



United Nations Committee on the Elimination of Racial Discrimination (UNCERD)

Ireland's Combined 5th, 6th and 7th Periodic Report

I. General

II. State Responses to Committee Observations and Recommendations

III. Updated Information on the Implementation of Articles 1 to 7 of the Convention

Office for the
Promotion of Migrant Integration



I. General

1. Introduction

This updated report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) sets out the measures that the Government of Ireland is taking to give effect to its undertakings under the International Convention on the Elimination of All Forms of Racial Discrimination.

As recommended by the Committee in its concluding observations on Ireland's third and fourth reports, Ireland has combined its fifth, sixth and seventh reports. This report is an update of Ireland's previous periodic reports to which reference is made, namely the combined third and fourth periodic report (CERD/C/IRL/3-4) submitted on 22 December 2009. Reference is also made to the concluding observations (CERD/C/IRL/CO/3-4) adopted by the Committee on 9 March 2011 on that report. Reference is further made to the additional information (CERD/C/IRL/CO/3-4/Add.1) provided by the Government of Ireland on 24 May 2012. For the purposes of the present report, when reference is made to "the concluding observations" without any further specification, this shall refer to the Committee's concluding observations on Ireland's combined third and fourth periodic report.

The present report covers the period from 2010 to 2017. Where there have been no relevant legislative, judicial or administrative changes during this period, reference is made to the third and fourth report or other previous reports.

This report has been compiled by the Office for the Promotion of Migrant Integration (OPMI) which operates under the Department of Justice and Equality. Material has been supplied by a range of Government Departments and agencies. [OPMI also engaged in a public consultation exercise on the draft report in late 2017/early 2018. This comprised three regional 'town-hall' style events and an open invitation for online submissions.]

2. General Context

This combined 5th, 6th and 7th report is being submitted to the CERD Committee approximately 7 years since the concluding observations on our last report were adopted by the Committee in 2011.

The period covered by the report (2010 – 2017) has been a time of significant change in Ireland in terms of our economic, political and societal landscape. Key developments include:

- The transition of our national economy from the onset of crisis in 2008/09 through a period of austerity and ongoing recovery;
- The historic 'yes vote' in the referendum on marriage equality in 2016 and subsequent enactment of legislation legalising same;
- A complete overhaul of legislation governing international protection applicants;
- Legal recognition of Travellers as an ethnic minority in 2017;
- Changes to patterns and sources of inward migration;
- Increasing ethnic/cultural diversity among the population;
- Introduction of new Government Strategies in the areas of Migrant Integration, Gender Equality and Traveller and Roma Inclusion;
- The UK Brexit Vote.

3. Census of Population, 2016

Census 2002 was the first census in which a question on nationality was asked. Between then and the 2006 census, the non-Irish national population increased from 224,261 to 419,733 persons (an 87 per cent increase). Between the 2006 and 2011 Censuses of Population, the non-Irish national population increased from 419,733 to 544,357 persons (a 29.7 per cent increase). However, between 2011 and 2016 the number of non-Irish nationals fell for the first time since the question was introduced in 2002 and stood at 535,475 in 2016, a fall of 1.6%.

This fall in non-Irish nationals is explained in part by the rise in the number of those with dual Irish nationality. Between 2011 and 2016 an estimated 94,000 people acquired Irish citizenship which contributed to the large increase in the number of persons recorded as having dual Irish nationality in Census 2016, up 48,879 since 2011 to 104,784 in 2016.

In addition, the number of Irish residents born outside Ireland continued to increase and stood at 810,406 in 2016 (accounting for 17.3% of the population compared with 17.0% in 2011), an increase of 43,636 persons over the five years.

Breakdown of Non-Irish national population in Census 2016

EU 28 (excluding Irish) nationals numbered 408,918 persons or 76.4 per cent of the non-Irish national total. Asians were next at 50,661 (9.5 per cent), followed by Africans at 22,150 (4.1 per cent).

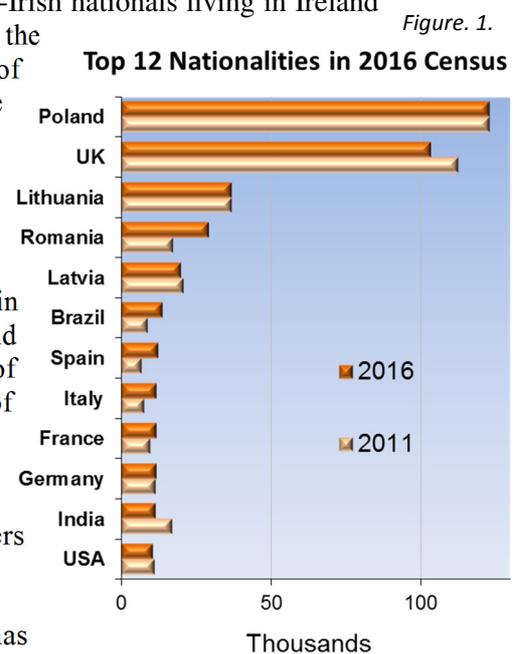
Remarkable diversity in Ireland 2016

As already indicated, there were a total of 535,475 non-Irish nationals living in Ireland in April 2016, representing almost 200 nations. While the vast majority of these people were from a small number of nationalities, there was remarkable diversity in the range of nations identified in Census 2016.

Top 12 Nationalities in 2016 Census

Just 12 countries, each with over 10,000 residents, accounted for 73.6 per cent of all non-Irish nationals in 2016. A further 32 countries with between 1,001 and 10,000 residents accounted for a further 19.7 per cent of the total, with the remaining percentage made up of persons from 156 different countries.

Figure 1 on the right shows the 12 largest non-Irish national groups in 2016 and the change in their numbers since 2011.



While the number of Polish nationals (122,515) has remained virtually unchanged since 2011, the number of UK nationals fell 9,146 to 103,113.

Romanian nationals showed the largest absolute increase rising by 11,882 to 29,186. While Spanish nationals had the largest percentage increase of 78.3 per cent, large increases were also seen in figures for Brazilian and Italian nationals. The number of Indian nationals fell by 32.5 per cent to 11,465.

Distribution of non-Irish National Population in Ireland

Census 2016 shows that non-Irish nationals were well dispersed throughout the State, including within Dublin. The percentage of non-Irish nationals as part of the population on a county by county basis ranged from a low of approximately 7% in Donegal to a high of approximately 18% in Galway City.

Ethnic or cultural background

Of the 4,689,921 persons resident in the State at the time of Census 2016, the following was the breakdown¹ on ethnic or cultural lines:

- 3,854,226 were *White Irish* (82.2%)
- 30,987 were *White –Irish Travellers* (0.7%)
- 446,727 were *White -Any other white background* (9.5%)
- 57,850 were *Black or Black Irish –African* (1.2%)
- 6,789 were *Black or Black Irish – Any other Black background* (0.1%)
- 19,447 were *Asian or Asian Irish – Chinese* (0.4%)
- 79,273 were *Asian or Asian Irish - Any other Asian background* (1.7%)
- 70,603 classed as '*Other including mixed background*' (1.5%)
- 124,019 were *Not Stated* (2.6%)

Between 2011 and 2016 the number of people categorised as White Irish increased by 0.8 per cent while those in the Black Irish or Black African category fell by 1.4 per cent. Those classified as Other Asian increased by 18.6 per cent.

Religious Diversity

From 1991 to 2016 the non-Catholic population significantly increased, driven by growing numbers with no religion as well as increases in the religions of immigrants from Eastern Europe, Africa and Asia such as such as Orthodox Christianity, Islam, Hinduism and others. The proportion of the population normally resident in the State identifying as Catholics continued to decline in 2016, to reach its lowest point at 78.8 per cent. The overall number of Catholics fell in absolute terms by 134,543 people to 3.7 million.

Of the 3.7 million Catholics in Ireland in 2016, 92.5 per cent were Irish while the remaining 7.5 per cent belonged to a range of nationalities. Among the non-Irish, Poles were the biggest Catholic group with 105,269 persons, followed by the United Kingdom with 39,207 and between them they accounted for over half of all non-Irish Catholics.

The total number of people in the State identifying as atheists, agnostics, or as having no religion increased more than seven-fold between 1991 and 2016 to stand at 464,424 in 2016. The total number of people with no religion on a usual residence basis in April 2016 stood at 451,941. Of this, 347,034 were Irish nationals and 104,907 were non-Irish nationals (including 'not stated').

There were 122,612 members of the Church of Ireland in April 2016, a decrease of 1.5 per cent on 2011. This included 14,335 children aged 5-12 years and 9,207 aged 13-18 years.

There were 62,032 Muslims in Ireland in April 2016, an increase of 28.9 per cent on five years previously. Ireland's Muslim population included 10,817 children aged 5-12 years and 5,371 aged 13-18 years. Muslims account for 1.3 per cent of the usual resident population.

There were 60,777 Orthodox Christians in Ireland in April 2016, a 38.1 per cent increase on the number five years earlier (44,003).

¹ Classification descriptions are those utilised in Census 2011

The number of Presbyterians in Ireland in April 2016 stood at 22,188, down on the 2011 figure of 22,835.

Members of the Apostolic and Pentecostal Churches in Ireland numbered 13,876 in 2011 and 13,193 in 2016. Over 55 per cent (7,301) had African ethnicity in 2016 while 19.7 per cent (2,605) indicated their ethnicity as “Any other White background”. Census 2016 shows that there were 13,729 Hindus in Ireland in 2016.

Language other than English or Irish spoken at home

In 2016, a question on foreign languages was included for the first time in the Census. The results show that 612,018 of people usually resident and present in Ireland spoke a language other than English or Irish at home. This equates to 13.0 per cent of the population. Polish was by far the most common language, followed by French, Romanian, Lithuanian, Spanish, German and Russian.

Deprivation and Detailed Nationality

The 2017 deprivation index (Haase and Pratschke and based on data from Census 2016) considers a number of economic and social factors within a Small Area² including:

- Population Change
- Age Dependency Ratio
- Single Parent Ratio
- Primary Education Only
- Third Level Education
- Unemployment Rate (male and female)
- Proportion living in Local Authority Rented Housing

A quintile distribution will put 20 per cent of the population in each deprivation quintile (from least deprived to most deprived).

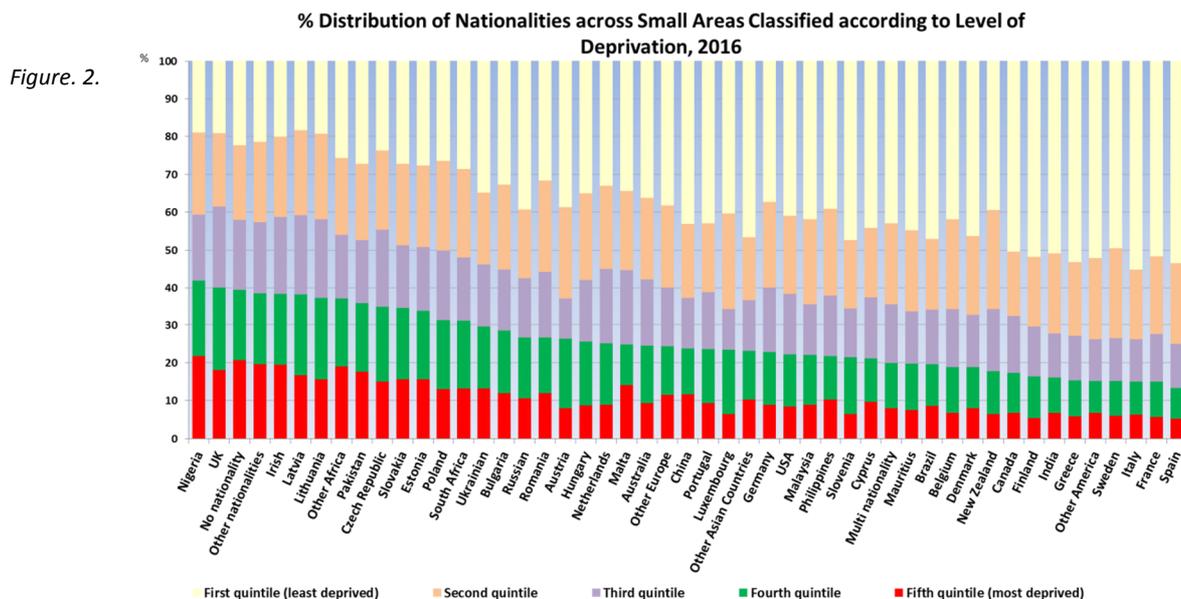


Figure. 2.

² The Small Area Population Statistics (SAPS) of the 2016 Census of Population has been released at the level of 18,488 Small Areas (SAs). SAs are standardised in size, with a minimum of 50 households and a mean of just under 100, thus effectively providing street-level information on the Irish population.

Figure 2 above presents the distribution of various nationalities across small areas classified by deprivation quintile. It is important to remember the index is based on the overall characteristics of the Small Area but everyone in the census contributes to the characteristics of the Small Area they are linked to.

In total 12 groups (Nigeria, UK, No nationality, Other nationalities, Irish, Latvia, Lithuania, Other Africa, Pakistan, Czech Republic, Slovakia and Estonia) have less than 50% of their population in the top two quintiles (least deprived). As you progress across the graph from left to right, you can see the proportion of people from each nationality living in the least deprived areas increasing. Italian nationals are the highest percentage in the most affluent areas.

Early School Leavers

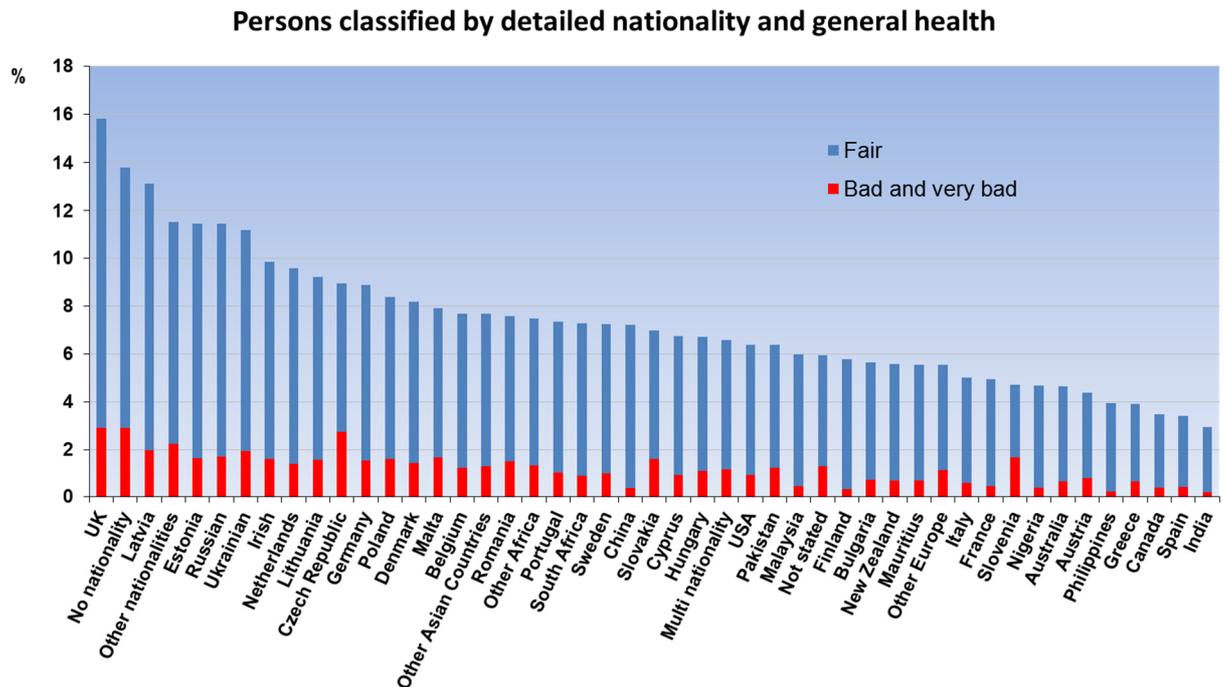
Census 2016 showed that the numbers of 15-16 year olds who have left school were small.

