

IMMERSE Submission to the Anti-Racism Committee's Public Consultation on a new National Action Plan against Racism for Ireland

Introduction to IMMERSE / Who we are

Immerse is a European research project being conducted by University College Cork along with our European partners. IMMERSE– Integration Mapping of Refugee and Migrant Children – is a Horizon 2020 project funded by the European Commission involving research teams in 6 countries – Ireland, Spain, Italy, Greece, Germany, and Belgium. It has several research strands which are being carried out across the duration of the project (2018-2023) including qualitative and quantitative research as well as identification, compilation and analysis of best practices and materials. At the outset it is important to point out that migrant children involved in this research include those of very different backgrounds and immigration status; those who are living within Ireland's international protection system, those who have legal status as refugees and with a right to remain in Ireland, to those who are Irish citizens and second generation migrants. While the fieldwork draws on all their inputs, their individual immigration status, is often a critical element of their integration, especially for those whose citizenship/status is not secure.

Findings from 2019 Fieldwork in Ireland for IMMERSE

During the initial phase of our research, we carried out qualitative research at meso, (with children and parents) micro (with teachers and other professionals working regionally) and macro levels (professionals working at national levels). A number of factors arose that, if addressed, have the potential to contribute to achieving a more inclusive society and address racist practices and assumptions that are embedded in our educational system.

It is important to point out that these factors are ones that arise, even in school environments where substantial efforts are often being made by staff and students to ensure inclusivity, and their continued presence and remain despite those efforts. Questions then arise on how to build on and develop existing good practices, acknowledging their potential and limitations, and the critical importance of keeping the insights and perspectives of children who experience racism as the central focus.

This submission is prepared by the UCC IMMERSE research team in collaboration with members of the project's Children and Young People's Advisory group (CYPAG) , and parents. The CYPAG are a key part of the project and inform / advise the direction and detail of the research instruments.

From our research on IMMERSE the issues that arose can be categorised as those that are concerned with i) norms and practices embedded in schools, ii) experiences of racism perpetuated by peers; iii) teachers'

perspectives and poor institutional responses and iv) intersections between experiences in school and community environments.

Norms and practices embedded in Schools

Language:

English (and sometimes Irish) is the language of instruction/interaction in schools and consequent to this, fluency in English is an expectation in schools. To this end, initiatives have been developed to support students who are not familiar with English, in order that they achieve fluency. This indeed, provides support to students and is an enabling factor in promoting their inclusion generally.

However, the concentration on English/adequacy/fluency automatically problematizes the student, while simultaneously offering support. Some very good suggestions that would help address this quandary arose in the course of our research. It is often the case that children whose English is weak are actually fluent in other languages, and they are often fluent in several languages, apart from English.

- Recognition of their multilingualism and the development of initiatives that promote multilingualism in schools are welcome. They would expand the vision of language acquisition across students and staff and simultaneously place the multilingual student in a more positive and valued position within schools.
- Expansion of language choice options in the curricula and as exam subjects to include further non-European languages would support the experiential and prior learning of students.
- Online learning and associated familiarisation with online technologies presents opportunities for multi-school co-operation in exploring further expansion of such language options. Languages that were mentioned in the course of our research included Mandarin, Persian.

Intercultural Celebrations

Currently, the school year is structured in recognition of traditional European/Christian traditions, with breaks for Christmas, Easter, Halloween. In the course of the research, while the children acknowledged the structure of these breaks/associated recognition, the absence of recognition of more culturally diverse celebrations render their cultural heritages invisible in the formal school structure. While the argument can be made that the current format speaks to a traditional Irish heritage, it nevertheless, is a constructed structure and, with political will, can be amended. Recognising integration as bi-direction is fundamental to Ireland's and the EU's Migrant integration Strategy.

- Formal recognition within the school year/school practices of a more multicultural heritage, that speaks to the reality of population diversity would be a positive step in such recognition. Examples of cultural events that warrant consideration in schools are: Chinese New Year and religious celebrations such as Eid.

Experiences of racism perpetuated by peers

Within the school environment, one that is conducive to learning is one where students feel safe, accepted, heard and validated; where they belong and where that belonging is reinforced within all

aspects of the school context and activities. However, throughout the research undertaken, it was clear that such an environment was one which students of migrant origins did not experience.

Attitudes and perspectives of peers arose as key factors which mitigated against their feelings of belonging, wellbeing and ability to participate fully in education. Peers expressed racist dispositions in a multitude of ways, from racist comments through to physical violence.

Comments from peers included, for instance, excluding them from activities, actively embarrassing them, denigrating the grades they achieved with reference to pheno/race stereotypes, belittling them by saying 'go back to your country' As an illustration, one young migrant stated the following in our research, 'I got an A in art and this girl got B and she was, like, how can you get A. They have told me get out of here. Go back to your own country' whereas another student was told by another student that 'I only look smart but I am stupid'. Fellow students commented on skin colour, othering and denigrating 'they say 'your skin is brown and that is weird' that is racist' [and] 'I hate when people say my skin is brown'.

Students also spoke about punching, slapping and organised fights as part of their school experiences with their peers - all based on the differences they presented as migrant / migrant heritage students. Another girl reported that children in her school sometimes ran away from her; 'Sometimes they don't say anything, they run away and don't say anything, in case I tell on them'. Some subjects were identified as particularly amenable to racist behaviours passing as 'rough and tumble, as illustrated in this comment on PE classes 'PE cause it is rough and informal. People take the piss' (Boy: 16-18 Age Group).

It is important to mention also that younger children were often unaware of the connotations behind some of these phrases and slurs, as well as the adverse impact they have. However, the realisation comes and grows with age and continued experiences of such behaviours, their negative impact and long term consequences. It is well documented that microaggressions are a distinct form of racism leaving the receiver in confusion and unsure of how to act: are they being too sensitive to what's considered normal practice or are the slurs, isolation, comments based on assumed stereotypes, specifically directed at them and meant to denigrate? As well as being intrinsically damaging in themselves, microaggressions pave the way to more obvious forms of racism.

In response, students experienced heightened levels of anxiety and isolation, and lived in fear of their more traditional Irish peers. Some stated that while they believed some students at their schools were racist, they ignored them, as best as possible: 'some students in my school are racist. I just ignore them. I don't let people climb over me. some of my teachers are so racist'. They felt embarrassed and unsure or unable to make friends / trust their peers, being the object of jeering and feeling not supported by others in their classes 'someone laughs at you when you get into trouble and it is kind of embarrassing' (Girl: 6-9). The following actions will assist in addressing these issues and contribute to ensuring that all children have access to safe and secure learning environments, where they can both learn and develop long lasting friendships and mutual understanding among peers.

- Recognising and addressing racism in schools necessitates acknowledging and challenging racist attitudes and the enactment of biases, from microaggressions through to physical violence among peers.

- Racism cannot be fully addressed under bullying policy and schools need to develop specific racist policies that recognise peer-to-peer racism in all its forms.
- Messages about cross-cultural/heritage understanding be made clear and visible throughout the school environment in as wide a diversity of ways as possible. Including the consequences of racist behaviours has the potential to develop greater understanding of their very negative consequences on peers.
- Confidential and diverse avenues to report racist incidents/make suggestions on tackling incidents arising be developed and promoted across the school environment.

Teachers' perspectives and poor institutional responses

Within the school environment, teachers represent the face of the institution and its orientation to students, the learning environment and the values of the school. Teachers and principals, while supporting learning, are also those who maintain the school rules and who have authority over students, albeit now along with the introduction of spaces for student voices, for instance through avenues such as school councils. In practice, teachers are in charge of their classes and set the parameters for what is acceptable behaviour and learning environments.

Being called to go to the principal's office, has the same connotations today as it always had and generally, is in response to conflict/breaking of rules and so on by the student. It may be followed by calling in parents where such actions are deemed necessary by the teacher/principal, in order to mediate the behaviour of the student/s in question. Such is familiar to anyone who has attended school and remains a basic mode of practice; an accepted hierarchy.

It is not surprising then that attitudes and behaviours of teachers are interpreted as those of the school and of the institution. Of course, individual teachers display a wide variety of perspectives and attitudes and do not form a homogenous group. Worryingly, given their position of authority and their representation of the specific school and the institution of education more broadly, our research raised concerns about teachers themselves displaying racist tendencies. Such was raised by the children as they referred to some teachers saying that immigrants were coming and taking 'our' jobs. One child commented that 'the teacher said they are coming and stealing our jobs, but then she said in a good way that some people don't want to do those jobs so they cover them. It sounded good and bad'. The statement is clear and yet, it's not. While the ambiguity, in some way, negates the unsupported origin of the bias, the message is nevertheless clear: immigrants are suspect. However, the child is left, again, doubting their interpretation of the message. Other children simply stated that they 'had racist teachers as well'. These comments raise questions on possible subconscious biases teachers can have towards migrant children and lack of racial literacy of teachers. However, children pick up on these biases and bring attention to the necessity of teacher training and anti-racism awareness as a continuous process.

School responses to racism were thought to be inadequate, ranging from not recognising incidents as racism, to minimising them as banter, play-acting, or mis-interpreting as bullying, to ignoring it 'there has been a lot of bullying in our class. Nothing happens. (Boy: 8-12 Age Group). Furthermore, students new to a school often felt unable to report incidents to teachers for fear of not then not fitting in. 'Since I was

new and stuff, I didn't want to be the rat or something'. This comment highlights the vulnerable position that newcomer children can sometimes find themselves in, and the power dynamic that has the potential to lay the foundations for bullying and for racism. Of note here is that integration policy in Ireland has clearly identified the necessity to identify and address racism as important steps in the process of enabling and promoting integration. The following recommendations for action will contribute to this process. Taking them on board will ensure a more positive environment within schools, where cultural and anti-racist literacy among staff, informs the stance and direction and communication within schools.

- Staff training in identifying and supporting students being isolated be instituted and promoted so that this knowledge, skill and support becomes embedded into school environments.
- Racism awareness be incorporated into initial teacher training and continuing professional development of teachers, including modules on the use of language and its potential role in feeding/addressing racist ideologies.
- Mechanisms be developed in order to recognise and address racist behaviour of school staff, supporting them to develop multi-cultural understanding and literacy..
- Mechanisms be developed at Department of Education level to support staff in ensuring text books they use represent as broad a diversity of cultural heritage as possible.
- Further promotion of initiatives that encourage greater diversity among teachers serve to ensure greater cultural diversity within the teaching profession and associated re-evaluation of embedded norms and practices that speak to a more mono-cultural, 'white oriented' tradition.

Intersections between experiences in school and community environments

The school environment, while a separate space to that of the community more broadly, cannot be totally separated from it. While there has always been difficulty in defining the limits of responsibility for these intersections, this has increased substantially with more emphasis on virtual communication and the proliferation of such communication. However, while what happens in the community and what happens within schools do cross institutional boundaries, children still have to come and go from school and the incidents that originate in school can and do cross over into the community and visa versa.

This makes it all the more important to have robust and strong policies and practices in place that challenge racist ideas and actions within schools. The stronger and more positive the message that children get that uninformed/misinformed prejudices are not acceptable within the learning environment, the more likely they are to engage in a critical reflexivity of those perspectives. A weak response within school environments, simple condones prejudice. The more diverse cultural heritage is embedded into school environments the stronger the message children get and engage with.

Equality, Participation and Outcome

The incorporation of these recommendations into schools with the full support and resourcing of the Department, will make critical inroads into ensuring the practice of equality of participation within our schools. Change is necessary to embed a strong anti-racist culture throughout our educational system, at all levels. Full support and resourcing by the Department of Education is a necessary component of this

change. Furthermore, recognising it as change is important. IMMERSE research has already demonstrated that racist incidents and perspectives are embedded into the fabric of school environments, even while simultaneously strong efforts are being made by individual schools and staff to counter such views and actions.

Without full equality of participation, we can be sure that equality of outcome will not be achieved for all students.. We are duty-bound to ensure that all our children and young people are fully supported to achieve their potential and expect equality of outcome from their learning environments. Recognising and addressing the issues raised by the migrant children in the IMMERSE research thus far, helps us to move to ensure full equality and equity becomes solidly embedded within schools for migrant children.

Prepared by:

2020 IMMERSE University College Cork Research Team, Members of the IMMERSE Children and Young People's Advisory Group and Parents of Migrant Children.

IMMERSE Website: <https://www.immerse-h2020.eu/>

National Action Plan Against Racism 2021

Submission

Immigrant Council of Ireland
4-7-2021

Working for **equality**



**SUBMISSION TO THE NATIONAL ANTI-RACISM COMMITTEE, ESTABLISHED
BY THE GOVERNMENT IN 2020 AND RESPONSIBLE TO DRAW UP A
NATIONAL ACTION PLAN AGAINST RACISM FOR IRELAND.**

Table of Contents

INTRODUCTION	2
THEME 1: ACCESS TO JUSTICE	3
a) <i>What supports would you like to see in place for victims of racism?</i>	<i>3</i>
b) <i>What actions could be adopted to counter discrimination by law enforcement?</i>	<i>5</i>
THEME 2: ALL FORMS OF MEDIA AND COMMUNICATIONS, INCLUDING NEW TECHNOLOGIES.....	6
c) <i>What actions would you suggest tackling racism in new and more traditional forms of media?</i>	<i>6</i>
THEME 3: EMPLOYMENT, EDUCATION, HEALTH AND ACCOMMODATION.....	6
d) <i>How would you like to see racism tackled in the education sector?</i>	<i>6</i>
e) <i>What initiatives and actions would you like to see undertaken to combat racism in access to employment?</i>	<i>8</i>
f) <i>What training and additional supports could help to combat racism in the workplace?</i>	<i>9</i>
THEME 4: INCLUSION AND PARTICIPATION	10
g) <i>How can we remove barriers to the social inclusion and participation of underrepresented and disadvantaged groups?</i>	<i>10</i>
h) <i>What actions would you suggest to increase the numbers of people from minority ethnic groups participating and standing in local and national elections?</i>	<i>10</i>

Introduction

The Immigrant Council of Ireland is an independent human rights organisation. It advocates for the rights of immigrants and their families, and acts as a catalyst for public debate and policy change. It works with and for immigrants, promoting their rights through its information and support helpline, Independent Law Centre, national advocacy, campaigning and research, as well as providing training in a number of areas, including unconscious bias and diversity matters.

The Immigrant Council believes immigration is a permanent and positive reality in Ireland and continues to lobby for integrated, transparent, rights-based immigration and integration legislation and policies which reflect this reality.

Anti-racism is a cornerstone of our work facilitating integration. As part of our anti-racism work, we run the Racist Incident Support and Referral service. The service has been in operation since 2011, and in the last 10 years we supported over 800 people victimised by racism and discrimination. In addition, we have undertaken research into the experiences of racism in Ireland, in areas including public transport, social housing and on Islamophobia. We are partners in an annual joint campaign with Transport for Ireland to tackle racism on public transport and run many smaller scale campaigns with the aim of challenging racism. In the last few years, we also developed a variety of training content in the area of diversity management, unconscious biases, intercultural competency and anti-racism. We have been delivering these trainings mostly to public service sector,

In addition to this submission the Immigrant Council also endorsed a joint submission led by the Community Law and Mediation.

Theme 1: Access to Justice

a) What supports would you like to see in place for victims of racism?

National standards in recording of racism and information provision to victims of racism

Ireland is lacking a standardised framework for racism victim support. The quality of support services and information provision largely depends on the location of people affected by racism. People living outside of large urban areas have no direct access to organisations and agencies that may provide appropriate information and services. A common set of norms and standards in service provision to victims of racism and discrimination which prioritises their rights and dignity is needed. The focus should be on equal access to quality information on rights and entitlements so people affected by racism and discrimination can make an informed decision about their concerns. In addition, there is a lack of a standardised approach to victim support in the context of employment, education, and public service provision. Lack of standards in recording of racist incidents in those settings results in underreporting and dilution of the reality of racism in Ireland. Our research [‘Racism in Social Housing’](#) found that the lack of a distinctive definition of racism, as well as a lack of racism as a separate category in the Anti-Social Behaviour Strategies resulted in people victimised by racism falling in between gaps. Their complaint of racist harassment and property damage in housing areas were not properly recorded, and as such appropriate supports were not accessible to them.

Recommendations

1. Setting up a national framework of victim supports and information provision.
2. Engaging and training existing national support services (Crime Victims Helpline) and public information providers (Citizens Information Board) to become accessible for victims of racism.
3. Inclusion of racism as a separate category in complaint procedures in various contexts e.g. employment, education, public service provision.

Psychological Support

Since 2011, our Anti-Racism Support Service provided guidance to over 800 of victims of racism and discrimination. The main purpose of our service is to provide a non-judgmental platform to victims where they can tell their story and experience solidarity and emotional support. Racism and discrimination are issues that can

leave a long-lasting traumatic effect on people affected by it. Racism and discrimination affect people at a deeper level of their inner identity, dignity and personhood. Many studies have shown that any incident that has a racist element causes a greater psychological and emotional harm than the same incident without the racist element. The impact of racism is not only restricted to the individual: It also affects the targeted group to which the victim belongs, as they fear any member of their community.

Lack of culturally appropriate mental health support services, its high costs, and language barriers are proving to be a significant barrier to victim of racism. There are a few initiatives that offer [culturally-appropriate mental health support services](#), however restrictive Irish immigration law does prevent mental health professionals of an ethnic minority background from practicing in Ireland.

Recommendations

4. Creation of a national programme for mental health support for victims of racism.
5. Investment in existing mental health support services offered by ethnic minority networks, community groups and mental health professionals.
6. Changes to Irish immigration legislation allowing mental health professionals of an ethnic minority background to practice in Ireland.

Legal Support

One of the frequent complaints coming from our clients is the perceived unfairness in the process of placing a complaint to the Workplace Relations Commission (WRC) due to the lack of legal advice and representation. Currently there are no public legal services available in Ireland offering professional support to victims throughout the whole process of submitting the complaint to the WRC. Victims need professional support in preparing their case, as well as legal representation during the hearings, however the high costs of such services are prohibitive to most of them. Without access to legal support victims may be unable to fully understand their rights, legal options and as such the decisions they make may not be in their best interests. Victims frequently describe being intimidated by the size of the defendants' legal teams. A right to a fair proceeding is a constitutional right however. With no access to public legal advice this right cannot be realised for those who cannot afford it.

Recommendations

7. Creation of public services to support victims of racism and discrimination through all the process of submitting a complaint to WRC.
8. Access to publicly-funded interpreting services during legal proceedings and access to informative material in several languages on rights and entitlements on the WRC website.

b) What actions could be adopted to counter discrimination by law enforcement?

Taking into consideration the current diverse composition of Irish society and the projection that the number of people from foreign-born extraction could exceed one million by 2030, it is essential that diversity awareness and cultural competency is being embedded and mainstreamed in An Garda Síochána's overall organisational approach to diversity.

The Immigrant Council recognises the very good work currently undertaken by the Garda National Diversity & Integration Unit, nevertheless our research regularly reveals negative interactions between members of migrant and minority communities and Gardaí. Perception of low-level support being offered to people of ethnic minority background can create a culture of mistrust towards An Garda Síochána and separate the community from accessing effective and just policing services. A particular issue relates to undocumented migrants victims of crime who fear reporting crimes to An Garda Síochána out of fear that their immigration status will be investigated in this process. This issue has been recently highlighted by [undocumented migrant women victims of domestic violence](#).

Recommendations

9. Creation programmes for An Garda Síochána (e.g. internships, work placements) to further their efforts to recruit members from communities of migrant background to ensure the police force is truly representative of Irish society.
10. Creation of a firewall protecting victims of crime from investigation of their immigration status during or after investigation of their reports.

Theme 2: All forms of media and communications, including new technologies

c) What actions would you suggest tackling racism in new and more traditional forms of media?

The [2020 Reports of Racism in Ireland](#) from Irish Network Against Racism – INAR shows a considerable growth in reports related to online racism. Media and social media incidents accounted for 334 reports in this period, compared to 174 in 2019, with Facebook accounting for most reports (119).

In the last years, a “fake news campaign” fuelled by hatred and led by the far right, gained traction. From blaming Chinese people for the pandemic to falsely accusing an African youth of starting a house fire in Balbriggan, Co Dublin, they used all opportunities to instil chaos and put communities against each other.

As always, racism has roots in misinformation, and it must be addressed as soon as it emerges, or it will spread like a wildfire in our communities. Many of the hate online campaigns are run by anonymous or fake social media accounts.

Recommendations

11. The State appoint a National Digital Safety Commissioner.
12. Digital Legislation requiring validated ID to open any social media accounts should be enacted.

Theme 3: Employment, Education, Health and Accommodation

d) How would you like to see racism tackled in the education sector?

[The Economic and Social Research Institute has undertaken research](#) on various aspects of access to education for migrants, identifying the need for further research into both access to and educational outcomes for migrants. Migrant students are at a [higher likelihood to experience racist incidences in the school system than their Irish-born counterparts](#).

Immigrant Council of Ireland | Submission on the National Action Plan Against Racism 2021

[The National Migrant Integration Strategy 2017-2021](#) commits to monitoring the numbers of non-English speaking migrant children in schools but this data is not yet available. There is no research on the adequacy of the support provided and no data collected regarding the adequacy of language supports in schools to cater for the language needs of children from ethnic minorities. All 16 Education and Training Boards (ETBs) reported high and unmet demand for English language classes provision, particularly those ETBs located in large urban conurbations.

[There are an estimated 2-3,000 undocumented children in Ireland](#). Accessing third level for this cohort of young people is difficult because of their immigration status. Most of them have spent all their lives in Ireland but still they are excluded from education. The National Plan for Equity of Access to Higher Education 2015-2019 does not mention asylum seekers and undocumented young people as their “targeted under-represented groups”. This is an oversight and should be amended to include these disadvantaged groups.

Only certain categories of legally resident non-nationals have access to higher education [financial support grants](#) and as a result a large number of people who do not hold such residence permissions are effectively excluded from accessing third level education. Despite only being required to pay college fees at an equivalent rate to EU citizens (at best), due to the significant expense involved in attending college in Ireland, many are unable to meet the financial burden of doing so. This is particularly the case for persons holding “Stamp 3” residence permission, as they have no right to access the labour market and as a result have no ability to access employment which could supplement their own/ their family’s income.

It should further be noted that registration requirements are imposed on foreign national children from aged 16 years old. However, there is no published guidance by the State regarding the residence permission that should be issued to foreign national children, including children who have been received into full care of the State. This results in a lack of consistency regarding the type of permission that was granted, with young people, including siblings, in identical situations being dealt with in various different ways. [The category of residence permission granted](#) determines the rights and entitlements of the holder to access social protections, the labour market and higher educational supports. It is imperative that this is addressed, especially as registration requirements have been extended to all non-EEA foreign national children regardless of age and these provisions are expected to be operationalised by the State in the near future.

Recommendations

13. The State to be proactive in their anti-racism approach to education. Training should be provided to teachers in order to help better identify incidences of racism as well as diffuse these situations. These incidences should be reported and monitored by the education system.
14. The State to undertake research on the barriers to access to education for asylum seekers, undocumented young people and young people from a migrant background to inform policy frameworks to ensure fair and equal access
15. The State must undertake a full review of the grants and financial supports available to minority groups including those from a migrant background and asylum seekers, as well as an information dissemination campaign so the groups who can avail of them are aware of their rights and entitlements.

e) What initiatives and actions would you like to see undertaken to combat racism in access to employment?

Various [research undertaken by the Economic and Social Research Institute](#) and the CSO has identified areas of racial discrimination relating to the right to work, including [access to employment](#) and while in-post. However, there are still many gaps in data collection that should be addressed to fully grasp the different forms of racism and discrimination in employment e.g. pay levels for different ethnic groups, or levels of underemployment amongst migrants with third level of education.

Recognition of qualification is another important area that is resulting to be a significant barrier for migrants in finding employment in general or finding employment according to their qualifications. The current system delivered by the QQI is ineffective, does not guarantee recognition of their certificate by any employer or an educational institution and is extremely costly.

Lastly, Irish work permit system results in a systematic discrimination of non-EU migrants on spousal visas (Stamp 3). Most of the Stamp 3 holders are women and they are legally prohibited from employment on arrival in Ireland, despite having residency permits. The current system that allows them to apply for a work visa is available to them only upon receiving a job offer from an Irish employer. However, to receive a job offer from an Irish employer they need to have a valid work visa. The [recent changes to the Stamp 3 rules](#) affected only a very small number of people

and most of Stamp 3 holders still have no real access to employment. In addition to barriers to employment Stamp 3 holders also are made vulnerable to being [trapped in a situation of a domestic violence](#) as their residence status and income is dependent on their spouses.

Recommendations

16. The State must undertake systematic data collection and research into the experience of people from migrant background accessing work and in the labour market.
17. The State must explore and revise systems to better recognise foreign education qualifications.
18. The State must revise their work visa system, especially in relation to the Stamp 3 regulations.

f) What training and additional supports could help to combat racism in the workplace?

The Immigrant Council firmly believes that through education at all levels of society many of the issues facing migrants and barriers to inclusion can be solved. In the workplace particular issues relate to lack of knowledge of the complex immigration and work permit framework. As a result some employers refuse to engage with any potential employees who may have a different legal status than Stamp 4 or EU residency status, as they perceive other immigration statuses too difficult to navigate.

Training on diversity management and unconscious biases should be recognised as an essential element of work induction training in all settings.

Recommendations

19. The State should invest in educational materials as well as support organisations offering training on immigration framework.
20. The State should take steps towards establishing diversity and inclusion training as an essential element of work induction training.
21. The State should invest in provision of diversity and inclusion trainings through capacity building grants for employers as well as through core funding to organisations offering such trainings.

Theme 4: Inclusion and Participation

- g) How can we remove barriers to the social inclusion and participation of underrepresented and disadvantaged groups?

Diversity in leadership and representation has an undeniable potential to facilitate inclusion of marginalised groups. 1 in 8 of our society are people of a migrant background, yet our leaders and service providers do not reflect the composition of our communities that they serve. By increasing visibility of minority communities amongst our leadership and public service the next generation will gain role models to follow. In addition this will normalise diversity as a constant and valued element of our society. Targeted efforts and initiatives are needed to ensure effective implementation of diversity plans. The National Migrant Integration Strategy aimed at achieving a 1% of diversity representation amongst public service providers. That goal was not only extremely unambitious but it also lacked any indicators of progress and a timeframe. As a result this target has not been achieved during the 5 years of existence of the strategy.

Diversity in leadership should be also addressed through non-electoral participation as most migrants do not have voting rights at a national level. As such different forms of political engagement should be facilitated to ensure diversity in leadership and migrant votes in the decision-making processes.

Recommendations

22. Setting up a national target of 12% of diversity amongst public service providers and civil servants, with a clear timeframe and indicators.
23. Setting up a national Migrant Advisory Forum that would be engaging with the Government on issues relating to migrant rights.
24. The Migrant Advisory Forum should be well resourced to ensure that financial barriers will not be an issue for those migrant leaders who may have no means to participate in the Forum.

- h) What actions would you suggest to increase the numbers of people from minority ethnic groups participating and standing in local and national elections?

Ireland has one of the best systems for including migrants in political participation at a local level. Yet, as per our research and work we gather evidence that only between 6% and 30% of eligible migrants are registered to vote. The biggest barrier is lack of knowledge on voting rights. We also learned that traditional educational campaigns (e.g. leaflets, posters) do not reach the target audience. Community-based initiatives that engage migrant leaders are much more effective. The Immigrant Council also recorded through our Anti-racism Support Service instances where eligible and registered-to-vote migrants were refused

their right to cast a vote by the voting station staff who were ill-informed about migrants voting rights or ill-willed.

Despite very generous voting rights on a local level, most migrants do not have the right to participate in elections at a national level, as only Irish citizens can do so. Migrants who are long-term residents have many barriers in becoming an Irish citizen. The high costs and a discretionary nature of the citizenship legislation is cited as one of the main barriers. In addition some long-term residents may not be able to become an Irish citizen without relinquishing citizenship of their country of birth (as it is required by China for example). Any democratic state should provide avenues for all of their long-term residents to be able to participate in democratic processes. That should happen through improvement of access to citizenship and voting rights for those long-term residents who may not be in a position to become an Irish citizen.

Our research on migrant election candidates also found that migrants face additional barriers during their election campaigns that other candidates do not face. The biggest barrier identified by migrant candidates is racism. In addition, small connections to the established political networks and lack of knowledge about the local government structures were also identified as migrant-specific barriers. There are many actions that political parties, civil society as well as the government can implement to tackle the migrant-specific barriers.

Recommendations

25. The State should invest in community-based voter education initiatives.
26. The State should establish an Electoral Commission with well-designed complaint mechanisms for anyone who was discriminated against during casting their vote.
27. The State should review citizenship costs and allow for a waiver programme for low-income applicants.
28. The State should review the citizenship legislation to improve access to citizenship for migrants that includes significantly cutting the waiting time.
29. The State should review voting rights legislation to allow for long-term residents to participate in national elections.
30. Political parties should establish their internal support programmes for election candidates who feel victim to racism either by potential voters or opposing candidates.
31. Political parties should implement zero tolerance for their party members, and especially elected representatives, who are publicly expressing racist statements.
32. Political parties should collect and publish anonymised data on the number of ethnic minority members to monitor if their party membership is representative of the communities they seek to represent.
33. The State should invest in programmes that aim at providing migrants with opportunities to learn about local politics and build political networks.
34. The Taoiseach should reserve one Seanad nomination for a person of a migrant background to represent migrant views in the Seanad.

Submission to Anti Racism Committee July 2021

Irish Network Against Racism (INAR)

Recommendations for the National Action Plan Against Racism (NAPAR)



The Irish Network Against Racism (INAR) coordinates a network of over 160 civil society organisations in Ireland to share practices and develop common positions on questions relating to all forms of racism in Ireland. INAR has pioneered the iReport.ie racist incident reporting system since 2013, logging thousands of hate crimes and racist incidents and producing from their data cutting edge reports and policy submissions to national and international reporting bodies, government and media. INAR is an active member of the European Network Against Racism (ENAR), itself a civil society network across 30 European states. INAR makes submissions on racism and discrimination in Ireland to the Government, National Authorities, and the European Union, the OSCE, the Council of Europe and UN bodies. INAR prepared and presented the Irish Civil Society collective Shadow Report to the UN Committee for the Elimination of Racial Discrimination hearing on Ireland in November 2019. INAR has also contributed to the Future of Policing in Ireland report, and numerous other policy submissions.

Our submission to the ARC here on the National Action Plan Against Racism (NAPAR) brings together findings and learnings from our previous consultations and research, including from iReport.ie data, and from consultations with our member organisations and key stakeholders including National Authorities, and our participation in the ENAR NAPAR and EU-Action Plan Against Racism working groups.

The development and implementation of the NAPAR presents Ireland with the opportunity to demonstrate leadership in its best international and domestic tradition of acting for equity and standing in solidarity with oppressed peoples. Ireland has an opportunity to become a beacon for equality by becoming Europe's first purposefully anti-racist republic. With this contribution,

we hope to inspire members of the Anti-Racism Committee to support the creation of a bold and ambitious NAPAR.

Definition of racism

A sophisticated and comprehensive definition of racism

INAR supports the understanding of racism outlined in the Interim Report, which clearly articulates the structural and institutional dimensions of racism which must be addressed in the National Action Plan Against Racism. (Per Durban Declaration Plan of Action ([DDPA](#)) and European Action Plan Against Racism ([EU-APAR](#))) In all areas the NAPAR must address institutional failures to remedy racism, since these failures are what embed structural racism and enable racist discrimination, crimes, hate speech and all forms of racism.

Racism and intersectionality

The lives of all racialised minorities are structured by a combination of racial and a full range of other intersecting inequalities. It follows that the understanding of racism adopted should also be informed by general principles of universality, interdependence and indivisibility of human rights as well as relevant EU and Irish legislation underscoring the importance of intersectionality, to facilitate exploring the coexistence of identities and sources of oppression. [A NAPAR needs to target and address the experiences of discrimination against women, disabled people, and socio-economic circumstances, and incorporate intersectional dimensions across all areas.](#)

Recognising specific forms of racism

Anti-Traveller racism, Afrophobia, Islamophobia, Anti-Semitism, Anti-Roma and Anti-migrant racism

The dynamic evolving nature of racism means that different forms arise in different contexts; In the context of Ireland, Travellers, Roma, Jews, Muslims, Black people, asylum seekers, refugees, people from an immigrant background, second, third generation, and undocumented people, etc. have similar experiences of racism, which suggests a common approach is necessary. At the same time, each form of racism has its specificities which must also be recognised, defined and targeted in the NAPAR.

The process of the NAPAR

To be effective, the NAPAR requires the development of Process-based indicators, clarifying the processes the State should take to support the implementation of the NAPAR. This will include data collection, ongoing consultation with civil society, links with other government

agendas and a system of accountability based on specific and determinable goals, outcomes and impacts.

The need for disaggregated data collection:

Data collection on various aspects of racism and discrimination is crucial to answering relevant questions and evaluating outcomes of policies relating to hate crime, discrimination and other manifestations of racism. The inclusion of current baseline data is critical for measuring future progress. There is an evident need to collect and publish disaggregated data across all state institutions, government departments, public bodies, institutions, and functions, especially around education, employment, health, and housing to monitor policy effects. Ireland is yet to standardise ethnic data collection and incorporate ethnic identifiers across all routine administrative systems and state surveys. The use of ethnic statistics on an ad-hoc basis results in a significant knowledge gap which poses significant challenges for policymakers as they lack comprehensive population data to develop and implement evidence-based policies that meet the needs of the people. CERD recommended that the State collect and provide updated statistics on the ethnic composition of its population-based on self-identification. The Committee emphasized that the data should be disaggregated by sex while paying attention to the socio-economic situation, representation in public and political life of minority groups to ensure equal enjoyment of rights under the Convention. This is also recognised in the European Action Plan Against Racism. (EU APAR)

The NAPAR requires that state must ensure that all government departments, and functions are resourced to collect anonymised disaggregated data including an ethnic identifier on all dimensions of racism and racial discrimination. For example with regards the implementation and operationalisation of the of the Public Sector Human Rights and Equality Duty (PSHRED)

INAR believes that the implementation process should include ongoing research at a national level on racism and racial discrimination, with particular regards to emerging trends For example in the past 2 years we have seen the emergence of some far right factions

Leadership, all-government approach, Comprehensive scope and diverse strategies

The NAPAR's scope must be national and applicable to all branches and spheres of government (executive, parliament and the judiciary), the private sector and society. The NAPAR should apply to all persons under state jurisdiction while paying special attention to perpetrators and those affected by racial discrimination. It should also be context-specific and address the country's actual and potential human rights violations.

To make a real difference the NAPAR should be led by Government at the highest levels, “owned” by the entire population and must emphasise the key role the public has to play in the implementation of the plan.

Strategies implemented should further raise awareness, assessment of current legislation, the incorporation of intersectionality, as well as acknowledgement of past and current oppressions, and positive action. The EU defines positive action as: “proportional measures which are decided to achieve in practice full and substantive equality for members of groups or groups who are socially disadvantaged or economically or face the consequences of discrimination or current or past disadvantage.”

All-Government approach and cross-linking government agendas

A comprehensive NAPAR cannot tackle racism while isolated; it must be viewed against current laws, policies, programmes and governmental interventions. This will stem from the acknowledgement that discrimination is experienced across all aspects of life. The NAPAR must be led from the highest levels of government and also have sustainable links with other policy initiatives, including the targeted inclusion of minorities in the rebuilding of a post-covid economy, the Resilience and Recovery plan and future zero-carbon sustainable infrastructure plans.

The integration of the NAPAR with existing agendas will provide opportunities for consultation, highlight points of interest, and offer potential members for the NAPAR implementation oversight body.

- Programme for Government
- Women’s Equality Strategy
- National Strategy for Women and Girls
- National Traveller and Roma Inclusion Strategy
- Migrant Integration Strategy
- National Digital Strategy
- Better Outcomes Brighter Futures (A national policy framework for children and young people)
- National Anti-Poverty Strategy
- National Disability Inclusion Strategy
- The Second National Strategy on Domestic, Sexual and Gender-based Violence

The NAPAR should outline the key duty bearers at each level, as both State and Non-State members will be responsible for obligations that arise. Private actors also hold a duty to prohibit discrimination and must be held accountable, to ensure that action against racism is mainstreamed.

A Just Transition and Resilience and Recovery programmes

A NAPAR must be compatible with a Just Transition, the Resilience and Recovery programmes and all related transitions to a post-covid, zero-carbon economy. In this respect, the NAPAR should give the most marginalised and directly affected communities a central stake in a transition to an environmentally sustainable post-covid economy for all. The process, outcomes and impacts of a NAPAR should be compatible with those of Just Transition and Resilience and Recovery programmes, and vice-versa.

Local dimension and community development

The NAPAR should both have a national view, and a clear understanding of what the impact of both its actions and outcomes will be at the regional and local level to enable: planning, evaluation, and review. The NAPAR should outline the key duty bearers at each level, and develop a system of accountability to hold the institution responsible for its implementation accountable to the rights holders. The NAPAR must have both a horizontal and vertical application, thus targeting the private sector as well.

- The role of Trade Unions and other civil society organisations.
- A clear role for corporations and SMEs.
- Anti-Racism Organisations
- Community development organisations and initiatives.
- Local organisations local Authorities and local authority associated structures including:
 - Community Development Committees (LCDCs), Public Participation Networks (PPNs), strategic policy committees, community safety partnerships, local policing forums.

Buy in, publicity and Consultation with civil society

Although the government has an indispensable role to play in the development, launching and implementation of the NAPAR- it belongs to the country. As the UN Guidelines state, NAPARs are a mechanism for the effective pursuit of national goals. It cannot be considered as a truly national undertaking without involving input from all elements of society, in particular from civil society organisations working in the area of human rights protection to combat racism and racial discrimination. These organisations are best placed to be aware of the challenges faced and suggest viable solutions. Civil society plays a key role in the progressive realisation of human rights and the democratization of our society.

The State must establish meaningful partnerships among all important stakeholders including researchers and academics in relevant fields. The complex nature of racism and racial discrimination requires a diversity of expertise that civil society can provide. Adequate

resourcing is also required for publicity and the implementation of development initiatives at all levels of government.

The NAPAR should incorporate a process of ongoing consultation with regards the implementation of the Plan, the monitoring of its progress and the identification and response to new and emerging issues. Civil society partners must play a central role in this ongoing process.

