

OSCE/ODIHR Submission of Information about an OSCE Participating State or Partner for Co-operation under Consideration in the Universal Periodic Review Process

Participating State: Ireland

UPR Working Group Session and Date of Review: 39th Session, 1-12 November 2021

Background

1. Ireland has been a participating State in Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE Documents.¹
2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Ireland, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.
3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Ireland and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Ireland.

Election-related activities

4. ODIHR has deployed five needs assessment missions (NAMs) to Ireland in approach to national (either parliamentary or presidential elections) since 2007. None of the NAM recommended deployment of election-observation activity. The most recent NAM was deployed from 22 to 24 January 2020 in anticipation of an invitation to observe the 8 February 2020 early parliamentary elections.

Early Parliamentary elections, 8 February 2020

5. The NAM concluded that “All ODIHR NAM interlocutors expressed a high level of trust in the integrity of the electoral process, including voting and counting procedures on election day and the ability of the election administration to conduct professional and transparent elections. No new electoral issues that would benefit from an additional assessment by ODIHR have been identified. Some concerns which have been previously raised with regard to the absence of a centralised voter registration process, the under-regulated field of social media and impact of that on the electoral campaign, and the need for a permanent electoral commission that would not only oversee the electoral preparations but would also offer guidance on the conduct of TV debates. These issues

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

were, however, not identified by electoral stakeholders as significantly impacting the upcoming elections.

6. Based on the above, the ODIHR NAM did not recommend deploying any election-related mission for the 8 February 2020 early parliamentary elections. However, ODIHR reiterated that a number of the previously mentioned recommendations are still valid and encouraged authorities to also consider the issues raised by interlocutors in discussions with the ODIHR NAM.

Tolerance and non-discrimination issues

7. ODIHR's 2020 publication on "OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic"² reported that in Ireland, as well as some other OSCE participating States, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic. Refugees and migrants were also blamed for the spread of Covid-19 in Ireland, where this belief reportedly built on already existing prejudice against migrants as "spreading disease." In Ireland, concerns were expressed that asylum seekers have to share bedrooms and attend joint canteens in state-supported centres, which placed them at higher risk of contracting the virus than the majority population.
8. ODIHR's report also noted some good practices, including the efforts of the authorities in Ireland to address expressions of intolerance and hate crimes, and the national human rights institution's call for political parties involved in government formation to safeguard human rights and equality measures amid the emergency responses to the pandemic.

ODIHR's recommendations to Ireland include:

- Uphold existing commitments and international obligations on tolerance and non-discrimination.³
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.

² Organization for Security and Co-operation in Europe, *OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic*, Warsaw, 17 July 2020, <https://www.osce.org/files/f/documents/e/c/457567_0.pdf>.

³ OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

- Ensure meaningful public participation of minority communities’ representatives, in both the assessment of the situation as well as in designing and implementing the adequate remedial policies and actions, while taking into account the different needs of women and men.

Roma and Sinti Issues

9. OSCE/ODIHR has a specific mandate to assist participating States in implementing the “OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”⁴. ODIHR issued a First Status Report on the implementation of this Action Plan in 2008⁵, estimating the Roma population of Ireland at about 32,000 to 38,500, and a second Status Report in 2013⁶. It released its Third Status Report in 2018, assessing the progress OSCE participating States have made in implementing their commitments towards enhancing the participation of Roma and Sinti in public and political life.⁷
10. ODIHR’s 2020 report “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic” found that certain circumstances “have placed Roma and Sinti communities, including in Ireland, in a very vulnerable situation, which, if not addressed properly, will leave these communities unable to keep the pandemic at bay”. ODIHR’s recommendations for Ireland include:
 - Assist Roma and Sinti children in accessing remote learning and materials, by providing the necessary electronic equipment and support by social and education workers;
 - Ensure that the upcoming recovery plans being developed for the post-pandemic period are inclusive and take the challenges and vulnerabilities of Roma and Sinti communities and their needs fully into account; ensure the full participation of Roma in the consultations, design and development of such recovery plans and strategies;
 - Strongly and unequivocally condemn racial and ethnic hatred, anti-Roma sentiment, xenophobia and discrimination against Roma and Sinti, and ensure that violations of human rights do not enjoy impunity;
 - Develop measures to promote and protect human rights while actively countering racism and discrimination against Roma and Sinti.

⁴ OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE, 27 November 2003: <http://www.osce.org/odihr/17554>

⁵ Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, 24 September 2008: <https://www.osce.org/odihr/33500>

⁶ Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, Status Report 2013, 24 October 2008: <https://www.osce.org/odihr/107406>

⁷ Third Status Report: Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, 11 Decemer, 2018: <https://www.osce.org/odihr/roma-sinti-action-plan-2018-status-report>.