United Nations A/HRC/WG.6/12/IRL/2

General Assembly

Distr.: General
25 July 2011

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Twelfth session
Geneva, 3–14 October 2011

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1

Ireland

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

Please recycle

I. Background and framework

A. Scope of international obligations[1]

Core universal human rights treaties[2]	*Date of ratification, accession or succession*	*Declarations/reservations*	*Recognition of specific competences of treaty bodies*
ICERD	29 Dec. 2000	Declaration (art. 4)	Individual complaints (art. 14): Yes
ICESCR	8 Dec. 1989	Reservation (arts. 2 and13)	–
ICCPR	8 Dec. 1989	Reservation (arts. 10, 19 and 20)	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	8 Dec. 1989	Reservation (art. 5)	–
ICCPR-OP 2	18 June 1993	None	–
CEDAW	23 Dec. 1985	None	–
OP-CEDAW	7 Sept. 2000	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	11 April 2002	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	28 Sept. 1992	General Declaration	–
OP-CRC-AC	18 Nov. 2002	Binding declaration under art. 3: 17 years	–

Core treaties to which Ireland is not a party: OP-ICESCR[3], OP-CAT, OP-CRC-SC (signature only, 2000), ICRMW, CRPD (signature only, 2007), CRPD-OP and CED (signature only, 2007).

1. In 2008, Human Rights Committee (HR Committee) urged Ireland to implement its intention to withdraw its reservations to article 10, paragraph 2. Ireland should also review its reservations to article 19, paragraph 2, and article 20, paragraph 1, with a view to withdrawing them in whole or in part.[4]

2. In 2011, the Committee on Elimination of Racial Discrimination (CERD)[5] and the Committee on Elimination of Discrimination against Women (CEDAW) in 2005 encouraged Ireland to consider ratifying the ICRMW.[6]

3. In June 2011, the Committee against Torture (CAT) invited Ireland to ratify the ICRMW, the International Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.[7]

4. CAT recommended expediting the ratification of the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Degrading Treatment or Punishment, and the establishment of a National Preventive Mechanism.[8]

Other main relevant international instruments	*Ratification, accession or succession*
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol[9]	Yes
Refugees and stateless persons[10]	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto[11]	Yes, except Additional Protocol III
ILO fundamental conventions[12]	Yes
UNESCO Convention against Discrimination in Education	No

5. In 2011 UNESCO encouraged Ireland to ratify the 1960 UNESCO Convention against Discrimination in Education and the 1989 UNESCO Convention on Technical and Vocational Education.[13]

B. Constitutional and legislative framework

6. In 2008, the HR Committee was concerned that article 28.3 of the Constitution of Ireland was not consistent with article 4 of the Covenant and that derogations may be made to the rights identified as non-derogable under the Covenant with the exception of the death penalty. It recommended that Ireland ensure that its provisions concerning states of emergency are compatible with article 4 of the Covenant.[14]

7. In 2011, CERD regretted that efforts to enact and review legislation such as the Immigration and Residence Protection Bill 2010, Criminal Justice (Female Genital Mutilation) Bill 2011 and the Prohibition of Incitement to Hatred Act 1989 have stalled. It recommended that Ireland pursue efforts aimed at strengthening the protection of all people from racial discrimination by improving the existing draft pieces of legislation and passing them into law. It further recommended that Ireland improve the Immigration and Residence Protection Bill 2010 to provide for (a) the right of migrants to judicial review against administrative actions and prescribe reasonable periods within which to do so; and (b) the right of migrant women in abusive relationships to legal protection by providing them with separate residence permits.[15]

8. In 2006, CRC regretted that the Convention had not been incorporated into domestic law.[16] The previous year CEDAW recommended that Ireland take appropriate measures to

incorporate all the provisions of the Convention into domestic law and to ensure that effective remedies are available to women whose rights are violated.[17] In 2008, the HR Committee noted that, unlike the European Convention on Human Rights, the Covenant is not directly applicable in Ireland.[18] In 2011 CERD reiterated that Ireland should incorporate the Convention into its legal system to ensure its application before Irish Courts.[19]