Adequate financial resources

The NAPAR must be ambitiously financially resourced for the specific programmes that state departments, national authorities, and non-state organisations are required to undertake, it also means persuading departments, national authorities, and bodies to reallocate resources in line with the Plan. The ministries relevant for budgeting should be involved from the start. This will include establishing an agreed resourcing strategy with each department. At a guaranteed minimum, a ring-fenced budget for a purposefully antiracist NCCRI-type body within which to locate and coordinate the oversight, research, public education and communication with authorities functions of the NAPAR. An ambitious NAPAR's success requires appropriate resourcing as a crucial precondition to success, because of this, how the NAPAR will be implemented should be considered from the inception stage and outlined in the plan.

Implementation with clear time frames and goals:

For the effective implementation of the NAPAR, there is a need to set specific goals, objectives, actions, timeframes, and also provide mechanisms for monitoring and evaluating the plan using disaggregated ethnic data. The state must ensure that the process is built and adheres to principles of transparency and accountability, and from the outset have an oversight mechanism for accountability on its implementation composed of civil society groups and members of affected communities. Another important aspect of oversight - is that it requires leadership from government at the highest level to guarantee it.

Implementation Plan and Oversight of Implementation Plan

- Specific goals
- Concrete objectives and measurable outcomes.
- Timeframes
- Mechanisms for monitoring and evaluation
- Adequately resourced.

Although efforts have been made to engage with various civil society organisations and affected groups, there is still a need to improve the consultative process to ensure a comprehensive and meaningful engagement with ordinary citizens. The NAPAR should have both a top-down and a bottom-up approach. The effective and accountable implementation of the NAPAR is reliant on an effective governance structure and the monitoring and evaluation of the programmes implemented. The State should establish a steering group, drawing its members from key civil society actors, important stakeholders and affected groups from all levels of society. The steering group would be responsible for overseeing an inclusive strategy for the implementation, coordination of implementation and monitoring, and review the progress of implementation of the NAPAR.

Indicators for benchmarking, targets, and evaluation

Indicators are regarded as playing a vital role in the identification of trends and issues while contributing to the process of priority setting, policy formulation and the evaluation and monitoring of progress. The indicators presented here are not exhaustive, and do not intend to capture every aspect of progress, but rather to signal progress in key areas, and place the focus on outcomes achieved in tackling racism, rather than on actions undertaken.

- Data on hate crime, hate speech, or other cases of discrimination.
- Successful hate crime prosecutions.
- Accountability of politicians for using hate speech, slurs, and inciting hatred through misinformation.
- Monitor Garda interactions with minorities
- Reports of racial profiling, mistreatment, and abuse from Gardaí.
- Labour market inclusion, in public and private sectors
- Representation of minorities in the media.
- Educational attainment of minority groups. As well as the diversity of schools compared to the local population.
- Minorities in social housing as compared to private rentals.
- Traveller and Roma integration in housing (including data on ‘legal’ evictions), employment, education, and quality of health.
- Reports of domestic violence and abuse against minority ethnic women.
- Intersectional data on inclusion of minority women, and minority disabled, and LGBTQI people
- Direct Provision (DP) centres quality, standards, and services, and other indicators in the transition away from the system of DP
- Asylum Seekers time in processing, quality of health, the general quality of life, accountability of private owners.

- Public attitudes and opinion on ethnic minorities, asylum seekers, refugees, and people of migrant background.
- Presence of far-right organisations, their actions, and associated crimes

Key Areas of work with Recommendations

The National Action Plan Against Racism should include specific, implementable and measurable actions that must be monitored as part of the oversight and implementation function in the following areas:

1. Improve the efficacy of anti-discrimination legislation and practice.

Recommendations:

- i. Review the effectiveness of Equal Status and Equality in Employment Acts and access to justice using them, moving rapidly to restore a body equivalent to Equality Tribunal with support to ensure equitable access to ensure effective uptake, use and outcomes of the Equality acts on race and related grounds, and complaints about licensed premises and other related breaches of the Equal Status Act.
- ii. Public sector bodies to develop and publish strategic plans which demonstrate how they will meet their Public Sector Human Rights and Equality Duty obligations
- iii. Publication of disaggregated data relevant to antidiscrimination and anti-racism from public bodies
- iv. Restore independent body with functions of NCCRI as a home for anti-racism work by the State
- v. Provide for regular monitoring of infringements of anti-discrimination laws.
- vi. Enhance IHREC's enforcement role vis-a-vis implementing the Public Sector Duty.
- vii. Integrate NAPAR with key initiatives including the Roadmap on Social Inclusion, the Women's Strategy and the upcoming Children's Guarantee.
- viii. Raise awareness of anti-discrimination legislation in public and key groups incl. asylum seekers
- ix. Guidance and mandatory training standards on anti-racism for professionals, e.g., social workers, gardai, Legal professionals, frontline public servants
- x. Government targets e.g., appointments in public services

2. Improve measures for tackling Hate Speech Online.

Recommendations

- i. Implement the Online Safety and Media Regulation Bill to be in line with international human rights standards.
- ii. Put in place measures to tackle hateful behaviours, organising and other uses of online platforms by the far-right

3. Explicit measures to tackle General Hate Speech

Recommendations

- i. Implement new hate Crime and incitement to hatred legislation, paying due regard to the test of the incitement element
- ii. Effectively investigate and, as appropriate, prosecute and punish acts of speech that incite hatred
- iii. Support the Electoral Commission, once established, to address the prohibition of racist hate speech in line with EU protocol
- iv. Inform and sensitize the public about racist hate speech.
- v. Conduct a targeted coordinated information campaign about the rights and resolutions available.

4. Improve the efficacy of Hate Crime and Incitement legislation and practice.

Recommendations

- i. Implement and enforce legislative provisions for penalty enhancement in crimes committed because of racial bias.
- ii. Ensure that hate crime is properly recorded.
- iii. Ensure that cases of racist hate crime are thoroughly investigated and prosecuted.
- iv. Provide training for the police, prosecutors, and judges.
- v. Monitor racist incidents and anti-racism training.
- vi. Consider gender and other identities in consultation platforms.
- vii. Adopt ethnic identifiers across government and public bodies,
- viii. Provide information and legal advice on immigration to children and those supporting them.

5. Explicit measures to tackle racism in the Policing and Criminal Justice System, and equitable access to justice

Recommendations:

- i. Outlaw and report racial profiling.
- ii. Invoke the Prohibition of the Incitement to Hatred Act(1989) and any replacing legislation
- iii. The government must introduce the concept of “firewall protection”, providing a clear separation between the provision of public services and

immigration enforcement to ensure that migrants are guaranteed equal access to justice and basic rights should they fall victim or witness a crime.

- iv. Develop anti-discrimination plans for the police.
- v. Strengthen human rights and equality training.
- vi. Extend access to Legal Aid.
- vii. Promote a culture of Human Rights, Diversity, Equality and Interculturalism.
- viii. Provide training to be equipped to deal with the intersectional nature of domestic violence and sexual and gender-based violence.
- ix. Review policy, practices and training of An Garda Síochána to establish mandatory minimum standards throughout the Force.
- x. Collect disaggregated data on racial profiling and regularly publish it
- xi. Ensure that an effective remedy is available for discrimination that has a legislative basis.
- xii. Develop expertise appropriate for policing a highly diverse and integrated society.
- xiii. Provide clear, simple, well communicated and accessible reporting procedures
- xiv. Establish partnerships with civil society organisations working in human rights protection to ensure the development of high quality, well-informed policies and intelligence.
- xv. Provide training for front-line staff investigating racist incidents.
- xvi. Ensure full implementation of the new Garda Diversity and Integration Strategy.
- xvii. Promote diversity and inclusion by recruiting ethnic minorities in the force
- xviii. Professionalise, test, and monitor interpreting services in Ireland.
- xix. Take measures to identify and protect victims of trafficking.
- xx. Ensure the effective implementation and monitoring of a dedicated helpline and website accessible by all to report incidents and find support.
- xxi. Resource and implement human rights and anti-racist work within the force.

6. Labour and economic participation

Recommendations

- i. Strengthen access to the labour market.
- ii. Investigate labour market stratification.
- iii. Regularise undocumented migrants.
- iv. Address exploitation.
- v. Develop training schemes for migrants.
- vi. Improve employment among Travellers and Roma & other minorities
- vii. Address human rights abuses in all companies in Ireland or under its jurisdiction.
- viii. Remove additional barriers to Asylum seekers in obtaining a job.

- ix. Implement recommendations of the Day report and White paper on Direct Provision.
- x. Combat hate and harassment in the workplace.
- xi. Educate migrants and employers of workplace rights.

7. Immigration & Citizenship

Recommendations

- i. The state must establish a centralised service centre for migrants and minorities to ensure open access to everyone and improved coordination. The idea of a one stop shop is to make available a wide range of government and support services to immigrants under one roof, synchronised in time and content and made available in several languages.
- ii. Review, resourcing, targets and accountability of Migrant Integration Strategy 2017-2020.
- iii. Review constitutional provision on citizenship.
- iv. Review Citizenship residency requirements.
- v. Ensure that migrant women, who are victims of domestic violence, sexual and gender-based violence and female genital mutilation, are guaranteed a legal stay.
- vi. Identify asylum seekers with special needs.
- vii. The determination of statelessness.
- viii. Provide legal aid and translation during the asylum process.
- ix. Replace the current system of Direct Provision.
- x. Regularise undocumented migrants in Ireland.
- xi. Recognise overseas qualifications and prior experience.

8. Education:

Recommendations

- i. The Yellow Flag all-school community based anti-racism programme, now recognised as an Example of international best practice, to be adopted and mainstreamed by the Dept. of Education.
- ii. Schools' curricula to reflect Ireland's historical and current realities.
- iii. Teach Irish history in the context and framework of comparative emancipatory and anticolonial histories
- iv. Anti-racism and equality to be mainstreamed in all subjects in the curriculum
- v. Monitor school admissions, compliance, and incidents of discrimination
- vi. Enhance knowledge of discrimination directed at children and young people.

- vii. Literacy among migrants of all ages.
- viii. Traveller and Roma education
- ix. Support schools and training for teachers.
- x. Guarantee the right to Freedom of Conscience, religion, and belief in education.
- xi. Establish minimum standards for anti-racist human rights training in the civil and public service.
- xii. Combat stereotypes.

9. Accommodation:

Recommendations

- i. Provide affordable housing.
- ii. Monitor impact of housing policies.
- iii. Living conditions in direct provision, and the length of stay in centres.
- iv. Accountability in cases of breach of standards.
- v. A contingency planning framework for Direct Provision.
- vi. Tackle impacts of the current housing crisis on Travellers and Roma.
- vii. Improve access to social housing.
- viii. Address discrimination in the private rental sector.
- ix. Monitor anti-social behaviour and racism in social housing.
- x. Provide accessible and culturally appropriate accommodation.
- xi. Housing conditions and living standards.
- xii. The practice of moving aged-out unaccompanied minors into Direct Provision.
- xiii. Address the isolation of female asylum seekers.
- xiv. Support victims of trafficking.

10. Health and Wellbeing:

Recommendations

- i. Provide asylum seekers with access to appropriate health care.
- ii. Childcare services for migrants.
- iii. Develop cultural awareness training.
- iv. Address the health of Traveller and Roma.
- v. Access to primary care, sexual and reproductive healthcare, and mental health services.
- vi. Translation services in primary care and to all health providers.
- vii. Accessibility of specialised services for applicants and refugees.
- viii. Accommodate broader health needs of asylum seekers and refugees.
- ix. Improve access to information and support for survivors of FGM and their communities.

- x. Provide sexual assault victims with necessary assistance and services.
- xi. Address the consequences for survivors of racism in Mother and Baby Homes and industrial schools and county homes.

11. Measures to tackle institutional and structural discrimination.

Recommendations

- i. Resourcing of measures to ensure participation and representation by Irish Travellers, Roma and other underrepresented minority ethnic groups in economic, political and public life.
- ii. Recognise the historical presence of mixed-race Irish people in Ireland.
- iii. Support the development of networks of Traveller and Roma-led community development organisations.
- iv. Collect and report data on refugees, beneficiaries of international protection, asylum seekers and stateless persons.
- v. Develop national standards for interpreters including cultural awareness training.
- vi. Interpretation access and costs.
- vii. Measures to ensure equitable access to the provision of social services to ethnic minority children and families.

12. Broadcast and Print media

Recommendations

- i. Reporting standards, diversity in staff, intercultural content
- ii. History of colonialism & racism, histories of different peoples.
- iii. Awareness of Traveller heritage and culture.
- iv. File complaints about discrimination.

13. Ensuring Meaningful participation and accountability

Recommendations

- i. Direct funding and support to Anti-racism organisations & local and national Community Development initiatives with an explicit anti-racism frame and objectives
- ii. Data compiled and submitted to intergovernmental organisations and agencies.
- iii. Transparency around deaths in Direct Provision.
- iv. Disaggregated data should be collected on education, health, employment, and crime.
- v. Design effective partnership-based consultation processes.

- vi. Historic institutional racism.
- vii. Dialogue with civil society organizations working in human rights.

14. Social and cultural engagement

- i. Community development initiatives

15. The Far right

- i. Resource community initiatives to ensure robustness against exploitation by far right of grievances

16. Rights Awareness

- i. Know your rights and other initiatives for active citizenship and participation

Submission from Independent Law Centres to the Anti-Racism Committee's Public Consultation on a new National Action Plan against Racism for Ireland

1. Executive Summary

We, the undersigned Independent Law Centres (ILCs), welcome the opportunity to make submissions on the National Action Plan against Racism for Ireland. As ILCs, we are governed by S.I. No. 103/2006 - The Solicitors Acts, 1954 to 2002 (Independent Law Centres) Regulations, 2006. Each centre has been granted charitable status by the charities regulator and we provide, amongst other services, free legal advice and, in some circumstances, legal representation. Community Law & Mediation makes this submission on behalf of the undersigned ILCs.

Racism has been defined for the purposes of the National Action Plan as the power dynamics present in those structural and institutional arrangements, practices, policies and cultural norms, which have the effect of excluding or discriminating against individuals or groups, based on their identity, as outlined in Article 1 of the International Convention for the Elimination of Racial Discrimination (ICERD), which provides: '...the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

This definition covers the circumstances in which approved practices within institutional bodies and society may be indirectly racist and discriminatory.

This submission discusses the areas of the Consultation most relevant to our work as Independent Law Centres, namely

- Theme 1: Access to Justice
- Theme 3: Employment, education, health, and accommodation

The submission is formatted in response to the suggested questions posed in the Consultation document.

The submission makes a case for an expanded system of civil legal aid and supports for those who experience racism and discrimination in seeking redress. The submission also makes recommendations which aim to improve accessibility in the areas of the justice system, the labour market and accommodation for racial minorities in Ireland.

Signed,

Community Law & Mediation

Mercy Law Resource Centre

Ballymun Community Law Centre

Immigrant Council of Ireland

Irish Refugee Council Independent Law Centre

2. Theme 1: Access to Justice

a) What actions would be effective in removing barriers to justice for victims of racism?

Access to Legal Advice/Aid

Some of the most prevalent issues affecting minority groups in Ireland, including migrants and members of the Traveller and Roma communities, are excluded from the remit of the Legal Aid Board. Such issues include social welfare appeals and employment and equality cases, as well as discrimination when accessing goods and services. Civil legal aid is not currently available in cases before the WRC challenging discrimination in the workplace or in accessing services.

This unmet legal need is a constant theme of our work and it constitutes a serious barrier to accessing justice. In practice, employers, service-providers and public bodies are often legally represented, creating concern from the point of view of equality of arms and natural justice. Legal aid being available in this context would greatly improve access to justice for victims of racism.

Recommendation

1. We propose the Civil Legal Aid Scheme be expanded to cover discrimination cases taken to the WRC under employment equality and equal status legislation, as well as in other quasi-judicial tribunals such as the Social Welfare Appeals Office and the PRTB. See also Recommendation 24 below in relation to expansion of Civil Legal Aid in respect of certain housing matters.

Increasing accessibility under Equal Status Acts

Research conducted by the Fundamental Rights Agency across the European Union has highlighted that awareness of the national legislative and procedural framework which gives effect to the prohibition of discrimination appears to be low among racial minorities.¹ This in turn, affects the degree to which victims pursue their rights and reduces the frequency with which the prohibition of discrimination is enforced and remedies are obtained.²

Race is one of the grounds protected from discrimination under the Equal Status Acts. In order to make a complaint under the Equal Status Acts 2000-2015, a complainant is required to first notify the person or organisation they are making the complaint against within 2 months of the last act of discrimination.

The requirement for the submission of an ES1 form within 2 months of the discriminatory act taking place is overly restrictive on those who may require additional assistance in the areas of literacy, translation, understanding of the legal arguments etc. In addition, applicants are often confused by the naming of the Workplace Relations Commission, believing it adjudicates only on employment matters. Applicants often realise that the WRC is the correct body to refer their complaint under the Equal Status Acts to, after the strict 2 month time limit of submitting an ES1 form has passed. Consideration should be given to these factors when strictly implementing the rules on time limits on complainants. We believe the 6 month time limit for lodging a claim is similarly restrictive and should be lengthened.

¹ https://fra.europa.eu/sites/default/files/fra_uploads/1916-FRA-RED-synthesis-report_EN.pdf

² https://www.flac.ie/assets/files/pdf/flac_response_to_draft_programme_for_government_2020_final_ver.pdf

The current maximum penalty an adjudication officer can order in the WRC is compensation of up to €15,000. A higher maximum award may act as a stronger deterrent in preventing discrimination.

Recommendations

2. We propose a review of the complaints process under the Equal Status Acts to be carried out with a view to making the process more accessible through the provision of increased time limits and supports.
3. We propose that the maximum award which may be awarded under the Equal Status Acts by an adjudication officer in the WRC be increased.
4. We propose the roll-out of an information campaign targeted towards racial minorities on the process of making a complaint of discrimination under the Equal Status Acts.

Hate crime legislation

The general scheme of the Criminal Justice (Hate Crime) Bill 2021 was published in April 2021. The protected characteristics under the Criminal Justice (Hate Crime) Bill 2021 are: race, colour, nationality, religion, ethnic or national origin, sexual orientation, gender and disability. The aggravated offences will generally carry an enhanced penalty, compared to the ordinary offence, and the record of any conviction for such an offence would clearly state that the offence was motivated by prejudice – that it was a hate crime. It is essential that this Bill is passed into law as expeditiously as possible.

Recommendation

5. We support the expedient passing into law of hate crime legislation.

International Protection Process

Delays in the international protection process exacerbate the exclusion of people in that process from enjoyment of their rights and their integration into society. In January 2021, applicants were waiting on average 18 months for a decision, while prioritised applicants are waiting approximately 13 months.³ The Irish Refugee Council 2021 report, *Hanging On a Thread*, highlights the negative impact the lengthy processing of claims for international protection has on family life, individuals' mental health and general wellbeing.⁴

³ Minister for Justice Helen McEntee, Response to Parliamentary Question No. 632, 27 January 2021, available at: <https://bit.ly/31qAaLX>.

⁴ IRC Report "Hanging on a Thread" Delays in Irish Protection Process, June 2021

Recommendations

6. We propose a significant reduction in the processing times for international protection applications so as to reduce time spent in Direct Provision and so that individuals in the international protection process so that applicants can move forward with their lives and plan for their future.
7. The International Protection Office and International Protection Appeals Tribunal must be given the financial, technological and personnel resources to issue decisions to applicants within a reasonable timeframe.
8. The Government ought to introduce, without delay, the recommendation made by the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, in which individuals who have spent more than two years in the system would be given five years leave to remain status.

- b) Do you think racism impacts on legal adjudication and the courts, and if so, what actions need to be taken?

Structural Racism in the courts system

The courts system in Ireland is inherently difficult to navigate for the average lay-litigant, even with the assistance of legal representation. The formalistic nature and language of proceedings before the courts can act as an intimidating and deterring factor for those who may be faced with additional language barriers.

IHREC has recommended that human rights and equality standards, intercultural awareness, and cultural competency are central to the initial and continuous training of all members of An Garda Síochána, as well as personnel in the wider criminal justice system.⁵ We are in agreement with IHREC's recommendations and wish to further their assertion that there is a lack of appropriate service provision and cultural competency within the public sector generally and the courts service specifically.

There is a need for increased training and education on cultural competency throughout the legal system, including the judiciary and adjudicators, to facilitate cultural understanding between parties.

Recommendation

9. We propose the implementation of cultural competency training and diversity training for members of the judiciary and staff of the justice system generally.

Interpretation

Interpretation services in Ireland are not accredited or professionally regulated. This results in a significant disparity in the nature and quality of the interpretation services being provided to non-

⁵ https://www.ihrec.ie/app/uploads/2019/11/IHREC_CERD_UN_Submission_Oct_19.pdf

English speakers and can seriously impede individuals' ability to adequately access justice and advance their case.

Recommendation

10. We propose that interpreting services provided in courts, tribunals and to applicants for international protection are professionally regulated and that interpreters are required to undergo accreditation prior to providing such services.

Removal of s19 from the jurisdiction of the WRC

Under section 19 of the Intoxicating Liquor Act 2019, any person who believes that they have been discriminated against at or on the point of entry to a licensed premises on the basis of one of the nine grounds included in the Equal Status Acts 2000-2018 must bring their case to the District Court rather than the Workplace Relations Commission. This requirement places a disproportionate burden on members of the Traveller community who are 38 times more likely than other white-Irish to experience discrimination in accessing goods and services.⁶ Whereas the WRC was designed to facilitate personal litigation in a less adversarial manner, the courts system is not designed in this manner, as discussed above. Furthermore, there are greater costs associated with lodging a case before the District Court. Members of the Traveller community who wish to raise a claim of discrimination against a licenced premises therefore face a number of additional barriers in relation to costs, time limits and the onus of proving evidence and literacy. These additional barriers are unnecessary deterrents in bringing such a discrimination case.

Recommendations

11. We recommend that s19 is returned to the remit of the Workplace Relations Commission to increase accessibility in making a complaint of discrimination under this section.
12. We propose the roll-out of an information campaign on the process of proceeding with a claim under s19 to increase awareness and empowerment amongst members of the Traveller community in making a complaint of discrimination.

High Court Direction 81

The introduction of High Court Practice Direction 81 on 17th December 2018 placed numerous additional burdens on applicants for judicial review in the "asylum" list and their solicitors, which do not apply to other applicants for judicial review.⁷ While some of those burdens were eased somewhat with an explanatory note and Covid measures, the Practice Direction remains in place and disproportionately impacts non-EEA nationals.

⁶ Irish Human Rights and Equality Commission and Economic and Social Research Institute, "Who experiences discrimination in Ireland?", Evidence from the QNHS Equality Modules (F. McGinnity, R. Grotti, O. Kenny and H. Russell), November 2017, page 36

⁷ <https://www.courts.ie/acc/alfresco/e5e5270d-3f71-452d-9932-5b00b12514dd/HC81%20-%20Asylum%2C%20immigration%20and%20citizenship%20list.docx/file#view=fitH>

Recommendation

13. We recommend a review of High Court Practice Direction 81 to ensure that applicants for Judicial Review do not face unreasonable additional burdens in seeking to challenge decisions relating to immigration and international protection.

c) Are there particular issues connected with racism and gender and access to justice?

Domestic Violence

Women's Aid have reported that 37% of women accessing refuges identified themselves as Travellers, 6% as Black, and 2% as Asian.⁸ These figures are representative of the fact that minority women face additional barriers to obtaining long-term safety and lack other possible options than emergency accommodation.

Exchange House Travellers Service have reported that racist beliefs and practices can serve to prevent minority women from seeking or finding effective interventions and that stereotyping and discrimination experienced when seeking assistance can cause them to feel unprotected by the domestic violence, social service, housing, health or criminal justice systems. Racism, therefore, can make it appreciably more difficult for ethnic minority women to access the resources they need to escape domestic violence.⁹

Access to Services and Employment

The Irish Network Against Racism reports that even after securing a visa to live and work full time in Ireland, migrant women face other obstacles such as a lack of previous references in Ireland for either housing or employment; a dependence on employers to obtain a PPS numbers; the lack of access to basic healthcare, as without their PPS number they cannot even avail of a Cervical Smear check.¹⁰ Language barriers, visa status and lower incomes act as further barriers to accessing health services. These issues affect not only migrant women whose employers do not pay PRSI but also women who have never officially worked in the country, and are thus undocumented, and women living in Direct Provision.¹¹

Many female migrants struggle to access employment and secure job interviews due to subtle racism. Migrant women have reported that despite having relevant qualifications, they do not get called for interview. Many feel that this is due to their name being of foreign origin or their address being linked to a direct provision centre.¹²

Recommendation

14. We welcome the acknowledgement of intersectional racism in the Interim Report and note its deep impact on the people we work with. We recommend providing targeted outreach support and information to vulnerable groups on access to justice.

⁸ <https://www.womensaid.ie/about/policy/natintstats.html>

⁹ <https://exchangehouse.ie/userfiles/file/reports/research/DVWomen17jun09SFN.pdf>

¹⁰ <https://inar.ie/migrant-women-and-racism-in-ireland/>

¹¹ <https://inar.ie/migrant-women-and-racism-in-ireland/>

¹² <https://www.meathchronicle.ie/2018/06/19/meath-based-group-says-migrant-women-have-little-or-no-chance-of-employment/>

3. Theme 3: Employment, education, health, and accommodation

a) How can we ensure the equality of all children in terms of access to services?

HRC applies in respect of child benefit/Children in direct provision

The Habitual Residence Condition is a qualifying condition for social welfare payments and continues to apply in respect of child benefit. Although the habitual residence condition applies to all applicants ‘regardless of their nationality,’ it has a disproportionate impact on migrant families, Traveller families, and Roma families, who will have greater difficulty in proving their habitual residence. A report by Pavee Point pointed to examples of Traveller children who were born in Ireland but have been denied child benefit as their parents had previously spent time in Northern Ireland or England.¹³

Child benefit is not payable in respect of children who are Irish citizens and are living in direct provision as their parents are not considered to have a right to reside in the State while their applications for international protection are being processed and therefore the parents cannot satisfy the habitual residence condition which is a pre-condition to claiming Child Benefit. The State has said that many of the additional costs associated with bringing up a child are not in fact incurred by the applicants as a consequence of residing in the direct provision system. (*Agha (a minor) & ors v Minister for Social Protection & ors and Osinuga (a minor) & anor v Minister for Social Protection & ors* [2018] IECA 155). This case went to the Supreme Court where it was renamed *Michael v MSP* [2019] IESC 82. However, children living in direct provision, both seeking international protection and those with status, experience poverty and social exclusion with limited access to services.

Recommendation

15. We propose a review of the requirement of the Habitual Residence Condition to be proved in respect of Child Benefit.

Children in State Care

Children and young people in the care system are some of the most disadvantaged in Ireland. Issues of health, education, housing etc impact them as they do other children, however the challenges are often compounded due to the circumstances of their care. While Tusla collect data regarding ethnicity in a limited number of areas, they do not do so systematically. Based on international practice in the child protection sector, ethnic data is collected to identify disparities between groups, to examine referral patterns, to explore the representation of groups in care, measure outcomes and duration of time in care.¹⁴

Children and young people from ethnic minorities in the care system face barriers in accessing information and thus justice. As highlighted by the Immigrant Council of Ireland, “[a]ccess to information is an essential aspect of the right of access to justice and due process, as well as of children’s participation rights. It is critical for children to know and understand their immigration-related duties and to taking appropriate action. Children in Ireland face significant challenges in accessing clear, accurate and child-friendly information about their immigration status, routes to regular immigration status and their duties under immigration law. The absence of clear information

¹³ <https://www.lenus.ie/bitstream/handle/10147/143240/PositPapImpactHRCOnTravellers%20Roma.pdf?sequence=1>

¹⁴ https://www.tusla.ie/uploads/content/Ethic-Data-Final-Report-2_230819.pdf

is a significant barrier to maintaining regular immigration status.”¹⁵ In addition particular issues relating to housing, education and after care arise from the immigration status of children and young people in the care system.

Recommendation

16. We recommend the collection of data on ethnicity within the care system and access to information for children from minority groups who are within the care system.

b) What measures would help to address racism in access to accommodation?

Minority groups are disproportionately impacted by homelessness and housing insecurity, as shown in a 2018 IHREC study that found that black people are five times more likely to report housing discrimination than white people, and that non-white Irish nationals are 1.7 times more likely to experience housing deprivation than Irish nationals and are 2.5 times more likely to live in overcrowded housing than Irish nationals.¹⁶

In relation to social housing, the experience of Independent Law Centres advising clients in this area is that there are a number of existing legal barriers which contribute to racially discriminatory outcomes for minority groups seeking housing services. These include measures which are directly discriminatory, such as a requirement for non-Irish nationals to provide burdensome proof that they do not own property overseas, and measures which on their face are ‘neutral’ but in their application can have discriminatory effects. For example, the ‘local connection’ requirement for accessing social housing supports in particular areas.

Removing these barriers would help to address racism and discrimination in the provision of social housing. At a more general level, awareness of the risk of discriminatory and racist outcomes in the provision of social housing and social housing supports must be kept to the forefront. In this regard, the implementation of the Public Sector Equality and Human Rights Duty across public bodies engaged in provision of housing and housing supports is crucial.

In relation to private rental accommodation, we note that it is outside our expertise but that we expect other expert organisations will make submissions on that issue.

Direct Provision

The system was originally introduced in 2000 as a temporary measure to meet an immediate accommodation need. It was intended that individuals seeking international protection would spend a period of up to six months in the system prior to being transferred to independent living. However, over 21-years later, the system remains in operation, with many individuals remaining in Direct Provision for long periods of time awaiting a determination on their application for international protection. It is well documented that the Direct Provision system has a detrimental impact on many levels for its residents¹⁷, who are often segregated from the public and struggle to integrate into their local communities in what can only be described as a form of institutional racism. In addition,

¹⁵ <https://www.immigrantcouncil.ie/sites/default/files/2017-10/CMM%202016%20Child%20Migration%20Matters.pdf> ; <https://www.irishtimes.com/news/ireland/irish-news/children-seeking-asylum-moved-from-foster-care-to-direct-provision-at-18-report-1.4590082>

¹⁶ Rafelle Grotti, Helen Russel, Éamonn Fahey and Bertrand Maître, ‘Discrimination and Inequality in Housing in Ireland.’ Irish Human Rights and Equality Commission (June 2018)

¹⁷ Report, “Transition from Direct Provision to Life in the Community (July 2016)

in recent years, we have witnessed open racist acts against individuals seeking international protection, including physical attacks.

The Independent Law Centres welcome the White Paper on Ending Direct Provision; and look forward to its swift implementation to end this structural form of racism in the provision of accommodation to people seeking international protection. The Law Centres note that immediate steps must be taken to commence the procurement of new accommodation models so that the target dates set by the White Paper will be met. It is disappointing that the White Paper did not adapt the recommendations of the Independent Advisory Group¹⁸ to introduce an “amnesty” for those in the international protection process in order to enable the new accommodation system to succeed.

The Reception Conditions Directive requires that vulnerability assessments are carried out in respect of all people seeking international protection within 30 days of submitting their applications. While vulnerability assessments have commenced for new applicants, they remain outstanding for all those who applied for international protection before January 2021, and therefore their accommodation has not been designated in line with their special reception needs.

Recommendations

17. We recommend that steps are taken immediately to implement the White Paper to End Direct Provision, that the amnesty recommended by the Advisory Committee is introduced for those people seeking international protection for a specified period and that vulnerability assessments are carried out in respect of all applicants for international protection, and that accommodation is designated in line with individuals’ special reception needs as assessed.
18. We propose an increase of the rate of social assistance provided to asylum seekers while the new system is being developed.
19. We recommend the organisation of diversity awareness workshops at Direct Provision centres to tackle issues of racism and hate crime towards people of other nationalities, races and sexual orientations.

Social Housing - Housing Circular 41/2012 and property ownership

Housing Circular 41/2012 (the “Circular”) sets out certain requirements for non-Irish nationals from accessing social housing support. The Circular is outdated and refers to legislation which has been repealed. It is not legislative in nature but can be applied rigidly to non-Irish nationals when accessing housing, notwithstanding their legal entitlements.

¹⁸ Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process, 21 October 2020

CLM and Mercy Law Resource Centre have assisted a number of clients in successfully appealing local authority decisions to refuse social housing support under the Circular. However, legal intervention should not be required for social housing supports to be accessed and we are concerned that for the many EU/EEA nationals who will not be not aware of the legal issues with the Circular or how to challenge its application.

Recommendation

20. We recommend a review to be carried out on the Circular to ensure that it is brought in line with current laws and that EEA nationals are not unlawfully discriminated against in accessing social housing supports. If the Circular or a version of it are to be retained, guidance should be provided to housing authorities regarding the implementation of such non-legislative circulars to eliminate inconsistencies in application.

A further discriminatory practice concerns the application of Regulation 22 of the Social Housing Assessment Regulations 2011. While it is accepted that this Regulation permits a local authority to enquire as to property ownership, such a requirement must be applied in a non-discriminatory fashion. A practice has been observed in some local authorities where non-Irish nationals are asked to provide burdensome legal declarations to confirm that they own no property in another jurisdiction. Irish citizens are not required to provide similar proof. In practice this is a real barrier for certain groups accessing their legal housing entitlements.

Recommendation

21. We recommend that the practice of some local authorities requiring non-Irish nationals to provide burdensome legal declarations to confirm that they own no property in another jurisdiction be ended.

Normal Residency and the Local Connection Test

Under the Social Housing Assessment Regulations 2011, a household applying for social housing support shall either apply to the authority for the functional area in which the household normally resides, the authority in which the household has a local connection, or the authority that agrees at its discretion to assess the household's application.

The requirement to prove that an applicant normally resides in an area can create disproportionate burdens for minorities, particularly new arrivals to Ireland and Travellers. As Mercy Law Resource Centre reports,¹⁹ for this reason the local connection test in Regulation 5(b) of the 2011 Regulation appears to be the type of policy that the concept of indirect discrimination in the Equal Status Acts is

Recommendation

22. As was recommended by Mercy Law Resource Centre in its report *Minority Groups and Housing Services: Barriers to Access*, we recommend that consideration be given to the issuing of guidance to housing authorities on the proper exercise of this discretion, and that such guidance highlight the particular burden that this test can impose on minority groups.

¹⁹ https://mercylaw.ie/wp-content/uploads/2021/03/ML_2020_Minority-Groups-and-Housing-Services_Report_D6.pdf

designed to combat. The potential for a local authority to inconsistently apply their discretion in relation to local connection when accepting an application where these conditions are not met can lead to discriminatory outcomes.

Traveller Access to Social Housing Support

IHREC recently found that Travellers are 22 times more likely than other white-Irish respondents to report that they have experienced discrimination in access to housing and while Travellers represent less than 1% of the Irish population, they make up more than 9% of the homeless population.²⁰

There continues to be a failure to make provision for culturally appropriate accommodation in the form of transient halting sites for Travellers. The lack of such accommodation prevents many travellers from carrying out their cultural practice of nomadism. It is often the case that halting sites are overcrowded with poor maintenance and management of the sites. Due to the lack of culturally appropriate accommodation, many Travellers are forced into private rented accommodation, which can expose Travellers to increased instances of racial discrimination from landlords and neighbours.

The Civil Legal Aid scheme does not extend to eviction proceedings, which disproportionately impacts members of the Traveller Community due to the suppression of nomadism through legislation regulating trespass. IHREC reports that the Irish Traveller Movement Independent Law Centre closed in 2014 due to lack of funding.²¹

Recommendations

23. We recommend the implementation of the recommendations of the *Traveller Accommodation Expert Review Report 2019*.
24. We recommend that Civil Legal Aid in the form of specialist advice and representation in the areas of forced evictions and discrimination experienced by Travellers is provided for in order to ensure equal access to justice in the area of accommodation.

Public Sector Equality Duty

Connected to all of this is the Public Sector Equality and Human Rights Duty, a statutory obligation on public bodies to promote equality, protect human rights, and eliminate discrimination in the performance of their functions imposed under the Irish Human Rights and Equality Commission Act 2014 places.²² Housing authorities should be compelled to fully implement the duty. In this regard, Housing authorities should complete the three-stage review of their functions envisaged under Section 42(2) of the Irish Human Rights and Equality Commission Act 2014.

²⁰ <https://www.ihrec.ie/app/uploads/2018/06/Discrimination-and-Inequality-in-Housing-in-Ireland..pdf>

²¹ https://www.ihrec.ie/app/uploads/2019/11/IHREC_CERD_UN_Submission_Oct_19.pdf

²² section 42 of the Irish Human Rights and Equality Commission Act 2014

Supports and Methods of Redress

Currently, a complaint of discrimination under the Equal Status Acts can be made to the Workplace Relations Commission where an adjudication officer²³ may make a decision which can be appealed to the courts. As the forum adjudicating on private rental matters, the Rental Tenancies Board could play more of a role in ensuring landlords accept HAP and rent supplement.

Recommendations

25. We propose the roll-out of information campaigns targeted specifically at tenants and landlords, on the provisions of the Equal Status Acts and means for redress under the Acts.
26. We propose stronger involvement of the Rental Tenancies Board in ensuring landlords accept HAP and rent supplement.

- c) What initiatives and actions would you like to see undertaken to combat racism in access to employment?

Accessibility to Employment Equality legislation and methods of redress

A recent study by IHREC entitled *Ethnicity and Nationality in the Irish Labour Market*²³ found that people from the Black non-Irish group are less than half as likely to be employed than the White Irish group and five times as likely to experience discrimination when seeking work and that people from the Black Irish group are twice as likely to experience discrimination seeking work and just under three and a half times as likely to experience discrimination in the workplace as White Irish. This study is one example of the direct racial discrimination that is occurring in the Irish labour market.

Difficulties in access are compounded by a lack of recognition of international qualifications, a lack of targeted support, language skills and misinformation. Many participants in the Irish Refugee Council's Employment Programme had a mistaken belief that those seeking international protection were limited to working as health care workers.