- There were 110,285 Irish nationals aged 15-16; just over 1.3 per cent (1,468) who had left school.
- There were 9,402 non-Irish nationals aged 15-16; just over 2.1 per cent (202) who had left school.

General Health and Detailed Nationality

While UK nationals had the highest proportion of persons who described their general health as fair, bad or very bad, they also had an older age profile compared to other nationalities (note the statistics in Figure 3 below are not age standardised).

Figure 3.

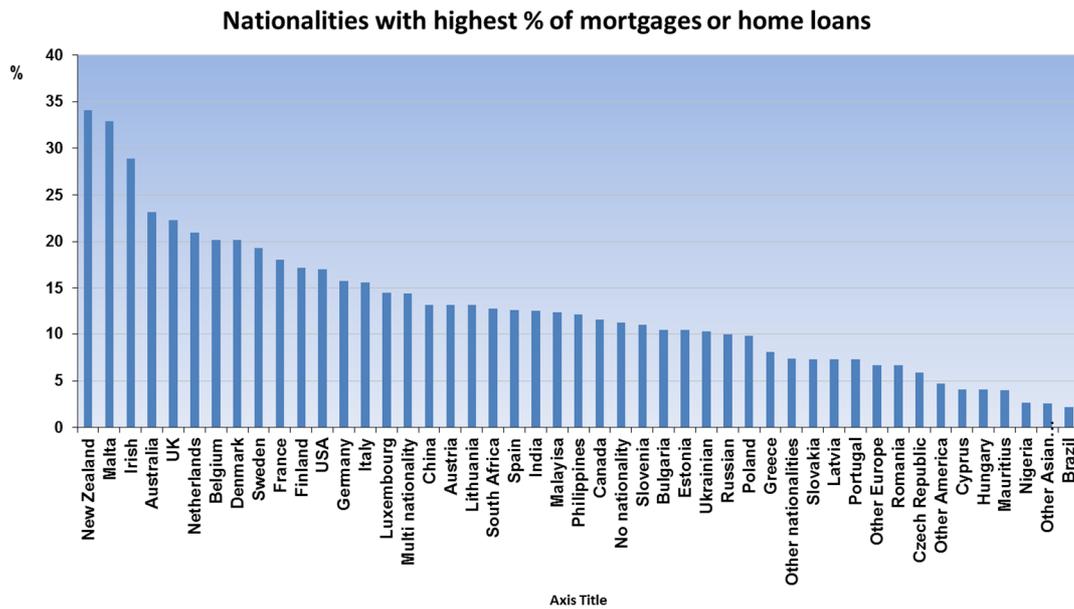


Nature of Occupancy and Detailed Nationality

As shown in Figure 4 below, New Zealand and Malta had a high rate of home ownership (with a mortgage or loan) at 40.1 per cent and 35.8 per cent respectively, however, in real terms the numbers were relatively small. Among Irish nationals 34.0 % indicated they owned their home with a mortgage or loan compared to just 2.6% of Brazilians at the lower end of the scale. Home ownership via mortgage or loan was also very low among people of Nigerian and non-specific Asian origin. Indicative of an ageing population, 39.7 per cent of people of Irish origin

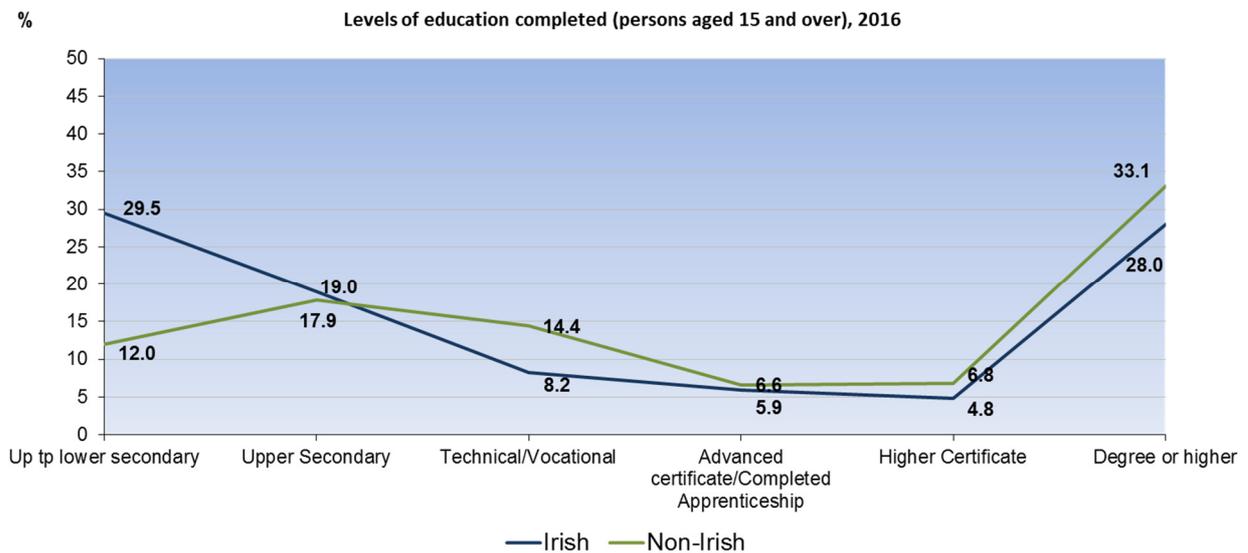
indicated they owned their home outright.

Figure 4.



Education and Nationality

Figure 5. Figure 5 below shows educational levels attained by people aged 15-64 who have ceased full-time education.



It needs to be borne in mind that the data above is not age standardised. Non-Irish nationals have a higher completed education level compared with Irish nationals.

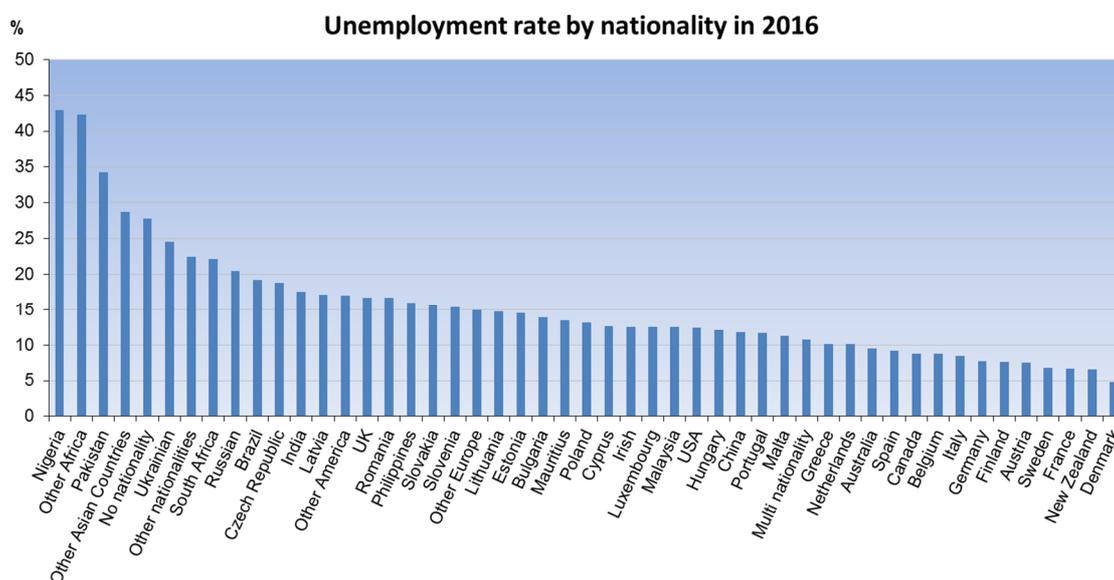
Concentration of Immigrants in certain schools

On average, 11 per cent of primary and secondary school pupils are non-Irish nationals. According to the latest school census, eighty per cent of children from immigrant backgrounds were concentrated in 23 per cent of primary schools. In 20 schools, more than two-thirds of pupils are of non-Irish background.

Unemployment rate and detailed nationality³

Non-Irish nationals had higher levels of employment than Irish nationals; however, as shown in Figure 6 below, they also had a higher rate of unemployment compared with Irish nationals in 2016. Specifically, Nigerians had a rate of 42.9 per cent (1,417 persons), Other Africans 42.3 per cent (2,262 persons), Pakistani 34.2 per cent (1,487 persons), Other Asian 28.7 per cent (1,839 persons), and Irish nationals 12.6 per cent (236,757 persons) in 2016.

Figure 6.



At-Risk-of-Poverty Rate

Ireland has the lowest at-risk-of-poverty rate in the EU for all foreign nationals and for non-EU nationals.

Across the EU, foreign citizens face higher at-risk-of-poverty rates than national citizens. In 2012, 29.4 per cent of the foreign citizens aged 20–64 across the EU were assessed as being at risk of poverty, against 15.4 per cent of national citizens. Ireland showed the lowest at-risk-of-poverty rates for foreign nationals of all EU 28, (15.1 per cent), next to Germany and the Czech Republic (both 17.4 per cent).

The at-risk-of-poverty rate of nationals varies across the EU from 7.4 per cent to 21.5 per cent, and, while that of foreign EU-citizens ranges from 10.9 per cent to 35.4 per cent, non-EU citizens face at-risk-of-poverty rates of up to 47.2 per cent. Again, Ireland had the lowest at-risk-of-poverty rates for non-EU citizens (19.3 per cent), next to Malta (19.7 per cent) and Latvia (22.4 per cent).

Children at-risk-of-poverty

In the EU, children (aged 0–17) with a migratory background (at least one foreign parent) are exposed to a particularly high risk of poverty. While the at-risk-of-poverty rate for children of EU nationals was 18.8 per cent in 2012, the corresponding rate for children with a migratory

³ The numbers and rates of unemployment in the census differ from the official measure of unemployment for methodological reasons. However the census is useful for making comparisons across small geographical areas, and across nationality groups.

background stood at 35.6 per cent.

The children's at-risk-of-poverty rate was lowest in Ireland (18.0 per cent) - in Latvia and Ireland, children of nationals have similar at-risk-of-poverty rates as children with migratory background.

Overcrowding

In the EU, the average overcrowding rate for the foreign-born population aged 20–64 was 20.2 per cent compared with 17.1 per cent for the native-born population. Among the foreign-born population, the non-EU born have a significantly higher rate (23.5 per cent) than the EU-born migrants (13.5 per cent). The lowest rates are reported in the Netherlands (3.4 per cent), Malta (4.3 per cent), Belgium (5.5 per cent) and Ireland (5.5 per cent).

Figure 7.

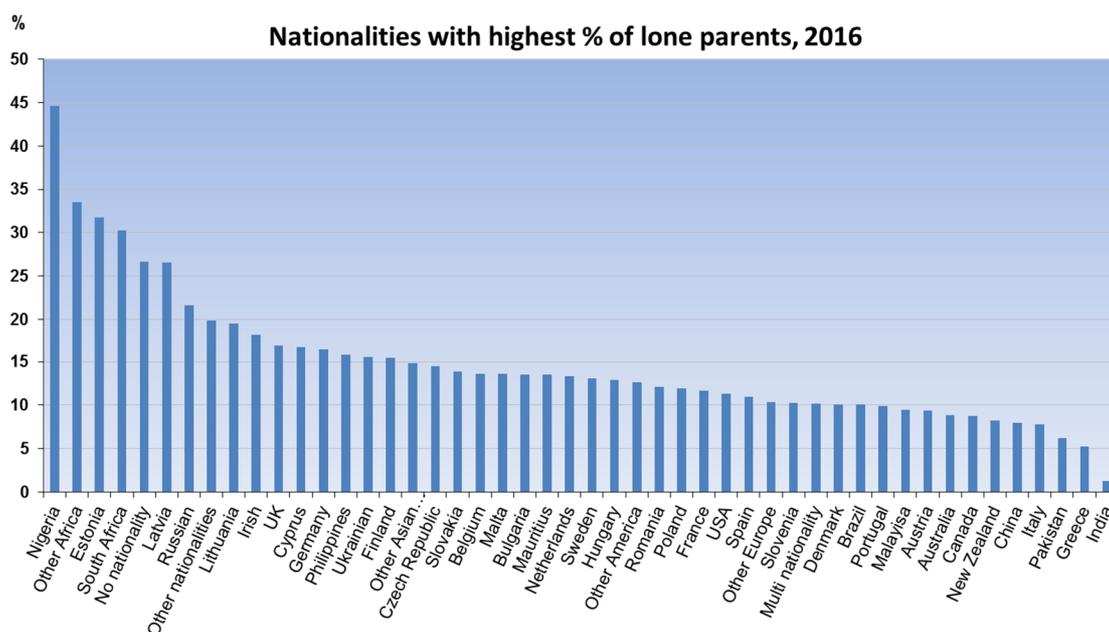


Figure 7 above presents data on lone parent families as a percentage of all families of the same nationality. The total number of Nigerian lone parents in Ireland at the time of Census 2016 was 1,770 which accounted for 44.6 per cent of all families headed by a Nigerian national. This was in comparison to 4,346 Polish lone parent families representing 12.0 per cent of families headed by Polish nationals. Irish lone parents accounted for 18.1 per cent of all Irish family units, representing 191,942 families.

II. State Responses to Committee Concerns and Recommendations contained in Part C of Committee's Concluding Observations (CERD/C/IRL/CO/3-4)

The concluding remarks range from concerns to recommendations and are contained in paragraphs 11 to 36 of the Committee's Concluding Observations (CERD/C/IRL/CO/3-4).

Committee's Concluding Observations in Paragraph No.11

The Committee notes with regret that the economic recession that has confronted the State party threatens to reverse the achievements that have been made in the State party's efforts to combat racial discrimination at all levels. The Committee expresses grave concern about the disproportionate budget cuts to various human rights institutions mandated to promote and monitor human rights such as the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (art. 2)

The Committee, recalling its general recommendation No. 33 (2009) on the Follow-Up to the Durban Review Conference, reiterates 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. The Committee, therefore, recommends that the State party ensure that, notwithstanding the current economic recession, enhanced efforts are made to protect individuals from racial discrimination. In light of this, the Committee recommends that budget cuts for human rights bodies should not result in the stifling of their activities to effectively monitor the protection of human rights and particularly racial discrimination. The State party should ensure that the functions of the bodies that have been closed are fully transferred and subsumed by the existing or new institutions.