9. CRC welcomed the enactment of the International Criminal Court (ICC) Act in 2006 and recommended that Ireland consider extending extraterritorial jurisdiction for crimes of recruitment and involvement of children in hostilities without the criterion of double criminality; and ensure that all military codes, manuals and other military directives are in accordance with the provisions and the spirit of the OP-CRC-AC.[20]

C. Institutional and human rights infrastructure

10. In 2004, the Irish Human Rights Commission (IHRC) was accredited with "A" status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC). It was further reviewed in 2008.[21]

11. In 2008, the ICC Sub-Committee noted that the process for appointing Commissioners adopted by the Government in 2006 ought to be formalized in IHRC's enabling legislation to guarantee ongoing transparency and that the grounds for dismissal of a Commissioner ought to be more clearly defined. It also noted that the IHRC should be able to independently conduct its affairs without undue interference from the Government. This could include having direct accountability to Parliament.[22]

12. In 2008, the HR Committee recommended that Ireland strengthen the independence and the capacity of the Irish Human Rights Commission to fulfil its mandate effectively in accordance with the Paris Principles, by endowing it with adequate and sufficient resources and linking it to the *Oireachtas* (Parliament).[23] In 2006, CRC had already made a similar recommendation.[24]

13. In 2011, CERD also noted with appreciation the establishment of the Office of the Press Ombudsman and the Press Council of Ireland which provide a new system of independent regulation for the print media.[25]

14. In 2011, the independent expert on the question of human rights and extreme poverty noted with concern the recent drastic budgetary reductions to, inter alia, the Department of Health and Children, the Office of the Minister for Children and Youth Affairs, Education and Skills, Equality Proofing, Disability Projects, and the Community and Voluntary Sector. She added that these reductions have the potential to significantly undermine the effective and efficient functioning of health and education services and the social protection system, all of which are crucial for providing minimum essential levels of enjoyment of human rights, and protecting the rights of the poorest and most vulnerable members of society.[26]

15. In June 2011, CAT recommended that Ireland ensure that the current budget cuts to human rights institutions particularly IHRC do not result in the crippling of their activities and render their mandate ineffective. Furthermore, it recommended that it strengthen the independence of IHRC.[27]

D. Policy measures

16. In July 2005, CEDAW recommended that an effort be made to speed up the completion and adoption of the National Women's Strategy and to take a comprehensive and integrated approach to women's human rights under which all current gender

inequalities and problems faced by different categories of women, including women of the most vulnerable groups in Irish society, may be considered and effectively addressed. It recommended that the national machinery for gender equality be fully empowered, staffed and funded to effectively pursue coordination and monitoring of the National Women's Strategy, while promoting gender mainstreaming into all areas and sectors of governance and maintaining at the same time women-targeted projects aiming at gender equality.[28]

17. In 2011, CERD recommended that Ireland take all necessary measures to ensure that migrant and minority women continue to be the focus of the targeted actions and objectives of the National Women's Strategy.[29]

18. During her mission in May 2011, the independent expert on the question of human rights and extreme poverty stated that the Government must ensure that the recovery policies, which have mainly focused on instituting cuts to public expenditure without significantly altering the taxation rate, are the most effective means of protecting the economic, social and cultural rights of the population, particularly the most disadvantaged groups in society. She noted that seeking to achieve adjustments primarily through expenditure cuts rather than tax increases might have a major impact on the most vulnerable segments of society.[30]

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

Treaty body[31]	*Latest report submitted and considered*	*Latest concluding observations*	*Follow-up response*	*Reporting status*
CERD	2009	March 2011	Due 2012	Combined fifth to seventh reports due 2014
CESCR	2000	May 2002	–	Third report overdue since 2007
HR Committee	2007	July 2008	Received in 2009	Fourth report due in 2012.
CEDAW	2003	July 2005	–	Sixth report overdue since 2007
CAT	2009	June 2011	Due in 2012	Second report due in 2015
CRC	2005	September 2006	–	Third and fourth reports overdue since 2009
OP-CRC-AC	2006	February 2008	–	Next report included in the report to CRC