Employment and equality laws can be complex and technical and the majority of the people who access our free legal advice clinics in the areas of employment and equality law cannot afford to pay for legal representation. They are faced with the choice of either representing themselves against an employer, service-provider or public body, who often have legal representation before the WRC, or being unable to enforce their human rights and equality protections. This difficulty is compounded when a complainant has lower levels of literacy and understanding of English and also where the complainant may be a non-national and has little to no knowledge of the Irish legal system. People in the international protection process fear that any complaint they make will negatively impact the outcome of their application for international protection. When rights cannot be enforced, they are not meaningful in a practical sense.

Under the Employment Equality Acts the WRC can make an order for compensation of up to 2 years pay or up to €40,000 for the effects of discrimination or victimisation. The WRC are only entitled to award up to €13,000 for someone who is not an employee of the respondent. This distinction acts as a deterrent for those who may wish to make a complaint after experiencing racism or discrimination

²³ <https://www.esri.ie/pubs/BKMNEXT369.pdf>

by a prospective employer in the recruitment process, which is often the point at which discrimination occurs.

Recommendations

27. We propose the roll-out of an information campaign on Employment Equality legislation and the means of redress through the WRC.
28. We propose appropriate translations of such resources be made available.
29. We propose that the maximum award of compensation available to a WRC adjudicator in circumstances where the complainant is not an employee of the respondent be increased.



IPRT Submission to the National Anti-Racism Committee:
Towards a National Action Plan Against Racism for Ireland
Public Consultation 2021

14th July 2021

About IPRT

Established in 1994, the Irish Penal Reform Trust (IPRT) is Ireland's leading non-governmental organisation campaigning for rights in the penal system and the progressive reform of Irish penal policy. Our vision is one of respect for human rights in the penal system, with prison as a sanction of last resort. We are committed to respecting the rights of everyone in the penal system and to reducing imprisonment. We are working towards progressive reform of the penal system based on evidence-based policies and on a commitment to combatting social injustice.

IPRT publishes a wide range of policy positions and research documents; we campaign vigorously across a wide range of penal policy issues; and we have established IPRT as the leading independent voice in public debate on the Irish penal system.

Contact

[Redacted]

Irish Penal Reform Trust
MACRO, 1 Green Street, Dublin 7

[Redacted]

[Redacted]

Introduction

IPRT welcomes the opportunity to provide feedback to the public consultation of the National Anti-Racism Committee ('the Committee') on the development of a new *National Action Plan Against Racism* ('the Action Plan'). IPRT particularly appreciates that 'Access to Justice' has been highlighted as a priority theme for consideration in the consultation, and in the Committee's 2020 *Interim Report to the Minister for Children, Equality, Disability, Integration and Youth* ('the Interim Report'). This theme provides the Committee with an opportunity to address the experiences of people in prison, as one of society's most vulnerable and marginalised groups, in the national strategic approach to combatting racism.

The disproportionate representation of migrants and ethnic minorities in the criminal justice system is an issue of international concern, with disparities relating to nationality and ethnicity well documented. In the Irish context, while there has been some research on the rights and experiences of migrants and ethnic minorities at the policing and sentencing stages of the criminal process¹ and the experiences of Travellers in the prison system,² there has to date been a limited exploration of the broader issues facing migrants and ethnic minorities when interacting with Ireland's criminal justice and penal systems. There is particularly a dearth of research relating to racial discrimination, inequality and barriers to equality and human rights in Irish prisons and the Probation Service.

To better understand, and address, the potential inequalities facing migrants and ethnic minorities in our criminal justice system, it is crucial that further research is carried out. To this end, IPRT has recently been granted funding by the Irish Human Rights and Equality Commission (IHREC) to carry out a research project, *Access to Rights for Migrants and Ethnic Minorities in the Penal System in Ireland*. The project aims to empower and promote access to justice for migrants and ethnic minorities in the penal system in Ireland and will, through desk-based research and qualitative exploration, capture the experiences of migrants and ethnic minorities in the penal system.

Following a successful tender process, a research team from Maynooth University was contracted in early 2021 to carry out this research. The researchers are guided in their work by an expert steering committee, comprised of individuals with specialist expertise in the areas of discrimination and the criminal justice system. As research for this project is ongoing, and qualitative interviews with rights-holders are forthcoming, IPRT makes only a brief submission to the current consultation (drawing on the initial desk-based research completed and the insights of the project's expert steering group). IPRT will send the final report, and its recommendations, to the Committee upon publication (currently anticipated in October 2021).

In the meantime, if it would assist the Committee, IPRT would be happy to share the initial draft literature review which has been carried out by the research team from Maynooth University and/or arrange for the researchers to meet directly with the Committee to share and discuss their initial findings. If the Committee is interested in further exploring either of these options, please do not hesitate to contact IPRT's Senior Policy and Research Officer (whose details are set out above).

A. Data on Migrants and Ethnic Minorities in the Irish Penal System

While there is a general scarcity of statistical data on the number of migrants and people from ethnic minority backgrounds caught up in the Irish criminal justice and penal systems, the figures that are available suggest that non-Irish nationals and members of the Irish Traveller community are

¹ Brandon, A. M. & O'Connell, M., (2018). 'Same Crime: Different Punishment? Investigation Sentencing Disparities Between Irish and Non-Irish Nationals in the Irish Criminal Justice System.' *British Journal of Criminology*, 58: 1127-1146.

² Irish Penal Reform Trust (IPRT), (2019). *IPRT Submission to the Joint Committee on Key Issues affecting the Traveller Community*. [online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6688/iprt_submission_to_jckitc_final_6_8_19.pdf [06 July 2021].

disproportionately represented in the Irish prison population.

For example, in respect of migrants, since 2001 IPS statistics have shown a rapid increase in the proportion of non-Irish nationals committed to Irish prisons.³ According to the most recently available figures from the IPS in 2019, just over 25% of people in custody were non-Irish nationals.⁴ This figure is particularly striking when compared to 2016 Census data which estimated that only 11.6% of the general population in Ireland are of foreign nationality.⁵

In regards the numbers of people from ethnic minority backgrounds in prison, a report by the Travellers in Prison Initiative (TPI) in 2017, which looked at IPS Prison Information Management System (PIMS) data, highlighted that there were 238 Travellers in Irish prisons in 2016; this accounted for approximately 5% of the Irish prison population.⁶ Again, when compared with the 2017 Census, a remarkable disparity is identified as Travellers account for only 0.7% of the general population.⁷ The TPI report highlighted that these percentages may not be a true representation and that – as a result of Travellers often hiding their identity in prison for fear of discrimination or a lack of trust – it may be that the numbers of Travellers in prison is even higher.⁸

Further reports have noted this over-representation of Travellers in Irish prisons,⁹ and the IPS has previously estimated that Traveller women account for 22% of the female prison population and Traveller men for approximately 15% of the male prison population.¹⁰ There is evidence to suggest that Travellers are also at a higher risk of imprisonment with Traveller men being 5 to 11 times more likely to be imprisoned than other men and Traveller women being 18 to 22 times more likely to be imprisoned than other women.¹¹

This over-representation of minority ethnic groups in the prison system has been highlighted to the UN Committee on the Elimination of Racial Discrimination (CERD),¹² but despite these concerning findings from various reports, very little data has been published about migrant and ethnic minority prisoners by the IPS.

IPRT believes that comprehensive and robust ethnic monitoring by all criminal justice agencies, including the IPS, is a crucial first step towards addressing inequalities faced by migrants and ethnic minorities caught up in the criminal system. IPRT is also concerned that, where data is collected across the criminal justice system, it is not adequately recorded and often is not made publicly available (in an appropriately anonymised form). Without such data, it is difficult to identify any disparities in

³ Brandon, A. M. & O'Connell, M., (2018). 'Same Crime: Different Punishment? Investigation Sentencing Disparities Between Irish and Non-Irish Nationals in the Irish Criminal Justice System.' *British Journal of Criminology*, 58: 1127-1146.

⁴ Irish Prison Service, (2021). *Nationality Group: Year 2007 to Year 2019*. [online] IPS. Available from: <https://www.irishprisons.ie/wp-content/uploads/documents/pdf/NATIONALITY-GROUP-Year-2007-to-Year-2019.pdf> [06 July 2021].

⁵ Central Statistics Office (CSO), (2016). *Census of Population 2016 – Profile 7 Migration and Diversity: All non-Irish Nationals in Ireland*. [online] CSO. Available from: <https://www.cso.ie/en/releasesandpublications/ep/p-cp7md/p7md/p7anij/> [13 July 2021].

⁶ Lalor, T., (2017). *Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons - Context and recommended Practice for improving data collection on Travellers and minority ethnic groups in Irish Prisons*. [online] TPI, at p.3. Available from: <https://www.ssgt.ie/wp-content/uploads/2017/11/TPI-Ethnic-Identifiers-in-Irish-Prisons-Book.pdf> [13 July 2021].

⁷ Central Statistics Office (CSO), (2016). *Census of Population 2016 –Profile 8 Irish Travellers, Ethnicity and Religion: Irish Travellers - Demographics* [online] CSO. Available from: <https://www.cso.ie/en/releasesandpublications/ep/p-cp8iter/p8iter/p8itd/> [13 July 2021]

⁸ Lalor, T., (2017). *Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons - Context and recommended Practice for improving data collection on Travellers and minority ethnic groups in Irish Prisons*. [online] TPI, at p.3. Available from: <https://www.ssgt.ie/wp-content/uploads/2017/11/TPI-Ethnic-Identifiers-in-Irish-Prisons-Book.pdf> [13 July 2021].

⁹ All Ireland Traveller Health Study (AITHS), (2010). *All Ireland Traveller Health Study*. [online] AITHS, at p.110. Available from: <https://assets.gov.ie/18859/d5237d611916463189ecc1f9ea83279d.pdf> [13 July 2021].

¹⁰ Lalor, T., (2017). *Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons - Context and recommended Practice for improving data collection on Travellers and minority ethnic groups in Irish Prisons*. [online] TPI, at p.3. Available from: <https://www.ssgt.ie/wp-content/uploads/2017/11/TPI-Ethnic-Identifiers-in-Irish-Prisons-Book.pdf> [13 July 2021].

¹¹ All Ireland Traveller Health Study (AITHS), (2010). *All Ireland Traveller Health Study*. [online] AITHS, at p.110. Available from: <https://assets.gov.ie/18859/d5237d611916463189ecc1f9ea83279d.pdf> [13 July 2021].

¹² Irish Human Rights and Equality Commission (IHREC), (2019). *Ireland and the Convention on the Elimination of Racial Discrimination Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's Combined 5th to 9th Report*. [online] IHREC, at pp.137-138. Available from: https://www.ihrec.ie/app/uploads/2019/11/IHREC_CERD_UN_Submission_Oct_19.pdf [13 July 2021].

treatment and potentially discriminatory practices, and accordingly to address these issues. In line with Recommendation 2 of the Committee's Interim Report, IPRT accordingly submits that the following recommendation might sensibly be repeated in the new Action Plan:

Recommendation 1: Ethnic equality monitoring must be adequately carried out across the Irish criminal justice system using the ethnic categories developed by the Central Statistics Office.

B. The Experiences of Migrants and Ethnic Minorities in the Irish Penal System

Research has found that prison life can be more challenging for migrants and ethnic minorities than for their counterparts.¹³ Migrant and ethnic minority groups have been recognised internationally as a vulnerable group who experience additional and/or unique hardships in prison relating to e.g. issues of language, isolation, access to services and instances of racism.¹⁴

i. Migrants

Research in the UK has found that, throughout different parts of the criminal justice process, migrants are often subject to different treatment in comparison with their national counterparts.¹⁵ Examples of differential treatment included migrants experiencing:

- longer sentences;
- more time in solitary confinement;
- a higher likelihood of being held on remand while awaiting trial and sentencing; and
- a higher likelihood of being refused transition to open prisons.

Migrants also have the added disadvantage of potential language barriers and a lack of available information in their native language, which can affect their access to services in prison. Research has shown that language issues can exacerbate the already very challenging and punishing experience of prison¹⁶ and contribute to poor mental health and self-harm.¹⁷ In addition to language barriers, migrants in prison are often less likely to understand the prison system rules, their rights and the general culture. These conditions are worsened again by the difficulties migrant prisoners can have in accessing visits from, and communicating with, family and friends who may live abroad.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) 2020 report on Ireland highlighted that migrants in prison often relied on other prisoners to translate and explain information provided to them on arrival to prison,¹⁸ suggesting that difficulties in understanding the prison regime is an issue for migrants in Irish prisons. The CPT accordingly recommended that all newly admitted prisoners be supplied with information on the

¹³ Mulgrew, R. (2016) 'Foreign Prisoners in Europe: An Analysis of The 2012 Council of Europe Recommendation and its implications for International Penal Policy' *Review of International Law & Politics*, 12(1): 161-200.

¹⁴ Croux, F., Vandeveld, S., Claes, B., Brosens, D., & De Donder, L. (2021). 'An appreciative inquiry into foreign national prisoners' participation in prison activities: The role of language'. *European Journal of Criminology* 1-19, 3.

¹⁵ Turnbull, S & Hasselberg, I. (2017). 'From prison to detention: The carceral trajectories of foreign-national prisoners in the United Kingdom. *Punishment & Society*, 19(2): 135-154, 139.

¹⁶ Croux, F., Vandeveld, S., Claes, B., Brosens, D., & De Donder, L. (2021). 'An appreciative inquiry into foreign national prisoners' participation in prison activities: The role of language'. *European Journal of Criminology* 1-19, 3.

¹⁷ Barnoux, m. & Wood, J. (2013). 'The specific needs of foreign national prisoners and the threat to their mental health from being imprisoned in a foreign country'. *Aggression and Violent Behaviour*. 18: 240–246.

¹⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). (2020). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*. [online] Council of Europe, at p.40. Available from: <https://rm.coe.int/1680a078cf> [07 July 2021].

prison regime, and their rights and duties, in a language which they can understand (a recommendation which had been similarly made in the CPT's 2011 report on Ireland).¹⁹ Rule 30.1 of the revised European Prison Rules similarly states: "*At admission, and as often as necessary afterwards, all prisoners shall be informed in writing and orally in a language they understand of the regulations governing prison discipline and of their rights and duties in prison.*"²⁰

Echoing the EPR and CPT, IPRT recommends that the following be considered for inclusion in the *National Action Plan Against Racism*:

Recommendation 2: Upon admission and throughout their period of imprisonment, migrants in prison should be given access to information, in a language they can understand, on all aspects of prison life, from their rights and duties as a prisoner to the prison regimes, services and supports.

ii. Ethnic Minorities

As highlighted above, Travellers appear to be significantly over-represented in Irish prisons. This over-representation is arguably a reflection of broader societal discrimination against Travellers: see, for example, the CERD's *General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system*, which states that a possible indicator of racial discrimination is "*the number and percentage of persons belonging to those groups who are held in prison*".²¹

In 2014, IPRT carried out a qualitative exploration of the experiences of Travellers in prison. Through this research, a number of issues relating to discrimination were highlighted, ranging from feelings of exclusion and as if people were "*looking down their noses at you, because you're a Traveller*", to verbal and non-verbal abuse from both other prisoners and prison staff.²² This report also found that members of the Travelling community in prison sometimes held back from revealing their identity as Travellers for fear of discrimination and mistreatment.²³

In the 2014 report, and again in a submission to the Joint Oireachtas Committee on Key Issues affecting the Traveller Community in 2019, IPRT made a number of recommendations aimed at improving the experience of imprisonment for Travellers. Recommendations included: developing a dedicated strategy which addresses the discrimination of Travellers in the Irish criminal justice system; training on specific areas of Traveller culture for prison officers and staff; and introducing proactive steps to ensure Travellers have equal access to culturally appropriate education, inclusive of literacy education, while in prison.²⁴

¹⁹ Ibid. See also European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). (2011). *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 January to 5 February 2010*. [online] Council of Europe, at p.48. Available from: <https://rm.coe.int/1680696c98> [07 July 2021].

²⁰ Council of Europe. (2020). *Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules*. [online] Council of Europe, Rule 30.1. Available from: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016809ee581 [13 July 2021].

²¹ UN Committee on the Elimination of Racial Discrimination (CERD). (2005). *General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system*, [online] CERD, at pp.2-3. Available from: <https://www.refworld.org/docid/48abd56dd.html> [13 July 2021].

²² Irish Penal Reform Trust (IPRT). (2014). *Travellers in the Irish Prison System: A Qualitative Study*. [online] IPRT, at p.40. Available from: https://www.iprt.ie/site/assets/files/6339/iprt_travellers_report_web.pdf [06 July 2021].

²³ Ibid., at p.15.

²⁴ Irish Penal Reform Trust (IPRT), (2019) *IPRT Submission to the Joint Committee on Key Issues affecting the Traveller Community*. [online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6688/iprt_submission_to_jckitc_final_6_8_19.pdf [06 July 2021].

IPRT acknowledges and appreciates the objectives of the *National Traveller and Roma Inclusion Strategy 2017-2021*,²⁵ which included the following specific actions to assist Travellers and Roma who come into contact with the criminal justice:

- provide Travellers and Roma with access to education while in prison, including literacy education;
- make specific supports and resources available for Traveller and Roma prisoners including access to appropriate in-reach services, as well as information about housing, health and social protection services; and
- implement the CERD's *General Recommendation XXXI* on the prevention of racial discrimination in the criminal justice system with a focus on data collection by an independent body for the purposes of identifying trends in racial discrimination.

Unfortunately, the mid-term review of the implementation of this strategy (planned for 2019) is overdue and the strategy implementation window is nearing its end. Consequently, IPRT suggests that the Committee considering including as a recommendation in the new Action Plan as follows:

Recommendation 3: Actions 122-125 of the *National Traveller and Roma Inclusion Strategy 2017-2021*, relating to the interaction of Travellers and Roma with the criminal justice system, should be reviewed and fully implemented within a revised timeframe.

C. Sentencing Decisions in Respect of Migrants and Ethnic Minorities

When examining the reasons for over-representation of migrants and ethnic minorities within the criminal justice system in Ireland, one possible explanation is that there is a disparity in how such groups are treated by the courts. In particular, the high number of migrants in prison raises concerns regarding potential disparities between national and non-Irish nationals in sentencing outcomes in Ireland.²⁶

In one of the very few explorations of this issue in the Irish context, 2018 research has found that non-Irish nationals receive longer sentences than their Irish counterparts and that these individuals were also over-represented in a number of specific offences, such as theft and motoring.²⁷ Particularly striking within this research was the finding that Irish nationals never received a longer sentence than their non-national counterparts in any offence category. This research raises many questions regarding bias in sentencing and shows that there is a need for further investigation into the reasons behind these apparent differences in treatment.

Given the limited data available on this issue, IPRT suggests that the following recommendations are considered for inclusion in the new Action Plan:

Recommendation 4: Further research is carried out, in conjunction with the newly formed Sentencing Guidelines and Information Committee, to investigate the extent of any differences in sentencing decisions for migrant and ethnic minority groups in Ireland, and the reasons behind any such disparities.

²⁵ Department of Justice and Equality. (2017). *National Traveller and Roma Inclusion Strategy 2017-2021* [online] Department of Justice and Equality, at p.40. Available from: [http://www.justice.ie/en/JELR/Pages/National Traveller and Roma Inclusion Strategy 2017-2021](http://www.justice.ie/en/JELR/Pages/National%20Traveller%20and%20Roma%20Inclusion%20Strategy%202017-2021) [07 July 2021].

²⁶ See e.g. discussions regarding potential inconsistencies in sentencing in the following report: Law Reform Commission (2013), *Report: Mandatory Sentences*. [online] Law Reform Commission, at pp.33-35. Available from: <https://www.lawreform.ie/fileupload/Reports/r108.pdf> [06 July 2021].

²⁷ Brandon, A. M. & O'Connell, M., (2018). 'Same Crime: Different Punishment? Investigation Sentencing Disparities Between Irish and Non-Irish Nationals in the Irish Criminal Justice System.' *British Journal of Criminology*, 58: 1127-1146.

Recommendation 5: Consideration is given to providing anti-racism training to members of the judiciary, in collaboration with the newly established Judicial Studies Committee.

D. Lack of Redress for Victims of Racism in the Irish Penal System

i. Potential Incidents of Racism in Irish Prisons

While there is no publicly available data on the number of racist incidents in Irish prisons, there is reason to believe such incidents take place. In the most recent 2020 report on their visit to Ireland, the CPT found that a small number of prison officers verbally abused prisoners and that this verbal abuse included the use of racist language towards members of the Travelling community and persons of African descent.²⁸ Furthermore, IPRT's 2014 report on Travellers in prison highlighted the presence of potentially discriminatory practices as well as instances of offensive language being directed towards Travellers from prison staff.²⁹

IPRT was also particularly concerned by reports in February 2021 of racist and anti-Traveller material being circulated in an online Facebook group for prison officers.³⁰ These reports detailed that there were a number of posts in the group containing racist and offensive language. While this incident likely pertained to a small minority of prison officers (some of whom may now be retired), it raises concern about the general attitude towards migrants and ethnic minorities amongst prison staff as well as the wider culture of the IPS.

According to the IPS *Prisoner Complaints Policy Document*, there are six categories of complaint, A-F, ranging from serious (Category A) to less serious (Category F). The two most serious complaint categories (A and B) include complaints potentially relating to serious incidences of discrimination.³¹ The Office of the Inspector of Prisons' *Annual Report 2020* reported 67 Category A complaints, which is an increase from the 2019 report.³² The 2020 report further recorded a combined 216 Category A and B complaints, comprising almost a quarter (23.2%) of all complaints. It is concerning that such a significant percentage of complaints could potentially relate to racism in Irish prisons and yet this data – as a result of it not being broken down into more detailed information about the nature of each complaint – is not available for scrutiny. IPRT believes that access to a breakdown of the types of complaints received would help identify the levels of racial discrimination in prisons, which in turn would enable the Department of Justice and IPS better tackle racism across the prison estate.

²⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (2020) *Report to the Government of Ireland on the visit to Ireland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 September to 4 October 2019*. [online]. Council of Europe. Available from: <https://rm.coe.int/1680a078cf> [07 July 2021]

²⁹ Irish Penal Reform Trust (IPRT). (2014). *Travellers in the Irish Prison System: A Qualitative Study*. [online] IPRT, at pp.16-17. Available from: https://www.iprt.ie/site/assets/files/6339/iprt_travellers_report_web.pdf [06 July 2021].

³⁰ IPRT, *Statement on Irish Times report: 'Prison Service tries to stop racist staff posts'*, 24th February 2021. Available from: <https://www.iprt.ie/latest-news/statement-on-irish-times-report-prison-service-tries-to-stop-racist-staff-posts/>.

³¹ Irish Prison Service, (2014) *Prisoner Complaints: Policy Document*. [online] Irish Prison Service. Available from: http://www.irishprisons.ie/wp-content/uploads/documents_pdf/complaints_policy.pdf [07 July 2021]. See also Office of the Inspector of Prisons. (2020). *Annual Report 2020*. [online] OiP, at p.18. Available from: [http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_\(GA&Eng\).pdf/Files/OIP_Annual_Report_2020_\(GA&Eng\).pdf](http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_(GA&Eng).pdf/Files/OIP_Annual_Report_2020_(GA&Eng).pdf) [06 July 2021].

³² See Office of the Inspector of Prisons, (2020). *Annual Report 2020*. [online] OiP, at p.19. Available from: [http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_\(GA&Eng\).pdf/Files/OIP_Annual_Report_2020_\(GA&Eng\).pdf](http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_(GA&Eng).pdf/Files/OIP_Annual_Report_2020_(GA&Eng).pdf) [06 July 2021]. Please note that the Inspector identified some discrepancies in the numbers of complaints received in 2020 – the reason for these discrepancies is explained at p.21 of the report, but for the purposes of this submission the figures used are those recorded in the monthly returns of Category A to Category F complaints at p.19.

ii. Inadequacy of Prison Complaints System

The lack of information around the extent of racism within Irish prisons is compounded by the lack of access prisoners have to an adequate complaints system. Since 2009, IPRT has called for reform of the system of complaints monitoring and inspection in prisons.³³ Furthermore, since 2017, IPRT's annual report, *Progress in the Penal System*, has urged the Department of Justice and the IPS to publish and implement a new complaints policy.³⁴

The Inspector of Prisons' *Annual Report 2020* in turn repeats the view, expressed in previous reports from the Inspector, that the current prison complaints system is "*not fit for purpose*".³⁵ This report rightly describes an effective complaints system as "*an essential tool in the armoury of human rights protections*";³⁶ the ongoing failure to reform and improve the current process is accordingly a matter which should concern us all.

The CPT states that an adequate and effective complaints mechanism must have the following features: availability; accessibility; confidentiality and safety; and effectiveness and traceability.³⁷ Unfortunately, people in prison in Ireland do not have access to such a mechanism when harm is caused or perceived to be caused to them. The current system of reporting complaints through an internal mechanism acts as a disincentive to prisoners being transparent and coming forward with concerns, which could include complaints pertaining to racism. Despite the commitment from the IPS in 2019 to establish "*a fairer, simpler Prisoner Complaints System*", and their recommitment to this objective in 2020, this development has yet to take place.³⁸

IPRT asks the Committee to consider addressing this issue in the new Action Plan, specifically under the theme of 'Access to Justice'. Recommendations to be included in the new Action Plan might include:

Recommendation 6: The Department of Justice and the Irish Prison Service should ensure that the new complaints policy is rolled out with urgency so that that all complaints, particularly those relating to racial discrimination, are fairly and adequately addressed.

Recommendation 7: The IPS should introduce a system for compiling statistics on all complaints made across the prison estate, and their outcomes, as recommended by the CPT.

Conclusion

As stated, this submission is brief and has addressed just a few of the discrimination issues arising in the criminal justice and penal system today. Upon publication of the IHREC-funded *Access to Rights for Migrants and Ethnic Minorities in the Penal System in Ireland* report, IPRT will be in a better position to make evidence-based and comprehensive recommendations on how racism in Ireland's criminal justice and penal system might be addressed. The recommendations made throughout this submission are accordingly only a preliminary starting point, but it is hoped that they are useful in flagging some of the core issues – and potential solutions – for the Committee's consideration and

³³Irish Penal Reform Trust (IPRT). (2009). *IPRT Position Paper 7: Complaints, Monitoring and Inspection in Prisons*. [online] IPRT. Available from: https://www.iprt.ie/site/assets/files/6157/iprt_position_paper_7_-_complaints_monitoring_and_inspection_in_prisons.pdf [06 July 2021].

³⁴Irish Penal Reform Trust (IPRT). (2017). *Progress in the Penal System (PIPS) A framework for penal reform* [online] IPRT. Available from: https://www.iprt.ie/site/assets/files/6431/progress_in_the_penal_system_compressed.pdf [06 July 2021].

³⁵ Office of the Inspector of Prisons, (2020). *Annual Report 2020*. [online] OiP, at p.24. Available from: [http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_\(GA&Eng\).pdf/Files/OIP_Annual_Report_2020_\(GA&Eng\).pdf](http://www.justice.ie/en/JELR/OIP_Annual_Report_2020_(GA&Eng).pdf/Files/OIP_Annual_Report_2020_(GA&Eng).pdf) [06 July 2021].

³⁶ Ibid., at p.3.

³⁷ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). (2018). *Complaints Mechanisms*. [online] Council of Europe. Available from: <https://rm.coe.int/16807bc668%20%5b07> [07 July 2021].

³⁸ Irish Prison Service. (2019). *Annual Report 2019: Creating a Better Environment*. [online] IPS. Available from: https://www.irishprisons.ie/wp-content/uploads/documents_pdf/IPS-Annual-Report-2019-Web.pdf [06 July 2021].

that they might help inform the new *National Action Plan Against Racism*. It is also hoped that these recommendations will be a first step towards empowering and promoting access to justice for those people from migrant and ethnic minority backgrounds who get caught up in the criminal justice and penal system in Ireland.

Summary of Recommendations

1. Ethnic equality monitoring must be adequately carried out across the Irish criminal justice system using the ethnic categories developed by the Central Statistics Office.
2. Upon admission and throughout their period of imprisonment, migrants in prison should be given access to information, in a language they can understand, on all aspects of prison life, from their rights and duties as a prisoner to the prison regimes, services and supports.
3. Actions 122-125 of the *National Traveller and Roma Inclusion Strategy 2017-2021*, relating to the interaction of Travellers and Roma with the criminal justice system, should be reviewed and fully implemented within a revised timeframe.
4. Further research is carried out, in conjunction with the newly formed Sentencing Guidelines and Information Committee, to investigate the extent of any differences in sentencing decisions for migrant and ethnic minority groups in Ireland, and the reasons behind any such disparities.
5. Consideration is given to providing anti-racism training to members of the judiciary, in collaboration with the newly established Judicial Studies Committee.
6. The Department of Justice and the Irish Prison Service should ensure that the new complaints policy is rolled out with urgency so that all complaints, particularly those relating to racial discrimination, are fairly and adequately addressed.
7. The IPS should introduce a system for compiling statistics on all complaints made across the prison estate, and their outcomes, as recommended by the CPT.

Submission
to the Department of Children Equality Disability Integration & Youth
(Anti Racism Committee)
on the proposed National Action Plan Against Racism (NAPAR)
by the Cork Traveller Visibility Group & the Cork Traveller Women`s Network
July 2021

Pre-requisites for a new NAPAR

Traveller Ethnicity & State Apology

Traveller ethnicity was formally recognised by the Irish state in 2017, with the then government adamant, that it was a “symbolic” recognition, without any legal, financial or similar implications. Traveller ethnicity recognition (an end to Traveller ethnicity denial) has always been about much more than a mere `symbolic recognition` - to Travellers involved in Traveller organisations like the TVG and the CTWN.

Following the recognition of Travellers being a minority ethnic group in Irish society, the Irish State needs to also formally recognise that the Traveller community experience racism. This racism is an everyday and continuing problem within Irish society which impacts on all aspects of living as a Traveller. Both individual and institutional racism against Traveller is deeply embedded within Irish society. TVG and CTWN stand in solidarity with other groups in Ireland to challenge all forms of racism.

The current Traveller Culture and History in Education Bill going through the various stages of the Houses of the Oireachtas is one small step to give real effect to Traveller ethnicity recognition. There remains a huge need to make real changes in in the many areas that Traveller`s experience racism including in accommodation, health, education and employment. This includes policy and practice, legislative changes, and the allocation of resources. A new NAPAR needs to embed all of these issues within the plan.

A starting point for all of this is a formal state apology to Travellers for the racism experienced (similar to the state apology to the survivors of Magdalene laundries). **NAPAR needs to call for** allowing the victims of Mother and Baby Homes access to all relevant information, data-bases, as well as redress. A formal apology for the distress caused by the recent controversy, should be considered, and the number of Traveller women among the individuals affected by the Mother and Baby Homes scandal should also be acknowledged.

Recommendation 1 and 2 :

The new NAPAR needs to give legal and policy effect to Traveller ethnicity recognition throughout and prepare for a formal state apology.

The ethnicity of Traveller survivors of the Mother and Baby Homes needs to be recognised and highlighted in terms of the additional discrimination and racism faced by Traveller women in these institutions.

Nomadism

Anti-nomadism has been one of the core elements in anti-Traveller racism in Ireland. It is deep-seated, and has been there since the foundation of the state and enshrined in the 1963 Itinerary Report. It remains in place, post formal Traveller ethnicity recognition.

The TVG-CTWN Traveller accommodation needs survey in 2018 showed a large interest in the ability to travel, especially during the summer months, and a need for transient accommodation mainly in the greater Munster area. Yet there is very little nomadism in practice, as there are no transient sites, and the Irish state has criminalised nomadism. The remaining pockets of practising nomadism take place mostly in the UK, where nomadism has not been criminalised as yet. Cork City Council's own current Traveller Accommodation Programme/TAP notes that 32% of respondents identify the need for transient site(s) in Cork City. Despite this, there is no commitment or plan on how to meet this need. The IHREC Review of the Cork City Traveller Accommodation Programme/TAP (July 2021) makes the very same observation. It merely repeats the empty commitment that the need for transient sites is "*to be reviewed during the lifetime of this programme*" – the same hollow commitment as in previous TAPs, without any action over two decades.

The Criminal Trespass legislation has been the most overt, legal expression of this institutionalised anti-Traveller racism. Various governments since 2002 have claimed that it is not, as it does not name Travellers. However it was introduced in response to a high-profile Traveller encampment in Dublin, and has been used almost exclusively against Travellers – sometimes nomadic Travellers, sometimes homeless Travellers. It quacked like a duck, when it was introduced, and has been walking like a duck ever since – a racist, anti-Traveller duck.

This is further exemplified by a comparison in the use between the Criminal Trespass legislation of 2002, and the Housing (Traveller Accommodation) Act of 1998. The Traveller Accommodation Act contains statutory obligations (on local authorities), both directly in the act and via ministerial directions. These get frequently blithely ignored by local authorities (certainly in Cork). The Department of Housing Planning & Local Government/DHPLG never take any action on this, neither does the Minister. This in turn encourages the local authorities in their deviance on statutory obligations. In comparison the Criminal Trespass legislation is enabling legislation – there are no statutory duties here. Yet this legislation gets enthusiastically used by local authorities (and others), and enthusiastically implemented by An Garda Síochána, threatening often homeless Traveller families with criminalisation of their homelessness. While the Expert Group on Traveller Accommodation has recommended a fundamental review of the Criminal Trespass legislation two years ago, but there has been no government commitment on this matter, we are aware of. We are aware however of the opposition of both the Department of Justice and Garda headquarters on this matter. Anti-Traveller racism and anti-nomadism still runs deep in Irish society, and its institutions in 2021, a slow cultural genocide of Traveller identity.

Recommendation 3 :

The repeal of the Criminal Trespass legislation is a clear pre-requisite of any new NAPAR. On launching the new NAPAR the government needs to give a clear and unambiguous commitment to repeal the racist Criminal Trespass legislation; obligations on the provision of transient sites need to be implemented and enforced in line with the IHREC Review of local authority TAPs

Theme 1: Access to Justice

Incitement to Hatred Act/Proposed Hate Speech & Hate Crime Legislation

An absolute pre-requisite for any new NAPAR is both the development and implementation of effective Hate Crime legislation. Calls to review the existing Incitement to Hatred Act go back to the 1995 Traveller Task Force Report, and government commitments on this shortly thereafter. There has been a 25+ year wait since then. The ‘perpetual review’ of the Incitement to Hatred Act has to come to a conclusion and positive change.

We welcome the government commitments to both Hate Speech and Hate Crime legislation. As we understand it, government proposes one piece of legislation to address both Hate Crime and Hate Speech, and replacing the ineffective Incitement to Hatred Act in the process. Assuming this to be correct, we welcome this approach as members of Traveller Community are a group in Irish society that experience hate crime and hate speech as a routine part of their lives. As part of this, we would also recommend an education and public awareness plan, to inform the public about what constitutes hate speech.

We further understand, that lessons have been learned from the failure of the Incitement of Hatred legislation (over more than three decades), and that these lessons have now been incorporated into the hate speech elements of the new, proposed legislation. This relates to difficulties with ‘proving motivation’, and that this has been simplified to a ‘test of recklessness’ - we welcome this.

Whilst we welcome the proposal to have a single Hate Crime Act in Ireland we have concerns with the proposed legal test of proof for Hate Crime cases. The proposal is to base the legal test of proof on a test of ‘proof of motivation’. Motivation is very difficult to prove. We strongly recommend introducing an additional way in which the legal test of proof could work. In addition to a ‘proof of motivation’ we propose a test of proof based on ‘demonstration of hate /hostility’. ‘Demonstration of hostility’ exists as a legal test of proof in England and Wales and it has been shown to work well over the past 18 years.

The lessons learned from the failures of the Incitement to Hatred Act need to be applied to proposed Hate Crime legislation. As the burden of proof for criminal convictions is high in any case, it is our view, that the ‘demonstration of hostility’ principle should also apply to hate crime legislation. We further note that the DCEDIY itself previously noted *“Department recognises that although hate speech and hate crime are legally distinct, the real-world experiences of hate crime and hate speech are often very closely linked”*. The same document stated *“... that Ireland’s legislation on hate speech is fit for purpose and is effective in meeting the real needs of communities and individuals who are living with the impacts of hate speech”*. We contend that the same applies to hate crime, and the proof for hate crime needs to be widened to make hate crime legislation ‘fit for purpose’ too.

Furthermore it is crucial that the new Hate Speech and Hate Crime legislation has effective monitoring information, and that this monitoring information will be made available to the public.

Recommendation 4:

The new proposed hate speech and hate crime legislation needs to be introduced speedily, and have `demonstration of hostility` included under hate crime. This legislation needs to be a founding cornerstone of any new NAPAR.

Independent Traveller Law Centres/Legal Aid Board Expansion

Anti-Traveller Racism is widespread, at institutional and individual levels, in both overt and covert forms. Changing this context is multifaceted. It requires legislative changes, it also requires legal supports to take and defend cases in the courts. Access to Traveller-specific legal supports has always been limited and piecemeal. There has been a stop/start nature to various Traveller-specific legal supports, funded for a few years, then funding ceased, then again a new, short-term legal support comes and goes, and so on. Even when a Traveller-specific law centre is operational, demand usually exceeds the resources of the law centre. This has been especially noticeable outside the greater Dublin area.

Anti-racism will only be an empty phrase in the absence of dedicated, independent, well resourced Traveller law centres, funded on a multi-annual basis. This could be one main centre with satellites in the various provinces, or a number of independent Traveller law centres throughout the country.

In addition to dedicated Traveller Law Centres, the remit of the Legal Aid Board also needs to be widened. Access to the Legal Aid Board services is severely limited, and usually confined to family law cases. Yet vulnerable - sometimes homeless – Traveller families require almost immediate access to legal supports, when facing eviction proceedings. This is a need the one current dedicated Traveller Law Centre (in FLAC) is not able to meet, but could be addressed through the expansion of the LAB's role

Recommendation 5 :

The new NAPAR needs to provide a consistent, ongoing legal support system to Travellers seeking to access rights through properly resourced Traveller Legal Units in various parts of the country, and the expansion of the remit of the Legal Aid Board to include Traveller accommodation cases.

Equal Status Act/ Intoxicating Liquor Act

Following lobbying by the Licensed Vintners Association, the State amended the Equal Status Act 2000 by the Intoxicating Liquor Act 2003 to remove jurisdiction from the (then) Equality Tribunal to investigate complaints of discrimination against publicans and hoteliers to the District Court which does not possess a broad right of audience or an investigatory role. The move to the District Court has made the equality legislation less accessible and user-friendly. This change was aimed at Travellers, and has had particularly negative impact on Travellers. The legislation needs to be reversed.

