roma. We have recommended that this requirement is reviewed. Furthermore, we have called for a tailored approach to the provision of legal aid for historically oppressed groups such as Travellers, supported by research to understand needs.⁴⁴

Article 6 (Intercultural respect)

The National Action Plan against Racism

Following repeated delays and the expiry of its predecessor in 2008, Ireland's 5-year National Action Plan Against Racism ('NAPAR') was published in May 2023.⁴⁵ In 2021, we had made extensive recommendations to inform the development of the new action plan, including to underline the need to incorporate human rights and equality standards.⁴⁶ We welcome the fact that NAPAR 'is rooted in a commitment to human rights values, democracy and the rule of law', and that it recognises the State's obligation to respect and protect human rights, and the roles of private actors.

However, we are concerned that NAPAR lacks specificity, and that the accompanying one-year implementation plan is not publically available. In the absence of such detail, the timeline, specific targets, responsible implementing body and source of funding for each action is unclear. Over a quarter of the actions are not targeted for completion until 2027, the final year of the Plan. There is also no accountability framework in place to ensure sanctions where actions are not implemented in practice.⁴⁷ As NAPAR adopts a mainstreaming approach, there are no specific actions relating to the Traveller and Roma communities, including to address the specific discrimination and racism they experience in the employment, housing, education and health sectors for example.

the structures in place which render certain sectors of the population particularly vulnerable to human rights abuses.

⁴³ IHREC, [Submission to the Independent Review of the Civil Legal Aid Scheme](#) (2023), p. 22.

⁴⁴ IHREC, [Submission to the Independent Review of the Civil Legal Aid Scheme](#) (2023), pp. 47-48, 70-71.

⁴⁵ See Department of Children, Equality, Disability, Integration and Youth, [Minister Joe O'Brien announces publication of Ireland's National Action Plan Against Racism 2023-2027](#) (2023).

⁴⁶ IHREC, [Developing a National Action Plan Against Racism: Submission to the Anti-Racism Committee](#) (2021). Relatedly, in 2023, IHREC commissioned the report 'Experiences of Second-Generation Ethnic Minority Young People in Ireland', which showed that racism in Ireland comes in many forms, not just at the extremes, and can have a very negative effect on a person's self-esteem and self-worth. See IHREC, [Experiences of Second-Generation Ethnic Minority Young People in Ireland](#) (2023).

⁴⁷ IHREC, [Accountability needed from State to Combat Racism](#) (2023).



We note the commitment for the appointment of an independent Special Rapporteur on Racial Equality and Racism by the Minister for Children, Equality, Disability, Integration and Youth. However, we await progress in the delivery of this commitment.

Hate crime and hate speech legislation

We continue to call for substantive legislative reform of hate crime and hate speech legislation in Ireland.⁴⁸ Legislative measures aimed at combatting hate crime and hate speech must effectively capture the different forms of harm faced by those with lived experiences, be clear and robust in nature, and be informed by a victim-centred approach.⁴⁹ In regards to hate speech, we have outlined a number of concerns with the *Prohibition of Incitement to Hatred Act 1984*, including its inadequacy for effectively dealing with online hate speech.⁵⁰ While we welcome the proposed *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022*, aimed at improving protection against hate crime and hate speech, we have made a number of recommendations, including the expansion of protection to align with the Equality Acts; alignment of the definition of hatred with international standards; and proportionate penalties.⁵¹

We have further underscored the need to address online hate speech and internet intermediaries, as it is on internet platforms where hate speech spreads online.⁵² We welcome the enactment of the *Online Safety and Media Regulation Act 2022* to regulate harmful online content, and stress the need for alignment between that Act and the proposed *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022* to ensure that there are no gaps in implementation of the law. We note the formal establishment of the new media regulator, Coimisiún na Meán, in March 2023, as well as the appointment of Ireland's first Online Safety Commissioner.⁵³

⁴⁸ See IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (February 2022); IHREC, [Submission to the United Nations Committee on the Elimination of Racial Discrimination on the follow-up procedure to Ireland's combined 5th to 9th periodic reports](#) (2022).

⁴⁹ IHREC, [Press Release: Commission Reports to UN on Need for Greater State Urgency in Eliminating Racism](#); (2022) See IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (February 2022).

⁵⁰ IHREC, [Review of the Prohibition of Incitement to Hatred Act 1989](#) (2019).

⁵¹ See IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (February 2022).