2. Cooperation with special procedures

Standing invitation issued	*Yes*
Latest visits or mission reports	The independent expert on the question of human rights and extreme poverty (May 2011)[32]
Visits agreed upon in principle	
Visits requested and not yet agreed upon	The Special Rapporteur on the situation of human rights defenders (requested in 2008)
Facilitation/cooperation during missions	
Follow-up to visits	
Responses to letters of allegations and urgent appeals	During the period under review, three communications were sent. The Government replied to two communications.
Responses to questionnaires on thematic issues	Ireland responded to 5 of the 24 questionnaires sent by special procedures mandate holders.[33]

3. Cooperation with the Office of the High Commissioner for Human Rights

19. Ireland continuously contributed financially to OHCHR, including to the Voluntary Fund for Victims of Torture between 2007 and 2010 and the Voluntary Fund on Contemporary Forms of Slavery between 2007 and 2008.[34]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

20. In 2005 CEDAW recommended the inclusion of a definition of discrimination against women in Ireland's legislation, in line with the Convention.[35]

21. In 2011, the HR Committee was concerned that, despite considerable progress achieved in respect of equality in recent years, inequalities between women and men continue to persist in many areas of life. While noting the broad judicial interpretation of article 41.2 of the Constitution by the Irish courts, it remained concerned that Ireland does not intend to initiate a change of article 41.2 of the Constitution, as the language of this article perpetuates traditional attitudes toward the restricted role of women in public life, in society and in the family. It recommended that Ireland reinforce the effectiveness of its measures to ensure equality between women and men in all spheres, including by increased funding for the institutions established to promote and protect gender equality. It also recommended that Ireland take steps to initiate a change of article 41.2 of the Constitution with a view to including a gender-neutral wording in the article. Ireland should ensure that the National Women's Strategy is regularly updated and evaluated against specific targets.[36]

22. During her 2011 official visit to Ireland, the independent expert on the question of human rights and extreme poverty noted that considering that women undertake a disproportionately large share of childcare and household tasks, measures must be in place to ensure that they are not unjustifiably excluded from employment training programmes. She added that activation policies should be designed to increase the participation of

women in the labour market, while enabling them (in particular, single mothers) to balance employment and parenting.[37]

23. In 2011, CERD was concerned at reports of racial discrimination towards people of African origin. It recommended that Ireland ensure that any persons involved in such acts are investigated and prosecuted, and if found guilty on such incidents, punished with appropriate penalties.[38]

24. CERD was concerned at the lack of legislation proscribing racial profiling by the *Garda Siochána* (Police) and other law enforcement personnel. It also noted with regret reports that many non-Irish people are subjected to police stops, and are required to produce identity cards, which practice has the potential to perpetuate racist incidents and the profiling of individuals on the basis of their race and colour. It recommended that Ireland adopt legislation that prohibits any form of racial profiling and furthermore strengthen its efforts to promote the humane treatment of migrants and people of non-Irish origin by the *Garda Síochána* (Police) and other law enforcement personnel in accordance with international human rights law. It further recommended that Ireland establish appropriate mechanisms to encourage the reporting of racist incidents and crimes.[39]

25. In 2011, CERD recommended that Ireland investigate the reports of 'knife stabbings' against people mainly from sub-Saharan Africa and ensure that the perpetrators are prosecuted and when convicted, punished with appropriate penalties.[40]

26. CERD reiterated that responses to financial and economic crises should not lead to a situation which would potentially give rise to racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to minorities. It, therefore, recommended that Ireland ensure that, notwithstanding the current economic recession, enhanced efforts are made to protect individuals from racial discrimination. In light of this, it recommended that budget cuts for human rights bodies not result in the stifling of their activities to effectively monitor the protection of human rights and particularly racial discrimination, and that Ireland ensure that the functions of the bodies that have been closed are fully transferred and subsumed by the existing or new institutions.[41]

2. Right to life, liberty and security of the person

27. In 2008, the HR Committee remained concerned about increased incarceration. It was particularly concerned about the persistence of adverse conditions in a number of prisons in Ireland, such as overcrowding, insufficient personal hygiene conditions, non-segregation of remand prisoners, a shortage of mental health care for detainees, and the high level of inter-prisoner violence. It recommended that Ireland increase its efforts to improve the conditions of all persons deprived of liberty before trial and after conviction, fulfilling all requirements outlined in the Standard Minimum Rules for the Treatment of Prisoners. In particular, it recommended that the overcrowding and the "slopping-out" of human waste be addressed as priority issues. In addition, Ireland should detain remand prisoners in separate facilities and promote alternatives to imprisonment.[42]