Recommendation 6 :

The new NAPAR must bring Equal Status complaints against licensed premises back within the remit of the WRC (formerly the Equality Tribunal)

Policing/Gardai

The UN CERD Committee has already recommended that Ireland *“to adopt legislation that prohibits any form of racial profiling”*, to which the Irish state’s response was *“An Garda Siochana does not, as an institution engage in discriminatory profiling”* - without providing any evidence to support.

TVG and CTWN welcome improvements in policing, and the ongoing development of the Garda Racial & Intercultural Development Office (GRIDO), but we also note systemic failures over a number of years. This includes inappropriate recordings on the PULSE police computer system (in Cork), the illegal planting of guns on a Traveller halting site in Donegal (as uncovered by the Morris Tribunal), and the removal of Roma children from their families in both Dublin & Athlone.

Travellers in Cork are sometimes racialised through the inappropriate, but highly visible, use of armed garda units (ARC), when whole Traveller sites are collectively targeted, in a way that would never happen to the majority population. Which (settled) housing estate would be searched in its totality? But this is a common occurrence when it comes to Traveller sites. The not infrequent, blanket use of the ARU against Travellers does not seem to be justifiable on objective observation. CCTV is used in a highly intrusive, racist manner, targeting Travellers on one halting site in Cork, interfering with the Travellers’ right to privacy and family life.

The Cork City Joint Policing Committee (JPC) has refused to fully answer questions about joint Garda/City Council CCTV monitoring of one Traveller site. We can recall one JPC Community Meeting, where there were calls on the gardai to ‘block in’ a homeless extended Traveller family in an ‘unauthorised site’, with a view to force them to leave as a result – in effect a call for an illegal imprisonment by the state’s police force. While JPCs have provided for improved general accountability in policing, this has happened in the absence of a clearly defined equality and human rights framework. In its absence, JPCs may well have led to a worsening policing situation for Travellers, with the gardai being too willing agents of the Council, when it comes to – sometimes illegal – evictions. A token ‘ethnic representative’ on the JPC is no counterbalance to these practices.

Recommendations 7 and 8 :

The new NAPAR needs to address the operational structures, policies and practices of JPCs (including the issue of racialisation), and analyse subsequent garda actions. JPCs need to be proofed regarding their compliance with the PSEHRD.

A robust equality and human rights framework for community policing needs to be urgently developed and implemented. Racial profiling by gardai needs to be outlawed.

Broadcast & Print Media

When it comes to Travellers, it seems as if `anything goes`, in relation to the media. We refer to it as the `Big-Fat-Gypsy-Weddings Effect` - a ratings war by the media on the backs of some of the most marginalised communities. In the name of `balance`, platforms are given to publicise racist, offensive, views in a way that is never given when disabled people, older persons or children are being discussed.

While we acknowledge the right of `free speech`, we consider the protections against hate speech and racist posturing in the media to be too weak and too fragmented. Broadcast and print media have differing, separate complaints mechanisms (Broadcasting Commission of Ireland and the Press Ombudsman), with the print media mechanism confined to its membership. Both have tight time lines for complaints, neither of which allows scope for addressing patterns of bias, as they are focussed on single incident investigations. Both institutions need to be reviewed and strengthened, within a mandatory human rights and equality framework.

In addition broadcasting has a licensing system, but no system to challenge the approval/renewal of a broadcasting licence. Even an improved complaints mechanism is unlikely to be very effective. Commercial broadcasters may build adverse findings of the Broadcast Commission into their business model, just as some publicans have built adverse findings and fines under the Equal Status Act into their business model – to allow anti-Traveller discrimination and stereotyping to be perpetuated. Objections to the renewal of a liquor license may well be a more effective discouragement in the case of publicans, and the development of a similar system where one (including NGOs) can object to the awarding/renewal of broadcasting licenses should be developed under NAPAR, (inclusive of an exploration of patterns of discriminatory reporting). Non-compliance with the PSEHRD should be one key indicator for assessing objections to broadcasting licenses.

To further this, there should be a clear, formal linkage between the future NAPAR Steering Committee and the `Future of Media Commission`, including a dedicated seat on the Commission for a NAPAR nominee.

Public broadcasters like RTE are already covered under the Public Sector Equality & Human Rights Duty (PSEHRD), as is any commercial broadcaster in receipt of public funding. The problem with the PSEHRD is its lack of visibility among public sector bodies and government departments, never mind commercial broadcasters in receipt of some public funding. Lack of enforcement action on the PSEHRD is another issue, with IHREC being stuck in encouragement role for the last seven years, without any meaningful enforcement actions. NAPAR needs to raise both awareness and compliance with the PSEHRD in the context of media. This needs to start immediately (awareness and an analysis of the problem), and following promotion/awareness raising in the first year, a move to active compliance and enforcement (if required) in year 2. NAPAR needs to develop a complaint mechanism under PSEHRD, research compliance and barriers to enforcement (and make effective recommendations to overcome barriers, including proposed legislative changes, if required). This work should be done in conjunction with IHREC and key stakeholders affected by racism (but cannot be left to IHREC alone). The `Public Duty` is only a duty, if there is a system of sanctions – otherwise it is toothless, and not a `duty` at all.

Social Media

Social media is outside the framework for broadcasting and the press altogether, which has been a serious gap for years and decades. In terms of challenging racism, it needs to be brought under effective control as a matter of urgency.

Furthermore there is also a large degree of `doublethink`/`passing-the-buck` when it comes the social media pages of broadcast and press practitioners- at least when it comes to moderating commentary on their social media pages. Print and broadcast practitioners see this moderation to be the sole responsibility of the social media platforms, conveniently ignoring that it is they themselves who established the pages as promotional tools. This position is entirely unsustainable.

It is our considered view that both the social media platform and the press/broadcast media (which sets up its own social media pages) should be held jointly responsible for moderating commentary on these social media pages. We contend the purpose of this dual responsibility to be largely preventative.

Recommendation 9, 10, 11 and 12 :

Part of any new NAPAR needs to be an overhaul of various complaints structures to deal with various media (print, broadcast, online, social media)- one that is timely, allows for re-dress and collective complaints, and is effective regarding patterns of discrimination and bias.

Additionally the licensing system for broadcasters needs to be reformed, allowing for objections to renewals or awarding of licenses for reasons of patterns of discrimination against minority groups.

Immediately following its inception NAPAR must start monitoring media compliance with, and raise awareness of the PSEHRD among media practitioners. This needs to be followed by compliance enforcement in conjunction with key NGOs and IHREC.

NAPAR should appoint a nominee to the `Future of Media` Commission, with a view to monitor compliance with anti-racist best practice.

Anti-Racist Protocols for Political Parties

Anti-racist protocols (INAR, Irish Network Against Racism) signed by political parties are an important gesture, but sometimes hardly worth the paper beyond that. Here in Cork we have a local independent councillor, who has made many documented racist, anti-Traveller comments (along with anti-Muslim and anti-migrant comments), supported by his political party (at the time), and who is currently a member of the Local Traveller Accommodation Consultative Committee – this despite complaints by the TVG to his (then) political party. In practice, local politics often appears to overrule any commitments in voluntary protocols, and Travellers will continue to be `election bait` (as identified by [REDACTED] in a recent national online housing conference, April 2021).

NAPAR needs to explore ways in which anti-racist commitments by political parties can be made mandatory in terms of compliance, so they will not be sidelined at the first opportunity (when it is required by `politics`). This consideration of mandatory regulation of politicians and election candidates has to go beyond political parties and needs to also include Independents (as the [REDACTED] election campaign has shown)

Recommendation 13 :

NAPAR needs to explore how to make the INAR Anti-Racist Election Protocol (and compliance with same) mandatory, and how to extend it beyond political parties.

Theme 3: Employment, Education, Health, and Accommodation

As already outlined anti-Traveller racism is deeply embedded within the institutions of the State. For example the Housing (Traveller Accommodation) Act 1998 provided for statutory duties on local authorities (both in primary legislation and subsequent `ministerial directions`), but was deliberately vague on implementation and contained no enforcement measures whatsoever. A review of the Act in 2006 highlighted many of its shortcomings, but virtually none of its recommendations were implemented either by central or local government. The racist Criminal Trespass legislation in 2002 fatally undermined the previous act in terms of its commitments on nomadism and the provision of transient sites. Even though this legislation was merely enabling, and contained no statutory obligations, it sent a clear signal about the state's real position. The recent Report by the Children's Ombudsman on an Investigation on a Traveller Halting Site in Cork City ("No End in Site", May 2021) has highlighted the ongoing human rights negligence in the area of Traveller accommodation once more, as do the repeated reports on the underspend in Traveller accommodation funding.

All the while, the Traveller accommodation and homelessness crisis continues - as does the mental health/suicide crisis (a suicide rate 7 times the national average); continuing exclusion from the education system (e.g. reduced timetables); poorer health status and lower life expectancy among Travellers; and a high rate of Traveller unemployment leading to social welfare dependency.

Policy Implementation/ National Traveller & Roma Inclusion Strategy (NTRIS)

CTWN and TVG welcome the development of a new NAPAR – we have long been calling for it, and note the extended lacuna since the end of the last NAPAR in 2008, some 13 years ago. We also note and recall that large elements of the previous NAPAR remained unaddressed/unimplemented. This is a common feature of much policy, relevant to Travellers.

The current National Traveller & Roma Inclusion Strategy (NTRIS) – coming to an end shortly - has been noticeably poor in terms of outcomes. This has been de-facto acknowledged by the government, as the Programme for Government, "Our Shared Future" states : "*Review the National Traveller and Roma Inclusion Strategy 2017-2021 and ensure that the successor strategy has a stronger outcomes focused approach*".

Traveller organisations can no longer be counted on to `buy-into` policy plans, when we have years and decades of experience of worthwhile stated policies not being implemented by successive governments.

Part of any Public Sector Equality and Human Rights Duty (PSEHRD) proofing, needs to be an allied proofing for cultural appropriateness. For example : Does a national or local sports strategy take account of Traveller horse culture? How is Traveller horse culture encouraged within the

mainstream horse sports establishment? How are specific minority sports interests (e.g. sulky racing) treated, compared to other minority sports? How are Travellers included and encouraged in traditional sports like road bowling in Cork? Does legislation negatively impact on Traveller and other minority participation (e.g. Control of Horses Act and associated local by-laws)? The state needs to be conscious of its obligations regarding cultural appropriateness and minority communities, including its international obligations (e.g. UN Geneva Charter on Sustainable Housing (2015) and its chapter 'Cultural Adequacy'). NAPAR should have a role in monitoring compliance in this area.

Recommendation 14, 15 and 16 :

The new NAPAR needs to be ambitious and costed, with all relevant government departments and state agencies obliged to its implementation.

NAPAR needs to pro-actively engage with a new NTRIS to ensure failures of non-implementation are not being repeated in a third NTRIS.

In addition to PSEHRD compliance NAPAR should monitor cultural appropriateness and international commitments on this matter in association with relevant NGOs.

Ethnic Identifier

Key to much effective policy delivery is an effective identifier – regarding Travellers it is a Traveller ethnic identifier. If it cannot be seen or measured, it is difficult to develop appropriate responses. Traveller organisations are concerned about the lack of an ethnic identifier in many policy areas, after years of campaigning on the issue.

Recommendation 17 :

The new NAPAR needs to ensure an ethnic identifier is rolled out across all relevant areas of policy development and data collection.

Theme 4: Inclusion and Participation

Safeguarding Traveller Culture

Irish Travellers have been recognised as an indigenous ethnic minority, following a long campaign by Travellers and Traveller advocacy groups in 2017. Although this officially marked an end to decades of state official and unofficial policies of assimilation, denial and oppression of Traveller culture and heritage, considerable damage has been imposed on Traveller culture (such as the suppression of nomadism as a traditional way of life with the state failure to develop transient halting sites and Housing Miscellaneous Provisions Act 2002; and the suppression of traditional horse keeping practices within the Traveller community, through lack of support and repressive legislation, etc.). In tandem with this Travellers have been subjected to a national dialogue which either ignored, misrepresented or racialised Traveller culture and heritage.

While we welcome initial measures to support and recognise Traveller culture such as the inclusion of Cant (Traveller traditional language) and the traditional craft of Tinsmithing as part of Ireland's Intangible Cultural Heritage in the UNESCO register, and the proposed national Traveller History and Culture in Education Bill, a more robust and ambitious national programme to safeguard Traveller culture is necessary.

Recommendations 18, 19 and 20

NAPAR in partnership with the Traveller community must develop a safeguarding strategy of Traveller culture and heritage, enhancing Traveller participation in cultural, social and economic life with clear and ring-fenced resources and a time-lined action plan.

Make mandatory inclusion of Travellers within national and mainstream culture and heritage initiatives and social and cultural infrastructure.

Resource a dedicated, ongoing national public education campaign to support the promotion of Traveller visibility, pride and identity.

Intersectionality and new Forms of Solidarity

The concept of 'intersectionality' highlights how groups are oppressed and discriminated in different ways (e.g. in relation to race, and also, gender, sexuality and (dis)ability). An NAPAR needs to recognise both the complexity of racism and how it intersects with other forms of oppression. Anti-Traveller racism cannot be understood without adopting an intersectional approach, which includes other forms of oppression/discrimination. Some individuals/communities are faced with double or triple layers of discrimination. NAPAR should pro-actively encourage the forming of wider alliances with other groups that experience oppression and discrimination. Adopting an intersectional approach would encourage the NAPAR to promote encourage links and alliances between groups that experience all forms of racism and other forms of discrimination. TVG and CTWN are deeply committed to the key community development principles of solidarity and collective action. TVG and CTWN regularly support wider anti-racist campaigns such as 'Cork Says No to Racism' as well as Gay Pride campaigns. NAPAR should encourage new platforms for all of the groups covered by NAPAR to meet and plan collectively. This needs to happen both locally and nationally. The NAPAR also may facilitate alliances of specific sub-sets of 'communities-of-interest' - so while Irish Travellers and Roma are distinct, separate ethnic minorities, the shared experience of anti-nomadism is a common ground for joint platforms and collective action – NAPAR should facilitate and nurture this.

For an example of intersectionality in relation to race, gender and poverty : although Travellers account for only 0.6% of the overall population in Ireland, they account for 22% of the female prison population. The risk for a Traveller woman being imprisoned is 18 to 22 times higher than that of the general population. The majority of Traveller women are sent to prison for non-violent, poverty related offences. They have a background of social and educational disadvantage, unemployment, homelessness, illiteracy, racial discrimination, mental health problems and/or drug and alcohol dependency. Most Traveller women in prison have also experienced domestic violence from a current or previous partner.

The NAPAR could benefit from drawing on 'critical race theory' that locates the source of racism within the white communities. This approach suggests that for racism against Travellers to be

reduced, the policies and practices of the settled community need to change. The NAPAR needs to identify how and in what ways the majority community need to change.

Recommendation 21 and 22 :

The NAPAR needs to adopt an intersectional approach to racism that recognises the complexity of racism and, how it links to other forms of oppression and discrimination.

The new NAPAR needs to encourage and resource new (and existing) sustainable platforms of minority groups facing racism at local and national level, with a view to develop mutual solidarity, a shared analysis, collective action and structural change.

Anti-Racism and Climate Change

The current world faces a climate change and crisis. While the NAPAR cannot address all issues, it is important that the Action Plan is placed within the context of wider global and societal changes. It is now recognised that we face a global crisis in relation to climate change and that the most disadvantaged in society, including Travellers, will face the most extreme consequences of these changes. Therefore the NAPAR, needs to raise questions about the relationship about anti-racism, climate change and sustainability. The most disadvantaged groups need to be protected against the worse impacts of climate change and supported in developing sustainable practices. The practices and cultures of Traveller need to be valued as providing potential solutions to problems faced by society. Traveller Halting Sites could become places where new forms of sustainability are developed (e.g. from the use solar heating and new forms of insulation to a variety local community-lead responses to climate change). Traveller social economy enterprises in the area of recycling (a traditional economic activity of Travellers) could be developed similar to the model in Galway. Links made with the UN Sustainable Development Goals would also strengthen message and sustainability of the NAPAR.

Recommendations: 23 and 24

The NAPAR needs to be placed within the wider context of climate change. Forms of protection and support need to be identified for Travellers as they prepare to for major societal change.

The NAPAR needs to recognition the contribution that the Traveller Community and Traveller culture can make in society responding to climate change.

Public Sector Equality & Human Rights Duty (PSEHRD)

We have made repeated reference to the PSEHRD elsewhere in this submission (e.g. regarding policing and the media), and we consider the PSEHRD to be an absolute pre-requisite to any successful NAPAR.

Problem with the PSEHRD currently though is that there is little knowledge of the PSEHRD among public sector service providers, with less visibility beyond a few interested parties, and little to no compliance (or at least on the Traveller ground). Any requests to Cork City Council on the application

of the duty vis-a-vis the provision of services to Travellers have fallen on 'deaf ears', prompting no responses whatsoever. The fact that CCC took part in a pilot programme on the PSEHRD has made absolutely no difference on the matter, and IHREC seems not to be interested to follow up on the matter of PSEHRD-compliance.

The PSEHRD offers huge potential for improvements in Travellers' lives (as well as the implementation of a successful NAPAR). For this to happen though, the PSEHRD needs to become a real 'duty', not a mere stated, but unenforced 'duty'. At that point the so-called 'duty' is little more than a mere aspiration. It needs to move beyond that to become a 'real duty' through awareness raising, training, compliance monitoring, enforcement and sanctions (if required). This is not a 'ladder-of-progression' however, but all elements need to be pursued in parallel to one another. Travellers cannot afford to be waiting any longer, and neither can other marginalised ethnic communities. PSEHRD Impact Assessments need to be public, transparent and inclusive of relevant stakeholders.

Government departments and state bodies are clearly covered by the PSEHRD. Others, in receipt of state funding, are also covered by it, but may be completely unaware of it. Others again are probably not yet covered by the PSEHRD, but society and NAPAR would benefit from such an expansion. NAPAR should look positively at developing the PSEHRD to other bodies, and to broaden its application.

Recommendations 25 and 26 :

The new NAPAR should develop a clear action plan on the PSEHRD to include compliance and sanction, along with a wider broadening of the duty to other bodies

NAPAR should ensure that PSEHRD Impact Assessments are public, transparent and inclusive of relevant stakeholders

Anti-Racist Intercultural Diversity Schools Programme (Yellow Flag)

The raising of anti-racist consciousness begins in childhood. The thought of 'how to become an ally' should start sooner rather than later. The school environment and the classroom both have a key role to play here, at both primary and secondary level.

The Yellow Flag Schools Programme has aimed to do this, but it is limited to very few schools for a limited period of one or two years. Yellow Flag needs to be greatly expanded, making it an ongoing programme in all schools. For this to happen it needs ongoing mainstream funding, while retaining its current culture of being based outside the state sector and a strong inclusion of Travellers and Roma in this diversity programme.

Recommendation 27 :

The new NAPAR needs to mainstream the Yellow Flag Programme as an ongoing initiative in all schools (while retaining its community ownership).

Anti-Racism & Cultural Competency Training

Anti-racism and/or cultural competency training will be key to a successful NAPAR. TVG and CTWN have some experience in this area through our involvement in the Cork Traveller Cultural Awareness Training Initiative for a number of years.

In our view anti-racism and/or cultural competency training needs to involve the various layers of the organisation; it needs to be ongoing and repeated at regular intervals; and it needs to be allied to an equality framework, where compliance is rewarded and non-compliance is sanctioned.

Recommendation 28 :

The new NAPAR needs to develop an anti-racism/cultural competency training strategy within an equality framework (including a system of reward and sanction)

Concluding Observations

Mandatory Obligations/System of Sanctions

As outlined above there is a long history of experience of engaging with public consultations and policy development, followed by inaction and lack of progress. While Ireland has been reasonably progressive at developing policies and strategies, the state has repeatedly ‘faltered’ when implementing and monitoring change. Much of this is inherent to the political system, but it has an especially negative impact on small minority ethnic groups like Travellers, who experience high levels of racism (https://exchangehouse.ie/publications_nationaltravellerssurvey2017.php). In this context ‘statutory obligations’ and ‘public duties’ are almost meaningless. They usually get simply ignored – both at local level and by the Irish government and its departments. Yet when Ireland needs to report to international bodies like the UN, EU or the Council of Europe, government references these unimplemented strategies and failed policies all the time. Meaningless ‘statutory obligations’ need to be replaced with ‘mandatory obligations’, and any failure to meet such ‘mandatory obligations’ must be met by a framework and system of enforceable sanctions.

A system of sanctions is an integral, uncontroversial part of EU membership – non-compliance with EU directives, is followed by a strong system of sanctions. The Irish state has wholeheartedly subscribed to this system of EU-membership. When it comes to Traveller rights and the delivery of Traveller policy however, the Irish state has resisted all systems of sanctions. This disparity cannot continue any longer, and the obvious double-standard can only be explained by the economic, political and social position of Travellers in Irish society. NAPAR needs to address this issue.

Recommendation 29 :

NAPAR needs to explore how ineffective ‘statutory obligations’ can be replaced with ‘mandatory obligations’ (in combination with a system of sanctions), in the context of protecting ethnic minorities from racism, caused by ongoing inactions and State failures.

International Ratifications

Recommendations 30 and 31 :

NAPAR should work with the Irish government to certify appropriate national organisations (e.g. the Irish Traveller Movement) to take complaints directly to the Council of Europe's Committee of Social Rights regarding breaches of the European Social Charter

NAPAR should work with the Irish government to formally recognise the competence of CERD (UN), and enable the CERD Committee to investigate individual complaints

Covid 19

The international Covid-19 crisis has brought inequalities to the fore in Ireland and elsewhere. For example social distancing and self isolation (so important in the fight against C19), are difficult, if not impossible, in overcrowded accommodation with little or no access to basic facilities.

There has been a multitude of reports, outlining how Travellers, and other marginalised groups, have been disproportionately negatively affected by Covid 19, and the responses to it. Once again Covid 19 also highlighted intersectionality again, by exposing further inequalities for Traveller women, like the closures of schools and crèches, disproportionately impacted on women in society, with an increase in women's care responsibilities and an increase in domestic violence across society.

Recommendations 32 and 33 :

NAPAR must take account of the various reviews of Covid 19 risk factors, response measures, effectiveness of responses for vulnerable groups and minorities in society, including Irish Travellers, and develop an action plan to ensure the further marginalisation will never take place again.

NAPAR must ensure that temporary basic accommodation facilities provided under Covid 19, until such a time that proper, permanent facilities are in place.

Summary of Recommendations

- 1. The new NAPAR needs to give legal and policy effect to Traveller ethnicity recognition throughout and prepare for a formal state apology**
- 2. The ethnicity of Traveller survivors of the Mother and Baby Homes needs to be recognised and highlighted in terms of the additional discrimination and racism faced by Traveller women in these institutions.**
- 3. The repeal of the Criminal Trespass legislation is a clear pre-requisite of any new NAPAR. On launching the new NAPAR the government needs to give a clear and unambiguous commitment to repeal the racist Criminal Trespass legislation**

Theme One : Access to Justice

- 4. The new proposed hate speech and hate crime legislation needs to be introduced speedily, and have `demonstration of hostility` included under hate crime. This legislation needs to be a founding cornerstone of any new NAPAR.**
- 5. The new NAPAR needs to provide a consistent, ongoing legal support system to Travellers seeking to access rights through properly resourced Traveller Legal Units in various parts of the country, and the expansion of the remit of the Legal Aid Board to include Traveller accommodation cases.**
- 6. The new NAPAR must bring Equal Status complaints against licensed premises back within the remit of the WRC (formerly the Equality Tribunal)**
- 7. The new NAPAR needs to address the operational structures, policies and practices of JPCs (including the issue of racialisation), and analyse subsequent garda actions. JPCs need to be proofed regarding their compliance with the PSEHRD.**
- 8. A robust equality and human rights framework for community policing needs to be urgently developed and implemented. Racial profiling by gardai needs to be outlawed**

Theme Two: All Forms of Media and Communications, including New Technologies

9. Part of any new NAPAR needs to be an overhaul of various complaints structures to deal with various media (print, broadcast, online, social media)- one that is timely, allows for re-dress and collective complaints, and is effective regarding patterns of discrimination and bias.
10. Additionally the licensing system for broadcasters needs to be reformed, allowing for objections to renewals or awarding of licenses for reasons of patterns of discrimination against minority groups.
11. Immediately following its inception NAPAR must start monitoring media compliance with, and raise awareness of the PSEHRD among media practitioners. This needs to be followed by compliance enforcement in conjunction with key NGOs and IHREC.
12. NAPAR should appoint a nominee to the `Future of Media` Commission, with a view to monitor compliance with anti-racist best practice.
13. NAPAR needs to explore how to make the INAR Anti-Racist Election Protocol (and compliance with same) mandatory, and how to extend it beyond political parties.

Theme 3: Employment, Education, Health, and Accommodation

14. The new NAPAR needs to be ambitious and costed, with all relevant government departments and state agencies obliged to its implementation.
15. NAPAR needs to pro-actively engage with a new NTRIS to ensure failures of non-implementation are not being repeated in a third NTRIS.
16. In addition to PSEHRD compliance NAPAR should monitor cultural appropriateness and international commitments on this matter in association with relevant NGOs.
17. The new NAPAR needs to ensure an ethnic identifier is rolled out across all relevant areas of policy development and data collection.

Theme 4: Inclusion and Participation

18. NAPAR in partnership with the Traveller community must develop a safeguarding strategy of Traveller culture and heritage, enhancing Traveller participation in cultural, social and economic life with clear and ring-fenced resources and a time-lined action plan.
19. Make mandatory inclusion of Travellers within national and mainstream culture and heritage initiatives and social and cultural infrastructure.
20. Resource a dedicated, ongoing national public education campaign to support the promotion of Traveller visibility, pride and identity.
21. The NAPAR needs to adopt an intersectional approach to racism that recognises the complexity of racism and, how it links to other forms of oppression and discrimination.
22. The new NAPAR needs to encourage and resource new (and existing) sustainable platforms of minority groups facing racism at local and national level, with a view to develop mutual solidarity, a shared analysis, collective action and structural change.
23. The NAPAR needs to be placed within the wider context of climate change. Forms of protection and support need to be identified for Travellers as they prepare to for major societal change.
24. The NAPAR needs to recognition the contribution that the Traveller Community and Traveller culture can make in society responding to climate change.
25. The new NAPAR should develop a clear action plan on the PSEHRD to include compliance and sanction, along with a wider broadening of the duty to other bodies.
26. NAPAR should ensure that PSEHRD Impact Assessments are public, transparent and inclusive of relevant stakeholders
27. The new NAPAR needs to mainstream the Yellow Flag Programme as an ongoing initiative in all schools (while retaining its community ownership).
28. The new NAPAR needs to develop an anti-racism/cultural competency training strategy within an equality framework (including a system of reward and sanction).
29. NAPAR needs to explore how ineffective `statutory obligations` can be replaced with `mandatory obligations` (in combination with a system of sanctions), in the context of protecting ethnic minorities from racism, caused by ongoing inactions and State failures.
30. NAPAR should work with the Irish government to certify appropriate national organisations (e.g. the Irish Traveller Movement) to take complaints directly to the Council of Europe's Committee of Social Rights regarding breaches of the European Social Charter.

- 31. NAPAR should work with the Irish government to formally recognise the competence of CERD (UN), and enable the CERD Committee to investigate individual complaints .**
- 32. NAPAR must take account of the various reviews of Covid 19 risk factors, response measures, effectiveness of responses for vulnerable groups and minorities in society, including Irish Travellers, and develop an action plan to ensure the further marginalisation will never take place again.**
- 33. NAPAR must ensure that temporary basic accommodation facilities provided under Covid 19, until such a time that proper, permanent facilities are in place.**



Comhairle Contae Chill Dara
Kildare County Council

KILDARE COUNTY COUNCIL COMMUNITY WORKERS

Submission to National Action Plan Against Racism

Introduction

The community work team in Kildare County Council welcome the opportunity to make a submission on the National Action plan against Racism, as community workers we work to address the issues of poverty, social exclusion, discrimination, and human rights within Kildare. Below we have set out our recommendations to the committee, we hope that our recommendations are taken on board and included in the National Action plan against Racism as we feel that this is a real opportunity for meaningful positive social change for the communities that we work with.

We wish to highlight the importance that all government policies and action plans include all residents of Ireland and not just citizens, this ensures the protection of all people who reside in Ireland regardless of their status.

We also wish to highlight the need for commitment in funding in parallel to this action plan in order to support these actions to happen, in particular we recommend increased funding to community work organisations who are working to combat racism and discrimination in their daily practice.

Context

The Kildare Integration Strategy consultation findings highlight some key local issues in relation to racism in Kildare. The survey has several headings which identify key areas where racism is prevalent in Kildare. These issues have been considered while creating this submission, as recent specific concerns for Kildare. The list below has been taken directly from the consultation findings document.

Healthcare

- Racial bias and discrimination in the healthcare profession.
- DP residents' issues not being taken seriously.
- Discrimination towards some patients based on skin colour.
- Lack of cultural awareness and sensitivity from some healthcare professionals.

Housing

- Racism when a person attends a house viewing.

Transport

- Racial abuse on public transport from fellow passengers and bus drivers.

Racism and discrimination in schools

- Teachers questioning the “Irishness” of students of migrant origin.
- Differing treatment towards students of migrant origin (particularly towards Black students).
- Focus on extreme examples of racism - some schools ignore incidents of daily or systematic racism.
- Teachers unwilling/uninterested in addressing racism or discussing issues.
- Many teachers who might want to address the racism do not have the skills to initiate these subjects.
- Need for anti-racism as a social education topic to be included in the curriculum.

Service Providers

- Training on cultural awareness and anti-racism is necessary.
- Need for clear procedures for service users to report racist or discriminatory experiences and to know they will not be penalised for this.
- Need for organisational policies to address discrimination in the workplace to staff and service providers.

Definition of Racism

Racial discrimination in Ireland cannot be ignored, we believe Community Workers have a vital role to play to support and build a sense of inclusion for all residents of Ireland. In this submission we have outlined the following understanding of Racism to guide our work.

Considering that the Universal Declaration of Human Rights proclaims that;

“All human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination”

The United Nations International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) defines racism as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

Kildare County Council Community work team operate under the Community and Culture Department

The Community work team are concerned with working collectively with communities and groups for positive social change, inclusion and equality. Our work is centred on a series of principles that seek to go beyond consultation to participation and beyond capacity building to consciousness raising and empowerment. Community work recognises the changing and often hidden nature of the structural inequalities based on ‘race’, class, gender and disability to name but a few. It seeks to be transformative rather than conforming and empowering rather than controlling.

The process of participation is fundamental to community development. It is rooted in the self-identification of needs and interests, the formulation of responses by the community or group concerned and is central to their ability to continue to influence outcomes. Community work recognises that policies and programmes targeted at communities and groups experiencing poverty, inequality, discrimination and social exclusion will not and cannot be effective without the meaningful participation of those communities and groups in their design, implementation and monitoring.

key actions for consideration in the National Action plan against Racism- Submission to the Independent Anti-Racism Committee

Theme 1: Access to justice

Proposed actions:

- The government need to remove the reservation to article 4 of CERD the UN Committee on the Elimination of Racial Discrimination, which will enable us to enact and enforce the Prohibition of Incitement to Hatred Act 1989, however, this act needs to be updated to include hate crime as a punishable offence and to include the monitoring and prosecution of hate speech and hate crime online.
- Inform and support individuals who experience racism and discrimination.
- Use awareness raising materials and campaigns to inform residents about their rights including available resources and mechanisms such as voter registration.
- Establish or enhance existing complaint mechanisms within all sectors to deal with allegations of systemic and individual acts of racism and discrimination.
- Establish protocols to liaise with organisations such as human rights and community organisation to provide support to residents.
- Increase awareness against systemic and individual racism and discrimination.
- Support in collaboration with community organizations, a monitoring and rapid response system or network to identify and respond to acts of racism, hate crimes and incidents, including bringing such incidents to the attention of the appropriate authorities.
- Report regularly on the incidence of hate crimes and responsive actions taken.
- Supports need to be put in place for people to access justice such as court accompaniment workers and information and support services using the model of domestic violence services.
- Safe, accessible reporting mechanisms are developed where people can report racism and discrimination in statutory agencies such as Local Authorities.

Theme 2: All forms of media and communications, including new technologies

Proposed actions:

- Promotion of Economic Social & Cultural Rights, Civil & Political Rights as well as Human rights.
- Positive targeting of diversity on national and local media.
- Legislation on hate crime in online spaces.
- Clear anti-racism policies in national and local media with mechanisms for monitoring.

Theme 3: Employment, education, health, and accommodation

Proposed actions:

- Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning.
- Education curriculum needs to be overhauled to accurately reflect diverse experiences, in particular History and English literature. Including authors from diverse backgrounds. Review all material in curriculum for bias and racist language and remove immediately.
- Overhaul the career guidance system, to ensure bias, racism, and gender-based discrimination is removed. Allowing students to play a more active role in developing their own career guidance plan.
- Encourage the development of teaching materials that promote respect for dignity, human rights, and intercultural understanding.
- Support partnerships between educators and front-line community organisations to reach out to vulnerable young people whose access to education is adversely affected by bullying and violence or discriminatory discipline policies or practices.
- Create a program to recognise schools for their anti-racism and anti-discrimination initiatives such as green flag amber flag initiatives for Climate Change and Mental Health.
- QQI mandatory Module to be developed at level 3, 4 and 5 which addresses racism and promotes cultural diversity in adult and community education.
- Organisational measures to combat any acts of racism or discrimination and build inclusive workplaces.

- Establish or enhance a comprehensive anti-racism and anti-discrimination vision statement and implement effective policies and procedures (including a complaints mechanism), as well as staff training to help prevent and respond to issues of racism and discrimination in services and in the community. Mandatory diversity training for statutory agencies, ongoing continual professional development, training developed and provided by Community Work Ireland.
- Implement measures or programs to promote accountability.
- Integrate mechanisms into our organisations for combating racism and building inclusive and respectful workplaces.
- Create campaigns which actively seek to employ minorities, promoting the benefits of a diverse workforce.
- Create a culture of diversity within the workforce in both public and private settings.

Theme 4: Inclusion and participation

Proposed actions:

- Monitor racism and discrimination in the community more broadly.
- Promotion of Economic Social & Cultural Rights, Civil & Political Rights as well as Human rights.
- Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning.
- Creating cultural awareness to encourage participation at all levels in the community.
- Develop, collect and evaluate data and information on racism and discrimination in specific elements of local authority functions such as housing, recreation, culture and other community activities and share results in a manner that advances human rights.
- Define achievable objectives and apply common indicators to assess incidents and trends in racism and discrimination.
- Voter rights should be highlighted to all residents to encourage participation and active citizenship.

- Mandatory diversity training for community and voluntary agencies, ongoing continuous professional development. Training developed and provided by Community Work Ireland.
- Local authorities take a mandatory approach to anti-racism and discrimination, through diversity training for all its employees.
- Community work is funded in a sustainable manor throughout the country.
- Each county is funded and resourced for an independent anti-racism organization, which in turn can establish networks within communities.
- Research and data collection is funded in community work sector to provide evidence of areas of work that are achieving positive outcomes.

Labour Party Submission: National Action Plan Against Racism

There is an urgent need to stamp out racism in Ireland which is expressing itself on our streets and in our communities. We have allowed systemic racism take root in our workplaces, in sport, and countless other corners of our everyday life. The Labour Party is committed to eradicating racism and the causes of racism in our society.

Ireland needs to be re-assessed through a lens of diversity, inclusion, integration, and equality. Indeed, the Labour Party has campaigned on many of these issues throughout our long history. Ultimately, any plan to meaningfully tackle racism in Ireland must be rooted in the belief that being a member of Irish society is not about being born in Ireland or parentage, but about choosing to make a long-term commitment to life in Ireland.

A National Action Plan against Racism for Ireland is urgently needed and should be implemented without delay. The following outlines the Labour Party's proposals in this regard.

Kind regards,

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Asylum and Migrant Rights

Direct Provision: Labour has welcomed the White Paper on Ending Direct Provision and welcomed positive proposals as representing substantive steps towards a more progressive international protection policy. The 'how' of implementation will be key; the National Action Plan against Racism in Ireland must ensure that the positive measures outlined in the Day Report are brought into effect without delay. In doing so, Government should be ambitious in bringing about the introduction of a progressive international protection system.

Labour recommends greater clarity in the year-by-year breakdown published by the Minister; in particular, we need clarity on the measurable goals for this year. For example, the White Paper provides that all asylum seekers will be entitled to open a bank account and to seek a driving licence, but we need to see a target date set for when these will happen. Both measures would be a positive step for integrating those living in Direct Provision into Irish society and should be introduced immediately.

De-congregating accommodation for those individuals and families currently living in Direct Provision after 20 years of institutionalisation is the right thing to do. Labour recommends that the Government regularly engages with civil society groups to ensure that the voices of asylum seekers are prioritised in this process.

Remove unnecessary Red-Tape: Labour believes that State should regularise undocumented children, young people, and adult workers, including migrants fleeing domestic violence who are reliant on their partner's residency status. Labour will support those brought into Ireland by human traffickers, not least those traumatised by the experience of forced prostitution.

Labour also recommend the Government introduce a single system of fees for citizenship, ending the higher fees charged to those without Irish ancestors.

Migrant Working Rights: Migrant workers play an essential role in our economy and our public services. Unfortunately, many of those working for low wages and in poor conditions are foreign nationals; often employed on contracts which make them vulnerable and whereby their right to work is tied to a single employer. This means that they may not report abuse for fear of losing their right to work and live here. It is well known that in some industries individuals are blacklisted if they speak out and we have all heard of those cases. This is an issue which the Migrants Rights Centre Ireland, among others, has documented over time.

The exploitation of migrant workers represents institutional racism and it must be stamped out. As a society, we cannot turn a blind eye to sections of our economy in which most workers are migrants. If we are serious about stopping racism, we must end the exploitation of migrant workers, by ensuring that workers' are not being exploited, and are being paid a fair days' wage for a fair days' labour. Labour recommends stronger rights for migrant workers in Ireland, and stiff penalties for those found to be engaging in human trafficking or other forms of labour exploitation.