⁵² See IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (February 2022): pp. 24-25. See also, IHREC's Hate Track project, which combined social, scientific and computational methods to understand online racist speech in the Irish context: IHREC, [Hate Track: Tracking and Monitoring Racist Hate Speech Online](#) (2018).

⁵³ Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, [New media regulator, Coimisiún na Meán, formally established](#) (March 2023). For our observations on online safety and media regulation, see IHREC, [Submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the General Scheme of the Online Safety and Media Regulation Bill](#) (2021).

Policing

We have noted the over-policing and under-protection of Travellers and other ethnic minorities,⁵⁴ and recommended that the State develop, publish, fund and implement a strategy across the criminal justice process to address gaps in trust, legitimacy and accountability affecting the Traveller community.⁵⁵ Research supported by our Human Rights and Equality Grants Scheme has highlighted the low levels of trust and satisfaction in An Garda Síochána among Travellers.⁵⁶ We are similarly concerned by the discrimination and ethnic profiling experienced by Roma, with available data demonstrating that 78% of Roma respondents have reported being stopped for identification by An Garda Síochána at least once, and 56% reported being stopped four times or more.⁵⁷

We have called for the creation of strategies for the recruitment, retention and advancement of a police service which fully reflects the diversity of Irish society, including specific targets for diversity in recruitment procedures, and regular evaluation of promotion policies to address underrepresentation of minority groups.⁵⁸ With regard to legislative measures, we are calling for the definition of diversity to be added into the *Policing, Security and Community Safety Bill*, to ensure that diversity requirements for local community safety partnerships include structurally vulnerable groups such as Travellers.⁵⁹

We have also raised concerns about blanket CCTV surveillance of Traveller halting sites and recommended the amendment of the *Garda Síochána (Recording Devices) Bill 2022* to safeguard against this activity.⁶⁰

Migration, intercultural respect and the war in Ukraine

In December 2022, our Annual Poll found that 74% of participants believe that Ireland benefits from being a more inclusive and diverse society, and 55% are of the view that Irish people welcome diversity and interculturalism in society. Nearly two thirds of people (62%) agree that Ukrainian refugees are treated fairly in Ireland, while 64% think the Government is doing a good job supporting them. In addition, 60% believe that Ukrainian refugees are part of their communities.⁶¹

⁵⁴ IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination](#) (2019), p. 136.

⁵⁵ IHREC, [Ireland and the International Covenant on Civil and Political Rights](#) (2022), p. 30.

⁵⁶ Joyce, S, O'Reilly, O, O'Brien, M, Joyce, D, Schweppe, J and Haynes, A, [Irish Travellers' Access to Justice](#) (2022).

⁵⁷ IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination](#) (2019), p. 137.

⁵⁸ IHREC, [Developing a National Action Plan Against Racism](#) (2021), pp. 65-68.

⁵⁹ IHREC, [Submission on the Policing, Security and Community Safety Bill](#) (2023), p. 45.

⁶⁰ IHREC, [Submission to the Minister for Justice on the General Scheme of the Garda Síochána \(Digital Recording\) Bill](#) (2022), pp. 38-40.

⁶¹ The data for the 2022 poll was collected via an online poll between 10 -21 November 2022, administered to 1200 participants aged 18 or over. See IHREC, [Robust Support Continues for Refugees Says New National Survey on International Human Rights Day](#) (2022).

As of the end of August 2023, Ireland was hosting approximately 92,707 refugees from Ukraine (62% female, 38% male).⁶² Through our Legal work, we are concerned about a number of cases where applicants of Roma ethnicity have been refused Temporary Protection in the first instance. We are also deeply concerned about the development of a two-tier immigration system in Ireland, with international and temporary protection applicants experiencing markedly different conditions. We wrote to the Minister for Children, Equality, Disability, Integration and Youth in January 2023 to express our view that Ireland has breached its international obligations regarding newly arrived applicants for international protection, due to the failure to provide accommodation and meet the basic needs of people presenting without children.⁶³ Overall, the disparity in conditions has helped to sow the seeds for a backlash in some communities, including through the worrying rise of the far-right voice in Ireland⁶⁴ and the exploitation of the current circumstances to create misinformation and fear.⁶⁵

We have called on the State to invest in a permanent system of accommodation that respects the rights and dignity of those seeking international protection, and to apply the learning from the provision of temporary protection to Ukrainians to improve and streamline all immigration practices and processes in Ireland.⁶⁶

Articles 12-13 (Education and research)

Education

We are particularly concerned about the significant inequalities experienced by Traveller and Roma children from early childhood education and throughout school;⁶⁷ the disproportionate use of reduced timetables for Traveller and Roma children;⁶⁸ and the lack of progress in ensuring a more inclusive curriculum through the enactment of the *Traveller Culture and History in Education Bill 2018*.⁶⁹ None of the mainstream educational strategies contain actions at early years, primary or

⁶² CSO, [‘UA38: PPSN allocations of arrivals from Ukraine’](#).