Response to Committee's Concluding Observations in Paragraph No. 11

Please see CERD/C/IRL/CO/3-4/Add.1

The Irish Human Rights and Equality Commission Act 2014 which established the Irish Human Rights and Equality Commission (IHREC) is designed to comply fully both with the standards required by EU law and the Paris Principles [No. 2]⁴. In preparation of the 2014 Act, the founding Acts of a large number of other National Human Rights Institutions internationally were researched and consultations were held with the office of the UN Deputy High Commissioner for Human Rights. IHREC's founding legislation ensures its structural independence from Government and public recruitment processes. The strength of IHREC's mandate also compares favourably to similar bodies in other jurisdictions and it reports directly to the Oireachtas (Irish Parliament). In 2015, IHREC was accredited as an "A" status National Human Rights Institution by the International Coordinating Committee on national human rights. This accreditation status is awarded only to those national human right institutions deemed by the Committee to be fully compliant with the Paris Principles.

IHREC's mandate includes all the functions of two previous bodies, the Irish Human Rights Commission and the Equality Authority, as well as a number of new functions added to it by the 2014 Act. An estimated €2 million in additional funding was provided to IHREC in 2014. This has risen to €6.522 million in 2017 and is set to rise again in 2018 to €6.7 million. Staffing levels are also set to rise from the currently approved level of 56 posts to 64 in 2018.

Committee's Concluding Observations in Paragraph No. 12

⁴ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

The Committee recalls its previous concluding observations (CERD/C/IRL/CO/2) and general recommendation No. 8 (1990) on the principle of self-identification, and expresses concern at the State party's persistent refusal to recognize Travellers as an ethnic group notwithstanding that they satisfy the internationally recognized criteria. (arts. 1 and 5)

The Committee reiterates the recommendation made in its previous concluding observations and general recommendation No. 8 that the State party should pay particular attention to self-identification as a critical factor in the identification and conceptualization of a people as an ethnic minority group. In this regard, the Committee recommends that the State party continue to engage with the Traveller community and work concretely towards recognizing Travellers as an ethnic group.

Response to Committee's Concluding Observations in Paragraph No. 12

Please see CERD/C/IRL/CO/3-4/Add.1

On 1 March 2017 the Government announced the State's recognition of Travellers as an ethnic group in Ireland. This event was historic and notable for the all-party consensus on the issue.

The key argument for recognition of Traveller ethnicity was that recognition of the cultural identity of Travellers and their special place in Irish society would be hugely important to their pride and self-esteem and in overcoming the legacy of economic marginalisation and discrimination. Travellers now have a new platform for positive engagement and dialogue with Government in seeking sustainable solutions to their issues.

In announcing the decision the Government stressed that it is without prejudice to Travellers being (and self-identifying as) part of the Irish nation. Traveller representatives were invited to meet the Cabinet Committee on Social Policy to discuss the matter.

Recognition by the State of Travellers as an ethnic group constitutes a new beginning for the work that Ireland needs to do as a society, in partnership with Travellers, to address the issues that face the Traveller community in areas including health, employment, education and accommodation. In the 2016 census, the Traveller population stood at 31,000 or 0.7% of the State's population.

Committee's Concluding Observations in Paragraph No. 13

While noting the efforts made so far by the State party to understand the issues affecting Travellers through the Survey of Traveller Education Provision in Irish Schools (STEP) and the All-Ireland Traveller Health Study, the Committee regrets that efforts made to improve the welfare of Travellers have not substantially improved their situation. The Committee notes with regret the poor outcomes in the fields of health, education, housing, employment for Travellers as compared to the general population. (art. 5(e))

The Committee recommends that the State party strengthen its efforts to implement the policy advice offered by the National Traveller Monitoring and Advisory Committee. The State party should ensure that concrete measures are undertaken to improve the livelihoods of the Traveller community by focusing on improving students' enrolment and retention in schools, employment and access to health care, housing and transient sites.

Response to Committee's Concluding Observations in Paragraph No. 13

Substantial changes have been made to the structures for consultation with and participation by Traveller and Roma communities since 2014.

The National Traveller and Roma Inclusion Strategy Steering Group

The National Traveller and Roma Inclusion Strategy Steering Group was formed in 2015 and is chaired by Mr. David Stanton, T.D., Minister of State at the Department of Justice and Equality with special responsibility for Equality, Immigration, and Integration. It comprises senior officials from Government Departments and Agencies and Traveller and Roma representative organisations. The establishment of the Steering Group also forms part of Ireland's response to the recommendations made by the European Commission's 2014 report on progress in Ireland on Roma integration. In conducting its work, the Steering Group gives due regard to the 10 Common Basic Principles of Roma Inclusion.

The main functions of the Steering Group are as follows:

- To monitor and assess the impact that integration efforts have on the situation of Traveller and Roma people, in relation to the key areas of education, health, employment, housing and combating discrimination;
- To agree the impacts to be monitored and assessed under each of the key priority areas of accommodation, health, education, employment and anti-discrimination, in line with European Commission recommendations;
- To agree the monitoring and assessment mechanisms;
- To ensure that meaningful conclusions are established through the monitoring and assessment process, and that these conclusions are used to inform policy development in key areas of accommodation, health, employment, education and anti-discrimination;
- To present annual progress reports to the Government Cabinet Committee on Social Policy.

A new National Traveller and Roma Inclusion Strategy 2017 – 2021

A new National Traveller and Roma Inclusion Strategy was published in June 2017. It is broad-ranging with an ambitious set of objectives. Arising from a comprehensive consultation process which included consultations with Traveller groups, written submissions and public meetings, the following ten overall themes were identified as central to the success of the Inclusion Strategy - cultural identity, education, employment and the Traveller economy, children and youth, health, gender equality, anti-discrimination and equality, accommodation, Traveller and Roma communities and public services.

Key commitments in the Strategy include:

- increased funding to be invested by the State to promote knowledge of, and pride in, Traveller culture and heritage;
- investment by the State in community-based support mechanisms to ensure earlier access and greater retention of Traveller and Roma children and youths in the education system;
- a range of assistive and targeted measures including proposals for internships, promotion of existing opportunities, entrepreneurship supports, anti-racism and cultural awareness training for public sector employees;
- a commitment to ensure that Traveller and Roma children and youth are given a stronger voice in participative structures and the development of policy;

- increased efforts to ensure that Travellers and Roma interact fully with the public health sector in order to address some of the underlying health-related challenges they face;
- initiatives to assist Traveller and Roma women to engage effectively with stakeholder groups and support for community leadership programmes in gender equality;
- a review of the Traveller Accommodation Act; a ring-fenced budget for Traveller accommodation, and mechanisms to monitor progress and identify new needs;
- the design and implementation of a sustained intervention to tackle feuding within the Traveller community;
- the development a new system of ethnic identifiers across the public sector to help track progress on, and challenges for, the Traveller and Roma communities in Ireland.

Traveller and Roma initiatives at the local level

The Local Government Reform Act, 2014 saw major realignment of the Local Government Sector under the auspices of the Department of the Environment, Community and Local Government and the subsequent delivery of the ‘Local and Community Development Programme’. This programme aimed to tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities. A key principle of the programme was to prioritise Travellers and other marginalised people and social groups within the most disadvantaged communities by targeting those furthest from access to education, training and employment and those at highest risk of social exclusion.

The range of activities carried out in co-operation/collaboration with local groups, Traveller organisations and state agencies to provide supports to Travellers included:

- access to further education and training;
- school retention activities;
- provision of tailored education and training;
- primary health care and wellbeing programmes;
- interagency collaboration;
- after-schools and youth projects;
- family supports;
- community development supports;
- employment/self-employment supports.

The Local and Community Development Programme (LCDP) was superseded by the Social Inclusion and Community Activation Programme (SICAP) in April 2015. The aim of SICAP is to reduce poverty and promote social inclusion and equality through local, regional and national engagement and collaboration. As with its predecessor, SICAP targets those who are marginalised in society, including Travellers, Roma, those living in poverty, and the unemployed. It adopts an approach of broad community development actions, targeted supports and inter-agency collaboration and promotes equality and respect for human rights. SICAP is delivered nationwide through Local Community Development Committees (LCDCs) in accordance with agreed Local Economic and Community Plans (LECP). As well as direct consultations with local SICAP implementing managers, Traveller and Roma groups are also represented in local Public Participation Networks (PPNs). These PPNs can nominate up to 5 persons to sit on the Local Community Development Committees in each area to help monitor and implement the community aspects of the Local Economic and Community Plan.

Traveller/Roma Health

The new National Traveller and Roma Inclusion Strategy contains a number of actions to advance the health of service users from the Traveller and Roma communities, with particular

reference to mental health, barriers preventing access to health services and various actions around preventing/improving chronic health conditions.

The Health Service Executive (HSE) has a well-established, representative National Traveller Health Advisory Forum. Representation on this Forum from Traveller Health Units across Health Service areas allows for a coordinated approach to monitoring progress and identifying and addressing emerging issues.

The poor health outcomes of Traveller and Roma service users are acknowledged and work is being undertaken within a social determinants of health model to address this, including through targeted annual funding of approximately €10m. In this context, Healthy Ireland, a cross-Government approach, is particularly relevant as it pays special attention to addressing health inequalities. Further information is available at <http://health.gov.ie/healthy-ireland/>. Approaches to improving the health of the Traveller community are underpinned by the findings of the All Ireland Traveller Health Study 2010, with priority actions agreed based on this research. The Health Service Executive funds a range of Traveller agencies and groups to deliver such agreed actions.

The mental health of Travellers has previously been referenced as a significant area of concern. Additional once-off funding of approximately €500,000 has recently been made available towards the development and implementation of actions in this area.

Efforts are underway to improve the development of indicators and recording of metrics as a means of monitoring the implementation of targeted interventions to improve Traveller health. The introduction of an ethnic identifier as part of ethnic equality monitoring will help improve the collection and application of relevant data.

Traveller/Roma Education

The Department of Education and Skills continues to work with Traveller and Roma representative groups and other education partners to improve educational outcomes for Travellers and Roma. The Department also engages directly with the Educational Welfare Services of TUSLA – the Child and Family Agency - in order to support and consolidate the work of schools in ensuring that the participation of all children, including Traveller and Roma children in the education system is maximised.

A number of Traveller and Roma-specific supports are available to assist with the transition to the mainstream system of pupils previously provided for separately. These comprise 141 alleviation resource teacher posts for schools with significant numbers of Travellers and Roma at a cost of €8.46 million. Additional pupil capitation for Travellers and Roma at a rate of €70 per pupil for Primary, and €201 per pupil is also provided for Post-Primary at a cost of €1.11million

A key action in the DEIS Plan 2017 (*DEIS = Delivering Equality of Opportunity in Schools*) in relation to Travellers and Roma seeks to improve collaboration between the Education Authorities and Traveller and Roma representative groups in order to tackle poor attendance, knowledge retention, and progression levels for Traveller and Roma children - issues widely acknowledged as barriers to young people improving their prospects of better outcomes in life. Work in this area will seek to build on examples of good practice and innovative measures developed by DEIS schools to improve educational outcomes for all pupils including Traveller and Roma pupils.

The Department of Education and Skills is also embarking on a data analysis exercise in 2018 with a view to better tracking the participation and progress of Traveller and Roma children through the primary level educational system.

Committee's Concluding Observations in Paragraph No. 14

The Committee recalls its previous concluding observations (CERD/C/IRL/CO/2) and general recommendation No. 32 (2009) on the scope and meaning of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, and regrets that the State party has not adopted a programme on affirmative action to improve the representation of the Traveller community in political institutions or taken adequate measures to encourage the Traveller community to participate in the conduct of public affairs. (art. 5(c))

The Committee reiterates its previous concluding observations (CERD/C/IRL/CO/2) and draws the attention of the State party to general recommendation No. 32, and recommends that the State party adopt affirmative action programmes that seek to improve the representation of Travellers in political institutions, particularly at the level of *Dáil Éireann* (Lower House of Parliament) and/or *Seanad Éireann* (Upper House of Parliament). The State party should further adopt measures aimed at encouraging the Traveller community to participate in the conduct of public affairs.

Response to Committee's Concluding Observations in Paragraph No. 14

The Department of Justice and Equality continues to provide core funding for the development of Minceir Whiden, a Traveller organisation which supports Travellers to register to vote, to promote the importance of voting and to engage with politics in a more organised way. The new National Traveller and Roma Inclusion Strategy contains actions to support Traveller participation in political processes at local and national level and to facilitate political engagement and leadership in the Traveller community.

Committee's Concluding Observations in Paragraph No. 15

The Committee regrets that due to the current political situation in the State party, 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. (arts. 2, 4, 5 and 6)

The Committee recommends that the State party's 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. The Committee further recommends that the State party 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.

Response to Committee's Concluding Observations in Paragraph No. 15

The International Protection Act 2015

In 2014, the Government decided to fast track the 'Protection' elements of the Immigration, Residence and Protection Bill to significantly reform Ireland's international protection system. The International Protection Act 2015 was commenced on 31 December, 2016. This legislation provides for a single application procedure, which has replaced the multi-layered and sequential protection application system under the repealed 1996 Refugee Act. The new single application procedure will, in time, significantly streamline the protection determination

process and by extension will reduce the length of time spent in State-provided accommodation by those applicants who choose to avail of this accommodation.

Female Genital Mutilation

Legislation regarding Female Genital Mutilation was enacted on 2 April 2012.⁵ The Health Service Executive funds a specialist clinic⁶ that offers free medical care and counselling to all women and girls in Ireland who have experienced Female Genital Mutilation. The Health Service Executive continues to fund Akidwa – a migrant women’s organisation – to deliver information and awareness raising around this practice in at-risk communities, as well as to a range of health and other workers.

The Prohibition of Incitement to Hatred Act 1989

Both the general criminal law and targeted legislation such as the Prohibition of Incitement to Hatred Act 1989 have application for the purpose of protection from racist attacks.

The Prohibition of Incitement to Hatred Act 1989 addresses the issue of incitement. Under this Act it is an offence to use words, publish or distribute written material, or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred. The word “hatred” is defined as “hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation”. Accordingly prosecutions are allowed under the Act where intention to incite hatred is proven or where the likelihood of stirring up hatred is proven regardless of intention. This approach was adopted following an analysis of difficulties in other jurisdictions in securing prosecutions solely by relying on intention.

Offences under the general criminal law will equally be relevant in the case of offences other than incitement within the meaning of the 1989 Act which may be racially motivated. Key relevant Acts in this regard include:

- Criminal Justice (Public Order) Act 1994
- Non- Fatal Offences Against the Person Act 1997
- Criminal Damage Act 1991

The relevant offences under these Acts are relied on where criminal offences such as assault, criminal damage or public order offences are committed with a racist motive. In those circumstances, the trial judge can take aggravating factors, including racist motivation, into account at sentencing.

The current issues surrounding the need for hate crime offences are being considered in the context of the EU Framework Decision 2008/913/JHA on Combating Racism and Xenophobia, and the Criminal Justice (Aggravation by Prejudice) Bill 2016 introduced by Fianna Fáil TDs Margaret Murphy O’Mahony and Fiona O’Loughlin in July 2016. This Bill makes provision for introducing prejudice on grounds of the race, colour or ethnic origin, a disability or sexual identity as an aggravating factor for the purposes of sentencing on criminal offences.