28. In June 2011, CAT remained concerned at the continued high rates of incidents in some of the prisons and at reports of allegations by prisoners from the Traveller community in Cork prison that they are consistently subjected to acts of intimidation by other prisoners.[43]

29. CAT stressed that Ireland should provide further information on specific measures taken to investigate allegations of involvement in "rendition programmes" and the use of the State party's airports and airspace by flights involved in "extraordinary rendition". It recommended that Ireland provide clarification on such measures and the outcome of the investigations, and take steps to ensure that such cases are prevented.[44]

30. CAT expressed also its grave concern at reports on the continued high rates of domestic violence against women and at the cuts in funding in 2009 and 2010, for refuge and support services for victims of violence.[45] In 2008, CAT stated that Ireland should continue to strengthen its policies and laws against domestic violence.[46] CEDAW had expressed similar concerns in 2005 particularly about violence suffered by women from marginalized and vulnerable groups, including Traveller women, migrant women, asylum-seeking and refugee women and women with disabilities.[47]

31. CAT was gravely concerned at the failure by Ireland to protect girls and women who were involuntarily confined between 1922 and 1996 in the Magdalene Laundries. It expressed grave concern at the failure by Ireland to institute prompt, independent and thorough investigation into the allegations of ill-treatment perpetrated on girls and women in the Magdalene Laundries.[48]

32. In 2006, CRC encouraged Ireland to raise the minimum age for recruitment into the Irish Defence Forces from 17 years to 18 years, without any forms of exception, in order to promote the protection of children through an overall higher legal standard.[49] It encouraged Ireland to consider raising the minimum age of cadets participating in arms training provided by the Defence Forces to 18 years in order to fully respect the spirit of the OP-CRC-AC and to provide full protection for children in all circumstances.[50]

3. Administration of justice and the rule of law

33. In June 2011, CAT recommended that Ireland establish an independent and effective complaint and investigation mechanism to facilitate the submission of complaints by victims of torture and ill-treatment by prison staff and ensure that in practice complainants are protected against any intimidation or reprisals as a consequence of the complaints.[51]

34. In 2008, the HR Committee regretted the backlog of cases before the *Garda Síochána* Ombudsman Commission and the ensuing reassignment of the investigation of a number of complaints involving the potentially criminal conduct of *Gardaí* to the *Garda* Commissioner. It was also concerned that access to counsel during interrogation at *Garda* stations is not prescribed by law and that the right of an accused person to remain silent is restricted under the Criminal Justice Act 2007. It recommended that Ireland take immediate measures to ensure the effective functioning of the *Garda Síochána* Ombudsman Commission and also give full effect to the rights of criminal suspects to contact counsel before, and to have counsel present during, interrogation.[52]

35. In 2006, CRC welcomed the fact that in the Children Act 2001, the age of criminal responsibility was raised from 7 to 12 years with a rebuttable presumption that the minimum age of responsibility is 14. Furthermore, it was very disappointed that this part of the Children Act was transferred to the Criminal Justice Act 2006 in which the age of criminal responsibility was lowered to 10 years for serious crimes. It recommended that Ireland reinstate the provisions regarding the age of criminal responsibility as established in the Children Act 2001.[53]

36. The HR Committee reiterated its concerns about the continuing operation of the Special Criminal Court and the establishment of additional special courts. It recommended that Ireland carefully monitor whether the exigencies of the situation in Ireland continue to justify the continuation of a Special Criminal Court with a view to abolishing it.[54] In 2002, the HR Committee found a violation against Ireland in one case of article 26 on right to equality before the law and to the equal protection of the law, since it considered that Ireland failed to demonstrate that the decision to try the author before the Special Criminal Court was based upon reasonable and objective grounds. [55] Ireland provided follow-up response.[56]

