

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION
OF THE RECOMMENDATIONS
IN RESPECT OF IRELAND
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Unless otherwise indicated, any developments which occurred after 2 April 2015, date on which the response of the authorities of Ireland to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Ireland (fourth monitoring cycle) published on 19 February 2013, ECRI recommended that the authorities draft and adopt as soon as possible the Immigration, Residence and Protection Bill so as to (inter alia)*

(a) Put in place one procedure for dealing with applications for asylum and subsidiary protection

(b) Introduce a long-term residence status (granting same rights as those enjoyed by nationals in the field of university education)

(c) Introduce procedures for registration of non-national minors under 16.

ECRI notes that the Irish authorities have drafted an Immigration, Residence and Protection Bill, but that this bill has still not been adopted by the Oireachtas (the Irish Parliament).

On 25 March 2015, the Minister of Justice and Equality published a separate draft bill dealing with issues related to international protection. The bill will provide for a single procedure to deal with applications for all grounds of protection. However, the bill has also not yet been adopted by the Oireachtas, but is still under consideration.

With regard to the registration of non-national minors under 16 years of age, ECRI has been informed by the Irish authorities that legislation enabling such registration has been adopted, but has not yet entered into force.¹

While ECRI considers that some steps have been taken by the Irish authorities to address the issues covered by ECRI's priority recommendation, its full implementation would require the adoption and entry into force of the relevant legislation, which is still pending.

ECRI considers, therefore, that this recommendation has been partially implemented.

2. *In its report on Ireland (fourth monitoring cycle), ECRI recommended that the authorities, without neglecting the need to rationalise the various procedures for dealing with complaints concerning employment, ensure that there is an independent authority (other than the courts) competent to deal with cases of discrimination in the provision of goods and services.*

ECRI has been informed that the Workplace Relations Act was passed by the Oireachtas in May 2015 and entered into force on 1 October 2015. The Act establishes a new independent Workplace Relations Commission through the merger of various existing bodies, including the Equality Tribunal, which previously dealt with cases concerning discrimination in the provision of goods and services.

ECRI notes, however, that the Act does not include any changes to the current legislation with regard to cases of discrimination related to licensed premises, such as pubs, bars, nightclubs and other public venues licensed to sell alcohol. Up to now, cases of discrimination related to the provision of goods and services in such venues could not be heard by the Equality Tribunal, but only by the District Courts. The new Workplace Relations Commission will also not have the right to hear such cases. Hence a substantial number of pertinent cases will remain excluded from the mandate of this new independent authority.

ECRI notes that in particular members of the Traveller Community are often affected by discrimination in the provision of goods and services in licensed premises. Hence, the new Workplace Relations Commission cannot be considered as addressing the problem in full.

ECRI considers that this recommendation has been partially implemented.

¹ The registration of minors is provided for in Section 35 of the Employment Permits (Amendment) Act 2014, which amended the Immigration Act 2004. The relevant provisions, however, have not yet been commenced, which in the Irish legal order is subject to the relevant Minister making a Commencement Order. Not all sections of an act have to be commenced at the same time.

3. *In its report on Ireland (fourth monitoring cycle), ECRI recommended that the authorities ensure foreseeability in the application of the habitual residence requirement by setting out clear rules and publishing, in addition to the Guidelines, the decisions of the authorities dealing with appeals against negative decisions based on the requirement in question.*

ECRI notes that the Irish authorities have only published a very low number of new appeal cases so far. Furthermore, not even a certain level of regularity in publishing decisions can be observed. The underlying reasons for such a restricted approach to publishing appeals decisions remain unclear, and ECRI calls upon the Irish authorities to reconsider this policy with a view to ensuring a sufficient level of predictability in the future.

ECRI considers that this recommendation has been partially implemented.