The National Migrant Integration Strategy contains a commitment to review current legislation on racially motivated crime with a view to strengthening the law against hate crime, including in the area of online hate speech.

⁵ <http://www.oireachtas.ie/documents/bills28/acts/2012/a1112.pdf>

⁶ <http://www.ifpa.ie/Sexual-Health-Services/FGM-Treatment-Service>

Formal notification of Ireland's compliance with the EU Framework Decision was submitted with supporting documentation to the European Commission by the November 2010 deadline.

Please also see additional material provided under Part III (Article 4) of this report and material originally provided in 2012 in the addendum to Ireland's 3rd and 4th periodic report (CERD/C/IRL/CO/3-4/Add.1).

Committee's Concluding Observations in Paragraph No. 16

The Committee regrets that since the consideration of its previous report, the State party has made no efforts to incorporate the Convention into the domestic legal order, particularly in light of the fact that the State party has incorporated other international human rights instruments into domestic law. (art. 2)

The Committee reiterates its previous concluding observations (CERD/C/IRL/CO/2) that the State party should incorporate the Convention into its legal system to ensure its application before Irish Courts in order to afford all individuals its full protection.

Response to Committee's Concluding Observations in Paragraph No. 16

Ireland's position as outlined in paragraphs 19 to 21 of the addendum to the 3rd and 4th report to the Committee remains unchanged. Please see CERD/C/IRL/CO/3-4/Add.1 for more detail.

Committee's Concluding Observations in Paragraph No. 17

The Committee recalls its previous concluding observations (CERD/C/IRL/CO/2) and notes that the State party made a reservation/interpretative declaration on article 4 of the Convention. The Committee notes that the State party has not provided compelling reasons for maintaining the reservation/interpretative declaration. (art. 2)

Recalling its previous concluding observations (CERD/C/IRL/CO/2) and general recommendation No. 15 (1993), the Committee reiterates its recommendation to the State party that it should reconsider its position, and encourages it to withdraw the reservation/interpretative declaration made to article 4 of the Convention.

Response to Committee's Concluding Observations in Paragraph No. 17

Ireland signed the Convention on the Elimination of All Forms of Racial Discrimination in 1968 and ratified it in December 2000 whereupon it became binding on Ireland in international law. At the time of ratification of the Convention, a reservation/interpretative declaration was entered in relation to Article 4 of the Convention.

The declaration

- (i) notes that the measures described in Article 4 (a), (b) and (c) shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights set forth in Article 5 of the Convention, and
- (ii) states that Ireland considers that, through the measures described in Article 4, the right to freedom of opinion and expression and the right to peaceful assembly and association may not be jeopardised.

There no immediate plans to propose withdrawing Ireland's reservation/interpretative declaration on Article 4 of the Convention.

Committee's Concluding Observations in Paragraph No. 18

The Committee is concerned at the lack of legislation proscribing racial profiling by the *Garda Síochána* (Police) and other law enforcement personnel. The Committee also notes 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 (arts. 2, 3 and 6)

The Committee recommends that the State party adopt legislation that prohibits any form of racial profiling, a practice which has the danger of promoting racial prejudice and stereotypes against certain racial groups in the State party. Furthermore, the State party should 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. The Committee further recommends that the State party establish appropriate mechanisms to encourage the reporting of racist incidents and crimes.

Response to Committee's Concluding Observations in Paragraph No. 18

An Garda Síochána (Police) does not, as an institution, engage in discriminatory profiling and, specifically, does not engage in data gathering or data mining based upon discriminatory profiling in respect of race, colour, language, religion, nationality, national or ethnic origin, ethnicity or membership of the Traveller community. In this regard, An Garda Síochána has adopted the definition of racial profiling used by the European Commission on Racism and Intolerance, namely the *"use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin, in control, surveillance or investigation activities"*.

In an effort to promote and maintain best practice in this area, members of An Garda Síochána are provided with a range of human rights training programmes. This is a further support to ensuring that no element of stereotyping or prejudice consciously or unconsciously informs day-to-day policing decisions. In addition, An Garda Síochána take proactive steps to develop links with new communities so that they are in a position to avail of policing services when required. For example, the Garda Racial, Intercultural and Diversity Office (GRIDO) at the Garda Community Relations Bureau has developed a programme of partnerships and relationship building with ethnic communities.

Specific Garda Human Rights Training

The new trainee programme for Garda (Police) recruits, which involves a total of 104 weeks training now results in an award of a Bachelor of Arts (Level 7) in Applied Policing. In addition, An Garda Síochána has a comprehensive education, training and information system for the professional development of all members. This development programme incorporates the following human rights training:

- A one day human rights and diversity seminar targeted at operational sergeants and Gardaí took place between October 2012 and December 2013;
- There is a two and a half day human rights and anti-racism input on the Sergeant and Inspector Development courses;
- Human rights modules have been threaded through the new Student Education/Training Programme and this is a core competency on which students are assessed;

- Special training is provided for members on the questioning of suspects, particularly of those who may be vulnerable or have psychological issues;
- A human rights input on the course for Senior Investigating Officers is provided by the Irish Human Rights and Equality Commission. In addition there are inputs on human rights on the Superintendent and Chief Superintendent Development Courses.

Committee's Concluding Observations in Paragraph No. 19

While noting the efforts taken by the State party to combat racial discrimination and related intolerance, including commissioned research undertaken by the Centre for Criminal Justice at the University of Limerick, the Committee remains concerned that the legislative framework in the State party does not cover all the elements of article 4 of the Convention, and that racist motivation is not consistently taken into account by judges in sentencing for crime. (arts. 2 and 4)

Recalling general recommendation No. 31 (2005), the Committee recommends that (a) in line with article 4(b) of the Convention, legislation be passed to declare illegal and prohibit racist organizations; (b) that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences; and (c) that programmes of professional training and development sensitize the judiciary to the racial dimensions of crime.

Response to Committee's Concluding Observations in Paragraph No. 19

(a) In line with article 4(b) of the Convention, legislation be passed to declare illegal and prohibit racist organizations;

There are no plans to introduce or enact legislation to declare illegal and prohibit racist organisations. Section 18(d) and (e) of the Offences Against the State Act 1939 provide for the declaration of any organisation as unlawful, which:

(d) engages in, promotes, encourages, or advocates the commission of any criminal offence or the obstruction of or interference with the administration of justice or the enforcement of the law, or

(e) engages in, promotes, encourages, or advocates the attainment of any particular object, lawful or unlawful, by violent, criminal, or other unlawful means.

Should any organisation (racist or otherwise) that engages in any activities which would constitute an offence under the Prohibition of Incitement to Hatred Act 1989, fall under the provisions of the Act of 1939, then any such organisations may be declared unlawful.

(b) that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences;

As per the Irish Constitution, the judiciary is independent in the matter of sentencing and in other matters concerning the exercise of judicial functions. In accordance with this principle, the Oireachtas (the legislature) enacts criminal laws, which usually provide for maximum penalties in the form of a fine or imprisonment, or both.

Within Ireland's legislative framework, the determination of penalty in any individual case is largely a matter for the trial judge, taking case law, including appealed cases, into account. This allows the courts to take all the circumstances of the offence and all the relevant aggravating and mitigating factors into account. The gravity of the offence, the facts surrounding the commission of the offence, the criminal record of the accused and the impact on the victim are

among the critical factors taken into account before a sentence is imposed. The judge must take into account the circumstances of the offence and the offender. The Director of Public Prosecutions can appeal against the sentence imposed if she believes it to be unduly lenient (Criminal Justice Act 1993).

Judicial Training

Please see paragraphs 233 to 241 of Ireland's Third and Fourth Periodic Report (CERD/C/IRL/3-4). Please also see the updated material provided under Article 7 in this report.

Committee's Concluding Observations in Paragraph No. 20

The Committee is concerned at the negative impact that the policy of 'direct provision' has had on the welfare of asylum-seekers who, due to the inordinate delay in the processing of their applications, and the final outcomes of their appeals and reviews, as well as poor living conditions, can suffer health and psychological problems that in certain cases lead to serious mental illness. The Committee is further concerned at the failure by the State party to provide for an independent appeals tribunal considering that the remit of the Office of the Ombudsman does not extend to asylum and immigration matters. (arts. 2, 5 and 6)

The Committee encourages the State party to take all necessary steps with a view to expediting the processing of asylum applications so that asylum-seekers do not spend unreasonable periods of time in asylum centres which might have negative consequences on their health and general welfare. The State party should take all necessary measures to improve the living conditions of asylum-seekers by providing them with adequate food, medical care and other social amenities including also a review of the direct provision system.

Response to Committee's recommendations in Paragraph No. 20

The commencement of the International Protection Act 2015 on 31 December 2016 represents a fundamental reform of the system for assessing the applications of those seeking international protection in Ireland. The new system requires that all aspects of a person's claim (Asylum, Subsidiary Protection and Permission to Remain) are considered together rather than sequentially, as heretofore. This more streamlined process will reduce the length of time spent in State-provided accommodation by those applicants who choose to avail of this accommodation.

All applications for international protection are being processed under the new arrangements in the International Protection Office, IPO (formerly the Office of the Refugee Applications Commissioner - ORAC) and any appeals arising in relation to asylum and subsidiary protection applications will be heard by the International Protection Appeals Tribunal, IPAT (formerly the Refugee Appeals Tribunal - RAT). The staff of the IPO (the Chief International Protection Officer and international protection officers) and IPAT are independent in the performance of their international protection functions.

The Minister for Justice and Equality published the Report of the Working Group on the Protection Process, including Direct Provision⁷ and other supports to asylum seekers, following a Government decision of 30 June 2015. The terms of reference of the Working Group were directed towards improving existing arrangements for the processing of protection applications

⁷ Direct Provision is a means of meeting the basic needs of food and shelter for asylum seekers directly while their claims for refugee status are processed rather than through full cash payments. Direct provision commenced on 10 April, 2000 from which time asylum seekers have received full board accommodation and personal allowances.

and showing greater respect for the dignity of persons in the system and improving their quality of life. This was the first comprehensive review of the protection system since the introduction of Direct Provision 15 years previously. 173 recommendations were made by consensus in the Working Group Report including key recommendations with regard to improvements to the protection determination process, living conditions in accommodation centres, and supports for persons in the system. The key recommendation of the Working Group was the introduction of a single application procedure, which was subsequently introduced under the International Protection Act 2015. The Government has published three progress reports on the implementation of the recommendations since the publication of the Working Group Report. The third and final report, which was published in July 2017, showed a 98% full or partial implementation rate for the 173 recommendations. In addition to the ongoing improvements to accommodation and self-catering facilities, residents can now access the services of the Ombudsman and the Ombudsman for Children.

Direct Provision and Health Service Executive

Asylum seekers are entitled to access mainstream health services. A number of recommendations specific to the health needs of people within the Direct Provision system are contained in the report of the Working Group on Direct Provision and the Health Service Executive is committed to progressing these. Measures have already been undertaken, including a decision by the Department of Health to waive prescription charges for asylum seekers living in the accommodation centres. The majority of people seeking asylum who live in the centres are in receipt of medical cards and are thus entitled to the same range of public health services as any Irish citizen.

Representatives of the Health Service Executive link closely with officials of the Reception and Integration Agency and the Irish Refugee Protection Programme within the Department of Justice and Equality in order to identify shared concerns and address emerging issues. Collaborative efforts are presently underway towards development of a set of standards in respect of assuring a person centred approach to the unique care and support needs of people seeking asylum.

Committee's Concluding Observations in Paragraph No. 21

The Committee is concerned at reports of racial discrimination towards people of African origin. The Committee regrets the lack of disaggregated statistical data on these reports in the State party's report (arts. 2 and 5)

The Committee recommends that the State party ensure that any person involved in such acts is investigated and prosecuted, and if found guilty on such incidents, punished with appropriate penalties. The Committee further recommends that the State party compile disaggregated statistical data on these incidents of racial discrimination against persons of African origin.

Response to Committee's Concluding Observations in Paragraph No. 21

Report of the Garda Inspectorate on Crime Investigation

The wide-ranging Report of the Garda Inspectorate on Crime Investigation (2014) included recommendations to help improve the way racist crime is recorded and to support victims of such crimes.

The Garda Modernisation and Renewal Programme 2016-2021 will address many of the detailed recommendations highlighted in the Garda Inspectorate's Report. The Garda Commissioner has established a Strategic Transformation Office to plan and oversee the implementation of the Garda Modernisation and Renewal Programme and oversee the work to address many of the recommendations made by the Inspectorate in its report on Crime Investigation, including those relating to the recording and classification of crime. On 25 July 2017, the Minister for Justice and Equality published the Report of the CSO-led Expert Group on Crime Statistics. The Expert Group was established to specifically address six recommendations arising from the Garda Inspectorate Report on Crime Investigation 2014 which directly related to the compilation of crime statistics.

In addition, improvements to the PULSE (police crime information and recording) system were made. PULSE 6.8 was released in November 2015 and, among the enhancements outlined as part of this release, was the introduction of a Victim Assessment Screen which included the mandatory recording of data relating to the apparent motive for a crime incident, such as whether it has been motivated by domestic violence or by specific types of discrimination including by age, disability, race, religion, gender or sexual orientation.

Improvements to the PULSE system will enable the recording of all interactions with victims and facilitate the communication of information to victims on all aspects of the investigative process. These improvements will facilitate the issuing of correspondence to victims in accordance with the E.U. Directive on Victims of Crime.

Important steps already taken include the establishment on 16 March 2015 of Garda Victim Service Offices in each Garda Division. These Offices aim to enhance the Garda service being provided to victims of crime and traumatic events by placing victims at the centre of the Garda service and providing a respectful, reassuring, responsive and reliable service addressing the needs and expectations of all victims who require an individual response.

In addition, other developments following on the Inspectorate's Report include the establishment of a Data Quality Team within An Garda Síochána and the development of a new Incident Recording Process to enhance overall data quality.

Addressing under-reporting of racist incidents.

The Inspectorate's Report also included a specific recommendation that An Garda Síochána implement a victim-centered policy and good investigative practices in racial, homophobic and other similar crimes to support victims and address under-reporting of racist offences. This was a medium-term recommendation and it is expected that its implementation will be pursued in the context of the overall implementation of the very wide-ranging recommendations contained in the Report.

The issue raised by the Committee is also being considered in the context of the measures set out in relation to the recording of hate crime generally.

More generally, all members of An Garda Síochána are tasked with enforcing all legislation relating to criminal matters, including the relevant provisions relating to racist behaviour. On receipt of any complaint, the matter is the subject of a full investigation by An Garda Síochána and on completion of such investigation an Investigation File is submitted to the Law Officers who, on being satisfied that there is sufficient evidence available to warrant a prosecution, will direct what charges, if any, are to be proffered.

The Garda Racial Intercultural and Diversity Office (GRIDO) has responsibility for coordinating, monitoring and advising on all aspects of policing Ireland's diverse communities. GRIDO monitors the reporting and recording of hate and racist crime on a continual basis.

There are currently a total of 281⁸ Garda Ethnic Liaison Officers appointed to work with minority communities at local level. These officers, together with the Garda Racial Intercultural and Diversity Office, play a fundamental role in liaising with minority groups and work in partnership to encourage tolerance, respect and understanding within communities and to help prevent hate and racist crime. The Garda Racial Intercultural and Diversity Office and Ethnic Liaison Officers provide advice and assistance to victims of hate or racist crime where required or deemed necessary.