Born Here, Belong Here: At present, many children brought up in Ireland do not have an automatic right to citizenship because their parents are not Irish citizens, even though they have never known another home. This can cause serious problems for them after school, such as an inability to go to college, to work or to travel. The Labour Party's [Irish Nationality and Citizenship \(Naturalisation of Minors Born in Ireland\) Bill 2018](#) and *Born Here, Belong Here* campaign is fighting for the full reversal of the effects of the 2004 Citizenship Referendum and the restoration of citizenship by birth-right for all children born in Ireland. Recent polling shows that as many as 70% of people in Ireland support such an initiative; this is no surprise given our own history of emigration and the large Irish diaspora. To achieve meaningful change, the National Action Plan Against Racism in Ireland must make a commitment to enacting this piece of legislation.

Racism in Sport

Labour recommends the development and implementation of an ambitious, well-resourced and co-ordinated anti-racism strategy by all major national sporting bodies. Such a strategy will require the buy in of organisations such as the GAA, IRFU, FAI and other organisations to eradicate racism from playing fields, dressing rooms and all sporting activity.

The Government needs to drive such a campaign and provide funding to the respective organisations if required.

Racism in the Arts

The Labour Party supports equality of representation of Irish artists on Irish radio stations regardless of their gender, religion, sexuality, ethnicity, or any other factor. Labour supports Ireland's community of artists and condemns discrimination that restricts their success. Limiting airtime affects an artist's earning capabilities and growth in the sector. The *WhyNotHer* Campaign in its most recent report shows that too many radio stations still underrepresent music from Irish people of colour. Labour recommends that as part of an anti-racism strategy, research be conducted on all Irish media to ensure there is equitable representation of Irish artists from different genders and ethnicities. Labour also recommends that other areas of the arts sector are examined to ensure that any instances of discrimination and racism are identified and addressed.

Traveller Rights and Representation

Housing supports: We need to bridge the gap for all communities to end the injustice and inequality inherent in Ireland's housing system, which goes to the root of the housing crisis. Labour has long called for the implementation of targets for local councils to achieve specialised forms of housing and require the full use of grants for Traveller accommodation. We know from Pavee-Point that traveller women in particular spend more time at home and bear the brunt of the impact of poor and unsafe accommodation conditions. Almost 1 in 3 Traveller households living in mobile or temporary accommodation have no sewerage facilities and 1 in 5 have no piped water source. Labour believes that we need eliminate racism, discrimination and prejudice against the Travelling community and put the social and economic structures in place that will address these serious issues, including developing suitable accommodation for all people and communities based on need.

Representation: Labour believes that education – as well as proper representation – is key to addressing systemic racism. Labour supports the Traveller Culture and History in Education Bill 2018. This Bill needs to be enacted for the inclusion of traveller culture and history in the school curriculum.

Government Action needed on Racism

Celebrate Diversity: Labour in our General Election Manifesto has called for a welcoming New Irish policy, similar to Scotland's New Scots policy. This will celebrate Ireland's new diversity and to ensure that everyone has equal rights. Being a member of Irish society is not about being born in Ireland or parentage, but about choosing to make a long-term commitment to life in Ireland.

Whole of Government Approach: Labour believes that a whole of Government approach is needed to enhance the national response to racism and other forms of discrimination and hate crime. Labour recommends that the Government work to reform criminal law to ensure robust policing to stop violent crime and intimidation, while providing more options for non-violent offenders to access non-custodial sentences and rehabilitation programmes. Labour recommends that each Government Department reviews policies through a lens of inclusion, equity, and equality, and take active steps to remove layers of systemic racism.

Enact legislation and report on accurate statistics: The Labour Party 2020 General Election Manifesto called for hate crime to be made illegal, including racism, sexism, homophobia, and transphobia. We were delighted that in April of 2021, the General Scheme of the Criminal Justice (Hate Crime) Bill 2021 was published. This legislation is expected to be enacted in 2022. Labour recommends that as part of this legislation, that the Gardai are tasked with keeping accurate statistics on hate crime, as is done in Northern Ireland.

Racism in Politics: Racism and discrimination have no place in Irish politics. Politicians from all parties need to take a leadership role in respect of diversity. Sadly, we have seen a toxic racism in our politics in recent years, with hateful remarks made by those in politics against minority groups including travellers. We now have genuinely far-right political parties and individuals spreading all kinds of lies and misinformation that is toxic, racist, and totally unacceptable.

Our Recommendations:

- **Direct Provision:**
 - Introduce a progressive international protection system without delay.
 - Labour recommends greater clarity in the year-by-year breakdown published by the Minister; in particular, we need clarity on the measurable goals for this year.

- The Government must regularly engage with civil society groups to ensure that the voices of asylum seekers are prioritised in the process of de-congregating accommodation for those currently living in Direct Provision
- **Remove unnecessary Red-Tape for Migrants:**
 - The State needs to regularise undocumented children, young people, and adult workers, including migrants fleeing domestic violence who are reliant on their partner's residency status.
 - Labour recommend the Government introduce a single system of fees for citizenship, ending the higher fees charged to those without Irish ancestors.
- **Migrant Working Rights:**
 - Labour recommends stronger rights for migrant workers in Ireland, and stiff penalties for those found to be engaging in human trafficking or other forms of labour exploitation.
- **Born here Belong Here:**
 - Implement the Labour Party's [Irish Nationality and Citizenship \(Naturalisation of Minors Born in Ireland\) Bill 2018](#)
- **Racism in Sport:**
 - Labour recommends the development and implementation of an ambitious, well-resourced, and co-ordinated anti-racism strategy by all major national sporting bodies.
- **Racism in the Arts:**
 - Labour recommends that as part of an anti-racism strategy, research be conducted on all Irish media to ensure there is equitable representation of Irish artists from different genders and ethnicities.
 - Labour also recommends that other areas of the arts sector are examined to ensure that any instances of discrimination and racism are identified and addressed.
- **Traveller Housing supports:**
 - Eliminate prejudice against Travellers and put the social and economic structures in place that will lead to the prospering of all, that includes developing suitable accommodation for all people and communities based on need.
- **Traveller Representation:**
 - Implement the Traveller Culture and History in Education Bill 2018.
- **Celebrate Diversity:**
 - Develop a New Irish policy to celebrate Ireland's new diversity and to ensure that everyone has equal rights.
- **Whole of Government Approach:**
 - Labour recommends that each Government Department reviews policies through a lens of inclusion, equity, and equality, and take active steps to remove layers of systemic racism.
- **Enact legislation and report on accurate statistics:**
 - Enact the General Scheme of the Criminal Justice (Hate Crime) Bill 2021 without delay. As part of this legislation, Labour recommend that Gardai are tasked with keeping accurate statistics on hate crime, as is done in Northern Ireland.
- **Racism in Politics:**
 - Acknowledge and act against far-right political parties and individuals spreading all kinds of lies and misinformation that is toxic, racist, and totally unacceptable.

LAW SOCIETY SUBMISSION



**SUBMISSION TO THE PUBLIC CONSULTATION ON A NEW NATIONAL
ACTION PLAN AGAINST RACISM FOR IRELAND**

ANTI-RACISM COMMITTEE

JULY 2021

ABOUT THE LAW SOCIETY OF IRELAND

The Law Society of Ireland is the educational, representative and regulatory body of the solicitors' profession in Ireland.

The Law Society exercises statutory functions under the Solicitors Acts 1954 to 2011 in relation to the education, admission, enrolment, discipline and regulation of the solicitors' profession. It is the professional body for its solicitor members, to whom it also provides services and support.

The headquarters of the organisation are in Blackhall Place, Dublin 7.

Contents

1	Introduction.....	4
2	Executive Summary	5
3	Access to Justice	7
4	Hate Crime and Hate Speech.....	15
5	All forms of media and communications, including new technologies	18
6	Inclusion and Participation.....	20

1 Introduction

- 1.1. The Law Society of Ireland ('the **Society**') welcomes the opportunity to contribute to the public consultation on a National Action Plan Against Racism ('the **Plan**') in Ireland which is being undertaken by the Anti-Racism Committee ("the **Committee**").
- 1.2. The Society is the educational, representative and co-regulatory body for the solicitors' profession in Ireland. This submission is based on the views of members of the Society's Human Rights & Equality Committee which is comprised of solicitors with extensive experience and expertise in national and international human rights.
- 1.3. The Society commends the Committee for its approach in consulting with relevant stakeholders to develop the Plan. It also supports the Committee's commitment to human rights values, democracy and the rule of law in developing actions to combat racism in Ireland.
- 1.4. The Society has previously made a number of submissions in relevant areas which are encompassed within the current consultation which will inform part of this submission.
- 1.5. These include the Society's responses to consultations on:
 - 1.5.1. Online harassment, harmful communications and related offences;
 - 1.5.2. Review of the Prohibition of Incitement to Hatred Act 1989; and
 - 1.5.3. General Scheme of the Online Safety and Media Regulation Bill.
- 1.6. In preparing this submission, the Society notes the expanse of issues to be addressed in the Committee's work which span a number of legal areas. As such, the Society has chosen to focus on areas which are most particularly within our knowledge and expertise, namely the legal framework relevant to combating racism, identifying where law reform may be appropriate and also addressing broader issues in relation to access to justice.

2 Executive Summary

The Society makes the following recommendations:

- 2.1 That the State considers and reviews the operation of Article 40.1 of the Constitution to ensure that it provides a robust constitutional guarantee of equality that is more closely aligned to the State's international human rights obligations.
- 2.2 That a mechanism, similar to the Regulatory Impact Analysis ('**RIA**') currently carried out in respect of proposed legislation, should be introduced to examine and identify any potentially discriminatory impacts of proposed legislation, which should be published and made available publicly.
- 2.3 That the efficacy of the Equal Status Acts and Employment Equality Acts from the perspective of compliance with EU Law and the State's international obligations to combat racism more generally should be reviewed and recommendations for legislative reform brought forward (also having regard to the recently announced review of the Equality Acts).
- 2.4 That the institutional framework for providing redress for instances of racial discrimination should be strengthened to provide greater visibility to those mechanisms and that the procedural aspects of bringing complaints under the Equal Status Acts to the WRC be streamlined and made more accessible and user friendly.
- 2.5 That specific resources be allocated to increase awareness of the remedies under the Equality Acts targeted at ethnic and racialised minorities and that civil society organisation should be resourced to support victims of racial discrimination in reporting, making individual complaints and seeking redress.
- 2.6 That effective legal aid should be made available to victims of racial discrimination.
- 2.7 Enactment of the Criminal Justice (Hate Crime) Bill 2021 to be prioritised.
- 2.8 That the Criminal Justice (Hate Crime) Bill should address some key weaknesses in the 1989 Act and, in particular, reducing the evidential threshold for prosecuting incidents of hate speech, including those which occur online;
- 2.9 That Gardaí are trained in identifying instances of hate speech and hate crime and a robust reporting system is developed to record such incidents.

- 2.10 That racial profiling by An Garda Síochána should be defined and prohibited in legislation and remedies provided for victims of such profiling.
- 2.11 That the Criminal Injuries Compensation Scheme should be amended to ensure that victims of hate speech and other hate crimes can access financial compensation.
- 2.12 That the Online Safety and Media Regulation Bill should include specific provision for individual complaints regarding harmful content online to be made to an independent regulator and for a mechanism to ensure the swift take down of harmful material, including material with racist content.
- 2.13 That the Online Safety and Media Regulation Bill be reviewed to ensure that it complies with the requirements of EU Equality Directives, the Equality Acts and the Criminal Justice (Hate Crime) Bill 2021 (when published).
- 2.14 That a comprehensive system of legal aid, appropriately resourced to ensure access to quality legal representation, be introduced for asylum seekers and immigrants in respect of the decision-making process under the International Protection Act 2015 and the Immigration Acts.
- 2.15 That anyone detained in respect of a suspected breach of immigration law should automatically be entitled to the advice and assistance of a solicitor.
- 2.16 That the current system of Direct Provision should be brought to an end at the earliest possible date and that the new system of supports for asylum seekers should be based on the principles of human rights and should include legal guarantees as to minimum standards. It must also provide legal remedies for any failure by the State to achieve those standards.

3 Access to Justice

- 3.1 Access to justice is vital to ensuring that people's rights are safeguarded and vindicated. Central to this is a legal framework that is accessible and effective. In this submission, the issue of access to justice will take account, not only the legislative context, but the broader constitutional framework which underpins the legal protection from discrimination in the State.
- 3.2 At a constitutional level, the equality guarantee contained in Article 40.1 is the primary legal statement of the State's obligations to protect individuals and groups from discrimination, including racial discrimination. The State also has obligations to protect against racism as a result of various EU Directives, its Charter of Fundamental Rights ('the **Charter**') and the European Convention on Human Rights ('**ECHR**').
- 3.3 In stark contrast to flourishing equality-related jurisprudence in other jurisdictions, Ireland has lagged behind. The constitutional guarantee of equality is limited in its scope and application. The characteristics protected by Article 40.1 are limited and the scope of the discrimination which might be constitutionally impugned is limited to those found in law. Overall, Article 40.1 does not reflect the evolving scope and reach of equality law more generally.¹ In summarising the development of the constitutional guarantee of equality, the authors of Kelly on the Irish Constitution gave the following striking summation of Article 40.1 as being wholly underdeveloped:
- "In contrast to comparative and international jurisprudence, jurisprudence on the guarantee of equality in the Irish Constitution is remarkably underdeveloped and, to date, the debate about the differing conceptions of equality has, to a large extent, passed Article 40.1 by."*²
- 3.4 Article 14 of the ECHR protects against discrimination on a wide range of grounds, including race, but it is also recognised as being limited in so far as the protection only extends to the enjoyment of other rights protected under the ECHR and it is not a stand-alone protection from discrimination. This has led to quite an uneven approach to protection from discrimination on the part of the European Court of Human Rights with many issues concerning minorities being considered under Article 8 (rather than Article 14) leaving any discriminatory aspect of State's action largely unexamined. Conversely, Protocol 12 of the ECHR provides stand-alone protection from discrimination which is not dependent on being within the scope of another

¹ This is despite some recent case law that would suggest the judiciary are willing to give Article 40.1 a more expansive application where merited in certain cases. See for example *N. H.V. v Minister for Justice and Equality*, [2017] IESC 35. In that case the equality guarantee was accepted in certain circumstances to apply to non-citizens (in the particular case an asylum seeker) and the ability to work was found to be an aspect of the human personality protected under Article 40.1.

² *JM Kelly: The Irish Constitution*, Hogan, Whyte, Kenny and Walsh, 2018 Bloomsbury professional, at para. 7.2.01.

right (which is protected under the ECHR). Ireland has signed, but has not ratified, Protocol 12 which is yet to come into effect here.³

- 3.5 Articles 20 to 26 of the Charter address equality. Article 21 provides broad protection against discrimination, including discrimination on the basis of race and ethnicity, subject to being within the scope of the Charter as set out in Article 51.⁴ The Charter reflects a progressive approach to equality and encompasses articles dealing with the unique situation of older people, disability and children.
- 3.6 Returning to consideration of Article 40.1 of the Constitution, the case of the *Equality Authority v Portmarnock & Ors*.⁵ is illustrative of the limitations of Article 40.1. In considering whether Portmarnock Golf Club was a “discriminating club” for the purpose of the Equal Status Acts (as it refused full membership to women) the Supreme Court considered that the Equal Status Acts fell to be interpreted in light of the constitutional protection of the right to freedom of association, but did not consider the equality guarantee in Article 40.1 to be relevant in that context. Similarly, when the Employment Equality Bill 1996 and Equal Status Bill 1997 were referred to the Supreme Court under Article 26 of the Constitution, both were found to be unconstitutional in light of countervailing constitutional rights, such as the protection of private property.
- 3.7 Ultimately, the equality guarantee in the Constitution is a relatively weak foundation on which the Irish legal framework protecting equality is balanced. While EU law has provided a more solid basis on which to legislate, it does not supplant or obviate the need to consider whether the constitutional equality guarantee needs to be made more reflective of a society where equality and diversity are core values.⁶
- 3.8 While the legislature has a legitimate interest in protecting groups and individuals from discrimination, the protection of other constitutional rights should not be seen as a barrier to robust equality legislation, but the present narrow formulation of Article 40.1 stands in direct contrast to the expansive protection of equality under the Charter and other, more modern, formulations of the right to equality. Article 40.1 is also considerably narrower than the protection from discrimination which is mandated by the UN Convention on the Elimination of All Forms of Racism (**‘UNCERD’**).⁷

³ Protocol 12 was opened for signature in 2000, and entered into force in 2005 on receiving 10 ratifications.

⁴ Article 21 provides: “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.”

⁵ *Equality Authority v Portmarnock Golf Club* [2010] 1ILRM 237.

⁶ It is noted that the Citizens’ Assembly recently recommended that a new clause should be inserted into Article 40 to refer explicitly to gender equality and non-discrimination.

⁷ Article 2 of the UN Convention on the Elimination of All Forms of Racial Discrimination, sets out a comprehensive set of actions for each signatory State to take to combat and eliminate racial discrimination.

- 3.9 Separately, Protocol 12 of the ECHR remains to be ratified by the State. This Protocol, while focusing on protection from discrimination in the context of rights set out in law, more broadly prohibits discrimination by any public body. This is significant as it goes beyond present protections against acts of public bodies as provided for under the Equal Status Acts (see below).
- 3.10 The Employment Equality Act 1998 and the Equal Status Act 2000 (together ‘the **Equality Acts**’) are at the core of the State’s legal response to discrimination across nine grounds, which include race, nationality, ethnicity and membership of the Traveller community.⁸ The Equality Acts define discrimination and what is prohibited conduct under the Acts and provide adjudication and redress mechanisms. The Society is aware that the Minister for Children, Equality, Disability, Integration and Youth has announced a review of the Equality Acts, and is presently consulting on same. Clearly, that exercise intersects considerably with the work of the Committee, and no doubt one will inform the other. Noting the Minister’s consultation, the Society wishes to highlight some barriers to accessing remedies under the Equality Acts for present purposes.
- 3.11 Firstly, it is useful to consider the number of complaints made to the Workplace Relations Commission (**‘WRC’**) under the Equality Acts on an annual basis since its establishment to understand the extent to which the current infrastructure is dealing with such complaints⁹:

Equal Status Complaints	2016	2017	2018	2019	2020
Member of Traveller Community	416	408	124	97	51
Race	462	363	292	159	76
Employment Equality Complaints	2016	2017	2018	2019	2020
Membership of the Traveller Community	5	7	6	2	6
Race	154	189	213	183	201

⁸ An additional ground referred to as the “Housing Assistance Ground” which was inserted by the Equality (Miscellaneous Provisions) Act 2015 only relates to the provision of accommodation i.e. it is not relevant in the context of this submission.

⁹ The WRC was established by the Workplace Relations Commission Act 2015 and took over the functions of a number of quasi-judicial bodies including the specialised Equality Tribunal. The figures are taken from the WRC’s Annual Reports, 2016 to 2020, with 2016 being its first full year of operation.

- 3.12 The above table illustrates that, while complaints made under the Employment Equality Acts have fluctuated somewhat between 2016 and 2020, there has been no significant reduction in such complaints. It is also notable that complaints on the Race and Traveller Community ground have reduced year on year and have effectively collapsed. While empirical research will be needed to understand the reduction, the Society considers it likely that a number of causes will have contributed to same.
- 3.13 The focus for the creation of the WRC was to establish a one-stop-shop forum for the resolution of employment-based disputes. Incidents of discrimination in the provision of goods and services (as provided for under the Equal Status Acts) simply lost visibility within the new structure. This difficulty is further compounded where the complaint form and procedures promulgated by the WRC are largely based on workplace disputes and do not properly provide for complaints under the Equal Status Acts. At the same time as the WRC was established, the Irish Human Rights and Equality Commission Act 2014 was passed which amalgamated the functions of the previous Irish Human Rights Commission and Equality Authority into a new single entity; the Irish Human Rights and Equality Commission ('IHREC'). It can only be speculated that this fundamental change in the architecture which was designed to support victims of discrimination may be linked to a loss of understanding of the redress and support mechanisms around complaints of racial discrimination (including in respect of the Traveller community ground).¹⁰
- 3.14 Added to this alteration in the institutional framework for addressing complaints of discrimination is the fact that there is no State-funded system of legal aid available to victims of racial discrimination, other than through the limited legal resources of IHREC.¹¹ While lodging a complaint with the WRC is not necessarily procedurally complex, there is an added layer of difficulty in terms of bringing forward complaints under the Equal Status Acts, in that there is a requirement to provide notification of the alleged incident(s) of discrimination within two months of same before a complaint may be lodged, noting again that the WRC complaint form is not designed for complaints of discrimination in relation to goods and services. Even if the process for making a complaint is relatively accessible (which, as noted, is open to dispute), equality law itself is often far from straightforward or accessible for the lay litigant. For instance, cases may engage with complex definitions of what constitutes discrimination, the scope of services including public services under the Acts, the nature of the employment relationship and vicarious liability and indeed, the broader requirements of employment law. Each of these issues has the potential to trip up a complainant where they do not have the benefit of legal representation. The Society accepts that few of its own members specialise in the area of equality, outside the sphere of employment law, and this is largely because this area of law, with

¹⁰ See for instance *Reports of Racism in Ireland*, Dr Lucey Michael, 2020 which recorded that many victims of racist discrimination do not know where to report such incidents or how to seek redress.

¹¹ Representation before Tribunals is excluded from the remit of the Civil legal Aid Act, 1995 save with limited exceptions.

its low level of financial awards, does not present a financially viable area of practice. Taking the above into account it is notable that the United Nations Committee on the Elimination of Racial Discrimination ('**UNCERD**') made the following recommendation in its Concluding Observations on Ireland in 2020:

*"The Committee recommends that the State party extend the scope of the Legal Aid Board to the areas of law that are particularly relevant to Travellers and other ethnic minority groups, including by designating the Social Welfare Appeals Office and the Workplace Relations Commission as prescribed tribunals under section 27 (2) (b) of the Civil Legal Aid Act 1995."*¹²

- 3.15 Article 47 of the Charter also provides for the possibility of legal aid where rights provided for under EU law (such as those which derive from the EU Race Directive) are violated and where it is necessary to ensure effective access to justice. The jurisprudence in relation to this Article is not expansive but what does appear evident is that the complete exclusion of the possibility of legal aid for claims of discrimination fails to meet the test set out in Article 47.¹³
- 3.16 While the Society supports the UNCERD recommendation and agrees that a comprehensive system of legal aid is required for complaints of discrimination, it considers that if the remit of the Legal Aid Board is to be expanded in accordance with the recommendation, sufficient resources need to be made available to deal with this additional work within the time limits set out in the Equality Acts. In particular, the Society has previously called for the need for greater investment in legal aid infrastructure and, in particular, expressed concern in the context of criminal legal aid where payment per case is so low as to threaten the ability of the practitioner to provide an appropriate professional service. Alternatively, consideration might be given to whether the institutional capacity of IHREC should be increased to provide an effective legal aid system for victims of racial discrimination which would ensure that all the expertise and acquired knowledge of that organisation could be brought to bear in relevant cases before the WRC.
- 3.17 It is also relevant to consider the role of the Equality Acts in transposing and giving effect to the Race Equality Directive.¹⁴ It is notable that sanctions are required to be "effective, proportionate and dissuasive"¹⁵ however, pursuant to the Equal Status Acts, the limit of the jurisdiction of the WRC is aligned with that of the District Court i.e. €15,000. This link follows from the fact that

¹² Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fifth to ninth reports of Ireland, CERD/C/IRL/CO/5-9, 23 January 2020, at para. 44.

¹³ Whether the provision of legal assistance to victims of discrimination by IHREC on a discretionary basis would mitigate the blanket exclusion of such cases from the remit of the Legal Aid Board remains an open question but, on balance, it is unlikely that the basis on which IHREC would grant legal assistance would ensure effective access to justice in every case where legal representation is required.

¹⁴ Council Directive 2000/43/EC

¹⁵ Ibid. Article 15.

the vehicle for enforcement of WRC decisions under the Equal Status Act is through the District Court. Even within this limited jurisdiction, the actual awards made by the WRC tend to be significantly lower. It is questionable whether this financial limit on compensation properly fulfils the requirements of EU law in being dissuasive but there is presently no clarification from the Court of Justice of the European Union on this point. What it does indicate, however, is the view of the State that incidents of race motivated discrimination (and discrimination on other grounds) sit at the lowest level of 'wrong' in the civil scheme of remedies which the State provides and, on that basis, compliance with the Race Directive is certainly open to question.

- 3.18 Finally, the scope of the Equal Status Acts as it relates to the actions of the State is unduly limited. Section 14(1)(a) of the Act provides

'Nothing in this Act shall be construed as prohibiting—

(a) the taking of any action that is required by or under—

(i) any enactment or order of a court,

(ii) any act done or measure adopted by the European Union, by the European Communities or institutions thereof or by bodies competent under the Treaties establishing the European Communities, or

(iii) any convention or other instrument imposing an international obligation on the State...'

- 3.19 This formulation presents a two-pronged problem. The first is that the State can simply legislate its way around the Equality Acts which, as observed, is not counterbalanced by a sufficiently robust constitutional protection in respect of equality. The second is that the scope of the exemption may also be so wide as to bring the legislation outside the requirements of the EU Race Directive. In this regard, one author came to the following conclusion:

*"The Racial Equality Directive does not envisage any blanket exemption for discriminatory measures required by law. Nor is such an exemption provided for under the Gender Goods and Services Directive. Although the material scope of both Directives is uncertain, the exemption is manifestly too broad since it covers any action required by law across all fields and grounds. On its face, then, the Oireachtas should remove or qualify the exemption at least for the race, Traveller community and gender grounds."*¹⁶

- 3.20 It is notable that in a recent case supported by IHREC, It is notable that in a recent case supported by IHREC, reliance on section 14 allowed the State to successfully defend a case brought by an asylum seeker, challenging the

¹⁶ *Primacy of national law over EU law? The application of the Irish Equal Status Act*, European Equality Law Review, 2019/2, at p.35.

refusal to grant her a driver's license premised on her residency status, despite the fact that the applicant in the case was also a worker in the State.¹⁷ The case was determined on the basis of the underlying legislation governing the issuing of driver licenses, and there was no consideration of whether the exclusion of an asylum seeker from access to a driving license was justified. The broad section 14 exemption would not appear merited in so far as it excludes consideration of the discriminatory impact of legislation, and the Society suggests that a means by which the impact of section 14 might be mitigated would be that in the context of preparing an RIA in respect of proposed legislation, that the RIA process would be adapted to also assess the State's compliance with equality obligations both at international and European level. This would assist to avoid any outcomes that reduce equality of opportunity or cause a directly discriminatory outcome on foot of legislation.

RECOMMENDATIONS

That the Plan includes the following:

1. That the State considers and reviews the operation of Article 40.1 of the Constitution to ensure that it provides a robust constitutional guarantee of equality that is more closely aligned to the State's international human rights obligations.
2. That a mechanism, similar to the Regulatory Impact Analysis ('RIA') currently carried out in respect of proposed legislation, should be introduced to examine and identify any potentially discriminatory impacts of proposed legislation, which should be published and made available publicly.
3. That the efficacy of the Equal Status Acts and Employment Equality Acts from the perspective of compliance with EU Law and the State's international obligations to combat racism more generally should be reviewed and recommendations for legislative reform brought forward (also having regard to the recently announced [review of the Equality Acts](#)).
4. That the institutional framework for providing redress for instances of racial discrimination should be strengthened to provide greater visibility to those mechanisms and that the procedural aspects of bringing complaints under the Equal Status Acts to the WRC be streamlined and made more accessible and user friendly.

¹⁷ *A.B v The Road Safety Authority* [2021] IEHC 217

5. That specific resources be allocated to increase awareness of the remedies under the Equality Acts targeted at ethnic and racialised minorities and that civil society organisation should be resourced to support victims of racial discrimination in reporting, making individual complaints and seeking redress.
6. That effective legal aid should be made available to victims of racial discrimination.

4 Hate Crime and Hate Speech

- 4.1 The Society has previously responded to the Department of Justice's consultation on reforming Ireland's legal framework on issues of hate crime and hate speech. The Society made a number of recommendations in relation to reforming legislation in the area which are relevant to the current consultation. The Society is mindful that the Department of Justice has recently published heads of bill in this respect, which is welcome.¹⁸
- 4.2 In its recommendation, the Society has urged that the protected characteristics under the Prohibition of Incitement of Hatred Act 1989 ('the **1989 Act**') should be broadened to include those based on gender, disability, civil status, family status and age, whether actual or perceived. The Society recommended that gender should be separately and specifically defined to cover acts targeted at individuals based on actual or perceived sex, having multiple protected characteristics, gender identity and gender expression. This aspect of intersectionality of discrimination is crucially important to provide comprehensive protection from acts of hate speech and hate crime, where perpetrators may not necessarily confine the acts to a particular group, but may target a person's multiple identities, including race or ethnicity.
- 4.3 The definition should also be expanded to include perceived or actual membership of specific marginalised groups, such as asylum seekers or refugees.
- 4.4 Further, the key term of 'hatred' within the 1989 Act should be clearly defined in line with that employed by the European Commission Against Racism and Intolerance ('ECRI') and the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.¹⁹ Other key terms should also have clear definitions. The new legislation should be applicable to an individual on the basis of their protected characteristics and the intention to 'stir up' should be capable of being established without the need for actual proof that a third party responded to, or was incited by, the impugned behaviour.
- 4.5 While it falls more within the media and technology theme, the Society also recommended that any review or reform of the legal framework around hate speech must also address the issue of online incidents of same. Where it reaches sufficiently serious levels, there should be criminal measures in place to deal with such offences. Further dissemination of material through re-

¹⁸ General Scheme Criminal Justice (Hate Crime) Bill 2021.

¹⁹ The ECRI in its General Policy Recommendation No. 15 on Combating Hate Speech states that "hatred" shall mean a state of mind characterised as intense and irrational emotions of opprobrium, enmity and detestation towards the target group. This is the definition also utilised by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/67/357, 7 September 2012, para. 44.

tweeting and sharing should be treated as equally culpable to original dissemination. Civil, as well as criminal, measures are required to provide protection from online hate speech.

- 4.6 The Society also considers that the mental element in the 1989 Act (of 'intention to stir up') is too high a threshold. It is submitted that the requirement to prove the offence of incitement to hatred should be lowered to recklessness.
- 4.7 Finally, the Society urged the Department of Justice to move forward with bringing the previously referenced general schemes to Bill stage so that they can be progressed through the Oireachtas.
- 4.8 While legislation to combat hate speech and hate crime is fundamentally important, the Society considers that legislation alone is not sufficient as its enforcement will depend on the ability of An Garda Síochána to investigate, recognise, record and prosecute such crimes. This will require significant training and sensitisation to instances of racism within An Garda Síochána. In addition, victims of racism will need to have confidence in An Garda Síochána to come forward and report such crimes. At present there is significant underreporting of hate speech and hate crime and unfortunately, it is unlikely that legislation alone will reverse this trend.²⁰
- 4.9 This under-reporting of hate crime is linked to a lack of confidence amongst ethnic minority groups in An Garda Síochána and, in particular and as we have highlighted previously, there is no specific prohibition on racial profiling by An Garda Síochána although it may be regarded as a breach of discipline.²¹ It is noted in this regard that UNCERD has made the following recommendations to protecting individuals from racial profiling by An Garda Síochána and providing a remedy where it occurs:

- “(a) Introduce legislation prohibiting racial profiling;*
- (b) Put in place an independent complaints mechanism to handle racial profiling;*
- (c) Review the policy, practices and training of the police, in collaboration with the communities most affected by racial profiling;*
- (d) Incorporate racial profiling issues into the training curriculum of police officers;*
- (e) Fully implement the Garda Diversity and Integration Strategy 2019–2021;*
- (f) Collect disaggregated data on racial profiling, publish it regularly and provide the data in its next periodic report.”*

²⁰ See for instance *Report of Racism in Ireland 2020*, Dr Lucy Michael, at p.13 where, in 27 incidents of racist crime recorded, only 5 were reported to An Garda Síochána

²¹ See for instance, Report on Policing Performance by the Garda Síochána during the Covid 19 Health Crisis, The Policing Authority, 19 April 2021, which reported that : “Migrants’ confidence to report crime or confidence that the Garda Síochána will keep them safe was described as low”

- 4.10 The Society would support these recommendations and, in particular, defining racial and ethnic profiling in legislation as well as prohibiting same and providing a remedy where it occurs.²²
- 4.11 The added injury of being a victim of a hate crime should not only be reflected in criminal sentencing, it should also carry over into the State's Criminal Injuries Compensation Scheme and should count as an injury, either in its own right or as an additional injury.

RECOMMENDATIONS

That the Plan includes the following:

1. Enactment of the Criminal Justice (Hate Crime) Bill 2021 to be prioritised.
2. That the Criminal Justice (Hate Crime) Bill should address some key weaknesses in the 1989 Act and, in particular, reducing the evidential threshold for prosecuting incidents of hate speech, including those which occur online;
3. That Gardaí are trained in identifying instances of hate speech and hate crime and a robust reporting system is developed to record such incidents.
4. That racial profiling by An Garda Síochána should be defined and prohibited in legislation and remedies provided for victims of such profiling.
5. That the Criminal Injuries Compensation Scheme should be amended to ensure that victims of hate speech and other hate crimes can access financial compensation.

²² It is noted that the ECRI Report on Ireland, adopted on 2 April 2019, made similar recommendations at para.54.

- 5 All forms of media and communications, including new technologies
- 5.1 In the context of combating harmful content online, including hate speech, the Society has previously recommended (in its submission on the General Scheme of the Online Safety and Media Regulation Bill and the consultation on Online Harassment, Harmful Communications and Related Offences) that any fixed definition of communication needs to be sufficiently broad to encompass changing technologies. We also suggested that focus should be placed on the harm inflicted as well as consideration given to defining ‘harmful content’. This is also of particular relevance to the current consultation and in order to ensure that racism, in whatever form it is experienced, can (ideally) be prevented but, if not, it can be appropriately addressed wherever it arises. A suggested definition might incorporate the following – “any content that seriously interferes with the peace or privacy of another person or causes alarm, distress or harm to that other person”.
- 5.2 The Society notes that balancing the right to freedom of expression with the right to privacy is delicate. While criminal legislation is vital in deterring harmful activity, education is also important in creating safer online spaces and empowering users while regulatory oversight also plays a significant role. Criminal law needs to be nuanced and responsive to technological developments and any reform needs to consider the proportionality of the response, as well as the harm being caused.
- 5.3 In this regard, the Society is also mindful of the State’s obligations under European law, calling for legal protection against incitement to hatred online. Article 9(2) of Council Framework Decision 2008/913/JHA on combatting certain forms and expressions of racism and xenophobia by means of criminal law requires that:
- (a) *Member States take effective measures to ensure that laws prohibiting incitement to hatred extend to cases where the conduct is committed through an information system and the offender is within the territory of the Member State, even if the content hosted is not, and;*
- (b) *to cases where the material is hosted within the territory of the Member State whether or not the offender commits the conduct when physically present in its territory.*
- 5.4 The Society considers that necessary legislative measures – both civil and criminal – are required in order to safeguard and adequately regulate the online sphere. In this context, the Society welcomed the General Scheme of the Online Safety and Media Bill but considered that failure to provide for individual remedies in the Bill as well as a mechanism to ensure the rapid take down of harmful material, including quarantining of such material for checking against regulatory standards (including racist content), is a serious flaw in the General Scheme that should be remedied.

- 5.5 In particular, the Society recommended that the General Scheme should be reviewed against other legislation which provides protections from discrimination including, but not limited to, the Equal Status Acts and the Prohibition of Incitement to Hatred Act 1989 to ensure that standards in those other pieces of legislation are not undermined by anything contained in the proposed Bill.
- 5.6 More specifically, in relation to hate speech, the Society highlighted the potential shortcoming in framing 'harmful content' so broadly as to risk it proving problematic to regulate, due either to it being under or overly inclusive. We noted that the proposal in the General Scheme appeared to fall immediately short of what is required by the Audiovisual Media Services Directive 2010/13/EU and recommended that the term 'harmful content' should be made substantially clearer to ensure that all forms of hate speech are adequately captured.

RECOMMENDATIONS

That the Plan includes the following:

1. That the Online Safety and Media Regulation Bill should include specific provision for individual complaints regarding harmful content online to be made to an independent regulator and for a mechanism to ensure the swift take down of harmful material, including material with racist content.
2. That the Online Safety and Media Regulation Bill be reviewed to ensure that it complies with the requirements of EU Equality Directives, the Equality Acts and the Criminal Justice (Hate Crime) Bill 2021 (when published).

6 Inclusion and Participation

- 6.1 Under this heading, the Society wishes to highlight concerns it has previously expressed regarding the international protections system, immigration law and in particular, the impact of the system of Direct Provision on asylum seekers.
- 6.2 In our submission to Ireland's Third National Report to the UN Universal Periodic Review 2021 in March of this year, we emphasised the need to ensure that access to justice is enhanced by investment in key areas of the legal system, particularly in legal aid. Further, there is a pressing need to ensure that international protection applicants and immigrants have access to a solicitor. We would again note that the requirement of Article 47 CFR need to be taken into account where individuals are seeking to assert their EU treaty rights.
- 6.3 Upon arrival in the State, international protection applicants and immigrants are particularly vulnerable as they are often unaware of their rights and are in fear of deportation/detention. The provision of legal advice at an early stage is vital, particularly for asylum seekers and immigrants attempting to navigate an unfamiliar legal and regulatory system. It should be noted that there is an absence of any dedicated legal aid system for immigrants outside the asylum process. In this regard, the Society reiterates its call for adequate funding and resources to be invested in the legal system, particularly in terms of legal aid. Without such investment, concerns may arise around the effectiveness and availability of adequate representation.
- 6.4 In such circumstances, access to a solicitor would ensure the right to liberty and the ability to apply for international protection or assert EU treaty rights (if required) as well as supporting international protection applicants and immigrants in navigating any potential discrimination which they may encounter. It is also of note that people who are arrested and detained on arrival into the country under section 12 of the Immigration Act 2004 (as amended) are not entitled to legal advice or representation through the Garda Station Legal Aid Revised Scheme. In respect of the treatment of immigration detainees and international protection applicants, the Society recommended that the State should have due regard to the fundamental constitutional right of personal liberty and freedom as well as its international obligations.
- 6.5 The Society also called for an end to Direct Provision and the timely introduction of an alternative system for accommodating and supporting those seeking international protection in the State. We emphasised that any new system must be supported by legislation to ensure that it is appropriately rights-based and includes remedies where identified standards are not met. The new system must be grounded in the principles of human rights, respect for diversity and respect for privacy and family life. Further, the Society recommends that any system which is based on the principles of human rights must include certain legal guarantees as to minimum standards. It must

also provide legal remedies for any failure by the State to achieve those standards.