⁶³ IHREC, [State in Clear Breach of Human Rights Obligations to International Protection Applicants](#) (2023).

⁶⁴ In particular, see [The Global Project Against Hate and Extremism](#) (GPAHE) (21 August 2022) and the Hope and Courage Collective, [Greater than Fear report](#) (September 2023), which includes case studies of recent far-right activity across Ireland.

⁶⁵ See IHREC, [Annual Report 2022](#) (2023).

⁶⁶ See for example IHREC, [Policy Statement on the right to family reunification under the International Protection Act 2015](#) (2023).

⁶⁷ IHREC, [Ireland and the Rights of the Child](#) (2022), p. 84.

⁶⁸ IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 84-85. See also, recent State data that primary schools are four times more likely to reduce the length of the school day for a Traveller or Roma child. Traveller and Roma children are 12 times more likely to have their school hours cut at second level, and children attending ‘special schools’ are more than 22 times more likely to be told to attend for fewer hours or days: Department of Education, [Ministers Foley and Madigan publish report on use of reduced school days](#) (September 2023).

⁶⁹ IHREC, [Ireland and the Rights of the Child](#) (2022), pp. 86-87.

post-primary levels directly aimed at increasing Traveller or Roma participation, and there is ongoing ambiguity regarding the timeline for finalisation of the proposed National Traveller Education Strategy.⁷⁰ With regard to positive measures, we note the Yellow Flag Programme developed by the Irish Traveller Movement to promote greater understanding and valuing of cultural diversity within school communities.⁷¹

In its 2023 Concluding Observations to Ireland, the UN Committee on the Rights of the Child called on the State to strengthen measures to ensure equal access to education for Traveller and Roma children, including through adequately resourced and independently evaluated targeted measures to improve their educational outcomes; monitoring and preventing the disproportionate use of reduced timetables; and developing educative materials that promote intercultural dialogue and respect.⁷²

Article 15 (Participation in cultural, social, economic and political life)

Employment

Commission-supported research highlights unemployment rates of 80% for Travellers,⁷³ and the participation rate of Traveller women was last estimated to be 30%.⁷⁴ Travellers are ten times more likely to report recruitment discrimination than White Irish people.⁷⁵ Research on the Roma community highlights barriers to employment such as language and literacy, access to training, the social determinants of health, as well as the lack of appropriate transport and childcare supports for Roma women in particular.⁷⁶ In recognition of barriers at the point of access, we have called for the introduction of training programmes which sensitise employers to issues of conscious and unconscious bias, racism and micro-aggressions during recruitment processes, as well as incentives

⁷⁰ IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women: Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle](#) (2023).

⁷¹ See www.yellowflag.ie/.

⁷² Committee on the Rights of the Child, [Concluding observations on the combined fifth and sixth periodic reports of](#) Ireland (2023), paras 36-27.

⁷³ Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright, [Monitoring Decent Work in Ireland](#) (2021), pp. 50, 54-55.

⁷⁴ Central Statistics Office (2017) [Census of Population 2016 – Profile 8 Irish Travellers – Socio-economic Aspects and Housing](#). In 2020, the Fundamental Rights Agency reported survey results that Ireland had the lowest percentage of Travellers in employment, compared to the five other EU countries surveyed (13% of Traveller men and 17% of Traveller women). See FRA, [Roma and Travellers in Six Countries](#), 2020.

⁷⁵ Frances McGinnity, Raffaele Grotti, Oona Kenny and Helen Russell, [Who experiences discrimination in Ireland?](#) (2017), p. 35.