4. Right to privacy, marriage and family life

37. In 2006, CRC recommended that Ireland undertake an extensive review of the support services provided under the different governmental departments to assess the quality and outreach of these services and to identify and address possible shortcomings; and extend the social work services provided to families and children at risk to a seven-day, 24-hour service.[57]

5. Freedom of religion or belief

38. In 2008, the HR Committee continued to be concerned that judges are required to take a religious oath and recommended that Ireland amend the constitutional provision requiring a religious oath from judges to allow for a choice of a non-religious declaration.[58]

6. Right to work and to just and favourable conditions of work

39. In 2005, CEDAW was concerned that women remained disadvantaged in the labour market. It was concerned that they were concentrated in part-time and low-paid work and that the pay gap between women and men, although recently reduced, was still significant. It was further concerned about the precarious situation of migrant domestic workers, the vast majority of whom are women, who were excluded from the protection against discrimination extended to employees under the Equality Act, 2004.[59]

40. In 2011, the ILO Committee of Experts on the Application of Conventions and Recommendations reiterated its observation concerning article 41.2 of the Constitution and expressed its concern that these provisions might encourage stereotypical treatment of women in the context of employment, contrary to Convention No.111. The Committee of Experts requested Ireland to consider reviewing them with a view to eliminating any tension between these provisions and the principle of equality of opportunity and treatment of men and women in employment and occupation.[60]

7. Right to social security and to an adequate standard of living

41. In May 2011 the independent expert on the question of human rights and extreme poverty recognized the serious economic and financial difficulties that Ireland confronted. However, these difficulties could not be used as an excuse to disregard human rights obligations or prioritize other issues over the realization of human rights.[61] She added that reductions in the levels of social protection benefits will impede Ireland's ability to comply with its legally binding human rights obligations. By undermining social protection, the Government limited the enjoyment of minimum levels of economic, social and cultural rights by all groups in society.[62]

42. In 2005, CEDAW recommended that Ireland closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of Ireland's prosperity. It also recommended that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly.[63]

43. In 2008, the HR Committee reiterated its concern regarding the highly restrictive circumstances under which women can lawfully have an abortion in Ireland. While noting the establishment of the Crisis Pregnancy Agency, it regretted that the progress in this regard is slow. It recommended that Ireland bring its abortion laws into line with the Covenant and take measures to help women avoid unwanted pregnancies so that they do not have to resort to illegal or unsafe abortions that could put their lives at risk or to abortions abroad.[64].CEDAW had expressed similar concerns in 2005.[65]

8. Right to education

44. In 2008, the HR Committee noted with concern that the vast majority of Ireland's primary schools were privately run denominational schools that had adopted a religious integrated curriculum thus depriving many parents and children who so wish to have access to secular primary education.[66] In its follow-up response, Ireland recognized that the changing shape of Irish society had placed new demands on the education system in responding to the needs of emerging communities. The role of the traditional churches and of other patronage bodies in managing and providing schools was acknowledged.[67] In 2006, CRC had made a similar recommendation.[68]

45. In 2011, CERD recalled its previous concluding observations and noted with concern that the education system in Ireland was still largely denominational and was mainly dominated by the Catholic Church. It further noted that non-denominational or multi-denominational schools represented only a small percentage of the total and, regretted that, according to reports, there were not enough alternative schools, and students of the Catholic faith were favoured for enrolment into Catholic schools against students of other faiths in case of shortage of places. It further expressed its regret that the provisions of the Equal Status Act gave the power to schools to refuse to admit students to denominational schools on grounds of religion if it is deemed necessary to protect the ethos of the school. Recognizing the 'intersectionality' between racial and religious discrimination, it reiterated its previous concluding observations and recommended that Ireland accelerate its efforts to establish alternative non-denominational or multi-denominational schools and to amend the existing legislation that inhibits students from enrolling into a school because of their faith or belief. It further recommended that Ireland encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief.[69]

46. In 2011, UNESCO noted that persons with special educational needs are more specifically addressed by the Education for Persons with Special Educational Needs (EPSEN) Act, 2004. The Child Care Act of 1991 acknowledges the links between health and education measures. It provides for consultation with the Minister for Education in regard to regulations concerning the health, safety, welfare and development of preschool children availing of preschool services.[70]