6.6 In its 2020 Concluding Observations on the combined fifth to ninth reports of Ireland, the UN Committee on the Elimination of Racial Discrimination urged development of an alternative reception model and the taking of concrete steps to phase out the direct provision system. As an interim measure, it also recommended the following actions:

- (a) *Improve living conditions in direct provision centres and reduce the length of stay in the centres;*
- (b) *Set up clear standards of reception conditions for direct provision centres; regulate and inspect the operation of direct provision centres; and hold those responsible accountable in case of a breach of standards;*
- (c) *Halt the emergency accommodation as soon as possible and develop a contingency planning framework with a view to effectively responding to capacity pressures;*
- (d) *Ensure transparency regarding deaths in direct provision centres and collect and publish data on such deaths.*

6.7 The Society welcomes the fact that asylum seekers may now seek work after a period of six months in the asylum system. However, we reiterate the concern (expressed in our March submission on the UN Universal Periodic Review 2021) that certain invisible barriers to work have emerged for asylum seekers such as the ability to open a bank account to receive wages, inability to apply for driving licenses and difficulties posed by the remoteness of certain Direct Provision Centres. These issues require urgent attention.

RECOMMENDATIONS

That the Plan includes the following:

1. That a comprehensive system of legal aid, appropriately resourced to ensure access to quality legal representation, be introduced for asylum seekers and immigrants in respect of the decision-making process under the International Protection Act 2015 and the Immigration Acts.
2. That anyone detained in respect of a suspected breach of immigration law should automatically be entitled to the advice and assistance of a solicitor.
3. That the current system of Direct Provision should be brought to an end at the earliest possible date and that the new system of supports for asylum seekers should be based on the principles of human rights and should include legal guarantees as to minimum standards. It must also provide legal remedies for any failure by the State to achieve those standards.

Conclusion

We hope that the Committee finds these comments and recommendations to be helpful and will be glad to further address any of the matters raised.

For further information please contact:

[REDACTED]
[REDACTED]
Law Society of Ireland
Blackhall Place
Dublin 7
DX 79

Email: [REDACTED]

**Submission from Longford Community Resources Clg
Towards a National Action Plan Against Racism Public Consultation 2021**

Introduction

Longford Community Resources Clg is the integrated local development company for County Longford. The core purpose is to promote positive change in the areas of social, economic, environmental, cultural and community development in County Longford, using community development approaches.

Longford Community Resources Clg would like to highlight the following issues and recommendations towards a new National Action Plan Against Racism for Ireland. Longford Community Resources Clg staff consulted with representatives from local ethnic minority communities to undertake this submission.

Issues Highlighted

Access to Justice

Individuals highlighted the need for Gardaí to be more proactive in addressing racism and calling people to order for it. There is a need for greater transparency in how racism is addressed: from the moment it is reported to the decision being made whether an incident is considered hate crime or not.

If individuals contact the Gardaí everyone should be treated equally in every step of the process, and not treated differently because of their race or ethnicity. Anti-racism training for all involved in the justice system is essential. All staff should be encouraged to do anti-racism training as part of the Public Sector Equality and Human Rights Duty training.

The public needs to be confident that racist incidents are reported accurately, so individuals are not afraid to report an incidence of racial discrimination. This should be promoted to the public locally and nationally. There should be steps in place to challenge racism when official reports state how racism is occurring. Public confidence in the system requires that visible action is taken when incidents of racism are reported.

All forms of Social Media and Communications, including New Technologies

Racism needs to be addressed in social media platforms, where bullying, discrimination and racism are fueled. Strong policies need to be in place by the social media organisations themselves and by the Irish Government to ensure discriminatory content is not allowed online. Any such racist material must be addressed immediately. An easy to use, transparent reporting mechanism for all racist incidents on online technology is needed, where required remedial action the company is explicitly stated.

Large companies involved in technology and broadcasting should provide training opportunities with people from disadvantaged, marginalised or minority communities. In return the organisation would gain a greater awareness of culture within Ireland.

In terms of broadcasting, more role models from different races and ethnicities are essential in promoting diversity and challenging racism. Organisations need to ensure they have policies and procedures in place to prevent discrimination both within their companies, and through the material they share with the public. Diverse communities must be represented to create a culture of acceptance and belonging.

Employment, Education, Health and Accommodation

The structures in place should motivate and encourage people to reach their potential. People should not be pushed to work in a particular sector because of their background. Role models are important as this provides some normality to others and gives people motivation to strive. Schools should be encouraged to promote pride in the different cultures within their school and to address any issues in communities relating to racism.

Organisations must be open to promoting diversity within organisations and acknowledging racism, and developing clear anti-racist policies and procedures. Anti-racism / Intercultural Awareness training should be part of all employee's professional development.

Discrimination occurs when individuals are seeking private rented accommodation. Individuals are sometimes told accommodation is gone when they say their name.

Racism cannot be forgotten about in terms of health. Staff working within the health system should take part in training to be culturally aware of different communities. It is important staff who deal with the public are empathetic and are culturally sensitive to individuals.

Inclusion and Participation

There is a need for funding the Community Development and Youth Work Sector to continue working with diverse minority groups. It is in these spaces where communities come together to build their confidence, knowledge and skills. This leads to people actively participating in activities and discussions which lead to creating change and tackling challenges, locally and nationally. Individuals should be encouraged to speak about their culture to others who have very little knowledge and take leadership roles within the community. Community development is key is addressing the root causes of racism and inequalities.

Policies, practices and strategies which encourage integration and inclusion need to acknowledge racism, and how to tackle it locally, nationally and internationally. All policies in place need be reflective of the communities living in Ireland and apply to all who live in Ireland.

More awareness raising in regards to civil and political rights are needed. Education is key to ensuring all people living in Ireland understand their rights.

Recommendations

- Reporting an incidence of racism should be simple and use clear language. The steps involved in reporting racism should be made clear to the public, to make people aware of how to report hate crime to Gardaí.
- Anti-racism training should be provided to ensure staff can deal with a case fairly. If any training relating to equality is done by staff, it should be made visible to the community that such training has been undertaken. There should be timeframes for mandatory training.
- Anti-racism and Intercultural awareness training should be undertaken by all public sector staff, as part of public sector equality and human rights duty training.
- Strong policies are needed to ensure content which is racist is taken down immediately from online platforms and that there is a mechanism in place to block such content straight away.
- Racist reporting structures across both public and private sectors should be consistent – allowing for better data collection and analysis.

- Organisations should have policies in place to promote diversity and prevent discrimination within their organisation, and when working with the public, or sharing material to the public.
- Organisations and Government Departments should be held accountable for action taken (or not taken) when dealing with racist incidents.
- Ethnic identifiers would contribute to gathering data on the needs of communities we work with. Individuals should be provided with the option to identify with their background or not.
- Anti-racism training should be part of an employee's professional development, particularly when dealing with the public.
- Education curriculum should be reflective of the population living in Ireland at present. Extra resources identified and secured to support children, young people and their families achieve their goals.
- Government needs to implement effective plans with timelines to tackle racism and discrimination in regards to accommodation, education, employment and health.
- Government needs to commit substantial additional funding in Budget 2022 to support the Community Work and Youth Work sectors promote anti-racist and inclusive community and youth work practice. Hire more Community Development and Youth Workers if racism is to be addressed and eliminated.

Conclusion

Longford Community Resources Clg undertook this submission. As an organisation committed to the principles and values of Community Development (as set out '*All Ireland Standards for Community Work*') we engage with people from a variety of disadvantaged and minority backgrounds. This submission is based on this work and consultation with a number of these groups.

From: [REDACTED]
Subject: Migrant Women Gain Long-term Employment through AkiDwA Door to work Project
Date: Tuesday 3 August 2021 21:04:22

“Collaborations with other agencies including corporate bodies can bring productive, much needed and lasting changes in lives of vulnerable migrant women” says [REDACTED]

[REDACTED] The organisation which seeks to promote equality and justice for migrant women has recently completed Phase I of the *Door to Work* project supported by PayPal.

AkiDwA—Ireland’s network for migrant women—believes that without the attainment of equality in the workplace and in the access to employment, migrant women in Ireland cannot achieve full equality and integration in other spheres, for example, their communities, home and education. Thus, the *Door to Work* project was designed with the aim of ensuring the social inclusion of migrant women and their economic independence, primarily through the development of professional skills

AkiDwA successfully completed their *Door to Work* programme on the 7th of July 2021. *Door to Work* is an innovative project delivered in collaboration with PayPal. The project targeted women living in direct provision centres with right to work and saw one hundred and twenty PayPal staff offering their time and support to twenty-three migrant women through mentoring, career coaching and training on job search, preparation and presentation during interviews.

In their strategic plan *Shaping the Future 2019-2021*, AkiDwA identifies employment, alongside gender-based violence and health as one of the key areas of work for the organisation. In the long-term, it is envisaged that *Door to Work* will enable migrant women to secure lasting paid employment.

Furthermore, the programme aims to empower women to seek employment in areas of their own interest and in fields specific to the qualifications obtained in their country of origin (e.g. IT, media, communications, admin, finance, legal, community and development work).

Majority of the women participating in the project had the views that the only available job for them are in care or cleaning *“We want to try and reduce the stigma in Ireland that care, and cleaning are the only jobs suitable for refugees and asylum seekers.”* says [REDACTED], Project Officer of *Door to Work* at AkiDwA.

The project, which commenced in February of 2021, was an overall success with twenty-three out of twenty-seven registered asylum-seeking women taking part. PayPal enlisted other employers, such as SkillNet, Dress for Success, Indeed, the Irish Wheelchair Association and the Amplifier Group to take part in the project. AkiDwA secured a donation from PayPal which enabled the purchase of computer tablets, related equipment, and internet for each participant enabling access to online training. In March PayPal conducted mock interviews with the participating women for which they received extensive feedback. In May participants benefited from training sessions with SkillNet in Microsoft Excel, Word, and PowerPoint. Sessions were arranged with Indeed.ie to teach women how to apply for jobs using their platform.

“As a result of the Door to Work programme four participating women living in direct provision centres and with right to work gained long-term employment. Participants also gained confidence in attending interviews and writing CVs.” says [REDACTED].

“As a society we must all work together to ensure no one is left behind” says [REDACTED].

The Economic and Social Research Institute in their integration monitoring report has indicated that even though migrants are highly qualified they experience level of unemployment particularly Africans. In spite of the right to work now being granted to

people seeking international protection, many migrant women still face huge barriers in accessing employment. AkiDwA is currently undertaking research on the impact of the right to work on women seeking international protection in Ireland. Both PayPal and AkiDwA will meet in September to discuss the next phase of the programme.

For media queries please email: [REDACTED] or contact [REDACTED] on [REDACTED]
[REDACTED]

Background:

AkiDwA is a charity formally known as Akina Dada wa Africa (Swahili for sisterhood). Established in Dublin in 2001, AkiDwA has been representing migrant women in Ireland for almost two decades by providing policymakers with the unique perspective of a migrant-led national women's organisation. AkiDwA takes a holistic approach to integration that involves promoting both a migrant and a gender-specific approach to public services and by encouraging migrant women to access mainstream services and initiatives. We promote equality and justice for all migrant women in Ireland by ensuring equal opportunities and equal access to resources for all.

AkiDwA is based at Unit 2, Killarney Court, Buckingham Street, Dublin 1 Registered Charity Number [REDACTED]



MRCI's submission to the Anti-Racism Committee National Action Plan Against Racism July 2021

Migrant Rights Centre Ireland

Founded in 2001, MRCI is a leading national community work organisation working at the intersection of immigration and employment with migrants predominantly in non-unionized low paid and precarious sectors of employment. MRCI works directly with migrants who become undocumented, with people who have been trafficked for forced labour, with minority ethnic young people, and with migrant workers in domestic work, agriculture, homecare, restaurants, hotels and catering, cleaning and with fisheries.

Our work combines frontline services, policy, and advocacy with a community development approach that builds deep connections with migrant workers and supports their participation and leadership on migrant rights issues. In 2020, our Drop-in Centre provided information, support and advocacy on 3,442 cases to people across 125 nationalities. For the past 20 years, MRCI has been bringing issues of discrimination, exploitation and social exclusion into public view.

Introduction

MRCI welcomes the engagement on this strategy and the consultation process to date. It is important that the strategy articulates a vision of Ireland free from racism and discrimination. It therefore must be brave and ambitious in the action it takes to lead in the fight against racism. The plan must not only respond to direct racism, but make great strides to address institutional racism in Ireland. Recommendations are as outlined below to address this. The plan therefore needs to be informed by definitions that assist in understanding and addressing institutional racism in all its forms. Failure to do this will undermine this plan.

This strategy has the opportunity to ensure that people can live free from racism and discrimination, have a decent standard of living and working, giving people have what is needed to progress and flourish in work and life.

1. Overarching Recommendations

1.1 NAPAR Strategy, Implementation + Measurement Framework

An effective National Anti-Racism Strategy requires a number of key elements. Clear objectives and benchmarks inclusive of civil society concerns and be integrated across all Government departments as well as a number of new initiatives are key. Detailing targets with concrete actions, activities, outputs and timelines are essential to deliver the strategy. Developing an impact measurement framework with short, medium and long term indicators is essential along with putting in place a clear, robust and transparent monitoring system and implementation plan. This strategy must also make reference to and intersect with Ireland's National Integration Strategy.

At its core, the strategy must have a commitment to community development and principles of empowerment, participation, collectively, anti-poverty, inclusion, social justice, human rights and equality. To shore up success additional funding must be allocated towards its implementation, including funding for organisations working on the ground.

1.2 Establishing a new Anti-Racism and Integration Body

Establish a new independent National Expert Body for Minority Ethnic Communities, Integration and Interculturalism which would be responsible for the design, oversight and implementation of a NAPAR among other responsibilities to address all forms of racism in Ireland. This body will also advise the Government on ways to address new and emerging challenges and concerns, including responding to Far Right actors. MRCl recommends that funding for this area is ring fenced in budget 2021/2022 to establish this new body.

2. All forms of media and communications, including new technologies

Overview

The sheer lack of diversity across the workforce within the media is a significant factor in shaping people's perspective on ethnic minority and marginalised communities. Media coverage too often is framed in a negative light or told as a 'single story' and is not cognisant of the damaging effects harmful and racist language which often goes unchallenged has on marginalised and under-represented communities.

We live in a world where people's opinions are shaped and informed by the media, whether broadcast, print or social. If one only hears negatively about a particular group, that's the opinion they will form. Media has a significant role and responsibility in addressing racism. Diversity and difference across our communities need to be celebrated as the norm, not the exception.

Recommendations:

Department of Environment, Climate and Communications

- Anti-racism training for staff to combat racist ideologies and practices within media organisations, with a particular focus in the State Broadcaster RTE
- Transparency in pay grades, promotion and recruitment policies so that people from diverse backgrounds can apply and thrive in these organisations.
- Introduce paid internships targeting people from diverse backgrounds
- Ensure companies are taking actions to stop hate speech from proliferating in their platforms
- Invest in ways to report and block accounts that are promoting hate speech
- Invest in technology/algorithms to identify hate speech

Data Commissioner

- Provide additional funds to the Data Commissioner to bolster their role in the protection of people's data from manipulation and to hold big tech firm to account

3. Labour Market - Exploitation + Discrimination

Overview

The Irish Census 2016 shows that 17.3 percent of the population in Ireland was born abroad¹. Central Statistics Office (CSO) figures also show that 14.9 percent of the workforce are non-Irish nationals, with almost half employed in Food Services, Manufacturing Industries and Human Health and Social Work. Nearly half (46.9 percent) are classified as non-manual, manual skilled, semi-skilled or unskilled workers, compared to 39.2 percent of Irish nationals².

Despite the presence of a legislative framework related to discrimination in the labour market, it is acknowledged this is not consistently applied. While the Employment Equality Acts, 1998-2007, along with the Equal Status Acts, 2000-2004, seeks to protect employees from discrimination in employment on the grounds of gender, marital status, family status, age, disability, race, sexual orientation, religious belief, and members of the Traveller community, there remain still many limitations in the protection of workers.

Irish Labour Market

The labour market is characterised by low pay, underemployment and precarious work, which disproportionately affect migrant workers. According to the Think-tank for Action on Social Change (TASC), one in four people work for low pay in Ireland ³, and about 44% of workers are 'precariously

¹Chapter 5 Population and Diversity (2017) https://www.cso.ie/en/media/csoie/releasespublications/documents/population/2017/Chapter_5_Diversity.pdf

²Census Profile 7 Migration and Diversity (2017) <https://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile7-migrationanddiversity/#:~:text=Economic%20Status,for%2014.9%25%20of%20the%20workforce>

³The State We are In; In-Equality in Ireland; Sweeney, R. TASC March (2020) https://www.tasc.ie/assets/files/pdf/the_state_we_are_in_tasc_final_030320.pdf

employed’’⁴. The Nevin Economic and Research Institute (NERI) also points to a hidden precarity in the Irish labour market⁵.

The Organization for Security and Co-operation in Europe (OSCE) identifies a markedly higher rate of underemployment in Ireland than in many other OECD countries, due to the high incidence of part-time employment⁶. **The Migrant Integration Policy Index (2020) identified labour market mobility in the Irish labour Market as below average for migrants, leaving workers much less supported than in any other EU countries⁷.**

In addition, the International Labour Organisation (2020) carried out important research into pay gaps faced by migrant workers across 49 countries. **It found that in the last five years the migrant pay gap has widened in Ireland to 21 per cent compared to 19 per cent in 2015⁸.**

In tandem, a person’s point of entry to the labour market and their immigration status can further compound precariousness. It is well documented that this has a significant impact in determining labour market outcomes⁹. Despite some positive advancements prior to Covid-19, people still face many barriers in accessing and progressing within employment¹⁰.

3.1 Discrimination

Research carried out by the Economic and Social Research Institute into the impact of Ethnicity and Nationality in the Irish Labour Market showed that Black non-Irish people are 0.4 times as likely to be employed as White Irish and five times as likely to experience discrimination when seeking work. Black Irish people are twice as likely to experience discrimination seeking work and just under three and a half times as likely to experience discrimination in the workplace as White Irish people. Both Black Non-Irish and Black Irish people are much less likely to hold a managerial or professional job¹¹.

It went on to identify that White EU-East nationals had no difference in employment rates, but that this group is more likely to experience discrimination in the workplace. Members of this group are also

⁴Precarious Work, Precarious Lives, how policy can create more security; Pembroke, S. TASC (2018) https://www.tasc.ie/assets/files/pdf/precious_workersweb_version.pdf

⁵The new OECD Jobs Strategy Good jobs for all in a changing world of work (2018) <http://www.oecd.org/ireland/jobs-strategy-IRELAND-EN.pdf>

⁶Evidence of persistent precariousness in the Irish Labour Market; NERI Nugent, C. (Feb 2020) <https://www.neriinstitute.net/blog/evidencepersistent-precariousness-irish-labour-market>

⁷Migrant Integration Policy Index, Ireland 2020 <https://www.mipex.eu/irelandhttps://www.oecd.org/ireland/jobs-strategy-IRELAND-EN.pdf>

⁸The migrant pay gap: Understanding wage differences between migrants and nationals; International Labour Organisation (ILO) December 2020; https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_763798.pdf

⁹Policy and Practice Targeting the Labour Market Integration of Non-EU National in Ireland; Arnold, S. Quinn, E. Groarke, S. McGinnity, F. and Durs, C.; ESRI Research Series Number 89 (June 2019) https://www.esri.ie/system/files/publications/RS89_1.pdf; Ethnicity and Nationality in the Irish Labour Market Frances; McGinnity, Raffaele Grotti, Sarah Groarke & Sarah Coughlan ESRI + IHREC 2018

¹⁰Ethnicity and Nationality in the Irish Labour Market. McGinnity, F., Grotti, R., Groarke, S., & Coughlan, S. (2018) Economic and Social Research Institute and the Irish Human Rights and Equality Commission. <https://www.esri.ie/publications/ethnicity-and-nationality-in-theirish-labour-market>

¹¹Census 2016 Summary Results - Part 1; CSO (April 2017) <https://static.rasset.ie/documents/news/census-2016-summary-results-part-1-full.pdf>

considerably less likely to occupy managerial and professional jobs. The research also showed that Asian non-Irish groups do not differ from White Irish in terms of their overall employment rates but they are less likely to be in the top jobs. Amongst the reasons were lack of progression, inequality and underemployment which is consistent with the experiences of workers presented below.

In December 2020, MRCI produced research; *Access, Progress Thrive, Towards an Inclusive Labour Market* ¹² which highlighted problems across the labour market for people from an immigrant background. It outlined barriers to labour market participation and progression as a result of limited mobility, immigration status, terms and conditions of employment including exploitation, racism and discrimination, underemployment, the lack of social capital, recognition of skills and education and language acquisition.

3.2 Exploitation

It has been well documented that migrant workers experience exploitation and discrimination to a significantly higher degree to a range of factors/barriers including language, access to information and supports to contest issues, lack of union presence, vulnerability of non-EU migrants with employment permits held by their employers and undocumented migrants.

Covid-19 has shone a light on essential work across the labour market – care, retail, agri-food, manufacturing and processing. It put a sharp focus on the value of essential workers keeping the country going, in particular migrant workers and those who hold general employment permits and moreover migrant workers in meat factories, one of the hardest hit sectors under COVID-19. However this value is not reflected in their rights. It also laid bare deficiencies in institutions set up to protect workers. The Health and Safety Authority came under huge scrutiny and pressure in its inability to inspect workplaces and protect workers.

This period also amplified the social exclusion and has embedded exploitation in the experience of migrant workers. Migrant workers are overrepresented in sectors where pay is low, there are unsafe and poor conditions e.g. meat, fruit pickers, mushrooms, care work, hospitality. Many non-EU/EEA workers are tied to their employers due to the inflexible employment permit, and risk of precarious immigration status if they seek to change their employer. The lack of mobility for workers on general employment permits continues to put workers at risk of poor working conditions and exploitation.

Recommendations

Department of Enterprise, Trade and Employment, Department of Justice; and Department of Children, Equality, Disability and Youth

¹²Access Progress Thrive, Towards an Inclusive Labour Market in Ireland, MRCI Dec 2020

- Critical and long term funding to organisations reaching out, supporting and educating workers in precarious job sectors to better understand and assert their workplace rights, organise for better conditions and access redress when necessary.

The Department of Enterprise Trade and Employment

- Introduce gradual mobility to all Non EU/EEA workers as per recommendations below regarding employment permit rules
- Introduce stricter fines and penalties against employers who consistently fail to comply with employment and health and safety laws and regulations.
- Conduct research into the migrant pay gap that has significantly and worryingly widened in Ireland
- Introduce a Living wage for all workers in the state.

Workplace Relations Commission

- Active programme of information and inspection by the Workplace Relations Commission compliance section into low wage, precarious sectors.
- Clear access of undocumented migrants to seek redress through the Workplace Relations Commission.
-

Health and Safety Authority

- The Health and Safety Authority to develop guidelines for the meat processing sector

Education and Training Board

- A review of the impact of the ETB Skills for Work programmes. This should measure outcomes for migrant workers and progression and willingness of employers to give time off to staff. It should inform an outreach strategy to target migrant workers into training with a view to reform with more proactive engagement with workers particularly in low paid and precarious sectors of the labour market.

3.3 Employment Permit System

Overview

Ireland continues to operate an employment permit system that promotes inequality and limits the rights and progression of people on general employment permits. This system values IT workers over meat factory workers providing a suite of enhanced rights for the former. We believe that everyone who comes to Ireland to live and work deserves to be treated equally, have the same basic set of rights and opportunities to progress in the labour market.

Ireland operates a work permit system for non-EU/EEA workers. The Employment Permit system has created a multi-tiered system with different sets of rights and entitlements. The *Critical Skills Permit* gives immediate family reunification rights and access to the labour market after two years without the need for a permit. Spouses of *Critical Skills Permit* holders are given full access to the labour market on

a stamp 1G, while on the other hand a worker on a *General Employment Permit* is tied to an employer for five years, must wait for a year to apply for their dependents and spouses. In addition, spouses or dependents are only given a stamp 3 dependent status and must apply for a *General Employment Permit* to access the labour market which is subject to a limited list of job categories.

To change employers, workers have to go through complex administrative procedures which involve undertaking a Labour Market Needs Test, a minimum salary threshold and an ineligibility for certain sectors of employment. This complex process of changing employers puts non-EU/EEA workers at huge risk of falling out of the immigration system and at risk of poor working conditions and exploitation. Many migrant workers accept poor conditions of employment as they fear losing their immigration status. This unequal relationship often results in breaches in employment law, non-compliance and exploitation. Non-EU/EEA workers are clearly in a more vulnerable position in comparison to other workers, and unscrupulous employers can use this to their advantage.

Dependency on one employer for their immigration status which often leads to an abuse of power and exploitation. Currently if an employment permit holder leaves employment due to a dispute or exploitation they are not allowed to work for a new employer until a new application is made and a new permit issued. Thus, due to fear of losing their job, workers tend to endure the exploitative situation and opt not to access redress.

This is compounded if their permission to remain is nearly expired and with little time to look for a new employer, workers find themselves without legal status. Whilst a *Reactivation Permit* is in place which allows any person who loses their work permit through no fault of their own, for example as a result of exploitation, deception or fraud, an avenue to get back into the system. This however should be a mechanism of last resort.

Some newly arrived Employment permit holders depend on information with their employers. It is very challenging for workers to access information and make complaints especially when they are in the state for a short time and working in isolated places.

Reducing time spent on employment permits would give migrant workers access to live and work without a permit and to apply sooner for family reunification. This will allow workers a better opportunity to combat poor treatment and conditions, and have the moral and financial support of their families.

Recommendations:

The Department of Enterprise Trade and Employment

- Dissemination of Employment Rights booklet included in the Employment Permit
- Equality of all types of Employment Permits issued to workers;
- Change the general employment permit conditions to make them the same as critical skills permits which allow:
 - full access to the labour market after two years

- immediate family reunification rights and
- The right to work for spouses and dependents.

Finally, MRCI is also concerned about moves to amend legislation to introduce new seasonal employment permits with few rights and no provision to move to other work in the State will lead to eth exploitation on newly arrived migrant workers. We are firmly against such moves. However, should this go ahead, any seasonal permit introduced must make provision for permit holders to transition to more long term work and status in the state.

3.4 Undocumented workers, children, young people and families

Undocumented Migrants

Overview

Irregular migration is a common feature of all modern managed migration systems. MRCI very much welcomes the introduction of the regularisation scheme to respond to long term undocumented migrants in the state. This is due to be signed off by the Cabinet in September and application accepted in Q4 of 2020.

In 2020 the Justice for the Undocumented campaign group launched the *Live Here, Work Here, Belong Here*, a survey with over 1,000 undocumented people to strengthen the call for a broad and inclusive regularisation scheme¹³. The survey found that over 75% of undocumented people have been here for over five years. Undocumented workers work across low-wage and non-unionised sectors such as elderly care in the private home, restaurant and catering, child-care and construction. The survey also found that 46% of people are working long hours over 40 hours per week and 26% don't receive the minimum wage.

A regularisation scheme's criteria for eligibility needs to take account of a range of factors; the historical context of migration; the cohorts of people the scheme is trying to reach and respond to; and the complexity of people's lives to maximise the scheme's impact. This regularisation scheme needs to be accessible, simple and clear so that eligible people can apply themselves without the need for additional support.

However we are deeply concerned that the criteria currently being proposed could undermine the intention of this scheme to be broad and inclusive. We are concerned that the current residency requirements coupled with a lack of clarity on the inclusion of those with Section 3's and deportation orders puts up to 8,000 people¹⁴ at risk of being excluded from this scheme. It is imperative that this scheme is broad and inclusive.

¹³ 'We Live Here, We Work Here, We Belong Here' A survey of over 1,000 undocumented people in Ireland 2020

¹⁴ Question No: 468 DÁIL QUESTION addressed to the Minister for Justice (Deputy Helen McEntee) by Deputy Patrick Costello for WRITTEN ANSWER on 17/12/2020 (To ask the Minister for Justice the number of persons with an open application for leave to remain on humanitarian grounds at present.

Recommendations:

Department of Justice

- Ensure the regularisation scheme outlined in the Justice Plan 2021 is as broad and inclusive.
- Any definition of undocumented used for the purposes of this scheme MUST include those in the Section 3 process and with deportation orders.
- Any definition of undocumented for the purposes of this scheme must include dependents, spouses and de facto partners.
- A shorter residence requirement be included as part of this scheme - including those who reach the residence requirement during the lifetime of the scheme; the undocumented residence requirement should not have to be continuous and unbroken
- Legal residence prior to becoming undocumented should also be taken into account.
- Low fee for application and registration as part of this scheme, especially in light of the Covid 19 pandemic, so that workers and families can regularise without difficulty.
- Assurance that it is safe to apply and that information gained as part of the application process will remain confidential and will never be used in order to pursue those who are not successful in any way.

Undocumented children and young people

Children of undocumented families are impacted by their legal status. They are more likely to have poorer outcomes in terms of access to third level education and the labour market, and they are more at risk of poverty and social exclusion. Under the Child First Act, all children living in Ireland, whether born here or not, are treated equally and afforded the same rights, it was amended in 2015 to reflect this. However it is not always the case, eg undocumented children do not have access to Child Benefit payment, due to the Habitual Residence Condition. Without access to this intended universal payment, this perpetuates cycles of poverty and inequality in undocumented communities.

In addition, undocumented children and young people are less likely to report a crime or abuse, for fear of being reported to the authorities. Undocumented parents in some cases don't register the birth of their child due fear and no Firewall between departments to protect people's data from being shared. Undocumented children in the care of the state require a specific set of supports, primarily to have their immigration status rectified before turning 18, when state support is removed. To date the State has not implemented any of the recommendations set out by the Committee on the Rights of the Child in their Concluding Observations for Ireland in 2016.

Undocumented children and young people in the State are being denied their basic human rights. They have no rights to residency, despite being born in the State or having spent their formative years in primary and secondary education in Ireland. There are no formal procedures to retrospectively address the situation of children with an irregular migration status. Equally no provisions have been made for children who may be born to undocumented parents in the future.

Recommendations:

Department of Justice and Department of Children, Equality, Disability and Youth

- Introduction of a long-term mechanism in law whereby undocumented people, children and young people can regularise their status on an ongoing basis. This will provide protection against poverty and social exclusion, and from long term exploitation as young people move into the labour market
- Ensure child appropriate and safe reporting of crime and abuse to services; immigration status should not be investigated in these proceedings
- Undocumented children in care need access to a clear legal framework so that they can regularise their status before turning 18, when state support is removed.

Department of Health

- Make it safe for undocumented parents to register the birth of their child.

4. *Access to Justice*

4.1 *Access to Workplace Relations Commission*

Overview

Undocumented employees are unable to access the workplace relations tribunals (Workplace Relations Commission and labour court) to seek redress for breaches of employment law. Under the Employment Permits Amendment Act 2014 must seek recourse in the ordinary court, which is a lengthy and costly process requiring access to legal representation, and could leave workers open to costs. This discriminates between workers and creates conditions for exploitation to fester.

Recommendations:

The Department of Enterprise Trade and Employment

- The Workplace Relations Commission must be open to all workers regardless of immigration status.

4.2 *Reporting crime safely*

Overview:

People who are undocumented fear engaging with public authorities, especially with the police, because of the risk of being deported/ put into deportation proceedings and detained. This allows them to be targeted by criminals who know that their crimes will go largely unreported. It makes neighbourhoods less safe and undermines security. EU law does provide protections for undocumented people who have

been victimised and several EU countries have extended protections¹⁵. *“The 2012 EU Victims’ Rights Directive places priority on a person’s safety, security and protection ahead of enforcement measures based on residence status. While it doesn’t resolve the status of an undocumented person, it requires states to ensure that rights do not depend on the victim’s residence status or their citizenship or nationality. The directive entitles all victims to access free and confidential support services, even if they choose not to file a criminal complaint.”* The 2012 EU Victims’ Rights Directive creates common standards across all EU member states for the rights of victims of crimes. The directive clearly places the priority on a person’s safety, security and protection ahead of enforcement measures based on residence status. While it doesn’t resolve the status of an undocumented person, it requires states to ensure that rights do not depend on the victim’s residence status or their citizenship or nationality. The directive entitles all victims to access free and confidential support services, even if they choose not to file a criminal complaint.

Recommendations:

Department of Justice and An Garda Síochána

- Implement a firewall to allow safe reporting of crime under a guarantee that no information will be shared with immigration authorities and that a person’s immigration status will not be investigated as part of the criminal investigation.
- Introduce a visa or status for undocumented victims of crime to allow them to safely report crime, not dependent on conviction.
- Comprehensive anti-racism training across An Garda Síochána
- A recruitment drive that increases diversity across An Garda Síochána, which addresses the cultural bias in recruitment practices.

4.3 Domestic violence

Overview:

The Migrant Rights Centre Ireland Drop-In Centre (DIC) provides support, advocacy and information to victims of domestic violence, predominantly in the areas of immigration, housing and social welfare. Through this support, the DIC has identified a number of key issues in supporting victims of Domestic, Sexual & Gender Based Violence (DSGBV) from a migrant background and how they are treated differently.

People who are undocumented are generally unable to access refuges, on the basis of their immigration status. The majority are refused, or when they are permitted to stay, this is on a shorter basis than people with a valid immigration status.

In many cases a victim’s immigration status is dependent on the perpetrator’s immigration/ residency/ citizenship status. A number of key issues arise from this:

¹⁵ <https://picum.org/what-justice-for-undocumented-migrants/>

- The victim is reluctant to leave the relationship, on the basis their permission to remain in Ireland is dependent on the perpetrator
- In the instance the victim does leave, they can apply for independent status in the State, however the time spend waiting for a decision on their application for independent status generally outlasts the time permitted to stay in the refuge
- Independent status is still based on a number of factors including length of time in the State, circumstances of relationship, etc.

Immigration offices, social welfare officers and housing authorities are not cognisant to the issues of domestic violence and are limited in compassion when interacting with victims.

While we welcome the rent supplement provision, more social welfare support and housing supports must be provided to ensure individuals can support themselves. Limited social welfare or long term housing supports are provided to victims of domestic violence, who are leaving a relationship, particularly individuals who were previously on Stamp 3, and therefore have never worked in the State.

Recommendations:

Department of Justice

- Introduce a 6 month temporary 'recovery' immigration status. This is an immediate temporary Stamp 4 status, granted to victims of domestic violence, ensuring access to basic social welfare supports, housing assistance, job opportunities, ability to move out of refuge with little worry of immigration status and access to family law court
- Make provision for funding to give enhanced support to victims including culturally specific court accompaniment services

Department of Housing, Planning and Local Government

- Eliminate all barriers for people who are undocumented and are victims of DSGBV, in accessing refuges and housing
- Increased funding to facilitate more available beds in safe houses and refuges, to overcome the limited spaces victims can access. This needs to be addressed in a rural dimension, including supply and ensuring information is provided in multiple languages.
- Ensure refuges and safe houses are culturally welcoming including but not limited to: Designated places to pray; Offering Halal food; Providing culturally appropriate and language appropriate counselling services

Department of Social Protection

- Training should be provided to all immigration officers, social welfare officers and housing authority officers in anti-racism and on the complexity of the immigration system

4.4 Arrivals at the border/Border management Unit

Overview

Under the 2004 Immigration Act officials have wide discretion to refuse permission to enter the state, thus there is little transparency and data on reasons for refusal that could show patterns of discrimination and racism.

The rise in numbers of people detained in state prisons for immigration breaches – both in the country and on arrival – is concerning. The use of prisons for this purpose is a disproportionate response to an administrative breach, as held by European Committee on the Prevention of Torture and can amount to discrimination. This includes the imprisonment of people who have been denied leave to land/permission to enter the state. MRCI advocates the use of alternatives to detention e.g. reporting requirements, community supervision arrangements, surety, and residence requirements.

Recommendations:

Department of Justice

- Introduce transparent in the leave to land process and produce robust reporting in this area
- At a basic level individuals should have the reasons for their refusal clearly explained in a language they understand. Section 4.4 of 2004 Immigration Act requires explanation in writing, but does not address translation into another language.
- Eliminate the practice of unsolicited search on mobile phones, computer, emails etc looking for evidence
- Ensure a programme of anti-racism and cultural sensitivity training for all border staff; for example to apply a humane and respectful way of questioning by Immigration officer

3.5 Online appointment booking system

Overview

There is very serious difficulty in booking any appointments via an online booking system in INIS and there is significant evidence to show that many people who successfully obtained appointments have been paying €20 to €40 to private services (bots). INIS needs to improve their online system and enhance security features to prevent the exploitation of people in vulnerable positions.

Recommendations:

Department of Justice

Irish Naturalisation and Immigration Service

- Efficient online registration is in place to prevent people falling out of immigration system and unscrupulous private service.

5. Education

Overview

The current education system in Ireland does not fully reflect an inter-cultural Ireland. This includes the lack of diversity within the workforce and outdated curricula.

There are not nearly enough teachers from diverse backgrounds visible in our schools and colleges. Teachers with qualifications from outside of Ireland and the EU often find that their qualification isn't recognised here. Furthermore, the high percentage of schools (*90% of primary schools and 50% of secondary schools*) and teacher training colleges are under the Catholic patronage and present limited options for those of different faiths or non-religious communities. Students and teachers from minority ethnic backgrounds do not see themselves or their stories told and represented in curricula. Unfortunately, schools can often be the place where children and young people experience direct racism. Without adequate anti-racism training and policies in place, they are less likely to come forward and seek help.

Children and young people who are undocumented and those recently documented face significant barriers in terms of equality of access to educational opportunities. For example, parents are required to have a PPSN when registering a child at school, though not a legal requirement, it creates further fear and anxiety in undocumented communities. When undocumented young people complete their second level studies, they are left with little to no opportunities to continue with education.