⁷⁶ Pavee Point (2023) [Roma in Ireland: Access to Fair and Decent Work](#).

to encourage employers to hire jobseekers belonging to ethnic minority communities.⁷⁷ We are concerned with delays in the development of a Traveller and Roma Training, Employment and Enterprise Plan.⁷⁸

Commission-supported research has also highlighted challenges in undertaking quantitative research on Traveller experiences of in-work discrimination, due to high levels of unemployment resulting in a small sample size.⁷⁹ However, there is some research indicating in-work issues with security and regularity of work. Furthermore, women, and particularly women from ethnic minority backgrounds, are more likely to be on temporary contracts, and to have unreliable shift work and insecure terms of employment.⁸⁰

Social welfare

The Habitual Residence Condition and Housing Circular 41/2012⁸¹ continue to have a discriminatory and disproportionate effect on ethnic minority communities, including Roma, seeking access to basic social protections such as Child Benefit⁸² and housing supports,⁸³ or seeking to leave an abusive relationship.⁸⁴ Furthermore, we have wider concerns about the adequacy of social protection payments to ensure a sufficient income and adequate standard of living, and we have recommended

⁷⁷ IHREC, [Submission to the public consultation on the mid-term review of the Pathways to Work Strategy 2021-2025](#) (2023), pp. 5-6.

⁷⁸ IHREC, [Submission to the public consultation on the mid-term review of the Pathways to Work Strategy 2021-2025](#) (2023), pp. 7-8.

⁷⁹ Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright, [Monitoring Decent Work in Ireland](#) (2021), p. 22.

⁸⁰ Frances McGinnity, Helen Russell, Ivan Privalko & Shannen Enright (2021) [Monitoring Decent Work in Ireland](#) (Dublin: IHREC & ESRI), p. 99.

⁸¹ In order to be assessed for social housing supports, a non-Irish EEA citizen must be employed and be able to demonstrate 52 weeks of employment. See: The National Roma Network (2022) [Roma Accommodation Advocacy Paper](#). For previous IHREC views on the circular see: IHREC (2021) [Submission to the Anti-Racism Committee](#).

⁸² See for example, IHREC, [Submission to the Committee on the Rights of the Child on Ireland's combined fifth and sixth periodic reports](#) (2022), pp. 79-80.

⁸³ The National Roma Network (2022) [Roma Accommodation Advocacy Paper](#) - the employment rates of Roma and their disproportionate risk of precarious/unregistered work due to discrimination means that they can be at a particular disadvantage meeting the requirements of the Circular and for many it is a de facto bar on their eligibility. See also: Irish Traveller and Roma Women (2022) [Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence](#) - Roma women often lack documentation, proof of address and/or language and literacy skills to prove their connection to the State, despite residing in the jurisdiction for many years.

⁸⁴ IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women: Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle](#) (2023), p. 86.



the adoption of welfare indexation across social welfare policy development and reform as a matter of priority.⁸⁵

Health

Women from structurally vulnerable groups face particular challenges meeting health needs in Ireland. We continue to be concerned about the poor mental health outcomes of Travellers, including Traveller women⁸⁶ and children.⁸⁷ Furthermore, the discriminatory effect of the Irish health system on women from structurally vulnerable groups is particularly acute in relation to maternal health services. Data evidences significant disparities in perinatal mortality rates for ethnic minority women and migrant women.⁸⁸ Expectant mothers from Roma communities face barriers at all stages, including lack of access to free maternal healthcare, primary healthcare and medical cards;⁸⁹ racism and discrimination;⁹⁰ limited culturally appropriate information;⁹¹ and inconsistent post-natal care.⁹²

At our 2023 Civil Society Forum on socio-economic rights, civil society organisations raised issues including maternal healthcare, mental healthcare, and implementation gaps in relation to NTRIS and the National Traveller Health Action Plan 2022-2027.

Article 18 (Cross-border cooperation)

The Commission is working with the Northern Ireland Human Rights Commission ('NIHRC') and the Equality Commission for Northern Ireland ('ECNI') to monitor and report on equality and human rights issues in Northern Ireland after Brexit, specifically where these issues have an island of Ireland dimension. In particular, we are working together in relation to Article 2 of the Windsor Framework.

⁸⁵ IHREC, [Policy Statement on the Index-Linking of Welfare Payments \(Welfare Indexation\)](#) (2022), p. 12.

⁸⁶ IHREC, [Ireland and the Convention on the Elimination of All Forms of Discrimination against Women: Submission to the Committee on the Elimination of Discrimination against Women for the List of Issues Prior to Reporting on Ireland's 8th periodic cycle](#) (2023).

⁸⁷ IHREC, [Ireland and the Rights of the Child](#) (2022), p. 77.

⁸⁸ ESRI, [The Integration of Non-EU Migrant Women in Ireland](#) (2022), pp. 20-21.