9. Minorities and indigenous peoples

47. In 2008, the HR Committee was concerned that Ireland does not intend to recognize the Traveller community as an ethnic minority. It was also concerned that members of the Traveller community were not represented in the High Level Group on Traveller issues. It was further concerned about the criminalization of trespassing on land in the 2002 Housing Act which disproportionately affects Travellers. It recommended that Ireland take steps to recognize Travellers as an ethnic minority group. Ireland should also ensure that in public policy initiatives concerning Travellers, representatives from the Traveller community should always be included. It should also amend its legislation to meet the specific accommodation requirements of Traveller families.[71] In 2008, CERD[72] and in 2006, CRC[73] had expressed similar concerns.

10. Migrants, refugees and asylum-seekers

48. In 2011 UNHCR reported that the recognition rate of asylum-seekers is particularly low. Ireland reservations to the Maastricht, Amsterdam and Lisbon EU treaties mean that it has to opt in on a case-by-case basis, on Directives in the area of asylum.[74]

49. In 2008, the HR Committee was concerned about increased detention periods for asylum-seekers under the Immigration Act 2003. It noted with concern that an immigration

officer's assessment that a person is not under 18 years of age could lead to the detention of that person and that such assessments are not verified by social services. Moreover, it was concerned about the placement of persons detained for immigration-related reasons in ordinary prison facilities together with convicted and remand prisoners and about their subjection to prison rules.[75]

50. In 2011, while noting the various efforts that have been made by Ireland through the Health Service Executive (HSE) to protect the rights of separated and un-accompanied children seeking asylum, CERD regretted that legislation on this area did not provide adequate protection as required by the standards set by UNHCR. It recommended that Ireland enact legislation that adequately protects the rights and welfare of separated and unaccompanied children seeking asylum in line with the standards set by international law. It, therefore, invited Ireland to adopt immediate measures to ensure that a guardian *ad litem* or advisor be appointed for all separated and unaccompanied children irrespective of whether they had made a protection application or not.[76] CRC had expressed similar concerns in 2005.[77]

51. In 2006, CRC expressed its concern about the absence of an identification mechanism for asylum-seeking and refugee children who may have been recruited or used in hostilities, or a specific strategy for their physical and psychological recovery and social reintegration. In this connection, it reiterated its concern about the insufficient supervision of and care provided to unaccompanied asylum-seeking children.[78]

52. In 2011, CERD regretted that notwithstanding the existence of the Refugee Act of 1996, there was no legal framework for family reunification. It also regretted the current narrow meaning ascribed to the word 'family' for purposes of family reunification. It further regretted the lapsing of the Immigration Residence and Protection Bill which provided that family reunification would be provided for in a statutory instrument. It recommended that Ireland adopt legislation that would elaborate the principles, rights and obligations governing family reunification. In this regard, Ireland was encouraged to assign the responsibility of dealing with applications for family reunification to an independent authority that would follow due process, and develop a system that would provide an appellate procedure to challenge its decisions.[79] CRC had already expressed similar concerns in 2005.[80]

11. Human rights and counter-terrorism

53. While noting Ireland's assurance that its counter-terrorism measures were in compliance with international law, in 2008 the HR Committee regretted that Irish legislation does not contain a definition of terrorism and no information has been provided on the extent, if any, to which limitations have been made to Covenant rights, especially with regard to articles 9 and 14. It was also concerned about allegations that Irish airports have been used as transit points for so called rendition flights of persons to countries where they risk being subjected to torture or ill-treatment. It noted Ireland's reliance on official assurances. It recommended that Ireland introduce a definition of "terrorist acts" in its domestic legislation, limited to offences which can justifiably be equated with terrorism and its serious consequences.[81]

54. The HR Committee recommended that Ireland also carefully monitor how and how often terrorist acts have been investigated and prosecuted, including with regard to the length of pretrial detention and access to a lawyer. Furthermore, Ireland should exercise the utmost care in relying on official assurances, establish a regime for the control of suspicious flights and ensure that all allegations of so-called renditions are publicly investigated.[82] In its follow-up response, Ireland indicated it was completely opposed to the practice of so-called extraordinary renditions, referring to a specific commitment in the Programme for