Scholarships and access pathways require an immigration status, thus furthering exclusion of a cohort of young people. Arbitrary and complex grant applications often deter people from applying, as it has been noted that administrative bodies aren't prepared when an applicant with a recent residency status via a scheme or leave to remain application comes forward to apply for state financial assistance. Young people from a migrant background, with precarious immigration status are not given the same opportunities to reach their full potential as their peers, and can find themselves working in low-paid and poorly regulated sectors for a long period of time.

Recommendations

Department of Education and Skills

- Robust and permanent age appropriate curriculum on anti-racism and diversity, from preschool to 3rd level
- Curriculum and policies need to be cognisant of minority and ethnic communities; decolonisation of school curriculum and removal of mandatory Irish language curriculum for recently arrived children and young people
- Remove requirement for PPSN to register in schools (only necessary for capitation grant for schools, not a legal requirement)
- Training and upskilling across all teacher training institutes on anti-racism and diversity

- Targeted efforts to increase representation of teachers and educators from minority ethnic backgrounds

Department of Further and Higher Education

- Training and upskilling across all educative administrative bodies (institutions, universities and grant bodies) regarding anti-racism and migration;
- Robust Anti-racist policies, regulation and safe reporting procedures in schools and universities
- Allow access to 3rd level education for undocumented young people
- Remove ineligibility criteria so that undocumented people can access scholarships

6. Health

Overview

People from a migrant background, especially those who are undocumented, are disproportionately affected when accessing fundamental health services. It should not be the case whereby a person's immigration status or lack of a PPSN denies them access to healthcare - unfortunately such people face discrimination and limited access to health. Their access is compounded by a number of factors: lack of accessible information in a language they understand; fear of engaging with authorities; lack of safe access to PPSN; frontline service providers not getting the up-to-date information. For example, we've been supporting people who are undocumented and those without a PPSN to access the COVID19 vaccine and, there have been instances of people being denied the vaccine and turned away from vaccination centres because the information isn't reaching the frontline.

Many people report not feeling their experience is validated when accessing health services, due to cultural and linguistic differences. This further discourages people from attending to their health needs.

Recommendations:

Department of Health and the Health Service Executive

- Implement clear anti-racism policy and practices within all healthcare settings in Ireland, this includes diversity policies, suitable reporting mechanisms to reports instances of discrimination or racism
- Remove ante-natal cost barriers for people who are undocumented
- Ensure people who are undocumented have the same level of access to medical and health services, this includes access, cost and ability to access medical cards and PPSN
- Validate and amplify the experience of individuals from ethnic and minority backgrounds
- Implement a permanent Firewall between the Department Health and Department of Justice so that no data is shared, and people can come forward and access health services. Make this clear on the HSE website.

7. Accommodation

Overview

As with health, we have recorded people from migrant backgrounds not having equality of access to housing - whether that's in the private rental market, emergency accommodation and social housing. As above, those who are undocumented or without a PPSN face significant barriers in accessing decent housing.

Recommendations

Department of housing planning and Local Government

- Remove all barriers for people who are undocumented to access emergency accommodation in Ireland
- Remove the barrier of a PPSN for urgent emergency accommodation
- Remove barriers of people who are undocumented and victims of domestic violence accessing refuges or emergency accommodation
- Remove the need for people accessing emergency or temporary accommodation to have to return to the county they came from
- Provide more options for medium and long term accommodation and supports to people to remain in their accommodation
- Implement a permanent Firewall between the Department Housing, Planning and Local Government and Department of Justice so that no data is shared, and people can come forward and access health services. Make this clear on all relevant websites.

ENDS*

Contact

██████████
██████████

Submission to the Anti-Racism Committee Public Consultation

14th July 2021

Nasc, the Migrant & Refugee Rights Centre
34 Paul Street
Cork



Submission by Nasc, Migrant and Refugee Rights Centre to the Anti-Racism Committee Public Consultation

Introduction:

1. Nasc, Migrant and Refugee Rights Centre is a non-governmental organisation based in Cork City, Ireland. Nasc, the Irish word for 'link', empowers migrants to realise and fulfil their rights. Nasc works with migrants and refugees to advocate and lead for change within Ireland's immigration and protection systems, to ensure fairness, access to justice and the protection of human rights.

2. Nasc, founded in May 2000, has over two decades of experience supporting refugees, asylum seekers and ethnic minority communities in Ireland. Through our various projects including our free legal service, our migrant youth project and our education and employment project for refugee women, Nasc provides information, advice and support to over 1,200 people annually. Nasc also provides support in the form of referrals and training to mainstream services working with migrant and ethnic minority communities. This submission is directly informed by our day-to-day experiences working with migrants, refugees, asylum seekers and ethnic minorities living in Ireland. It aims to identify issues disproportionately impacting Ireland's migrant, asylum seeking and ethnic minority communities.

3. Nasc welcomes the work of the Anti-Racism Committee and would like to express our thanks for the opportunities to contribute to the Committee's facilitated sessions earlier this year. We would like to state our support for the recommendations made by the Anti-Racism Committee in the Interim Report.

Domestic and Gender-Based Violence

4. Nasc were particularly pleased to see the recognition given to the needs of migrant women experiencing gender-based violence. Nasc works closely with domestic violence support services in Cork and provides immigration information, support and advocacy to migrants experiencing domestic violence both through our legal information service and through our integration projects working respectively with migrant and refugee women and with children and young people. Nasc's direct experience of working with victims of domestic violence is that in every instance of domestic violence reported to our services where the victim's immigration status has been tied to that of their abuser, the abuser has used that to threaten, control or coerce the victim. Our experience has shown that victims will remain in abusive relationships for longer because they feel trapped by their immigration status.

5. Ireland's immigration system, migrants who hold a derivative residence permission may find their immigration residence permit indefinitely tied to that of a sponsoring family member who may be an Irish citizen or a migrant themselves. The dependent migrant may be the spouse, intimate partner, child or parent of the sponsor. In practical terms, this means that the migrant and sponsor may often need to reside together at the same address (especially where the relationship is a marital or intimate partner relationship) and the dependent migrant may be required to physically present with the sponsor in order to register or to renew their immigration residence permit. Nasc's

experience has been that this creates an imbalanced power dynamic where the abusive sponsor can wield 'control' over the dependent migrant family member as the withdrawal of their cooperation with an immigration renewal application can directly lead to the dependent migrant family member becoming undocumented.

6. This power imbalance is made worse when the migrant family member is entirely financially dependent on their abusive sponsor. Migrant spouses and partners (particularly of employment permit holders) in Ireland are routinely given an immigration permission, colloquially referred to as a 'Stamp 3' which excludes them entirely from the labour market or from accessing social welfare payments or housing supports. There is no clear progression pathway to move from a 'Stamp 3' immigration residence permit to an immigration permission that permits access to the labour market.

7. The Department of Justice's policy document¹ which outlines the discretionary application process for victims of domestic violence to apply under in order to retain an immigration permission excludes undocumented migrants who experience domestic violence from their remit. Nasc are also concerned by inconsistent and untransparent decision-making with no time limit set for a decision to be made on an application. An extended application process can mean that the applicant becomes undocumented and loses housing or financial supports or even employment as a result.

Recommendations:

Introduce a statutory right to retain a residence permission in the event of the breakdown of a family relationship where it is warranted by particularly difficult circumstances including domestic or sexual violence.

Introduce an automatic right to an independent residence permit after a 2 year period of residence in the State. This residence permit should allow full access to the labour market.

Access to services

8. Despite 535,475 people identifying as non-Irish nationals living in Ireland in the 2016 census, Ireland's bureaucracy remains slow to adapt to the reality of the diversity of our population. Although migrants are making permanent homes in Ireland and are accessing services here daily, Nasc's experience over the past twenty years is that the needs or experiences of migrants, refugees, asylum seekers and black and minority communities are consistently not thought of, or appear to be an afterthought, when mainstream State services or policies are being designed. The State's failure to take into account the needs of these communities create structural barriers to accessing services. By way of example, policies which require applicants to present national passports as proof of identity prevent recognised refugees who cannot hold national passports as well as asylum seekers from accessing those services. These barriers vary from administrative burdens to ill thought-out nationality criteria to access services which in some cases may breach EU Law.

¹ Department of Justice, Victims of Domestic Violence Immigration Guidelines, (<http://www.inis.gov.ie/en/INIS/Victims%20Of%20Domestic%20Violence%20-%20Note%20for%20Web.pdf/Files/Victims%20Of%20Domestic%20Violence%20-%20Note%20for%20Web.pdf>)

9. One example of where a mainstream State support likely breaches EU law is the support offered to low-income first-time buyers through the State-financed and local council administered Rebuilding Ireland home loan scheme. Qualification for the scheme includes a requirement for the applicant to have an “indefinite right to remain in Ireland either through nationality or refugee status”. While it is extremely questionable non-EEA family members of Irish citizens (in particular spouses) are excluded from accessing these supports, the exclusion of third country national family members of EEA citizens resident in Ireland under Directive 2004/38 EC is very likely a breach of EU Law.

10. Nasc believes that there is a very low level of knowledge amongst government departments outside of the Department of Justice around the different types of immigration permissions, derivative rights of residence and IRP Cards and this lack of knowledge has led to cohorts of migrants being excluded from accessing services regardless of their length of residence in, or their connection to in the State. This results in cases such as the Rebuilding Ireland example outlined above where a State service was designed (either intentionally or inadvertently) to exclude the vast majority of migrants in the country or cases where mistakes are routinely made in administering a service because civil service staff members are unclear what immigration statuses mean. Our service routinely has to intervene where migrants have been wrongfully denied access to services, include essential service such as social welfare payments, because their immigration status has been misunderstood.

Recommendation: When State services are being designed, the relevant Government Department should ensure that their policies are not exclusionary to migrants, refugees, asylum seekers and black and minority communities. Where a decision is made to limit access to services based on nationality or immigration criteria, the Department should provide a short, written justification for why these exclusions apply. This would at least force the Department into actively considering their policy choices.

Interpretation and translation

11. Ireland’s 2016 census found that approximately 13% of people living in Ireland speak a language other than Irish or English at home. 14.2% of this cohort indicated, when asked about their proficiency in English, that they spoke English ‘not well or not at all’. This cohort of the population relies on interpreters to access services however Ireland’s interpretation services are not regulated. In other countries interpretation and translation are strictly regulated – not only as to their competency in the languages spoken, but also how an interpreter behaves in the course of the interview. In Ireland it is possible for anyone to set themselves up as an interpreter or translator without having to demonstrate a threshold of competency in either language or to demonstrate an understanding of the ethics of interpretation. Put simply, when you hire an interpreter in Ireland, there is no way to gauge that person’s level of competency in English or in the language they are interpreting into.

12. It is perhaps unsurprising then there are widespread reports of poor practice. Nasc have repeatedly heard from our clients and service users they may have struggled to communicate with an interpreter who spoke a different dialect or who wasn’t fluent in the language they were interpreting in. More worrying still are instances where the interpreter deliberately fails to interpret

or misinterprets what is being said. These concerns were raised by asylum seekers who participated in the McMahon Working Group consultations in the context of interpretation asylum application and appeal interviews:

“LGBT friendly interpreters should be available: Some participants found that interpreters would sometimes chastise the person for being LGBT; they also experienced people using derogatory terms to describe their sexual orientation or gender identity.”²

13. In addition to the issues raised around the quality of interpretation, the availability of interpretation for people accessing public services is inconsistent at best. Nasc’s experience has been that migrants and people from ethnic minority backgrounds continue to rely heavily on family members and friends to provide informal translation when they access health services, housing services and social welfare services and are not made aware of the availability of interpretation services. This can impact significantly on the quality of care or service provided to migrants and people from ethnic minority backgrounds.

14. There is a clear need for the public services to ensure they are meeting their Public Sector Duty (Public Sector Equality and Human Rights Duty, Section 42 of the Irish Human Rights and Equality Commission Act, 2014) by ensuring that their service users are facilitated to access public services in a language they can understand.

Recommendations:

Implement the recommendations of the McMahon Report (2015) relating to the training and registration of interpreters.

Provide training for frontline public sector staff on how to assess language needs and determine when an interpreter is required and how to work through an interpreter.

Ensure that all public sector staff and service users are aware of how to request and book interpreters.

Children and Families

Over-representation of migrant children in the care system

15. The Final Report of the Child Care Law Reporting Project in 2015 found that “a disproportionate number of the families before the child protection courts had at least one parent from an ethnic

² Department of Justice & Equality, Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers (2015) (McMahon Report) at 3.273 available at <http://justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

minority”³ with 26.5% of respondents to the research including at least one parent from an ethnic minority (excluding Travellers who represented a further 4.4% of respondents). The report was concerned with both the lack of early intervention and integration services for migrant families as well as the lack of mental health supports for migrant parents, particularly those living in direct provision or from refugee backgrounds who had experienced trauma. This is supported by 2015 data from HIQA which found that the rate of referrals for children living in direct provision was almost 9 times higher than that of the general population of children.⁴

16. More recent research on children and families arriving in Ireland through the Irish Refugee and Protection Programme as refugees described extremely worrying trends as staff in Emergency Reception and Orientation Centres made unnecessary referrals to child protection services. In *Safe Haven: The Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study* (Safe Haven Report) found that EROC staff had “overly high expectations as regards supervision”⁵ with stakeholders expressing that “unnecessary”⁶ child protection reports were being made. The report also notes “paternalistic”⁷ attitude of some EROC staff towards residents. In the same report, an EROC staff member recounted advising Syrian refugees that their children could be taken from the parents and the family would be deported if they failed to supervise their children at all times.⁸

17. In 2021, the Ombudsman for Children published a report which made serious findings regarding failings in monitoring and oversight in accommodation centres. The report further found that Tusla, has no mechanism in place “gather data about children living in [Direct Provision] accommodation which might identify risks and inform planning at a strategic level.”⁹ The Ombudsman for Children also included a report that that “[a] misleading notice was issued to parents which implied that child protection and welfare services may remove children as a result of a lack of parental supervision in the centre”¹⁰

18. Although we are not aware of any research published on the reasons for the over-representation of children from ethnic minority backgrounds, the incidents outlined above together with anecdotal data from our services including from Nasc’s own social work-led project working with children and young people from at-risk migrant and asylum seeking backgrounds, suggest that the referrals are

³ Child Care Law Reporting Project Final Report (2015), Child Care Law Reporting Project, 13, available at https://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf

⁴ Health Information and Quality Authority (HIQA) *Report on Inspection of the Child Protection and Welfare Services Provided to Children Living in Direct Provision Accommodation under the National Standards for the Protection and Welfare of Children*, (2015) found that approximately 14% of the population of children living in direct provision were referred to the Child and Family Agency in one year which is a significantly higher referral rate than for the general child population of 1.6%.

⁵ Ní Raghallaigh M., Smith K. & Scholtz J, *The Needs of Refugee Children Arriving in Ireland through the Irish Refugee Protection Programme: An Exploratory Study*, (September 2019) Children’s Rights Alliance available at <https://www.childrensrights.ie/sites/default/files/Safe%20Haven%20Main%20Report.pdf>

⁶ Ibid, p. 39

⁷ Ibid, p. 40

⁸ Ibid

⁹ Ombudsman for Children, *Safety and Welfare of Children in Direct Provision – An Investigation by the Ombudsman for Children’s Office* (April 2021), p. 6 Available to download at <https://www.oco.ie/library/safety-and-welfare-of-children-in-direct-provision-an-investigation-by-the-ombudsman-for-childrens-office/>

¹⁰ Ibid, p. 3

more likely to be made in respect of migrant and/or ethnic minority children and that migrant and ethnic minority parents do not have sufficient access to early intervention services which would potentially prevent child protection issues from escalating. Our own experience at Nasc is that many referrals are made because of poverty-based neglect or parent(s)' mental health issues. A key concern is that there is a perception amongst migrant and ethnic minority parents that any intervention from a child protection social worker will lead to a child being taken into care and this makes parents less likely to work with social workers to improve the situation.

Recommendations:

IPAS and Tusla should take immediate steps to implement the recommendations in the *Safety & Welfare of Children in Direct Provision: An investigation by the Ombudsman for Children's Office* report.

IPAS and Tusla should devise specific training on anti-discriminatory practice as well as culturally competent child protection training for all IPAS accommodation staff.

Research should be commissioned into the over-representation of children from migrant and ethnic minority backgrounds in care with examining what, if any, part structural racism plays in child protection referrals and the treatment of referrals.

Early intervention supports with an emphasis on preventing children from entering the care of the State should be developed and funded by Tusla.

Child Benefit

19. Since 2004, child benefit payments have not been payable to families in the international protection system¹¹. The impact of the loss of financial support for families in the international protection system was noted by the Joint Oireachtas Justice and Equality Committee who found that, "[f]amilies in Direct Provision do not have access to child benefit, with the payment having been discontinued since 2004. Parents often have difficulty in meeting the costs associated with school-going children - such as uniforms, 'voluntary' contributions and extracurricular costs such as class trips and sports clubs"¹². Even Irish citizen children whose parents are not habitually resident in the State receive significantly less State financial support than their counterparts with habitually resident parents¹³.

¹¹ The exclusion of protection applicants from some social welfare entitlements is provided for in the Social Welfare and Pensions (No. 2) Act 2009, which prevents protection applicants from fulfilling the habitual residence condition requirement.

¹² Joint Committee on Justice & Equality, Report on Direct Provision and the International Protection Application Process (December 2019), p. 38

¹³ *Agha (a minor) & ors v Minister for Social Protection & ors and Osinuga (a minor) & anor v Minister for Social Protection & ors* [2019] IESC 82: The Supreme Court overturned a Court of Appeal ruling which would have allowed parents in direct provision with Irish citizen children or children with a legal residence status apply for child benefit. The Supreme Court found that the provisions of the Social Welfare Act, which required the parents rather than the child to be habitually resident in the State, did not give rise to any inequality of treatment in terms of those entitled to claim child benefit.

Recommendation: The Child Benefit payment is an important mainstay against child poverty in Ireland and as such, it should be a universal payment and not be subject to the habitual residence condition.

Family Reunification

20. The International Protection Act 2015 (2015 Act) reformed Irish law on refugee family reunification and removed the right for refugees and persons eligible for subsidiary protection to apply for dependent family members including parents, adult children, siblings and wards. The narrow definition of a family in the 2015 Act does not account for the reality of refugee families which can often include orphaned children who have been informally ‘adopted’ by relatives. The exclusion of dependent adult children from family reunification is particularly egregious given the long delays in the Irish international protection system. Refugees waiting for years to receive a refugee declaration may find that their teenage children have become young adults and are no longer eligible to reunify with the refugee in Ireland. These restrictions have had the effect of undermining the family lives of refugee families¹⁴.

21. In 2017, the International Protection (Family Reunification) (Amendment) Bill¹⁵ was brought before the Oireachtas. The Bill would have alleviated the harshest restrictions imposed by the 2015 Act and received the support of the Oireachtas Committee on Justice and Equality¹⁶. Despite wide support from opposition parties, the Bill was opposed by the then-minority government party who prevented it from passing out of Committee Stage by refusing to pass a ‘money message’.¹⁷

Recommendation: Pass the International Protection (Family Reunification) (Amendment) Bill to restore family reunification right for refugees.

(a) Remit of the Ombudsman for Children

¹⁴ See Smith, Ní Raghallaigh, Johnson & Izzeddin, *Invisible People: The Integration Support Needs of Refugee Families Reunified in Ireland*, Nasc, Migrant and Refugee Rights Centre (2020) available at <https://nascireland.org/publications/invisible-people-integration-support-needs-refugee-families-reunified-ireland-2020> and ‘A family belongs together’: Roisín Hinds, *Refugees’ experiences of family reunification in Ireland*, Oxfam Ireland, Nasc & Irish Refugee Council (2018) available at <https://nascireland.org/publications/family-belongs-together-refugees-experiences-family-reunification-ireland-2018>

¹⁵ International Protection (Family Reunification)(Amendment) Bill 2017, Bill 101 of 2017 available at <https://www.oireachtas.ie/en/bills/bill/2017/101/>

¹⁶ Joint Committee on Justice and Equality Report on Scrutiny of the International Protection (Family Reunification) (Amendment) Bill 2017 [PMB] July 2019 available at https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/report_s/2019/2019-07-04_report-on-scrutiny-of-the-international-protection-family-reunification-amendment-bill-2017-pmb_en.pdf

¹⁷ Under Article 17.2 of the Irish Constitution, any Private Members' Bill that could result in the expenditure of public moneys requires a “money message” (recommendation) signed by the Taoiseach. This was used to prevent the passage of Bills that otherwise might have enjoyed majority support in the 32nd Oireachtas.

22. Migrant and asylum-seeking children are unable to make a complaint about the refugee status determination process or the immigration system to the Ombudsman¹⁸. Undocumented children who are in the process of regularising their immigration status are also unable to bring complaints to the Ombudsman with regard to their immigration status determination.

Recommendation: Extend the remit of the Ombudsman for Children's Office to include oversight of immigration and international protection applications.

Policing

23. There are low levels of trust amongst migrant communities in the Garda Síochána. This is supported by the most recent report of the Policing Authority¹⁹ which describes "diminished trust and low expectations amongst migrants as to what they can expect from the Garda Síochána"²⁰. The involvement of the Garda National Immigration Bureau in the day-to-day operation and administration of immigration registration outside of Dublin means that many migrants interact with the Gardai primarily in those functions. Together the lack of an immigration firewall, and a perception amongst migrant communities of racial profiling by Gardai, it is unsurprising that migrants may lack confidence in interacting with the Gardai.

Safe reporting of crime

24. Nasc is concerned that there is no formal guidance on Garda Síochána policy with regard to investigating the immigration status of people reporting crimes or cooperating as witnesses in criminal investigations. In practice, we are aware that Gardai may initiate an investigation of immigration status after the criminal investigation is complete. This is borne out by media reporting of an internal Garda study completed by Inspector David McNerney²¹ which states that there were no written instructions about how to handle such cases and decisions about whether to investigate immigration status or when to investigate immigration status were made on a discretionary basis.

25. Our experience is that this has a chilling effect on the reporting of crime by migrant communities particularly where the victim is undocumented or has a precarious immigration status. Similarly, there can be a reluctance or fear in reporting domestic or gender-based violence. In circumstances where the perpetrator of the violence is the immigration sponsor of the victim, almost uniformly our service users have been threatened by their abuser that reporting that abuse to the Gardai will result in their deportation. The Garda Síochána don't appear to be trained to deal with the unique complications presenting in abusive relationships where the migrant is tied to their abuser through their immigration permission.

¹⁸ Since 2017 children in the asylum seekers accommodation units can complain to the Ombudsman for Children's Office regarding accommodation conditions.

¹⁹ Policing Authority, Report on Policing Performance by the Garda Síochána during COVID-19, (2021) p. 10 available at https://www.policingauthority.ie/assets/uploads/documents/2021_04_19_Report_13_on_policing_performance_during_Covid-19_Final.pdf

²⁰ Ibid

²¹ Gallagher Conor, *Garda uses discretion over immigration status when investigating crime*, Irish Times (22nd August 2020) available at <https://www.irishtimes.com/news/crime-and-law/garda-uses-discretion-over-immigration-status-when-investigating-crime-1.4336083>

Recommendation: The Garda Síochána should adopt an immigration firewall. A public policy should be available to the effect that the reporting of a crime or an incident, or cooperation in an investigation will not impact on a person's immigration status or trigger an investigation.

Racial Profiling

26. The issue of racial profiling by the Garda Síochána is a contentious one.²² Although there are limited cases where racial profiling has been proven²³, the above-mentioned Irish Times report on Inspector David McInerney's internal Garda survey revealed quite damning attitudes of Gardai particularly in respect of Traveller and Roma communities with not a single frontline Garda surveyed expressing a positive attitude towards Travellers²⁴. Migrants and people from ethnic minority backgrounds have consistently²⁵ reported that they believe that they are subjected to racial profiling by Gardai. This tallies with anecdotal evidence from Nasc's service users particularly in relation to traffic stops, low-level public order offences and policing of protests. It is very rare that any of our services users are willing to make a complaint.

Recommendations:

The Garda Síochána should commission and publish research into the attitudes of its members towards members of ethnic minority communities and the prevalence of racial profiling.

The findings of the research should inform mandatory training on racial profiling and discriminatory practices.

Detention

27. In 2018 Nasc published a research report²⁶ detailing the experience of those placed in immigration-related detention in Ireland. The report found that those detained for immigration-related offences were routinely detained with detainees on remand and convicted prisoners. The report also found that those detained on the basis of an immigration-related offence were unable to

²² Former Minister for Justice and Equality, Charles Flanagan strenuously denied that members of the Garda National Immigration Bureau engage in racial profiling: *"I wish to make clear at the outset that officers of the Irish Naturalisation Immigration Service (INIS) of my Department or the Garda National Immigration Bureau (GNIB) do not engage in racial profiling."*

²³ See Emily Logan, Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013, (2014) available at <http://www.justice.ie/en/JELR/Emily%20Logan%20report.pdf/Files/Emily%20Logan%20report.pdf>

²⁴ See supra 20

²⁵ In research carried out in 2008, The European Union Minorities and Discrimination Survey found in a 12-month period 59% of Africans surveyed had been stopped at least once by gardaí with the stop rate for sub-Saharan Africans being the highest amongst the EU27. EU Fundamental Rights Agency, Data in Focus Report Multiple Discrimination, (2010) available at https://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DIF5-multiple-discrimination_EN.pdf

²⁶ Nasc, the Migrant and Refugee Rights Centre, *Immigration Detention and Border Control in Ireland: Revisiting Irish Law, Policy and Practice* (2018) available at <https://nascireland.org/publications/immigration-detention-and-border-control-ireland-2018>

access basic facilities such as the right to access legal advice for issues related to residence, detention and deportation. Those detained under the provisions of section 5 of the Immigration Act 2003 do not have the immediate right of access to legal advice. In Nasc's research report, *Immigration, Detention and Border Control in Ireland* only one of the eight detainees, all of whom had been refused leave to land, had been able to avail of a legal representative. No substantive progress has been made in addressing the concerns raised in the report.

Recommendations:

Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Amend legislation to allow for a right to appeal an Immigration Officer's refusal of leave to land in the State.

Ensure that immigration-related detainees are not detained in prisons and are provided with the right not to be held incommunicado by facilitating access to a legal representative.



Submission to National Anti-Racism Committee

For the

National Action Plan against Racism

17th June 2020

National Traveller MABS is the only national organisation which works in the area of financial inclusion for Travellers.

National Traveller MABS works to reduce poverty, discrimination and the financial exclusion of Travellers in Ireland. We work with the Traveller community and organisations to change policy and practice which impacts Travellers financially. Our work involves helping Travellers access MABS and Citizens Information services, community education, research, and policy development.

Our work:

Our research work in the area of Accommodation points to it being a major reason why Travellers are experiencing financial exclusion, due to the costs associated with this, and the massive levels of energy poverty¹ experienced by Travellers. Our work to get a re-instatement of the Caravan loan scheme has resulted in a pilot preferential loan scheme being rolled out in 5 areas. We work to ensure access to the services and support of both MABS and the Citizens information Services for Traveller families by organising both Community Education and Community development work between local Traveller groups and services.

We are seeking to get an ethnic identity question introduced into the new customer relationship management system which MABS are introducing.

We are seeking to run training on Traveller Cultural Awareness in various regions, Cork and Dublin South.

There is a policy gap which exists for Travellers, which has led to ad-hoc solutions such as Caravan loans being introduced and failing, due to the absence of a proper policy which should be there for Affordable Cultural Appropriate Accommodation for Travellers². We would like to see a rental scheme being introduced for Traveller accommodation – and which would go some way towards address the inequity of the present experience of Traveller families.

Areas of Focus

Accommodation

The development of a national Affordable cultural appropriate Accommodation Policy for Travellers. Again we see potential for jobs to be created here in terms of maintenance of sites and Tenancy support workers being recruited from Traveller backgrounds, as we move towards parity in relation to accommodation policy.

¹ https://www.ntmabs.org/publications/development/2019/nt-mabs-energy-report-factsheet_.pdf

² <https://www.ntmabs.org/publications/development/2019/ntmabs-energy-poverty-report.pdf>

Finance & Employment

A recent report showed that 63% of Travellers do not have a bank account³ and we have found that the only way to address this is to push for a National Financial Inclusion strategy with access to basic bank accounts and affordable credit⁴. This will need an ethnic identity question to be implemented – so that we can track the quality of outcomes for Travellers and other minority groups through the present financial system. We know that many people were using the licensed moneylender provident – which had 380,000 loans outstanding when they stopped lending within the Irish market back on the 10th of May.

Employment is key to lifting people from Poverty and we believe that there is an obligation on the state to do positive discrimination and recruit from Travellers and minority backgrounds. This initiative needs to be strongly supported by community development groups, mentors, and training and supports. There are examples of this within education, such as NUIG.

Public Sector Duty – Linked to Ethnic Id question & Equality Framework training

We think that as part of the next National Anti-Racism plan that a provider of equality framework, diversity and cultural awareness training should be set up and approved for training all public sector with an aim to introduce the Ethnic Identity question into all such services. This could create employment amongst some of the groups which already do Cultural Awareness Training.

Education

In spite of access programs there has been limited success for Travellers gaining access to Third level. Again we feel that there needs to be broader financial supports and grants made available – along with mentorship programs to support Travellers who make it to third level. We think the new plan needs to address this in a targeted way.

Community Development

The broader network of local community development groups which we operate within has been shrinking at an alarming rate since the cuts of 2009-2011. National Traveller MABS are entirely dependent on these groups to access our community, to carry out research, to gather evidence on which to base policy submissions. A strong and independent Community Development sector is vital to any anti-racism policy because there needs to be spaces created for community development to take place. We also need to create spaces in order to create opportunities to meet people where they are at, and open up possibilities and opportunities for development and hopefully employment.

³ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf

⁴ <https://www.ntmabs.org/publications/development/2020/ntmabs-building-the-box-equality-report-final.pdf>



**National Traveller Women's Forum,
4-5 Eustace Street, Dublin 2**

Website: www.ntwf.net

14th July 2021

Towards a National Action Plan Against Racism for Ireland

The National Traveller Women's Forum is the National Network of Traveller women and Traveller women's organisations from throughout Ireland. We recognise the particular oppression of Traveller women in Irish society - working from a human rights perspective.

Traveller women experience the inequality that all women experience, in addition we deal with the inequalities that Travellers experience. In many cases it is the latter inequality, which is forced to prominence as it fundamentally affects our ability to live our lives and provide for our families.

We commend the work of the National Anti-Racism Committee on its broad and inclusive consultation process in the development of a National Action Plan Against Racism in Ireland. We have had several opportunities to input into this process, directly to committee members in November 2020 and as participants and presenters in online consultative forum across three themes including access to Justice, social rights: accommodation, health and education Traveller and Roma issues and intersectionality.

The NTWF have outlined to the Anti-Racism Committee the stark inequalities for Traveller women and girls and we presented examples and statistics across accommodation, education, health, employment, policing, justice, discrimination¹ and violence against women. We have presented on the experience of the gendered nature of the racism experienced by Traveller women and how this is underpinned and made acceptable by institutional and systemic racism in Ireland including in local and national politics.

We are operating in a particular context and are now eighteen months into the COVID-19 pandemic which continues to have a disproportionate impact on the lives of Traveller women and girls especially those living in unauthorised, overcrowded or poorly serviced sites. State responses to address the impact of COVID-19 and learning from the pandemic need to have an equality focus to ensure Traveller Women and girls who have borne the greatest impact of COVID-19 on their health and education are not left behind.

¹ Kelleher et al. *All Ireland Traveller Health Study*, 2010: The % of Travellers who experience discrimination (no gender disaggregated data available) 40% of Travellers have experienced discrimination in accessing health services, 62% of Travellers have experienced discrimination at school, 44% of Travellers have experienced discrimination at work, 61% of Travellers have experienced discrimination in a shop/restaurant/pub, Research shows Traveller women reporting ill-treatment by An Garda Síochána (police), including abusive, discriminatory and racist language and physical violence.

Since the last National Action Plan on Racism Travellers are now recognised by the state as an ethnic group but the follow through action that has been required has been slow. Traveller women and girls experience racism and discrimination in a particular and gendered way and it impacts on all aspect of their lives. In the work of the Anti-Racism Committee and when developing the National Action Plan against racism addressing intersectionality is going to be vitally important. Both policy development and its implementation needs to take real account of Traveller women's experience of discrimination and institutional racism if it is to have real and lasting outcomes.

Traveller women views/opinions are rarely sought in the formulation of policy development other than with regard to Traveller specific issues. Our participation in political and public life must go beyond this. We want to contribute to wider policy discussion and decision making in the same way that women from the majority population have important contributions to make beyond women's issues. This will require not just our access to spaces where decisions are made but also to roles where we can have influence and help develop innovative thinking required more than ever in these challenging times.

The benefits of more diverse and representative decision making bodies for increasing accountability to and improving outcomes for the public is now well established. However, there are particular barriers that Traveller women face in becoming involved in public life and the biggest one is the racism. Racism compounds the barriers that we already face when we seek leadership roles. Racism and gender inequality work together to exclude Traveller women from the networks and resources that can pave the path to a public role. Politicians and political parties have a particular responsibility to call out racism and promote diversity and inclusion in public life including supporting Traveller women as candidates for political office.

The new action plan on racism is not being developed in a vacuum, there is a particular Traveller policy context. We are coming to the end of the current National Traveller and Roma Inclusion Strategy and the National Women and Girls Strategy. Reviews of both strategies and development of their successors will take place in the next year. There are 32 recommendations under the Expert review of the Traveller Accommodation Act and a programme implementation board in place to oversee implementation of those recommendations. The National Traveller Health Action plan is nearing completion and there is a commitment in the programme for government to develop the long-promised Traveller Education Strategy. We need these strategies to have a real impact for our community – We need effective targets, indicators, monitoring, resources (including targeted measures), data collection and most importantly implementation and action.

The slow rate of (and in many cases the complete lack of) progress is a source of huge frustration for Traveller women. Effective data collection is an important mechanism for assessing and monitoring the situation for Traveller women is and will be through effective data collection and proofing mechanisms. There is very little reliable data available on Travellers but where data is available, it is not gender disaggregated, making a clear analysis of the position of Traveller women in Ireland, the development of specific provisions for them and monitoring progress extremely difficult. In addition, gender proofing alone will not identify the suitability/impact of policies, services, or strategies. Complex proofing and assessing multi-disadvantage is required for policies, services and strategies.

A National Action plan against Racism must:

- Understand and articulate a comprehensive analysis of racism in Irish society which is inclusive of the racism that Traveller women and girls experience.
- Address that racism through the development (or the abolishment) of legislation, institutional policies, and anti-racism training.
- Target its efforts across Irish society but particularly where it will have most impact – in our state services, our institutions, our media and in our political system. Racism and hate speech needs to be addressed including online across all platforms.
- Respond to issues that cut across policies, sectors, and departments such as ethnic equality data collection, anti-racism training and support a well-resourced, cohesive whole-of-government response to replace the current scatter gun approach.
- Develop strategies to support the inclusion of Traveller and other ethnic minority women in formal political and other decision making structures.
- Promote good practice but also highlight bad practice and call out inaction.
- Ensure implementation, through the development of clear actions, indicators, timelines and resources.

The background is a solid purple color with several large, abstract, organic shapes in a lighter shade of purple and a vibrant green. A bright yellow-green circle is positioned in the upper right quadrant. The text is centered and rendered in a clean, white, sans-serif font.

Towards a National Action Plan Against Racism in Ireland

National Women's Council

July 2021

Introduction and Overview

The National Women's Council

The National Women's Council is the leading national representative organisation for women and women's groups in Ireland, founded in 1973. We have over 190-member groups and a large and growing community of individual supporters.

The ambition of the National Women's Council is an Ireland where every woman enjoys true equality and no woman is left behind. We are a movement-building organisation rooted in our membership, working on the whole island of Ireland. We are also part of the international movement to protect and advance women's and girls' rights. Our purpose is to lead action for the achievement of women's and girls' equality through mobilising, influencing, and building solidarity.

NWC and women's organisations across Ireland must speak out against racism and emerging far right groups/movements in Ireland and globally. The voices of women and people directly affected by racism must be central to our discussions. Racism and discrimination have a major impact on the lives of women and their families. This impact must be acknowledged and we must take clear and concrete steps to address it. The growing far right movement also threatens our democracy. We must take racism and discrimination very seriously and expose and challenge far right ideology where it is disguised as 'free speech' and the voice of a 'silenced majority'. We must all be willing to continuously reflect on our own actions and challenge our own prejudice and unconscious bias and to better understand/acknowledge the connection between sexism, racism and other forms of discrimination.

Anti-Racism Committee's Public Consultation

The NWC welcomes the opportunity to make this submission and to have engaged in the ARC consultation process. It is critical that women's voices are heard and that their perspectives are considered on all areas of public policy as well as their specific experiences – from consultation to implementation and evaluation.

Racism is complex and can affect all areas of a woman's life. The submission cannot cover all areas in depth, rather it highlights specific areas where NWC and member organisations have specific expertise and experience. Many NWC members are engaging in the consultation process and we encourage the ARC to ensure the process is as inclusive as possible, from consultation to implementation and evaluation.

The submission is informed by specific consultation with our members on the National Action Plan against Racism for Ireland (NAPAR) and our new Strategic Plan, No Woman Left Behind¹ – NWC's Strategic Plan 2021-2024 and other recent research and ongoing policy and advocacy work including on health, care, violence against women and girls, economic independence, participation and leadership. We thank all our members for their engagement in this process.

¹ ['No Woman Left Behind', NWC's new Strategic Plan 2021-2024](#)

In addition, NWC worked with National Traveller Women's Forum and AkiDwa to support the Anti-Racism Committee to hold a separate consultation on the specific intersection of racism and gender and we thank the committee for their willingness to hold this additional workshop.

We also thank [REDACTED] for developing the submission on behalf of the National Women's Council.

Overview

NWC members emphasised at all times the need for the Action Plan, to be a **rights-based action plan**. It must **not** set as actions the development of further action plans or strategies. Concrete, achievable and measurable outcomes and impacts that will deliver real systemic, positive changes for communities and individuals must be the focus of the plan. The ongoing and persistent marginalisation, exclusion and racism experienced by Travellers and Roma people was highlighted as a particular concern for NWC members. The shocking health inequalities, high levels of unemployment and appalling accommodation conditions these communities experience highlight the terrible injustices faced by minority ethnic groups in Ireland.