The National Migrant Integration Strategy contains a commitment on the part of An Garda Síochána to address the under-reporting of racially motivated crime, including through the development of greater contact with marginalised communities.

In addition to the work of the Gardaí, the Office for the Promotion of Migrant Integration has provided substantial funding to local authorities and civil society organisations around the country to support local programmes to educate the public on issues such as immigration, integration, interculturalism and anti-racism⁹.

Detailed Analysis by Central Statistics Office

Following the publication of the Garda Síochána Inspectorate Report, the Central Statistics Office agreed to carry out a detailed analysis of certain issues raised by the Inspectorate in relation to the recording, classification and reclassification of crime, to see whether and to what extent there might be implications for the crime statistics which that Office produces. The CSO published its first Quality report on 30 June 2015 and the second on 28 September 2016. Separately, the CSO chaired an Expert Group on Crime Statistics to examine some of the Garda Inspectorate Report recommendations directly relating to the compilation of crime statistics. The expert group report was published on 26 July 2017 and one of the recommendations was the development and publication of a new crime counting rules and detection manual.

Committee's Concluding Observations in Paragraph No. 22

While noting the various efforts that have been made by the State party through the Health Service Executive (HSE) to protect the rights of separated and unaccompanied children seeking asylum, the Committee regrets that legislation in this area does not provide adequate protection as required by the standards set by the Office of the United Nations High Commissioner for Refugees (UNHCR). In this context, the Committee notes with concern the lapsing of the Immigration, Residence and Protection Bill 2010, which presented the opportunity to amend the Child Care Act 1991 in order to outline the legal obligations of the HSE towards these children.(arts. 2 and 5)

The Committee recommends that the State party 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. The Committee, therefore, invites the State party 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 have made a protection application or not.

Response to Committee's Concluding Observations in Paragraph No. 22

⁸ Figure correct as of 8/3/2016

⁹ <http://www.justice.ie/en/JELR/Pages/PB14000314>

Section 14 of The International Protection Act 2015 provides that, where it appears to an officer of the Minister that a person seeking to make an application for international protection has not attained the age of 18 years and is not accompanied by an adult who is taking responsibility for the care and protection of the person, the officer shall, as soon as practicable, notify Tusla, the Child and Family Agency, of that fact. After that notification, it shall be presumed that the person concerned is a child and the Child Care Acts 1991 to 2013 relating to the care and welfare of persons who have not attained the age of 18 years shall apply accordingly. Tusla is the statutory child welfare and protection body to which an unaccompanied minor is referred. It is a separate and independent body, and follows the principle of the best interests of the child as part of its statutory remit.

Tusla receives unaccompanied minors notified under the International Protection Act 2015 into the care of in the State. An application for international protection does not have to be made by the young person at this stage. An equity of care principle means that unaccompanied minors receive the same level of and access to care as any other child in the State. Each unaccompanied minor is allocated a social worker who acts as a de facto guardian for the child in place of the parent (*in loco parentis*). Each unaccompanied minor undergoes an assessment to identify their needs. Unaccompanied minors may be accommodated, in accordance with their needs following an assessment, in community based residential houses, with foster families or other appropriate accommodation in the community. The social worker advises the child, oversees their childcare plan, and also acts on the child's behalf, including obtaining legal or other formal advice. For example a legal advisor is available to the young person in respect of applications for international protection. Tusla works with relevant agencies in respect of family reunification. Section 15(4) of the International Protection Act 2015 provides that Tusla should seek legal advice in deciding whether or not to make an application for international protection on behalf of the unaccompanied minor. Where an application is made on behalf of the unaccompanied minor, Tusla will represent and assist the child during the examination of the application.

Committee's Concluding Observations in Paragraph No. 23

The Committee notes with concern the reported prevalence of instances of 'knife stabbing', with people from sub-Saharan Africa representing a disproportionate number of the victims. The Committee regrets the lack of disaggregated statistical data on these reports. (arts. 2 and 4)

The Committee recommends that the State party 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. The Committee further encourages the State party to compile disaggregated statistical data on these incidents, which must be included in its next periodic report.

Response to Committee's Concluding Observations in Paragraph No. 23

Ireland is firmly committed to ensuring that all instances of crime are properly investigated and that perpetrators are convicted and the appropriate sentence is handed down. Ireland is unaware of any basis for the suggestion that there is a specific problem of stabbings involving people from Sub-Saharan Africa.

Committee's Concluding Observations in Paragraph No. 24

While welcoming the efforts of the State party with regard to the development of a training package for the *Garda Síochána* (Police) under the programme ‘Diversity Works’ and the efforts by the Judicial Studies Institute to provide training for the judiciary, the Committee is concerned that human rights training has not been mainstreamed in the civil service. (arts. 6 and 7)

The Committee recommends that the State party strengthen its efforts to sensitize relevant civil servants on human rights issues particularly against racism and intolerance by ensuring that human rights training is mainstreamed in the civil service. In this regard, the Committee invites the State party to develop a coordinated work plan with the Irish Human Rights Commission (IHRC) that allows the IHRC to raise awareness and provide human rights training to all civil servants including the *Garda Síochána* (Police) and the judiciary.

Response to Committee’s Concluding Observations in Paragraph No. 24

The Irish Human Rights and Equality Commission Act 2014¹⁰ was signed into law by the President on 27 July 2014. All provisions have been commenced and the Commission – the members of which had been appointed to the then two existing bodies (Equality Authority and Human Rights Commission) on an interim basis in April 2013 – came officially into being on 1 November 2014.

A particular innovation in the Irish Human Rights and Equality Commission Act is the creation in Section 42 of a positive legal duty on public bodies to have due regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. This requires public bodies to take pro-active steps to address the equality and human rights issues that affect the people who use their services, people affected by their policies and people employed in the organisation. The Commission is playing an important role in assisting and supporting public bodies to comply with this new positive duty, including by producing guidance and providing training. In November 2017, the Commission hosted information events in Dublin and Limerick aimed at assisting public bodies to understand their obligations. The intention is that the operation of this mechanism will be reviewed after 3 years. It is important that the Committee appreciate that the Commission is entirely independent in the performance of its functions.

Committee’s Concluding Observations in Paragraph No. 25

The Committee regrets that notwithstanding the existence of the Refugee Act of 1996, there is no legal framework for family reunification, which is currently handled on a non-statutory basis. The Committee also regrets the current narrow meaning ascribed to the word ‘family’ for purposes of family reunification. The Committee further regrets the lapsing of the Immigration Residence and Protection Bill which provided that family reunification would be provided for in a statutory instrument. (arts. 2, para. (2) and 5 (d)(iv), 6)

The Committee recommends that the State party adopt legislation that would elaborate the principles, rights and obligations governing family reunification. In this regard, the State party is 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.

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<http://www.environ.ie/en/Community/CommunityVoluntarySupports/News/MainBody,40742,en.htm>

Response to Committee's Concluding Observations in Paragraph No. 25

The legal framework for family reunification for beneficiaries of international protection is set out in Sections 56 and 57 of the International Protection Act 2015. In addition, the Government announced in November 2017 a new Family Reunification Humanitarian Admission Programme (FRHAP) that will address the issue of family reunification for some immediate family members coming from established conflict zones who are outside the scope of the International Protection Act 2015.

For those outside the protection system, Ireland published, in the interests of transparency, a set of detailed administrative guidelines for family reunification cases on 31 December 2013 and these have been updated in December 2016 to take into account the introduction of new legislation, etc. The guidelines set out the appropriate balance between the rights of the families and those of society in general, particularly as regards the economic considerations that apply. While these guidelines are not legally binding, they are referenced increasingly by the courts in determining matters relating to family reunification. Family reunification is also subject to judicial oversight, in particular, as regards ensuring that Ireland fulfils its obligations under the European Convention on Human Rights which has legal effect in Ireland. Ireland does not accept that decision making in non-protection cases should be outside the control of the elected Government and its immigration service.

Committee's Concluding Observations in Paragraph No. 26

The Committee recalls its previous concluding observations (CERD/C/IRL/CO/2) and notes with concern that the education system in the State party is still largely denominational and is mainly dominated by the Catholic Church. The Committee further notes that non-denominational or multi-denominational schools represent only a small percentage of the total, and regrets that, according to reports, there are not enough alternative schools, and students of the Catholic faith are favoured for enrolment into Catholic schools over students of other faiths in case of shortage of places. The Committee further expresses its regret that the provisions of the Equal Status Act give 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. (arts. 2, 5(d)(vii) and 5(e)(v))

Recognizing the 'intersectionality' between racial and religious discrimination, the Committee reiterates its previous concluding observations (CERD/C/IRL/CO/2) and recommends that the State party 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. The Committee further recommends that the State party encourage diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief.

Response to Committee's Concluding Observations in Paragraph No. 26

Forum on Patronage and Pluralism in the Primary Sector

Ireland is continuing to make progress in the area of pluralism and diversity in education. A lack of diversity of patronage in the primary sector is being addressed through the implementation of the recommendations of the Forum on Patronage and Pluralism, which was established in 2011 in line with a commitment in the Programme for Government. The terms

of reference of the Forum gave it the task of developing recommendations on steps to be taken to ensure that the education system at primary level could provide a sufficiently diverse number and range of primary schools to cater for children of all religions and none. The Forum held public sessions and consulted widely on the issues arising.

The Advisory Group to the Forum published its report in 2012. The Report's recommendations covered the following four broad areas:

- planning towards future patronage arrangements and having a more diverse range of patronage types for new schools in areas of rising population;
- dealing with the practicalities of achieving divesting of patronage where there is a stable population and a demand for diversity of school types;
- dealing with Irish language provision;
- the creation of more inclusive schools, where divesting to another patron is not a feasible option.

As part of the follow-up to the Forum on Patronage, a public consultation on inclusivity in primary schools was held in 2013. The results of this consultation informed a paper entitled "*Forum on Patronage and Pluralism in the Primary Sector: Progress to Date and Future Directions*", which was published in 2014. The paper gives an update on the progress made to date in implementing the Forum's recommendations, with a particular focus on the issue of encouraging inclusion and the accommodation of diversity in primary schools.

The paper encourages school authorities to engage in consultation with stakeholders and to review their policies and practices on an ongoing basis to ensure that they remain suitable for the school population that they serve.

School Admissions

It is the responsibility of the managerial authorities of all schools to implement an enrolment policy in accordance with the Education Act 1998. The enrolment policy must be non-discriminatory and must be applied fairly in respect of all applicants. The State's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places in the area. Parents can choose which school to apply to and, where the school has places available, the pupil should be admitted.

The Equal Status Acts 2000-2015, which outlaw discrimination in relation to the admission of a student, make provision for exemptions to apply in the case of single sex schools and in the case of schools where the objective is to provide education in an environment that promotes certain religious values. They also provides exemptions allowing the admission of persons of a particular religious denomination in preference to others and, where it is proven that the refusal is essential to maintaining the ethos of the school, the refusal of a person not of a particular domination.

The Education (Admission to Schools) Bill 2016, which is proceeding through the Houses of the Oireachtas, introduces a number of important changes to make enrolment policies fairer and more transparent. The Bill and its associated regulations aim to create a more parent-friendly, equitable and consistent approach to how school admissions policy should operate for all primary and post-primary schools.

The Bill provides new powers for the National Council for Special Education and the Child and Family Agency to designate a school place for those children who cannot get a school place anywhere.

The Bill allows for single sex schools and denominational schools to reflect in their admission policy the exemptions applicable to such schools under equality legislation. However in applying these exemptions, schools are required to explicitly state in their admission policy that it will not discriminate against an applicant for admission on the grounds of disability, special educational needs, sexual orientation, family status, membership of the Traveller community, race, civil status, gender or religion.

The Bill also requires schools to publish an enrolment policy that will include details of the school's arrangements for students who do not want to attend religious instruction.

The Minister for Education and Skills held a public consultation on the role of religion in school admissions from 24 January 2017 to 20 March 2017 and the Department has begun the process of examining the submissions and formulating next steps.

Anti-bullying procedures for all primary and post primary schools were published at the beginning of the 2013/14 school year. The procedures are designed to give direction and guidance to school authorities and school personnel in preventing and tackling school-based bullying behaviour amongst their pupils.

All Boards of Management are required to adopt and implement an anti-bullying policy that fully complies with the requirements of these procedures. The procedures include specific requirements in relation to the use of prevention and education strategies and the consistent investigation, follow up and recording of bullying behaviour.

Divesting of Primary School Patronage

On foot of the report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector, surveys of parental preferences were undertaken in a number of areas of stable population to establish the level of parental demand for a wider choice in the patronage of primary schools within these areas.

Surveys were undertaken in 43 different areas during 2012 and 2013¹¹. Analysis of the parental preferences expressed in each area surveyed indicated that there was sufficient parental demand supporting immediate changes in school patronage in 28 areas. Following on from publication of the reports, the main patron in each of these 28 areas was asked to consider re-configuration options that would free up school accommodation for provision by the first choice alternative Patron. Final reports on the options available were submitted by the existing Patrons, which enabled a targeted focus on areas where there were real possibilities for 2014 and 2015. Since September 2013, ten schools have opened under the patronage divesting process.

Schools Reconfiguration for Diversity Process

The Programme for Government reflects the Government's objective of strengthening parental choice and further expanding diversity in our school system. The desire of parents for diversity in education is being pursued primarily by increasing the number of non-denominational and multi-denominational schools with a view to reaching 400 by 2030.

In this context and given the modest pace of progress with the Patronage Divestment process (see above), the Minister for Education & Skills announced on 30 January 2017 new plans aimed at providing more multi-denominational and non-denominational schools across the country, in line with the choices of families and school communities and the Programme for Government commitment in this area.

¹¹ <https://www.education.ie/en/Publications/Policy-Reports/Report-on-the-surveys-regarding-parental-preferences-on-primary-school-patronage.pdf>

The new Schools Reconfiguration for Diversity process supporting transfers of schools to multi-denominational patrons in response to the wishes of local families is based around principles of transparency and cooperation. Therefore, there will be a very substantial level of consultation of local communities in the process, both with the Education and Training Boards (ETBs) in the initial phase to establish evidence of demand by consulting pre-school parents, and subsequently through the requirement for the existing patron to consult with local community and school interests in proposing to transfer patronage of an existing school to an alternative patron body. In that process, proposals from all prospective multi-denominational patrons that wish to be considered will be taken into account.

New schools

Arrangements were introduced in 2011 whereby when it is decided that a new school is required to meet demographic needs in an area, the Department of Education and Skills runs a separate patronage process to decide who will operate the school.

It is open to all patrons and prospective patrons to apply for patronage of the new school under this process and the level of parental preference for each patron, along with parental preference for either Irish-medium or English-medium provision, are key to decisions in relation to the outcome of the process.

Between September 2011 and September 2016, 22 new primary schools (all multi-denominational) and 24 new post-primary schools (20 multi-denominational & 4 denominational) have been established under the new patronage process. These outcomes are reflective of parental preferences in the areas where the schools are being established.

Multi-denominational patronage has also been awarded in relation to 13 new schools (4 primary and 9 post-primary) scheduled to open in September 2017 & 2018.