Government 2007-2012 to ensure that all relevant legal instruments are used so that the practice of extraordinary rendition does not occur in Ireland.[83]

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

Specific recommendations for follow-up

55. In 2011, CERD requested Ireland to provide information, within one year of the adoption of the conclusions, on its follow-up to the recommendations contained in paragraphs 11 (recession and racial discrimination), 12 (Travellers), 15 (pending legislation on racial discrimination) and 16 (incorporation of the Convention).[84]

56. In 2011, the independent expert on the question of human rights and extreme poverty urged Ireland to take steps to (a) strengthen the legal and institutional framework by giving domestic legal effect to Ireland's international human rights obligations, and ratifying and incorporating into domestic law international, treaties to which it is not yet party (b); review its Programme for Government and National Recovery to ensure that it complies with human rights principles, particularly the obligation to use the maximum resources available and to not take retrogressive measures in the protection of economic, social and cultural rights, and consider reversing those measures which will disproportionately impact on the most vulnerable and excluded, particularly reductions in social protection payments and funding to public services; and (c) strengthen the social protection system, infrastructure and social services to ensure the full enjoyment of all economic, social and cultural rights of the population, and remove barriers that prevent the most vulnerable segments of society from accessing their entitlements.[85]

57. In June 2011, CAT requested Ireland to provide, within one year, follow-up information in response to the Committee's recommendations contained in paragraphs 8 (resources for human rights institutions), 20 (follow-up to the Ryan Report (CICA)), 21 (Magdalene Laundries) and 25 (prohibition of FGM).[86]

V. Capacity-building and technical assistance

N/A

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/.

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights

ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant".

[4] Concluding observations of the Human Rights Committee (CCPR/C/IRL/CO/3), para. 5.

[5] Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/3-4), para. 28.

[6] Concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/IRL/CO/4-5), para. 45.

[7] Concluding observations of the Committee against Torture (CAT/C/IRL/CO/1), para. 31.

[8] Ibid., para. 11.

[9] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[10] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[11] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[12] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[13] UNESCO submission to the UPR on Ireland, para. 19.

[14] CCPR/C/IRL/CO/3, para. 12.

[15] CERD/C/IRL/CO/3-4, para. 15.

[16] Concluding observations of the Committee on the rights of the Child (CRC/C/IRL/CO/2), para. 8.
[17] CEDAW/C/IRL/CO/4-5, para. 23.
[18] CCPR/C/IRL/CO/3, para. 6.
[19] CERD/C/IRL/CO/3-4, para. 16.
[20] Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/IRL/CO/1), paras. 16–17.
[21] For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see AHRC/16/77 of 3 February 2011, annex.
[22] A/HRC/10/55, annex III.
[23] CCPR/C/IRL/CO/3, para. 7.
[24] CRC/C/IRL/CO/2, para. 15.
[25] CERD/C/IRL/CO/3-4, para. 9.
[26] A/HRC/17/34/Add.2, para. 30.
[27] CAT/C/IRL/CO/1, para. 8.
[28] CEDAW/C/IRL/CO/4-5, para. 27.
[29] CERD/C/IRL/CO/3-4, para. 27.
[30] A/HRC/17/34/Add.2, paras. 23–24.
[31] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