⁸⁹ Although maternal healthcare is free to pregnant women who are resident in Ireland, Roma women report being asked to pay for services if they cannot provide proof of employment or address. 40% of Roma women do not have a GP and 50% do not have a medical card. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 7, 11.

⁹⁰ Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 10, 18.

⁹¹ Roma women noted the lack of clear information on making appointments, staying healthy in pregnancy and breastfeeding, as well as limited access to interpretation services. They recommended that information is shared in visual format to overcome language and literacy obstacles. Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), pp. 12, 18.

⁹² Pavee Point Traveller and Roma Centre, [Le Romneango Sfato. Roma women's voices: experiences of maternal health services in Ireland](#) (2023), p. 19.



In Article 2, the UK Government has made a commitment that certain protections in place in Northern Ireland regarding rights, safeguards and equality of opportunity provisions will not be reduced now that the United Kingdom has left the EU. It has also committed to certain equality laws in Northern Ireland keeping pace with future EU equality law changes.

The ECNI recently published a research report, 'Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland'.⁹³ Key findings from the research include as follows:

- Life in Northern Ireland feels more difficult for ethnic minority and migrant people following Brexit;
- Ethnic minority and migrant people do not feel they are a Government priority in Northern Ireland;
- Experiences of racism are common in Northern Ireland and there is a perception that tackling racism is a low priority;
- The EU Settlement Scheme has proved difficult to understand and navigate for many people, with resulting negative impacts on those applying for settled status;
- Statutory services are poorly prepared for how Brexit impacts on rights and entitlements;
- The needs of cross-border workers are poorly met post-Brexit; and
- Ethnic minority and migrant workers may be at risk of exploitation.

Furthermore, we carried out a poll in May 2023 on equality and human rights protections after Brexit.⁹⁴ Many respondents expressed a belief that Brexit has led to a rise in far-right sentiment in Ireland that has resulted in increased prejudice towards minority groups (with 18% believing that attitudes towards Travellers are 'worse' and 30% believing that attitudes towards 'minority ethnic people' are 'worse'). Some respondents expressed their view that there is still a way to go before members of the Traveller community are seen as equal in Irish society.

⁹³ ECNI, [Impact of Brexit on Minority Ethnic and Migrant People in Northern Ireland](#) (2022).

⁹⁴ This poll was carried out online in May 2023 with 1,011 adults aged 18+ living in the Republic of Ireland.

Appendix 1: Your Rights Data

IHREC's [Your Rights service](#) provides information to the general public on equality, employment equality and human rights issues. Below is a summary of the queries into the service between 2019 and 2023 as they relate to members of the Traveller and Roma community.

2019

Queries Received by the Your Rights Information Service:

- a. Traveller Community
 - i. Equal Status Acts – 26
 - ii. Employment Equality Acts - 0
 - iii. Intoxicating Liquor Acts – 12
- b. Roma Community
 - i. Employment Equality Acts – 1
 - ii. HR / Housing - 1

2020

Queries Received by the Your Rights Information Service:

- a. Traveller Community
 - i. Equal Status Acts – 19
 - ii. Employment Equality Acts - 5
 - iii. Intoxicating Liquor Acts – 4⁹⁵
- b. Roma Community
 - i. N/A

2021

Queries Received by the Your Rights Information Service:

- a. Traveller Community
 - ii. Equal Status Acts – 6
 - iii. Employment Equality Acts - 6
 - iv. Intoxicating Liquor Acts – 0⁹⁶
- b. Roma Community
 - v. Equal Status Acts – 1
 - vi. Employment Equality Acts - 1

2022

Queries Received by the Your Rights Information Service

⁹⁵ Due to measures relating to the Covid-19 pandemic, including the closure of services, low numbers of cases relating to the Intoxicating Liquor Acts were received in 2020.

⁹⁶ Due to measures relating to the Covid-19 pandemic, including the closure of services, low numbers of cases relating to the Intoxicating Liquor Acts were received in 2021.



- a. Traveller Community
 - i. Equal Status Acts – 12
 - ii. Employment Equality Acts - 2
 - iii. Intoxicating Liquor Acts – 4
- b. Roma Community
 - i. Equal Status Acts - 1

January to August 2023

Queries Received by the Your Rights Information Service

- a. Traveller Community
 - i. Equal Status Acts – 8
 - ii. Employment Equality Acts - 0
 - iii. Intoxicating Liquor Acts – 5
- b. Roma Community
 - i. N/A