Community National Schools

Community National Schools represent another new policy initiative to deal with increasing societal diversity and demand for greater choice in education provision at primary school level in Ireland. The model has an ethos of inclusion, equality and harmony, where each child and member of the school community is valued and treated with respect.

There are currently eleven Community National Schools in operation around the country. Community National Schools are multi-denominational and welcome and respect children of all beliefs and none.

Committee's Concluding Observations in Paragraph No. 27

The Committee notes the inclusion of migrant and minority women including Traveller women in the State Party's National Women Strategy currently under review. (arts. 2 and 5)

Bearing in mind the Committee's general recommendations No. 25 (2000) and No. 32 (2009), the Committee recommends that the State party take all necessary measures to ensure that, following the review, migrant and minority women continue to be the focus of the target actions and objectives of the National Women's Strategy.

Response to Committee's Concluding Observations in Paragraph No. 27

A public consultation process conducted between November 2016 and January 2017 invited views on the objectives, outcomes and priorities to be advanced over the next four years for women and girls in Ireland. Contributions were received from stakeholders at 4 public meetings and through 95 written submissions, including submissions from organisations representing women from migrant and ethnic minority backgrounds. A Strategy Committee was appointed to advise the Department of Justice and Equality on the preparation of a new National Strategy, having regard to the results of the consultation, and its subsequent implementation. The Committee membership includes organisations representing migrant and ethnic minority women. The resulting National Strategy for Women and Girls 2017-2020 (see Annex to this Report) was agreed by Government and published on 3 May 2017. The Strategy has as its overall goal "to change attitudes and practices preventing women's and girls' full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing or at risk of experiencing, the poorest outcomes". Women from migrant or ethnic minority backgrounds are the specific focus of a number of the actions under the Strategy.

Committee's Concluding Observations in Paragraph No. 28

Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Response to Committee's Concluding Observations in Paragraph No. 28

The employment protections envisaged in the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are already extensively incorporated into Irish employment law:

- The procedural framework set in place in respect of consideration of Employment Permit applications, a prerequisite for non EEA nationals entering the Irish workforce, is completely non-discriminatory and the availability of Workplace Relations Commission inspectors in their capacity as Authorised Officers represents an additional protection for migrant workers;
- Non EEA nationals are afforded the same protection as their Irish national counterparts in the workplace in terms of enforcement of employment rights. All legally employed workers in Ireland share the same legal protections, whether they are indigenous or migrant workers;
- Non EEA nationals in particular also have recourse to treatment of grievances under the terms of the Employment Equality Acts.

It should be noted that the International Labour Organisation's (ILO) Convention on Decent Work for Domestic Workers (No. 189), 2011 was ratified by Ireland in July 2014.

Committee's Concluding Observations in Paragraph No. 29

In light of its general recommendation No. 33, the Committee recommends that the State party continue to give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report

specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

Response to Committee's Concluding Observations in Paragraph No. 29

See information provided as response under Article 5.

Please also refer to paragraph 259 of Ireland's updated Common Core Document (HRI/CORE/IRL/2014).

Committee's Concluding Observations in Paragraph No. 30

The Committee recommends that the State party undertake and publicise adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent, as proclaimed by the General Assembly in its resolution 64/169 of 18 December 2009.

Response to Committee's Concluding Observations in Paragraph No. 30

Irish Aid in the Department of Foreign Affairs and Trade has supported Africa Day celebrations in Ireland since 2006. The celebrations provide an opportunity to highlight the diversity and potential of the African continent and its people. This support has enabled a range of cultural, community and family events to take place across the country.

'Africa Day Dublin' is the flagship event with an attendance of 10,000 at the first event in 2012 rising to between 27,000 and 34,000 in subsequent years. In the last five years, as well as supporting the national flagship event in Dublin, Irish Aid has also supported regional events in Limerick, Waterford, Galway and Cork. The connection between Ireland and Africa is highlighted at these events by the presence of non-governmental organisations working in Africa or with the African diaspora in Ireland and African embassies in Ireland.

These events receive significant media coverage, including front page photos and articles in main national newspapers and feature pieces on the national TV news programmes and all major radio channels.

Committee's Concluding Observations in Paragraph No. 31

The Committee recommends that the State party continue consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination, in connection with the preparation of the next periodic report.

Response to Committee's Concluding Observations in Paragraph No. 31

Consultation with Non-Governmental Organisations

[To be inserted after consultations have been completed.]

Committee's Concluding Observations in Paragraph No. 32

The Committee recommends that the State Party's reports be made readily available and accessible to the public at the time of their submission, and that the observations of the

Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

Response to Committee's Concluding Observations in Paragraph No. 32

This report will, as is the case with every periodic report submitted to the United Nations Treaty Bodies by the Government of Ireland, be made available to the public. This report will be published on the official website of the Office for the Promotion of Migrant Integration¹². The concluding observations of the Committee will similarly be made available to the public when received.

Committee's Concluding Observations in Paragraph No. 33

Noting that the State party submitted its core document in 1998, the Committee encourages the State party to submit an updated version in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted by the fifth inter-Committee meeting of the human rights treaty bodies held in June 2006 (HRI/MC/2006/3).

Response to Committee's Concluding Observations in Paragraph No. 33

Ireland's updated common core document (HRI/CORE/IRL/2014) was received by the Office of the UN High Commissioner on 7 February 2014. The Common Core Document will be updated in the coming months, with a view to submitting the revised version to the Office of the High Commissioner for Human Rights in 2018.

Committee's Concluding Observations in Paragraph No. 34

In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 11, 12, 15 and 16 above.

Response to Committee's Concluding Observations in Paragraph No. 34

Information on follow-up to recommendations 11, 12, 15, and 16 was submitted to the Committee by Ireland in the addendum to the 3rd and 4th periodic report dated 3 July 2012 (CERD/C/IRL/CO/3-4/Add.1)

Committee's Concluding Observations in Paragraph No. 35

The Committee also wishes to draw the attention of the State party to the particular importance of recommendations, 18, 19, 25 and 27 and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

¹²

<http://integration.ie/website/omi/omiwebv6.nsf/page/064B6E823A6CDDCD80257713003DC544>

Response to Committee's Concluding Observations in Paragraph No. 35

Information on concrete measures taken by Ireland to implement recommendations 18, 19, 25 and 27 is detailed above.

Committee's Concluding Observations in Paragraph No. 36

The Committee recommends that the State party submit its combined fifth to seventh periodic reports in a single document, due on 28 January 2014, taking into account the guidelines for the CERD-specific document adopted by the Committee during its seventy-first session (CERD/C/2007/1), and that it address all points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, para. 19).

Response to Committee's Concluding Observations in Paragraph No. 36

The Committee's recommendations have been taken into account during the preparation of this report.

III. Updated Information on the Implementation of Articles 1 to 7 of the Convention

Article 1

As outlined in paragraphs 135 – 146 of Ireland's Third and Fourth Periodic Report (CERD/C/IRL/3-4) Ireland complies with the provisions of Article 1 via the Employment Equality Acts 1998 to 2008, the Equal Status Acts 2000 to 2015, and the Pensions Acts 1990 to 2004.

Article 2

Please see the response material provided in response to Paragraph No. 24 of the Committee's concluding observations.

Article 3

Please see paragraphs 204 to 207 of Ireland's Third and Fourth Periodic Report (CERD/C/IRL/3-4).

Please also see response provided to recommendation No. 13 of the Committee's Concluding Observations.

Migrant Integration Policy

Migrant Integration policy in Ireland has a focus on the following:

- An intercultural approach, featuring emphasis on the creation of common ground, mutual understanding and shared aspirations, encouragement of ethnic mixing in housing policies and the provision of inter-culturally competent services;
- Rights and responsibilities for both parties;
- Mutual adaptation;
- Ownership responsibilities for everyone - unions, sports groups, media, etc.;
- A 'whole-of-Government' approach;
- A mainstreaming policy and approach to service delivery for migrants;
- A recognition of the need to set integration within the wider social inclusion context;
- Effective and equitable provision of core services;
- Local level integration measures.

Mainstreaming

Ireland adopts a policy of mainstream service provision, i.e. migrants access the same services as Irish people do. The services have to adapt to the new cultural diversity of their client base.

This approach emphasises effective and equitable provision of core services and sees the responsibility for planning, delivery and for making services more accessible to migrants as resting with mainstream departments.

Some of the ways in which Government Departments have made their services more accessible include through providing information for migrants, the translation of various documents into different languages, providing interpretation and translation services and making services more inter-culturally competent for immigrant clients.

Migrant Integration Strategy – A Blueprint for the Future

A new National Migrant Integration Strategy was published on 7 February 2017 following a comprehensive consultation, planning and development process that commenced in 2014. The Strategy sets out the Government’s approach to migrant integration for the period from 2017 to 2020. It envisages a whole-of-Government approach involving actions by all Departments and relevant Agencies. It is targeted at all migrants, including refugees, who are legally residing in the State. It is also intended to encompass the children of migrants and people who have become naturalised Irish citizens but who were born outside Ireland.

Vision

The Strategy sets as its vision that migrants are facilitated to play a full role in Irish society, that integration is a core principle of Irish life and that Irish society and institutions work together to promote integration. Integration is understood to be a two-way process that involves action by migrants as well as by Irish society.

Integration Monitoring and Research

Integration monitoring is carried out on behalf of the Office for the Promotion of Migrant Integration by the Economic and Social Research Institute (ESRI)¹³. The Office for the Promotion of Migrant Integration has also recently commissioned research by the ESRI on the spatial segregation of ethnic groups with a view to using its findings to better inform policy development and decision making in this area.

Article 4

Domestic Legislative and Policy Framework

There is a comprehensive legislative framework in place to protect migrants from racism and discrimination. That legislative framework has been informed by relevant international Conventions and EU legislation as indicated above. Responsibility for legislation in this field rests primarily with the Minister for Justice and Equality.

Criminal Law

Please see response provided under Paragraph 15 of the Concluding Observations.

A new issue was raised by the European Commission in April 2016 under Article 9(2) of the EU Framework Decision 2008/913/JHA concerning jurisdiction over offences committed through ICT systems that are hosted in Ireland. A full reply addressing the concerns raised by the Commission, including those relating to Article 9(2), and maintaining Ireland’s position that it is full compliance with the provisions of the Framework Decision, was returned on 28 April 2016.

Law Reform Commission’s proposed project on cyber bullying

Relevant to the further consideration of the criminal law in the field of racism is the Law Reform Commission’s comprehensive 2016 report “Harmful Communications and Digital Safety¹⁴”

¹³ <https://www.esri.ie/pubs/BKMNEXT330.pdf>

¹⁴

http://www.lawreform.ie/_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf

which presents research, guiding principles and recommendations for law reform in a number of areas including cyberbullying and hate speech.

Council of Europe Convention on Cybercrime

Work is continuing on the preparation of legislation to give effect to the remaining provisions of the Budapest Convention which are not already provided for in Irish law.

Recent legal developments at European Union level and their effect on domestic legislation have impacted on this work and have raised a number of issues which require to be addressed before legislation can be completed.

Civil Law

Discrimination on the ground of race is prohibited by law in the provision of goods and services by the Equal Status Acts 2000 to 2015 and in employment by the Employment Equality Acts 1998 to 2011.

The ground of race for the purpose of both the Equal Status and Employment Equality Acts is defined as being of different race, colour, nationality or ethnic or national origins. Discrimination and harassment in relation to recruitment, conditions of employment and pay on a number of grounds, including race, are outlawed under the Employment Equality Acts 1998 to 2011. Discrimination on the same grounds in the supply of goods or services, education and housing are prohibited under the Equal Status Acts 2000 to 2015.

Discrimination on the ground of race is also prohibited in relation to occupational pensions under the Pensions Act 1990 and in the Unfair Dismissals Act 1977.

All draft legislation is examined by the Office of the Attorney General to ensure that it is compliant with the human rights provisions of the Constitution, national equality legislation and international human rights obligations. Ireland has comprehensive and robust equality legislation in place, which prohibits discrimination on nine specified grounds: gender, civil status, family status, age, race, religion, disability, sexual orientation and membership of the Traveller community. The legislation is designed to promote equality, prohibit discrimination – direct, indirect and by association – and victimisation, and to allow positive measures to ensure full equality across the nine grounds.

Equality legislation also provides for remedies for those who have suffered discrimination. The Workplace Relations Commission (formerly the Equality Tribunal) investigates or mediates claims of unlawful discrimination under equality legislation.

Ireland's equality legislation is constantly kept under review and amended as necessary.

Racist Graffiti

Racist graffiti has not been a widespread problem in Ireland to date. The policy in relation to racist graffiti has been early removal and Local Authorities have been very responsive to reports of racist graffiti where they have occurred. The new National Migrant Integration Strategy 2017-2020 includes a commitment that all Local Authorities will publish their policies for the removal of racist graffiti.

Aggravated sentencing - Roundtable on Hate Crime

In recognition that legislation on racist crime is inextricably linked to legislation relating to other forms of intolerance, a roundtable event on hate crime was hosted by the University of

Limerick on 29 October 2014. The meeting was chaired by Mr. Aodhán Ó Ríordáin TD, the then Minister of State with special responsibility for Equality, New Communities and Culture. A range of NGOs attended the event, which examined possible amendments to criminal legislation with a particular focus on the penalties to be applied for hate crime offences. At the conclusion of the roundtable, the Minister invited the NGOs to make concrete proposals for new legislative measures.

During the introduction of the Private Members' Criminal Justice (Aggravation by Prejudice) Bill 2016, the proposing Deputies noted the report on hate crime in Ireland "Out of the shadows: legislating for hate crime in Ireland", which was published by the University of Limerick in 2015. The Criminal Justice (Aggravation by Prejudice) Bill 2016, is a Private Members' Bill introduced by Deputies Margaret Murphy O'Mahony and Fiona O'Loughlin on 21 July 2016.

A revised version of this Private Members Bill has since been proposed by Deputy O'Loughlin in April 2017, which significantly changes the scope of the original Bill and moves the focus from the aggravation of an offence for the purpose of sentencing when accompanied by prejudice, to the introduction of additional criminal offences. The amendments propose a range of new offences which mirror existing criminal offences with the additional element of being motivated by bias or prejudice, requiring bias motivation to be proven at trial. The offences include offences against the person, sexual offences, theft offences, public order offences and criminal damage.

In parallel to proposals on the legislative side, the Government's Migrant Integration Strategy 2017-2020 – *A Blueprint for the Future*, contains a number of actions specifically targeting hate crime and hate speech.

Reporting of incidents

The NGO sector has made efforts to encourage those subjected to racist or xenophobic incidents to report such events to them, with the aim of both recording the incident and referring incidents to An Garda Síochána (Irish Police Force) or other authorities, for action as appropriate. An example of this is the introduction of the *iReport* reporting system by The Irish chapter of the European Network Against Racism (ENAR). This system is intended to provide a mechanism for people to document incidents of a racist nature that occur nationwide. NGOs believe that such a system may encourage reporting where those subject to an incident may not be willing to engage with the authorities for reason of, for example, fear of authority or a lack of knowledge on how to report such incidents.