[32] A/HRC/17/34/Add.2.
[33] The questionnaires referred to are those reflected in an official report by a special-procedure mandate holder issued between 1 January 2007 and 1 June 2011. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) A/HRC/6/15, para. 7; (b) A/HRC/7/6, annex; (c) A/HRC/7/8, para. 35; (d) A/HRC/8/10, para. 120, footnote 48; (e) A/62/301, paras. 27, 32, 38, 44 and 51; (f) A/HRC/10/16 and Corr.1, footnote 29; (g) A/HRC/11/6, annex; (h) A/HRC/11/8, para. 56; (i) A/HRC/11/9, para. 8, footnote 1; (j) A/HRC/12/21, para. 2, footnote 1; (k) A/HRC/12/23, para. 12; (l) A/HRC/12/31, para. 1, footnote 2; (m) A/HRC/13/22/Add.4; (n) A/HRC/13/30, para. 49; (o) A/HRC/13/42, annex I; (p) A/HRC/14/25, para. 6, footnote 1; (q) A/HRC/14/31, para. 5, footnote 2; (r) A/HRC/14/46/Add.1; (s) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/ContributionsPSP.aspx; (t) A/HRC/15/32, para. 5; (u) A/HRC/16/44/Add.3; (v) A/HRC/16/48/Add.3, para. 5 endnote 2; (w) A/HRC/16/51/ Add.4; (x) A/HRC/17/38, see annex I.
[34] OHCHR 2007 report, Activities and Results, pp. 147-149, 151, 152 and 164; OHCHR 2008 report, Activities and Results, pp. 174–176, 178–180 and 195; OHCHR 2009 report, Activities and Results, pp. 190, 191, 195, 197 and 207; OHCHR 2010 report, Activities and Results .
[35] CEDAW/C/IRL/CO/4-5, para. 23.
[36] CCPR/C/IRL/CO/3, para. 10.
[37] A/HRC/17/34/Add.2, para. 54.
[38] CERD/C/IRL/CO/3-4, para. 21.
[39] Ibid., para. 18.
[40] Ibid., para. 23.
[41] Ibid., para. 11.
[42] CCPR/C/IRL/CO/3, para. 15.
[43] CAT/C/IRL/CO/1, para. 15.
[44] Ibid., para. 9.
[45] CCPR/C/IRL/CO/3, para. 9.
[46] CAT/C/IRL/CO/1, para.27.
[47] CEDAW/C/IRL/CO/4-5, para. 28.
[48] CAT/C/IRL/CO/1, para. 21.

[49] CRC/C/OPAC/IRL/CO/1, para. 11.
[50] Ibid., para. 13.
[51] CAT/C/IRL/CO/1, para. 18.
[52] CCPR/C/IRL/CO/3, para. 14.
[53] CRC/C/IRL/CO/2, paras. 66–67.
[54] CCPR/C/IRL/CO/3, para. 20.
[55] Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights (CCPR/C/71/D/819/1998).
[56] Human Rights Committee, *Official Records of the General Assembly, Sixty-fourth session, Supplement No.40* (A/64/40), vol. I, p. 141.
[57] CRC/C/IRL/CO/2, para. 29.
[58] CCPR/C/IRL/CO/3, 30para. 21.
[59] CEDAW/C/IRL/CO/4-5, paras. 36–37.
[60] ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2011, Geneva, doc. No. (ILOLEX) 062011IRL111, first paragraph.
[61] A/HRC/17/34/Add.2, para. 42.
[62] Ibid., para. 44.
[63] CEDAW/C/IRL/CO/4-5, paras. 34–35.
[64] CCPR/C/IRL/CO/3, para. 13.
[65] CEDAW/C/IRL/CO/4-5, paras. 38–39.
[66] CCPR/C/IRL/CO/3, para. 22.
[67] CCPR/C/IRL/CO/3/Add.1, para. 36.
[68] CRC/C/IRL/CO/2, paras. 60–61.
[69] CERD/C/IRL/CO/3-4, para. 26.
[70] UNESCO submission to the UPR on Ireland, paras. 4–10.
[71] CCPR/C/IRL/CO/3, para. 23.
[72] CERD/C/IRL/CO/3-4, para. 12.
[73] CRC/C/IRL/CO/2, paras. 78–79.
[74] UNHCR submission to the UPR on Ireland, p. 1.
[75] CCPR/C/IRL/CO/3, para. 17.
[76] CERD/C/IRL/CO/3-4, para. 22.
[77] CRC/C/IRL/CO/2, paras. 64–65.
[78] CRC/C/OPAC/IRL/CO/1, para. 18.
[79] CERD/C/IRL/CO/3-4, para. 25.
[80] CRC/C/IRL/CO/2, paras. 30–31.
[81] CCPR/C/IRL/CO/3, 30 para. 11.
[82] Ibid.
[83] CCPR/C/IRL/CO/3/Add.1, para. 8.
[84] CERD/C/IRL/CO/3-4, para. 34.
[85] A/HRC/17/34, para. 96.
[86] CAT/C/IRL/CO/1, para. 33.