Article 5

Constitutional Protection – Specified Rights

Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Constitutional Protection – Unspecified Rights

Please see paragraphs 87 to 88 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Article 5 (a)

Please see paragraphs 231 to 234 of Ireland's First and Second Reports and paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Article 5 (b)

Victims of Human Trafficking

Ireland enacted the Criminal Law (Human Trafficking) Act, 2008 making human trafficking an offence with penalties of up to life imprisonment and (at the discretion of the Court) a fine. An amendment to the above Act, the Criminal Law (Human Trafficking) (Amendment) Act, 2013 was enacted in 2013, which, among other things, extends the definition of human trafficking to include trafficking for forced begging and trafficking for other criminal activities.

The Criminal Law (Sexual Offences) Act 2017, amending the 1993 Act, was commenced on 27 March 2017. Part 4 of the Act amends the law to target the demand for prostitution by criminalising the purchase of sex. It removes those who provide sexual services through prostitution from the existing offences of soliciting and loitering for the purpose of prostitution.

A 2nd National Action Plan to prevent and Combat Trafficking in Human Beings in Ireland was published in October 2016 following extensive consultation with State Agencies, International Organisations, Civil Society and Non-Governmental Organisations.

Ireland has a National Referral Mechanism which provides extensive supports for suspected victims of trafficking, including full board accommodation, advice on personal security, legal aid, a personalised care plan and integration supports. NGOs working with victims are also supported through State funding.

Article 5 (c)

Eligibility to Vote

Subject to age and residency requirements, a registered elector's citizenship determines the polls at which he or she is entitled to vote. Irish citizens alone are entitled to vote at all elections and referendums. EU citizens may vote at European Parliament and local elections; non-EU citizens may vote at local elections. In addition, British citizens are also eligible to vote at Dáil elections.

Under section 8 of the Electoral Act 1992, the Minister for Housing, Planning and Local Government may, by order, provide for citizens of another EU Member State, ordinarily resident in Ireland, to be registered as Dáil (Lower House) electors on a reciprocal basis. No such order has been made and there are no proposals to extend voting rights at parliamentary elections to Irish citizens resident in any other EU Member State.

Ireland is fully compliant with Articles 6 and 7 of the Council of Europe Convention regarding non-Irish residents' right to vote in local authority elections.

The Electoral Register

A person's name must be entered on the register of electors for the locality in which the elector ordinarily resides. Registration authorities (county and city councils) are required by law to prepare and publish a register of electors every year. The register comes into force on 15 February and is used at each election and referendum held in the succeeding 12 months.

The Department of Housing, Planning and Local Government is responsible for the various legislative codes dealing with the registration of electors and the conduct of elections and referendums. This Department offers information on [voting in Ireland](#) on its website (see below).

Awareness Campaign

Each year, the Department of Housing, Planning and Local Government undertakes an awareness campaign to encourage voter registration from 1 November – 25 November, the period coinciding with the publication of the Draft Register of Electors. This campaign involves the distribution of posters to registration authorities, elected members, youth organisations, third-level student bodies and multi-cultural groups. Advertising is also undertaken in the national newspapers and in Metro Éireann, a multicultural newspaper.

2014 European Parliament and Local elections

In advance of the 2014 European Parliament and local elections, the initiatives set out below were designed to assist registration authorities in compiling the register of electors:

- A Multilingual Prompt Card was translated into 17 languages to facilitate staff engaged by registration authorities in their door-to-door registration work. The Prompt Card was available in the following languages: Arabic, Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Mandarin, Polish, Portuguese, Romanian, Russian, Slovakian and Spanish.
- Two information leaflets were updated which are available on the Department of Housing, Planning and Local Government's website and on registration authority websites:
 - *'The Register of Electors'* was produced in 17 languages i.e. Arabic, Chinese, Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Russian, Slovak and Spanish¹⁵.
 - *'How Members of Local Authorities are Elected'* was produced in 17 languages i.e. Arabic, Chinese, Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Russian, Slovak and Spanish¹⁶.
 - *'How Ireland's MEPs are Elected'* was produced in 14 EU languages i.e. Czech, English, French, German, Hungarian, Irish, Italian, Latvian, Lithuanian, Polish, Portuguese, Romanian, Slovak and Spanish¹⁷.
- An advertising campaign urging people to check whether they were registered drew attention to the fact that the register would be used for the European and local elections in 2014. Posters were distributed to registration authorities, elected members, youth organisations, third-level student bodies and multi-cultural groups.
- Awareness of the registration process was promoted through the website and Twitter account of the Department of the Housing, Planning and Local Government as well as the use of on-line advertising (Leaderboard and MPU (mid page units)) on the main news sites.
- Newspaper advertising was undertaken in 2014 to inform people of their entitlement to get on the register of electors via the supplement and advertisements were placed on local radio stations.
- An information leaflet on voting and standing in the European Parliament and local elections was distributed to various embassies.

Role of Political Parties

Information on the level of political participation by immigrants contained in the ESRI's 2016 Monitoring Report on Integration indicates that the level of immigrants among elected local representatives stood at 0.2% at the end of 2014.

¹⁵ <http://www.environ.ie/en/Publications/LocalGovernment/Voting/#d.en.34358>

¹⁶ <http://www.environ.ie/en/Publications/LocalGovernment/Voting/#d.en.1880>

¹⁷ <http://www.environ.ie/en/Publications/LocalGovernment/Voting/#d.en.1876>

Each political party is responsible for its own membership and the selection of candidates to stand for election is a matter for each political party. Furthermore, the Government's Migrant Integration Strategy, launched in February 2017, contains a specific action for political parties to encourage migrant participation in political life.

Initiatives on Voting

In addition to the Department of Housing, Planning and Local Government initiatives, a number of local authorities have developed initiatives to encourage migrants to become more involved and to register to vote, including Dublin City Council. The Government's Migrant Integration Strategy also contains a specific action aimed at encouraging migrants to exercise their franchise.

A number of non-governmental organisations, including the Immigrant Council of Ireland, [New Communities Partnership](#), AkiDWa, Forum Polonia and the Africa Centre have been involved in the development of initiatives in this area. In addition, the NGO Doras Luimní has produced a leaflet in several languages, which explains who has the right to vote in Presidential elections. In 2009 and 2014, Forum Polonia organised campaigns to encourage immigrants to register to vote and participate in local elections ('Give a voice' and 'Vote! You are at home' respectively).

Information on Registration for voting

As part of the ceremony in which Irish citizenship is conferred on individuals, information is provided to participants on the mechanism through which they can register as voters. This information is provided as part of an information pack to those participating in the ceremony.

Article 5 (d)

(i) The right to freedom of movement and residence within the border of the State

Please see paragraphs 87 to 88 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

(ii) The right to leave any country, including one's own, and to return to one's country

Please see paragraphs 87 to 88 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

(iii) - The right to nationality

EUROSTAT Statistics

According to Eurostat, the EU statistical agency, in 2013 (latest available statistics), Ireland had the highest rate of citizenship granted in the EU per 1000 inhabitants (5.3 citizenships per 1000 resident population) closely followed by Sweden (5.2 citizenships per 1000 resident population).

Advice on Citizenship Applications

Between 2011 and 2015, the Office for the Promotion of Migrant Integration provided funding of almost €362,000 to the NGO the [New Communities Partnership](#) to run a Citizenship Application Support Service (CASS). This was a free support and information service to immigrants applying for naturalisation. Callers could ring a National Helpline or call to Drop in Clinics in Dublin City and County, Dun Laoghaire, Cork and Limerick. Callers to CASS would speak to a trained experienced advisor who helped to explain exactly what documentation was needed for a successful application and offered other advice.

Measures taken to raise awareness about access to citizenship

Since the wind down of CASS the Immigration Services Citizenship Division website was amended to make it more straightforward for persons to access information. The information being provided is also reviewed and updated periodically. In addition, the Citizenship ceremonies continue to be covered extensively in both national and local media which has contributed significantly to raising awareness of the path to citizenship.

Citizenship ceremonies

Citizenship ceremonies were first introduced in June 2011. At these ceremonies, people complete the process of becoming Irish citizens through naturalisation and receive their Certificate of Naturalisation. Since the introduction of Citizenship Ceremonies, 128 such Ceremonies have been held at which a total of just over 79,000 applicants received their Certificates of Naturalisation. If minors (who are not required to attend a ceremony) are included, the total granted Irish citizenship since 2011 is over 100,000. In 2016 four Citizenship Ceremony Days were held; one in Waterford for approximately 100 people and the other three in the Convention Centre Dublin, where over 7,800 people received their certificates of naturalisation in 8 ceremonies. Two Citizenship Ceremony Days (6 separate ceremonies) were held in Dublin in 2017 at which over 6,200 people became Irish citizens. At a smaller ceremony in Limerick this year just over 300 people became citizens. The top 10 nationalities of persons naturalised since 2011 were: Nigeria, India, Philippines, Pakistan, Poland, Romania, China (including Hong Kong), Ukraine, South Africa, and Bangladesh. In total, nationals of 178 different countries became Irish citizens since 2011.

(iv) The right to marriage and choice of spouse

Please see paragraph 88 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

The Domestic Violence Bill, 2017, currently before Ireland's parliament, aims to facilitate Ireland's ratification of the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence). This draft legislation will, *inter alia* make specific provision for a criminal offence of forced marriage.

(v) The right to own property alone as well as in association with others

Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

(vi) The right to inherit

Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

(vii) The right to freedom of thought, conscience and religion

Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Ireland's Constitution guarantees freedom of thought, conscience and religion and Ireland has robust equality legislation in place to combat discrimination on nine grounds, including race. The Irish Human Rights and Equality Commission has a statutory role to provide advice and assistance to persons whose rights may have been transgressed and the Workplace Relations Commission (incorporating the former Equality Tribunal) provides an accessible and independent source of redress, with the power to make binding judgments and to provide for persuasive penalties.

Article 5 (e)

(i) The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

The Workplace Relations Commission

The Workplace Relations Commission is an independent, statutory body which was established on 1 October 2015 under the **Workplace Relations Act 2015**¹⁸ (No. 16 of 2015).

Under Government proposals, announced in 2011, to reform the infrastructure for asserting employment rights and for seeking redress in cases of discrimination, the employment rights and industrial relations bodies merged to form the Workplace Relations Commission which took on the functions of the Labour Relations Commission, the Equality Tribunal, the National Employment Rights Authority, the first instance functions of the Employment Appeals Tribunal and some of the functions of the Labour Court.

The appellate functions of the Employment Appeals Tribunal were incorporated into an expanded Labour Court. The Workplace Relations Commission will provide a single portal of entry for all employment and equality related information requests, and employment and equality rights complaints and referrals. It will also play a key role in encouraging employers and employees to resolve issues at workplace level. The Labour Court will also act as a court of appeal in relation to decisions made by Workplace Relations Commission Adjudicators.

Please also see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Employment Permits

Employment Permits legislation affirms the importance of protecting vulnerable migrants, who often do not have the personal support networks or the familiarity with employment practices here to protect their own interests. Thus a feature of the Employment Permit regime is the emphasis on ensuring employment rights compliance in the State, for example:

- the foreign national receives the original employment permit and the employer gets a copy;
- a job offer must come from a bona-fide employer registered with the Revenue Commissioners and, where applicable, the Companies Registration Office/Register of Friendly Societies
- the employment must achieve a minimum remuneration threshold;
- The Reactivation Employment Permit scheme is designed for those foreign nationals who originally entered the labour market legally on an employment permit but who fell out of the system.
- Enabling those holders of certain categories of employment permit and who have been made redundant to apply for the same job with a different employer even though the job is no longer on the Highly Skilled Occupations List or is now ineligible for an employment permit;
- Providing for the Workplace Relations Commission's powers of investigation and enforcement of the Employment Permits Acts;
- All employment in Ireland is subject to the provisions of employment law with the protections that entails for employees and, in addition to these provisions, employers are subject to fines of up to €250,000, or a prison term of up to 10 years' duration, where they are found to be in breach of the Employment Permits Acts.

¹⁸ <http://www.oireachtas.ie/viewdoc.asp?DocID=28997&CatID=87>

(ii) The right to form and join trade unions

Please see paragraphs 310 and 311 of CERD/C/IRL/3-4

(iii) - The right to housing

Please see paragraphs 312 to 319 of CERD/C/IRL/3-4

(iv) - The right to public health, medical care, social security and social services

Please see paragraphs 320 to 338 of CERD/C/IRL/3-4

(v) - The right to education and training

Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014).

Ireland operates an inclusive education system in keeping with obligations under the Constitution and national and international law. Principles of equality are set out in the Education Act 1998, the Education Welfare Act, 2000 and the Education for Persons with Special Education Needs Act, 2004.

All immigrant children, including children of migrant workers, unaccompanied minors and children of refugees and asylum seekers, can access pre-school, first and second level education in a manner similar to Irish nationals, until they have reached the age of 18 years. Additional supports are provided on the basis of identified educational need. The Department of Education and Skills has prioritised the mainstreaming of migrant children and young people in our schools and does not support segregated provision.

The DES participated in the development by the Department of Justice & Equality of Ireland's new *National Migrant Integration Strategy* which was published on 7 February 2017.

The Migrant Integration Strategy sets out the Government's commitments to the promotion of migrant integration as a key part of Ireland's renewal and as an underpinning principle of Irish society. The Strategy provides a framework for a range of actions to support migrants to participate fully in Irish life and to identify and address barriers to integration.

Key education-related actions for delivery by the Department of Education and Skills; the Education and Training Boards; SOLAS (the State Further Education and Training Authority); and schools include:

- The monitoring of current school enrolment policies over time to assess their impact on the enrolment of migrant students;
- The numbers of non-English speaking migrant children in schools will be monitored annually and details published;
- The adequacy of language supports in schools to cater for the language needs of children from ethnic minorities will be kept under review;
- The provision of ESOL (English for Speakers of Other Languages) classes to cater for the language needs of adults from ethnic minorities will be reviewed following the development of ESOL Policy Guidelines
- Proactive efforts to attract migrants into teaching positions, including raising awareness of the Irish language aptitude test and adaptation period for primary teaching;
- The inclusion of a language component in education and training programmes for unemployed migrants with poor English proficiency;
- Initiatives to ensure that migrant needs in relation to skills acquisition and labour market activation are addressed.

Other relevant actions include:

- Schools outside the established education system will be encouraged to network with the aim of providing information on child protection and health and safety regulation to them and of developing relationships with them;
- The establishment of a working group to examine data gaps in relation to migrant needs and experience.

Actions 15 & 16 of the **DEIS Plan 2017** note that supports for children whose first language is not English or Irish are particularly important in the context of DEIS schools as they cater for large numbers of these children. It also notes, and includes specific action on, the need to establish current EAL (English as an Additional Language) levels of need at post primary level, and the need to improve data on EAL inputs, outputs and outcomes in all schools to inform future policy.

Access to Third Level education

The third [National Access Plan 2015-2019](#) is cognisant of equality principles and sets out the goals, objectives and actions required to increase representation in higher education by members of target groups from socio-economically disadvantaged target groups, including students from ethnic minorities and the Irish Traveller community.

In addition to the Student Grant Scheme, a number of other funding schemes support increased equity of access to and participation in higher education including the *Student Assistance Fund*.

New measures to support access to higher education include initiatives to widen access to initial teacher education and a new bursary scheme for school leavers from communities experiencing socio-economic disadvantage, including Travellers and ethnic minority communities.

(vi) - The right to equal participation in cultural activities

As outlined in paragraph 342 of Ireland's combined 3rd and 4th periodic report (CERD/C/IRL/3-4) cultural activities are explicitly captured within the definition of 'service' in section 2 (1) of the Equal Status Acts 2000-2015.

Article 5 (f)

No restrictions are permitted on access to public places or services on the basis of race in Ireland.

Article 6

Workplace Relations Reform

The Government decided, as part of the Workplace Relations Reform, that responsibility for the Equality Tribunal (including dealing with cases of discrimination in the provision of goods and services) would transfer to the Minister for Jobs, Enterprise and Innovation. Responsibility for equality legislation and policy remains with the Department of Justice and Equality. The Equality Tribunal was transferred from the aegis of the Department of Justice and Equality to the aegis of the Department of Jobs, Enterprise and Innovation on 1 January 2013 (S. I. No. 531 of 2012). The Workplace Relations Commission provides the same service in terms of ease of access and independent adjudication as had been theretofore provided by the Tribunal. The Equality Tribunal has now been fully integrated into the Workplace Relations Commission as part of the Workplace Relations reform.

Other Bodies

There are a number of other fora in which complaints involving racism may be pursued in appropriate cases. These include the Press Council of Ireland, the Press Ombudsman and the Broadcasting Authority of Ireland in the context of the media, and the Garda Síochána Ombudsman Commission in relation to complaints concerning the conduct of members of An Garda Síochána (Irish Police Force).

Racist material on the internet is a matter for the Minister for Justice and Equality, An Garda Síochána and the Internet Service Providers Association (ISPA). Hotline (www.hotline.ie) was launched in 1999 to provide an anonymous reporting service to members of the public who uncover illegal content on the internet.

Article 7

A Education and Teaching

Junior Cycle Reform

The new Junior Cycle curriculum will open up new opportunities for teaching and learning other languages. The second of the twenty-four statements of learning of the Junior Cycle Programme states that a student will be able to listen, speak, read and write in Language 2 and be provided with the opportunity to do so in one other language at a level of proficiency that is appropriate to his or her ability. For students whose mother-tongue is English, this will mean proficiency in Irish and another language. The new Junior Cycle will also provide for short courses, some of which may be in languages. These short courses offer opportunities for our migrant communities and their Irish peers to study languages such as Polish and Mandarin Chinese. The National Council for Curriculum and Assessment is developing a short course in Mandarin Chinese and the Post-Primary Languages Initiative has developed a template for short courses in other non-curricular languages. Using this template, the *Post-Primary Languages Initiative* is currently working on ‘off-the-shelf’ courses in Irish Sign Language, Japanese and Russian. It is also developing a short course in Polish as a heritage language in collaboration with the Polish embassy. Schools can also use these templates to develop their own short courses in other languages, for example the languages of migrant children present in the school population.

The new Junior Cycle Framework will also provide opportunities for schools to engage with short courses. Jewish studies will continue to form part of the Junior Cycle curriculum available to schools, and its most recent update includes a section specifically on the Holocaust.

Historically, the collection of data pertaining to the mother tongue of pupils has not been collected by the Department of Education and Skills at either primary or post primary level. As part of a wider project to improve education data, the Department of Education and Skills is to introduce a question on data returns made by individual schools and centres of education on ethnic and cultural background (including mother tongue), similar to the question in the national census. The purpose of collecting this data is to track the progress of these groups through the continuum of education in order to inform policy and decision-making.

Holocaust Education Trust Ireland

The Holocaust Education Trust Ireland aims to educate people about the Holocaust in order to combat anti-Semitism and all forms of racism and intolerance in Ireland. The Office for the Promotion of Migrant Integration funds the Holocaust Education Trust Ireland to organise the Annual Holocaust Memorial Day as part of an annual programme which

operates throughout the year. This event takes place each year on the Sunday nearest to 27 January – the date of the liberation of Auschwitz. In 2017, the event took place on Sunday 29 January.

The Memorial Day feeds into the projects that involve Holocaust survivors speaking at schools, libraries and community centres. More than 5,000 senior school students and more than 2,000 members of the Irish public hear a survivor speak each year and each person takes home a Holocaust Memorial Day booklet. The Annual Memorial Event which takes place in the Dublin City Mansion House (Mayor's Residence) each year is recorded on DVD, not only as an education resource but also as a record of all those who have participated in the programme. Some Holocaust survivors who spoke at previous commemorations have since died but their testimony is recorded and available to inform future generations.

The Office for the Promotion of Migrant Integration provided €536,340 in funding to the Holocaust Education Trust between 2008 and 2015.

In 2011 Ireland became a member of the International Holocaust Remembrance Alliance (formerly the Taskforce for International Cooperation on Holocaust Education, Remembrance and Research). Subsequently in 2012 a Standing Committee on Holocaust Education, Research and Remembrance was established, consisting of representatives of the Department of Foreign Affairs and Trade, the Department of Education and Skills, the Department of Justice and Equality, Holocaust Education Trust Ireland (HETI), the Irish Jewish Museum, and academia. The Government has worked closely with HETI to promote Holocaust education and awareness through teacher education programmes, schools' initiatives such as the Crocus Project, the National Holocaust Memorial Day commemoration and other activities.

Promoting Intercultural Awareness in the Public Sector

- ***The Garda (Police) Racial, Intercultural and Diversity Office (GRIDO)*** is responsible for providing training on policing multi-cultural Ireland to a number of other dedicated specialist units. All Gardaí (Police) receive extensive training in human rights issues (see paragraphs 139 to 142 of Ireland's Common Core Document). GRIDO was established in April 2000 in order to coordinate, monitor and advise on all aspects of policing in the area of diversity. GRIDO staff members are available to members of the public and to members of An Garda Síochána for advice and support. The Office is also responsible for training Ethnic Liaison Officers. A key element of the work of Ethnic Liaison Officers is that of building trust between communities and individuals and An Garda Síochána (Irish Police Force). GRIDO has also published "A Brief Guide to Diversity and Equality" for use by Garda (Police) members as well as "Your Police Service in Intercultural Ireland" as an aid to minorities in Ireland setting out their rights, obligations and responsibilities. The organisation also has a specific policy on the importance of upholding human rights.
- ***Garda Síochána (Police) Ombudsman Commission*** provides training in human rights to all members of its staff including investigators and caseworkers. Such training encompasses issues relating to racism and racial discrimination.
- ***International Protection Office (IPO)*** provides a comprehensive programme of training for caseworkers who are involved in investigating and determining applications for asylum. These training programmes, including in relation to interviewing vulnerable applicants such as those subjected to sexual violence or victims of trafficking and unaccompanied minors, have been developed in conjunction with the United Nations High Commissioner for Refugees (UNHCR). Programmes are in line with international best practice including the European Asylum Support Office Training Curriculum. All IPO staff have attended Intercultural Awareness Training over the last number of years and a number of refresher

courses were conducted with all staff being invited to attend. Training is provided on an ongoing basis as the need arises to train new staff in the organisation.

- **Prison Service - Irish Prison Service College.** Since September 2007, all Recruit Prison Officers complete an accredited two year Higher Certificate in Custodial Care programme. This has replaced the nine week induction training. The course includes modules on, inter alia, communications and interpersonal skills, human rights, equality and diversity awareness and ethics for custodial care. Recruit Prison Officers take modules in pro-social modelling to raise awareness of the value of promoting positive behaviours in addition to extensive interpersonal communication skills training. Training emphasises that human rights instruments provide a set of rules to help prison staff perform their duties through policies and practices that are lawful, humane and disciplined. Respect for human rights is addressed in sessions relating to Intercultural Awareness and Racism and threaded through all procedural and prison craft training so that the concepts of humane treatment and awareness of international instruments are embedded through all elements of training.
- **The Judiciary.** Training is organised by the Judiciary through its own *Committee for Judicial Studies* in keeping with the constitutional guarantee of judicial independence and the separation of powers. Training in the area of human rights is ongoing with training organised for Judges in relation to equality issues, including in the areas of racism and xenophobia. Among the topics discussed at the Committee's most recent National Conference, held on 17 November 2017, were:
 - "The Administration of Justice in a Multicultural Ireland"
 - "Do immigrants understand the Court system?"
 - Issues for migrants including the swearing of the Oath and affidavits; women giving evidence in veils, use of interpreters, modes of address, common assumptions in family law etc.; misunderstandings about the legal system etc.

Among speakers at the conference was the CEO of migrant representative group New Communities Partnership.

Since July 2017, all new members of the judiciary have also received a Bench Book entitled "The Equal Treatment of Persons in Court".

At the Superior Courts Conference in July 2017, the topic: "Ireland and the European Convention on Human Rights - a view from Strasbourg" was discussed by speakers from European Court of Human Rights and the Irish judiciary.

The Irish judiciary was represented at Judicial Training on EU Asylum Law organised under the auspices of the European Judicial Training Network, EJTN on the 2nd & 3rd November 2017 in Sweden.

The judiciary was also represented at the 15th Annual Human Rights Conference on 7 October 2017 organised by The Law Society Human Rights Committee in collaboration with the Probation Service and Law Society Professional Training. The theme of this year's conference was "*Inside Out: the Human Rights Implications of Imprisonment*"

- The **Defence Forces.** Equality, Diversity and Equal Status Policies have been included in the Defence Forces' New Entrants Information Handbook in the form of clear and simple statements and have been made available to all new entrants to the organisation. It is also the case that, for a number of years, the training curriculum for Cadets includes modules on multi-culturism, racism and social change in Ireland.

The vast majority of personnel undertake a considerable number of overseas missions and experience inter-culturalism at all levels in the workplace and in society. A specific part of Administrative Instruction Part 7 Chapter 1 deals with effective protection and redress against racism within the Defence Forces.

Within the Defence Forces Personnel Branch, a staff officer has been assigned to deal with and advice on equality, diversity and gender issues. This officer's role is to ensure that the Defence Forces is fully compliant with all aspects of equality and diversity requirements in its personnel policies and practices.

- **Civil Service.** A significant number of civil servants have availed of human rights training offered by the Irish Human Rights Commission (predecessor of the Irish Human Rights and Equality Commission).

B Culture

OPMI Funding for integration initiatives supporting cultural diversity

The Office for the Promotion of Migrant Integration provides funding to a range of organisations working with and alongside the migrant community. This funding is used to support a range of activities including practical advice and supports for migrants, enhancing the awareness of cultural diversity within communities, and combatting racism and xenophobia.

Church/State Dialogue

In 2005, the Government indicated its intention to consult on a process of structured dialogue with the churches, faith communities and philosophical, non-confessional bodies.

This initiative reflects the significant role of the churches in Irish society, the increasingly diverse range of faith communities in modern Ireland, a commitment to wide-ranging consultation on public policy and the provisions of Article 17 of the Lisbon Treaty for State dialogue with churches, faith communities and other non-confessional bodies.

The structured dialogue process is based on an agreed framework between the Government and dialogue partners and comprehends plenary meetings, bilateral meetings at Ministerial level and meetings with Departmental officials.

Dublin City Interfaith Forum

The Dublin City Interfaith Forum, works with interested members of faith communities to provide the space and opportunity for Faith Communities to build relationships with and between Dublin City communities, statutory and voluntary organisations and the residents of Dublin City. The faiths participating in the project are Baha'i, Buddhism, Christianity, Hinduism, Islam, Judaism, and Sikhism. The focus of the initiative is less about interfaith dialogue than promoting collaboration between the different faith communities in fulfilling the integration agenda of Dublin City. The Interfaith Forum published their first report in 2012¹⁹. In June 2013, the Dublin City Interfaith Forum published a Guide to Sacred Spaces entitled "Come and See for Yourself"²⁰. In 2016, the Forum launched its Dublin City Interfaith Charter

¹⁹ [http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-92BL3M1524823-en/\\$File/DCIF%20Project%20Report.pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-92BL3M1524823-en/$File/DCIF%20Project%20Report.pdf)

²⁰ <http://www.dublincityinterfaithforum.org/cmsfiles/resources/Dos-and-Donts-of-Sacred-Places---DCIF---2013.pdf>

which deals with issues including religious freedom, inter-faith dialogue and the promotion of religious diversity in the city.

Support for Mother Tongue Languages support in Education

There are over 180 nationalities represented in Irish schools at present. The Department of Education and Skills currently supports examinations in non-curricular European languages as part of the Leaving Certificate for heritage speakers. Further to this, as part of ongoing Junior Cycle reform, new short courses are one way in which students from migrant communities can be supported in enhancing their fluency and in developing the range of competences in their heritage/home language. The Post-Primary Languages Initiative has been working with embassies to develop short courses in students' home languages, based on the generic Foreign Language Short Course specification. As part of this foreign languages strategy, such students will in future, through their Junior Cycle Profile of Achievement, gain formal acknowledgement for their language achievements within the Junior Cycle. Availability of resources, particularly qualified language teachers, will be critical in delivering such courses.

Many immigrant students currently learn heritage languages through voluntary initiatives outside the schools system. At present, students may take the following languages in the Leaving Certificate Examination: English, Irish, Ancient Greek, Latin, French, German, Spanish, Italian, Russian, Japanese and Arabic. To cater for the particular needs of EU migrants, students can also present for a non-curricular examination in any of the other EU languages. These non-curricular languages do not appear as part of the school curriculum but students may opt to be examined in them if they are from a Member State of the EU, speak the language as a mother tongue, are presenting for the Leaving Certificate examination and for Leaving Certificate English. This non-curricular language initiative contributes to encouraging students to maintain proficiency in their heritage language. The Department of Education is currently working on the Foreign Languages in Education Strategy 2017-2026. The strategy considers the position of language learners, both new and heritage languages, and sets out future considerations in regard to language learning.

C Information

Office for the Promotion of Migrant Integration Message to staff to mark International Day against Racism and International Migrants Day

Since 2013, to mark International Day against Racism, the Office for the Promotion of Migrant Integration has engaged in an information campaign across the Department of Justice and Equality, the Department of Social Protection and the wider network of Personnel Officers in the Civil Service, encouraging staff participation in related events.

Creative Competition for Schools and Associated Media Coverage

The Office for the Promotion of Migrant Integration provided €229,500 funding to the annual Show Racism the Red Card Creative Competition for Schools and Youth Services between 2009 and 2015.

Show Racism the Red Card organises this competition which reaches into all schools in Ireland. It is covered in the teaching union magazines, in the Irish Times Education pages, on RTE (the national broadcaster) Children's TV and in other print and broadcast media. Sporting organisations and their players' associations are also fully involved. Events are held around the country to launch the call for entries.

The awards ceremony in the Aviva Stadium always receives a high profile in the media with young people attending from all over Ireland.

Documentary – “Ireland’s Refugee Hotel”

The Irish Refugee Protection Programme (IRPP) operates under the Office for Promotion of Migrant Integration and is tasked with implementation of Ireland’s obligations under the UNHCR Resettlement Programme and the EU Relocation Mechanism established to assist Greece and Italy during the recent migration crisis. In 2017, the IRPP collaborated with national television broadcaster TV3 Ireland and the BBC in the making of a documentary featuring the arrival of Syrian refugees in a new Emergency Accommodation centre in the rural town of Ballaghaderreen, Roscommon. The documentary was well received by the general public and provided viewers with insights into the previous life and journey of the refugees.