Similarly, members highlighted how Direct Provision and the for-profit institutional system it has maintained points to deep and problematic cultural and social dynamics that left unchallenged allow racism and discrimination to flourish in Ireland. NWC awaits with keen interest the new long-term approach to the provision of supports including accommodation that the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* has outlined.

In addition, members expressed significant frustration at the number of existing strategies and national plans which, had they delivered on their aspirations, would already have addressed many of the issues they raised during the consultation processes; the National Traveller and Roma Inclusion Strategy, National Intercultural Health Strategy, National Migrant Integration Strategy were particular examples cited. The NAPAR must integrate the Public Sector Equality and Human Rights Duty (PSD) into its development and outline clearly how all statutory and public bodies must comply with their obligations under section 42 of the Irish Human Rights and Equality Act 2014. ***Ensuring that the NAPAR takes a rights-based approach to its work may ensure that aspiration becomes vindication of rights.***

NAPAR must have particular regard in this respect to the findings for example, of the 2016 Universal Periodic (UPR) review report finding that,

*"Anti-Traveller and anti-Roma discrimination continues to be prevalent, including in relation to accessing accommodation, education, and health services"*²

² UPR 2016 Recommendation 136.44

Racism –

The definition of racism adopted by the Anti-Racism Committee (ARC) is, “[racism is]... the power dynamics present in those structural and institutional arrangements, practices, policies and cultural norms, which has the effect of excluding or discriminating against individuals or groups, based on their identity, as outlined in Article 1 of the International Convention for the Elimination of Racial Discrimination (ICERD), which provides:

‘...the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social cultural or any other field of public life’.³

Intersectionality -

The European Institute for Gender Equality (EIGE) defines ‘intersectionality’ as an ‘analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination’. The EU Action Plan Against Racism (EUAPAR) explains that this definition applies equally to any form of discrimination (EUAPAR 2021, p. 2).

Cross-cutting themes and key messages

Through the course of the consultation, it was apparent that there is a need for a positive national, narrative on diversity including on migration to be developed⁴ Minority ethnic women have much to contribute to Irish society and public policy and the NAPAR presents a timely opportunity to tap into this potential as well as overcoming the conditions that limit minority ethnic women’s opportunities.

Throughout the consultation and engagement with NWC members, participants emphasised the importance of implementation and accountability. The NAPAR cannot be successful without substantial consideration of and commitment to implementation and accountability. It is noted that getting this right is paramount to maintaining constructive engagement with civil society, developing the trust in the State and state bodies that is critical to the success of actions in practice.

A number of questions, issues and actions are relevant across each thematic area. These include:

KEY IMPACTS

- **Equal access to services:** There must be equal access to the range of services and entitlements provided by the State and its agencies. The State has a role to play to encourage and enforce equality in the provision of services and opportunities (e.g. employment) in the private

³ Anti-Racism Committee Interim Report 2020, p. 3.

⁴ There is need for enquiry in the realm of minority women’s “experience of” inequality and trauma, but minority ethnic women are “experienced in” all domains of life and should be consulted and represented in all these areas too.

sector.⁵ Universal basic services are also needed for everyone and access to services should not be restricted by legal status

- in particular NAPAR must advocate for the Department of Housing, Local Government and Heritage implement the recommendations set out in the Expert Review Group on Traveller Accommodation's report without delay

- **Duty Bearers** - Civil and public servants are duty bearers; delivering services in a non-discriminatory manner is a requirement. The PSD requires the state to interpret these duties in a positive, action-oriented way and not with a minimalist approach.
- **Equality data** – The availability of data is key to adequately identify a problem and developing the right solution, as well as having the capacity to measure impact. The collection and monitoring of equality data need to be a key action for the NAPAR. Data will also be required to measure the progress and impact of NAPAR
- **Intersectionality** – There is developing recognition of intersectionality, its complexity and impact by the state. Intersectionality needs to be better understood and embedded in policy, by design and not an add on or afterthought, to meet complex needs of a diverse society
- **Representation** – The public and civil service needs to reflect the diversity of the society it serves, including minority ethnic women.
- **Positive narrative** – The public representation of minorities is often determined by the majority. Minorities (and women) tend to be problematised as “not the norm” and blamed where they are a victim or scapegoated for a societal problem not of their making. Minorities are contributing greatly to all aspects of Irish society and can tell that story. Now is the time to present and promote the positive narrative.

KEY BARRIERS

- **Discrimination**-Legislate to establish the right to citizenship for children born in Ireland
- **Dependency**-Gender discriminatory laws and customary practices including in immigration law, make women dependent on another person. Any policy or practice that has this effect must be removed
- The **Habitual Residence Condition** (HRC) must be reviewed to eliminate the condition's discriminatory impact on access to social welfare among disadvantaged and marginalised individuals and groups such as Roma.
- All **children** in the State must be entitled to Child Benefit payments
- **Language supports** and interpretation need to be more widely available and resourced
- **Lack of implementation** of other policies – Trust and engagement are impacted by people's experience of lack of policy implementation. To gain and maintain trust the NAPAR must be clear on implementation and accountability, and ongoing engagement with civil society.

⁵ This point was raised in the NWC consultation process and echoes the perspectives shared in the Migrant Integration Strategy Consultation process (see Migrant Integration Strategy, appendix 3: issues raised in the consultation process).

SYSTEMIC TRANSFORMATION:

Addressing racism and inequality will require a radical, transformative shift, including in Ireland's economic model.

- Legislate for equality budgeting to become a statutory process, this includes expenditure and taxation actions
- Establish a commission to explore a new economic model for Ireland that takes account of equality, human rights and environmental sustainability⁶
- NAPAR requires senior political leadership and resourcing, if it is to deliver on its ambitions and international obligations.

2 Thematic areas

It is critical that women's perspectives are considered on all public policy issues and actions. There are also specific issues facing minority ethnic women that require targeted engagement.

Guided by the thematic areas set out by ARC, this section considers issues and recommendations under each of the thematic areas. Themes include:

- Access to Justice, including Violence Against Women
- Media and communications
- Employment, health, accommodation and care
- Inclusion and participation
- Implementation and accountability.

Recommendations for action to address the specific experiences of minority ethnic women are identified throughout. Recommendations that speak to improving or transforming systems broadly are also included. These aim to help address the disproportionate effect of system failings on minority ethnic women to ensure that systems put in place are fit for purpose; that is, to meet the complex needs of Ireland's diverse society.

2.1 Access to Justice

Legislation and access to justice is the cornerstone of any effective strategy to address racism. The system is broad and issues multiple. This section focuses on the areas of

- Racist Crime
- Immigration law
- Trafficking, Prostitution, Sexual Exploitation
- Mother and Baby "Homes"
- Domestic, Sexual and Gender-Based Violence (DSGBV)

A range of barriers to accessing justice have been identified for minority ethnic women, some of which include trust; lack of information; cost; fear of further victimisation or stigmatisation; immigration status issues; under-representation of minority groups in the police force; and experience of lack of outcomes from reporting.

⁶ See [NWC Submission to the Citizens' Assembly on Gender Equality 2020](#)

Recommendations:

- Introduce legislation prohibiting racial profiling;
- Develop and mandate capacity building and training
- Ensure there are consequences for discrimination in the delivery of duties
- Increase diversity in law enforcement, including ethnic minority women
- Review and reform pulse
- Provide access to free legal aid including in the area of migration
- Provide for dedicated legal services for marginalised groups through long-term funding for fully resourced dedicated legal services for Travellers and Roma
- Reducing risk of crime through securing safe environments

Racist Crime

Racist crime is on the increase in Ireland. Racist crime is not like any other crime, it cannot happen to anyone. Perpetrators target people because of who they are. The experience of racist crime can be compounded by the prevalence of gender-based violence (GBV). Furthermore, the intersectional nature of discrimination adds to the complexity in recording and addressing the crime. In Ireland, this area is particularly problematic given the lack of legislation in the area of hate or racist crime, and the ineffectiveness of the Incitement to Hatred Act.

NWC affirms and supports the ARC's recommendation in their interim report (November 2020) that the State remove its reservation to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which requires the outlawing of incitement to racist discrimination or violence or the prorogation of ideas of racial superiority and to prohibit organisations that incite discrimination.⁷

NWC participated in and contributed to the collective civil society's alternative report to UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) in 2019⁸ and reiterates the recommendations on racist crime.

RECOMMENDATIONS

- Legislate against Hate Crime; include Race, Ethnic Minority Status and Gender as grounds
- Legislate to prohibit racial profiling
- Legislate to prohibit hate speech and regulate social media platforms
- Update the Incitement to Hatred Act.
- Capacity building (including training) for relevant institutions and officials; and consequences for racist and discriminatory practice
- Enhance data collection and monitoring, including through a review of PULSE
- Ensure more diverse law enforcement (including minority ethnic women).
- Ensure full and effective implementation of actions required and facilitated by the EU Framework Directive on Racism and Xenophobia
- Ensure legislation in this area is capable of addressing the complexity of specific forms of racism and intersectionality.

⁷ See ARC's Interim Report, November 2020.

⁸ Available online at <https://inar.ie/cerd19>

Policing, racial profiling and imprisonment

While often the victims of crime, minority groups are over-represented in prisons. Legislation that is discriminatory in effect including the Criminal Trespass Act and institutional racism within An Garda Síochána including racial profiling can mean that minority ethnic groups are over-policed and when perpetrators, may be treated in a discriminatory manner. In 2019 UN Committee on the Elimination of Racial Discrimination (UNCERD) noted,

“reportedly high incidence of racial profiling by the Irish police targeted at people of African descent, Travellers and Roma” and their disproportionate representation in the prison system”⁹

Minority ethnic women may be more visible and identifiable and are vulnerable therefore to racial profiling and over-policing. Traveller women for example are 18 times more likely to be imprisoned compared to women in the general population. The experience of Traveller and Roma women is stark and highlights issues of structural racism and multi-faceted inequalities.

Recommendations:

- Legislate against racial profiling, with effective implementation mechanisms
- Repeal the Criminal Trespass Act which discriminates against Travellers in effect, effectively criminalising them or rendering Travellers homeless
- Representation is important. Act to ensure a more diverse public and civil service, including in relevant State justice institutions and policing
- Address institutional racism and discrimination in relevant institutions including policing.

Immigration law and access to justice

NAPAR should advocate for a rights-based, values led approach to immigration that highlights the benefits to Ireland of immigrants, challenges the rhetoric of the far-right and expresses solidarity with the global movement of peoples, particularly as the climate crisis increases.

There are multiple systemic issues regarding access to justice and immigration in Ireland that collectively contribute to a structurally racist and inherently patriarchal immigration system. These include limited provision for autonomous residence permission for dependent family members including victims of domestic violence (DV); issues around independent appeals mechanism for review of immigration decisions; no legal aid for those wishing to challenge immigration decisions; barriers accessing justice for victims of trafficking; and lack of safeguards against refusal to entry.¹⁰ Delays in processing asylum applications have consequences across all areas of a person’s life; the reliance on appeals and subsequent process for assurance of robust consideration and proper outcome is an issue of significant impact.

The immigration and asylum systems are highlighted as particular structural barriers to women who are subjected to DSGBV; migrant women, undocumented women and women living in direct provision are at increased risk of DSGBV. It is noted that they also face additional forms of violence. For example, immigration status is being used as a tool to isolate and spread fear about deportation, in a bid to isolate partners.¹¹

⁹ CERD, Concluding Observations on the combined fifth to ninth reports of Ireland, 23 January 2020, CERD/C/IRL/CO/5-9, para. 15.

¹⁰ [ICI CEDAW 2013](#)

¹¹ NWC (ibid), p. 3.

EU Policy

NAPAR must also ensure that it is in alignment with the EU Action Plan for Integration and Inclusion 2021-2027 and that it can deliver on Article 59 of the Council of Europe Convention on Preventing and Combating Violence against Women (Istanbul Convention) protecting the rights of migrant and asylum-seeking women and girls¹².

The NAPAR must advocate for Ireland to show leadership at the EU level. There is a direct link between public policy on migration, asylum seekers and racist and discriminatory social attitudes and behaviours including at a European level. While there has been a significant increase to planned EU spending on migration, there is a close focus on 'borders and security' rather than a humanitarian approach. The NAPAR must outline a values-led approach and it is essential to value the benefits of migration to Europe and Ireland, ensure no further deaths or suffering are caused by a 'Fortress Europe' approach.

NAPAR must advocate for a humane EU migration policy and asylum processes that are in line with international human rights standards/Instruments. NAPAR must advocate for the reinstatement of effective humanitarian search and rescue operations at sea, particularly in the Mediterranean including an international agreement on fair and balanced acceptance of those saved to ensure meeting of common responsibilities.

Recommendations:

- Ensure protection for women whose immigration status is dependent on her partner and implement Victims of Domestic Violence immigration Guidelines on a statutory footing
- Ensure adequate funding for specialised legal services such as ICI, Doras, MRCI and NASC
- Advocate for regularisation of immigration status for individuals in prostitution, including those who are entirely undocumented
- Equality proof legislation and government policy through application of PSD

Trafficking, Prostitution, Sexual Exploitation

Specific data in relation to Ireland as both a destination and source country for human trafficking is currently severely lacking, as the identification of victims is inconsistently and poorly reported. In 2019 94% of all people recorded as trafficked into Ireland were women, almost all for the purposes of sexual exploitation.¹³

94% of all those in prostitution in Ireland are migrant women.¹⁴ Women who have been exploited in prostitution are all frequently treated as 'illegal immigrants' rather than victim survivors of systemic exploitation which has targeted unfair migration laws and practices. Women are controlled through the threat of deportation and often coerced and tricked into prostitution in the first instance by the promise of working visas. Restrictive immigration policies prevent women from coming forward and seeking support from statutory agencies authorities should they require it from state agencies, including from health services. It also prevents women from exiting prostitution, as they are trapped due to their insecure immigration status and inability to pursue alternatives.

¹² Council of Europe Convention on preventing and combating violence against women and domestic violence 2011, Article 59

¹³ [Trafficking in Human Beings in Ireland 2019](#)

¹⁴ O'Connor, M., and Breslin, R., 2020. *Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform*. Dublin: SERP. https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf

Migrant, Roma, undocumented, refugees, women with irregular migration status and women who live in Direct Provision (DP) face particular structural, language and cultural challenges and barriers in accessing supports and justice when they have been subjected to DSGBV. NGOs have expressed significant concerns that women and girls in DP are at risk of coercion and or grooming into prostitution and sexual exploitation¹⁵. In addition, the current policy of accommodating victims of human trafficking in DP centres must be discontinued as it fails to provide an appropriate environment for the recovery of the victim, and constitutes an environment where re-trafficking may take place. Dedicated shelter accommodation with ‘wrap around’ gender specific support services must be enacted.

The seriousness and extent of the failing in this area drew the distinct attention of CERD. In its 2019 Concluding Observations, it was clear and emphatic about its concern on this issue. CERD states that,

“The Committee is concerned that there have been no convictions for the crime of human trafficking since the adoption of the Criminal Law (Human Trafficking) Act 2008. It is also concerned that the State party continues to fail to identify and protect victims of trafficking at the early stage due to the inadequate victim identification process and referral mechanism and that there are no statutory rights of victims of trafficking to protection and assistance.”¹⁶

CEDAW and the 2014 European Parliament¹⁷ resolution explicitly name trafficking, sexual exploitation and prostitution as putting women and girls at special risk of violence and abuse and request states to enact preventative measures.¹⁸

Mother and Baby “Homes”

CERD makes specific reference to Mother and Baby “Homes” in its 2019 concluding observations. The Committee is concerned about “reports of abuses based on race in Mother and Baby “Homes”, including racial discrimination in the adoption process and physical, emotional and sexual abuse experienced by those children who self-identify as Mixed Race Irish in these institutions. The Committee welcomes the establishment of a statutory Commission of Investigation into Mother and Baby Homes and Certain Related Matters as well as the inclusion of examination of systematic discrimination on the ground of race in the terms of reference of the Commission (arts. 2 and 5)”.

The Committee has called on the State to ensure that the Commission of Investigation into Mother and Baby Homes and Certain Related Matters carry out thorough, effective and timely investigations and fully implement the recommendations of the Commission, once published,¹⁹ with a view to bringing perpetrators to justice, providing victims with adequate remedies and preventing the reoccurrence.”

Domestic, Sexual and Gender Based Violence

Women’s Aid statistics reports the nature and extent of the problem of domestic violence and minority ethnic women, as well as trafficking and sexual exploitation, derived from use of their helpline support and other sources.²⁰ The data shows that proportionally, more minority ethnic

¹⁵ <https://www.irishtimes.com/news/social-affairs/women-in-direct-provision-being-pushed-into-prostitution-1.4085828>

¹⁶ [Irish Times Human Trafficking First Convictions Aug 2021](https://www.irishtimes.com/news/social-affairs/women-in-direct-provision-being-pushed-into-prostitution-1.4085828)

¹⁷ For further details, see for example <https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute>

¹⁸ NWC Submission the Third National Strategy (TNC) on Domestic, Sexual and Gender-Based Violence (DSGBV), June 2021.

¹⁹ The report has been published since the CERD issued its report.

²⁰ Available online at <https://www.womensaid.ie/about/policy/natintstats.html#X-2012091712434612>

women seek the support of GBV services, compared with the female population as a whole.²¹ This fact demonstrates the additional barriers minority ethnic women face in securing long-term safety. NWC and member organisations, including AkiDwa, Pavee Point and National Travellers Women's Forum identify multiple structural barriers facing minority ethnic women. These barriers can impact those subjected to DSGBV in accessing justice (and other relevant supports) and include:

- Language, communication and literacy challenges
- Difficulty finding the right service
- Limited awareness of what DSGBV services can offer
- Fear of racism and prejudice
- Immigration status issues
- Mistrust of legal services and An Garda Síochána
- Migrant women face legal uncertainty due to immigration status
- Stigma associated with sexual assault can prevent minority ethnic women reporting the crime or seeking support, including fear of further victimisation or discriminatory treatment by police
- Poverty and isolation.

Female genital mutilation (FGM) is a crime in Ireland, since the introduction of the Criminal Law (Female Genital Mutilation) Act in 2012. In 2019, AkiDwa estimated the prevalence of women who had undergone FGM to be 5,795²² and EIGE 2015 estimates indicate that 6,000 girls under 15 years born in Ireland or originating from FGM-affected countries are at risk of FGM. Given that seven years passed before the first prosecution under the 2012 Act, it is clear that more needs to be done to ensure the legislation is an effective deterrent, given that seven years passed before the first prosecution under the Act in 2019. Other preventative actions are also required.

Please see NWCs submission NWC Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence for more information²³

Recommendations:

- Identify Violence Against Women as a national crisis including establishing a Citizens' Assembly on VAW
- Establish a national structure to lead the ending of VAW, including establishing a National Rapporteur on Sexual Domestic and Gender Based Violence
- Fully resource the implementation the Istanbul Convention
- Legislate for ring-fenced funding to combat violence against women, including the provision of funding to women's frontline services, including minority ethnic women's organisations
- Advocate for the acknowledgement of the specific experience of victims of Mother and Baby "Homes" who identify as Black Irish, including institutionalised racism.
- Establish an Intergovernmental Working Group on FGM, implementing a National Action Plan on FGM and providing training for front services including An Garda Síochána²⁴

²¹In 2019, Women's aid provided 220 Helpline support calls in another language via their Language Link Interpretation service, outlined in Women's Aid's Annual Report

²² AkiDwa (2019) *Female Genital Mutilation and the Law in Ireland*

²³ https://www.nwci.ie/images/uploads/NWC-3rd_National_Strategy_DSGBV_Submission_JUNE_2021.pdf

²⁴ Akidwa submission to CERD (2019) and to the Citizens Assembly on Gender Equality (2020).

- Ensure vulnerability assessments are available to everyone seeking international protection.
- Ensure adequate interpretation for minority ethnic women who are victims of crime, throughout the process, beyond the courtroom
- Ensure equality, anti-racism and cultural competence training is mandatory and adequately resourced for Gardaí, Judiciary and ancillary legal services both at the stage of recruitment and while in service.
- Provide free legal aid across all areas, including in the area of immigration.

2.2 Media and communications (including new technologies)

Media and communications (including new technologies) can play a role in promoting equality, including through connection, positive narratives, showcasing good practice and access to information/education. However, they are also sites for the spread of hate, harassment and exploitation; and they present other challenges such as the digital divide, cybersecurity and “bias in the algorithm”, with large scale, detrimental impact.

The pace, scale and impact of social media platforms, coupled with the challenges of regulating online activity, mean they are often the focus of debate at present. However, while the focus is on social media, the persistent issues in all media must also be recognised. These challenges also include the lack of visibility of minority ethnic women, lack of representation or misrepresentation, and misinformation. Legislation to prevent and address hate crime must be sufficiently robust and comprehensive to cover online abuse and incitement to hatred. “Free speech is not a licence to hate.”

Minority ethnic women are one of the most targeted/trolled groups online. In Ireland, toxic behaviour online (hostility, harassment and hate) acts as a deterrent to women in putting themselves forward for election. The issue must be tackled urgently. This issue must be tackled urgently. The absence of specific measures regarding social media platforms should not mean action cannot be taken in the virtual space. Current challenges and the pace of growth and change in this space demonstrate that targeted action is required and regulatory functions introduced for social media companies. These are necessary to ensure social media companies take online abuse seriously and are proactive in tackling it. This will include action at the national level and working at European and international levels, given the global nature of social media platforms and “Big Tech”.

NWC members raised the issue of the lens being pointed *at*, *not by*, minority ethnic women, and potential voyeurism or exploitation where women are asked to share traumatic experiences. The whole experience and contribution of minority ethnic women is not shown by this type of cultural representation. Without balance and self-determination, distortion - not diversity - could be the outcome.

NWC members also raised concerns regarding emergent use of artificial intelligence systems to manage services and activities in society. There is clear evidence that these systems manifest the discriminatory and racist biases of their human programmers and operators.²⁵ and their impact on individuals and communities is unclear.

²⁵ [NUIG Report AI Impact on Legal Services Algorithms. Big Data and Artificial Intelligence in the Irish Legal Services Market.](#)

Recommendations:

- Eliminate online hate speech and racist crime
- Introduce regulatory functions for social media companies
- Improve representation of minority ethnic women in the media.
- Resource diverse women's representation and cultural creation.
- Support public campaigns to develop a positive narrative, campaigns that are factual and impactful.
- Acknowledge the huge contribution of minority ethnic women, including representative organisations. Amplify their role and support the amplification of minority ethnic women's voices, including in all areas of public life.
- Review the EU Fundamental Rights Agency research and recommendation on media and on artificial intelligence, with a view to translating these into action at the national level

2.3 Employment, Health, Accommodation, Care, Education,

EMPLOYMENT

The Gender Pay Gap of 14%²⁶ & Gender Pension Gap of 35%²⁷ is exasperated by racism and discrimination. While it is difficult to access up to date data on the intersection between gender and ethnicity or migrant status in Ireland, there is evidence that migrant women and ethnic minority women experience additional disadvantages in access to the labour market as well as in the workplace. Black Africans experience extremely high rates of discrimination both looking for work (23%), and in the workplace (29%), compared to Irish nationals (6% and 5% respectively).²⁸ Migrant workers are at greater risk of exploitation with 44% of participants on one study reporting that they received less than the minimum wage²⁹. While racism affects men and women, women's experiences are tied up with both racism and sexism and women are more likely to be affected. Research with Muslim communities in Dublin found that Muslim women were three times more likely to experience verbal abuse and physical violence in public spaces than Muslim men.³⁰ Traveller women find themselves in a situation where they are all but excluded from the workplace and 80% of Traveller women are unemployed. Members of the Travelling community experience a high degree of discrimination in recruitment as well as in the workplace with Traveller women twice as likely to report discrimination³¹.

Ireland has one of the highest numbers of low paid workers in the OECD, with 23% of the workforce designated as low paid³² compared to an OECD average of 15%.³³ Women make up a higher percentage of the low paid in Ireland. It's been estimated that between 60 and 65% of minimum wage workers in Ireland are women.³⁴ Part-time workers account for over 50% percent of all National Minimum Wage employees and approximately 80% of these are female.³⁵ A large proportion of minimum wage jobs are concentrated in the hotel, catering, restaurant, wholesale

²⁶ Eurostat (2019). Gender pay gap statistics. https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics

²⁷ Nolan, A. et al (2019). Gender, pensions and income in retirement. Dublin: ESRI.

²⁸ Kingston et al (2013). Discrimination in the Irish labour market: nationality, ethnicity and the recession. UCD.

²⁹ MRCI (2015). All work and low pay: the experiences of migrants working in Ireland.

³⁰ J. Carr (2016), Islamophobia in Dublin: Experiences and how to respond, Immigrant Council of Ireland.

³¹ Irish Human Rights and Equality Commission and Economic and Social Research Institute. Who experiences discrimination in Ireland?

³² Low pay refers to the share of workers earning less than two-thirds of median earnings

³³ OECD (2019). Wage levels statistics. <https://data.oecd.org/earnwage/wage-levels.htm>

³⁴ The LPC 2016 found 60 per cent of minimum wage workers were female while the NERI (2015) report "A Profile of Those on The Minimum Wage", found that 64.7% of minimum wage workers were women

³⁵ LPC (2016). The preponderance of women on the national minimum wage.

and retail sector – sectors comprised mainly of women workers.³⁶ Among the, predominantly female, childcare workforce, 6 out of 10 workers earn below the Living Wage.³⁷ Many of these women are young women, women of colour or migrant women who are vulnerable to the most precarious working conditions. Participants in a survey of migrant workers in the restaurant, domestic, home care, retail and security sectors, found that 62% of all those surveyed have a third level qualification yet continue to work in jobs well below their skill levels. Participants reported that it was difficult to moving beyond low-paid, entry-level positions, despite years of experience, third level qualifications and sometimes a high degree of responsibility in their workplace.³⁸

Workers represent 14% of all those in poverty. It is the view of NWC that minimum wage levels should be set at a rate that is sufficient to cover the cost of living as experienced by workers. The Living Wage is calculated to ensure that work should provide an income that is sufficient to enable individuals to afford a socially acceptable standard of living.³⁹ Currently set at €12.30 per hour, it is the average gross salary which will enable full-time employed adults (without dependents) across Ireland afford a socially acceptable minimum standard of living.

Collective bargaining is one of the most effective ways to create more equal redistribution of wealth, reduce inequality and address low pay. Research has indicated that countries with a high coverage of collective bargaining tend to have shorter working hours for both women and men, more flexible work options under secure employment conditions, better protection for non-standard workers, as well as a reduced gender pay gap.⁴⁰ Legislation is of particular necessity in Ireland, as our laws allow employers not to recognise unions in pay disputes. Unions are often not recognised and joint labour committees don't exist in many of the sectors women predominate.

As well as these existing structural barriers to decent work and an adequate income legal status impacts on the right to work for people living in Ireland. The right to work for asylum seekers is limited and migrant workers' family members (e.g. dependent partners) can be restricted, with wide-ranging consequences. The lack of recognition of qualifications and experience (from outside of Ireland) by employers is leading to women being hugely underemployed or trapped in low wage employment for which they are hugely over educated/over qualified. Work permits which tie someone to a particular employer create serious issues in relation to pay rates, terms and conditions, and promotional opportunities.

Racism in the Workplace

MRCI's report "Access, Progress, Thrive-Towards an Inclusive Labour Market in Ireland"⁴¹ reported

"Racism and discrimination featured in all respondent interviews...More specifically, racial and gender discrimination featured alongside perceived favouritism and bullying...Racism and sexism were identified as a common occurrence that was often justified as 'teasing' and 'joking'. Some

³⁶ Collins, M. (2016). Women and Low Pay: An empirical assessment.

https://www.nerinstitute.net/sites/default/files/events/downloads/2019/michel_collins_neri_paper.pdf

³⁷ Pobal (2019). Annual Early Years Sector Profile Report 2018/2019.

³⁸ MRCI (2015). All work and low pay: the experiences of migrants working in Ireland.

³⁹ Living Wage Technical Group (2019). Living Wage Technical Document.

⁴⁰ European Trade Union Confederation (ETUC). Collective bargaining and gender equality.

<https://www.etuc.org/en/collective-bargaining-and-gender-equality>

⁴¹ [Access Progress Thrive Towards-an-Inclusive-Labour-Market-in-Ireland Dec 2020](#)

respondents reported being passed over for promotion, and not receiving pay parity with other workers in similar roles...Worryingly, people felt that this was just part of their working lives”

Knowledge of legal rights, entitlements and services and access to legal information, advice and representation empowers people to enforce their rights, challenge inequalities and discrimination and combat social exclusion. NAPAR must include actions to highlight employer obligations and employee rights. It must include actions to provide access to legal supports, advice and representation where appropriate to act against discriminatory and racist workplaces.

Recommendations:

- Expand the eligibility for work permits to allow more asylum seekers seek and secure employment
- Remove the barriers to work for asylum seekers
- Remove legal dependency for women
- Run awareness campaigns in multiple languages on equality and employment legislation
- Run awareness campaigns for the NARIC Ireland (National Academic Recognition Information Centre Ireland) amongst employers and employees
 - Extend and improve the recognition of foreign qualifications
- Improve employment equality data, to identify where there is an ethnic pay gap
- Provide specialist legal employment supports, advice and representation where appropriate
- Develop a new model of work and welfare including:
 - Greater recognition of the value of care work and remuneration for the same
 - Ensure women benefit equally from active labour market investment
 - A Living Wage to promote decent work
 - Legislate for collective bargaining rights
 - Invest in care as a key element of Active Labour Market Policy (ALMP)
- Ratify ILO Convention 190 on gender-based violence and harassment in the workplace.

HEALTH

Minority ethnic women experience health inequalities due to structural inequalities linked to social determinants of health (including poverty, accommodation, literacy issues and discrimination) and barriers to accessing health services due to discrimination. The *Evidence Base for the development of the Women’s Health Action Plan* commissioned by NWC with the Department of Health and HSE in 2019 includes quantitative and qualitative data that reveal significant issues and inequalities ethnic minority women with regard to life expectancy, infant mortality, mental health and health access and screening. Please see the full report for more in depth analysis of the issues reviewed here^{42 43}.

Traveller, Roma, Black and ethnic minority women reports numerous barriers to accessing health services including discrimination and racism, lack of trust with healthcare providers, lack of culturally appropriate service provision and limited engagement from service providers.⁴⁴ There are difficulties accessing primary health care due to cost and lack of interpretation and translation services.

⁴² [Womens Health in Ireland -Evidence Base for the Development of the WHAP](#)

⁴³ The paucity of disaggregated data available is noted in the report

⁴⁴ Walsh, K (2019).

Profound health inequalities include:

- 24% of Roma women have not accessed health services while pregnant and their first time accessing healthcare was to give birth
- 84% of Roma women have experienced discrimination in health services
- Traveller women live ten years less than women in the general population in Ireland⁴⁵
- The National Traveller Women's Forum (NTWF) highlighted the similarly disturbing fact that Traveller babies are 3.6 times more likely to die
- AkiDwa reported that in Ireland the MDE found that Black women have higher rates of maternal mortality than white women. 32% of maternal deaths occurred in women born outside of Ireland although the group represents 23.4% of all maternities in Ireland.⁴⁶

Racial and gender injustice and inequality, including institutional racism, impacts on people's mental health:

- Suicide rates among Traveller women are five times higher than women in the general population.
- The suicide rate for Traveller women is five times higher than women in the general population⁴⁷
- 63% of Traveller Women disclosed that their mental health was not good for one or more days in the previous 30 days; this compared to 20% of female medical cardholders
- 60% of Roma women report more than 14 days of the previous month when their mental health was not good.

It is essential that in developing the NAPAR consider the evidence through an intersectional lens when adopting policy and practice recommendations. In the area of health, these need to tackle inequality, prevent re-traumatisation, and promote the health and wellbeing of all. The limited nature of the data collected by public services can make this challenging and therefore it is often not possible to provide a comprehensive analysis. Available data may be specific to only one category, e.g. migration status or nationality. This issue must be addressed as a priority.

⁴⁵ Data on this and related areas is available in "Our Geels: All Ireland Traveller Health Study".

⁴⁶ AkiDwa cites MDE (2017) Confidential Maternity Death enquiry in Ireland: report for 2013-2015, in the alternate report to CERD.

⁴⁷ Pavee Point, Presentation 'Our Geels: Mental Health and Suicide', Presentation to the World Congress on Women's Mental Health, Dublin, March 2017.

Recommendations:

- Ensure proper integration and accountability between the NAPAR, the Intercultural Health Strategy, NITRIS, National Traveller Health Action Plan (NTHAP)
- Implement full disaggregated data collection across health systems and services
- Implement outstanding recommendations from the All Ireland Traveller Health Study
- Implement the McMahon report⁴⁸ including the 11 health recommendations
- Advocate for Slaintecare roll out for a universal health system based on values of solidarity, equality, inclusion and participation
- Equality proof access to the maternity care, including early scanning and testing. Services should be available to all women, irrespective of geographic location, socio-economic circumstance or ethnicity
- Equality proof access to sexual and reproductive healthcare, including amendments to abortion services which currently require a PPS number
- Ensure health equality for women in Direct Provision
 - reduce cost barriers
 - develop integrated care plans in the case of accommodation transfer
- Ensure the provision of gender sensitive mental health and counselling services to all women living in direct provision
- Ensure the provision of comprehensive and accessible information including multilingual resources, as well as translation and interpretation services.
- Fully resource Traveller Primary Healthcare Projects
- Develop primary healthcare projects with and for migrant women
- Resource equality and cultural awareness training for healthcare staff
- Implement medical training that is gender and racially sensitive and aware
- Ensure women of minority ethnic groups are supported to work in the health system and progress to senior levels

ACCOMMODATION

The impact of structural racism in accommodation access is extreme for minority ethnic women; and has needed urgent attention for decades. Furthermore, accommodation issues can lead to personal safety risks for minority ethnic women and their children. When they experience violence, they can find they have limited alternatives to remaining living in the same environment, including being effectively forced to remain with an abusive partner, or where they can be re-targeted and re-trafficked.

The extent of the accommodation issue is broad - ranging from discrimination in renting accommodation, harassment in one's neighbourhood or home, to lack of appropriate accommodation or privacy. The NWC draws particular attention to the dire situation for:

- Traveller women
- Women living in Direct Provision, and
- Minority ethnic women experiencing DSGBV, including migrant women.

⁴⁸ McMahon, B et al (2015) Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Support to Asylum Seekers.

The State must address the overall accommodation crisis in the country. This issue has received much attention in the media and politically and State failure in this area has been a particular tool for recruitment into the far right. The State must take responsibility for addressing this with urgency. Keeping minority ethnic women in homes and safe in their homes also requires political leadership on hate crime and accommodation. Minority ethnic communities cannot be scapegoated for a long-standing State problem. Political rhetoric must not feed into this narrative and political leadership is required to address this. In addition, long standing racism experienced by Traveller communities has been utilised by some politicians as a voting tactic. Political parties and the State must reject this disgraceful racism and act with sanctions for those who use these hateful and violent tactics.

Recommendations:

- Increase public and affordable housing by building 100,000 homes on public land.
- Resource implementation of the recommendations by the Independent Expert Group on Traveller Accommodation (2019)
 - establish and fully resource a statutory Traveller Agency with powers to approve and enforce Local Authority accommodation
 - ensure adequate supply and standard of culturally appropriate accommodation for Traveller women
 - introduce penalties for bodies failing to deliver
- Resource implementation of the action plan to end direct provision and ensure accommodation of women seeking protection is included in the national and local housing development plans
- Address the crisis access to emergency and longer-term accommodation for women experiencing DSGBV
- Remove any provision that leaves migrant women's legal status dependent on their partner
- Develop an Irish model of affordable cost rental housing
- Develop targeted information campaigns which provide information to people from minority ethnic to their rights and entitlements in housing

CARE

Care work is essential work and Ireland's care infrastructure is dependent on the cwork carried out by minority ethnic women. At the same time, minority ethnic women's family care, the cost of care and sometimes limited family network (e.g. for migrants) can act as barriers to accessing other services. NWC proposes "care" is considered as a specific and cross-cutting theme.

NWC recommendations to the Citizens Assembly on Gender Equality in relation to care and the care economy is relevant to minority ethnic women and the full submission can be reviewed here⁴⁹. The gaps in the public provision of care and undervaluing of paid and unpaid care work have implications for all women and can impact on minority ethnic women disproportionately, given limited family networks and their own employment in often precarious and poorly paid care work. Please see the section on employment for this issue specifically

⁴⁹ [NWC Submission to the Citizens Assembly on Gender Equality 2020](#)

Lack of investment has kept or transferred back, personal, health and community care need to the unpaid, undervalued and often invisible labour of women. With one of the highest rates of low pay in the OECD, provision of public care services would lessen the impact of exorbitant rent and childcare costs in particular, for low paid workers who are often minority ethnic and/ or migrant women. The pandemic has reinforced the centrality of care to a functioning society and economy. However, women continue to bear primary responsibility for paid and unpaid care. The care sector is characterised by precarious, low paid work. Domestic and personal care workers are often migrant women, and women of colour, subject to the most extreme instances of precarious work and exploitation. NWC is concerned that we must not become dependent on the exploitation of marginalised women to meet our care needs. Because the sector is comprised predominantly of low paid women workers, investing in care could reduce the gender pay gap significantly (by 5% in a UK context⁵⁰).

Public early childhood education and care (ECEC)

Childcare remains the single most significant barrier to women's equal participation in all aspects of society, but particularly employment, education and training. While the National Childcare Scheme is aimed at addressing the issue of affordability, it does little to address sustainability or workforce pay. However, half the workforce earns less than the living wage⁵¹. Ireland has the most expensive childcare in the EU and investment in childcare, at 0.3% of national income, is well below both the EU average of 0.8% and the UNICEF recommended 1% of GDP. Providers face a choice between affordable services for parents and decent pay for their workers. With an inability to reconcile the two, staff turnover in the sector is high (40% for full day services). These factors signify that there is an urgent need to develop a public, affordable and accessible early years and school age childcare infrastructure.

Adult social care

Homecare has been progressively privatised in Ireland. Workers in private providers have lower pay, weaker rights and are required to be more flexible than those working for non-profit or public sector providers.⁵² Again this sector is dominated by migrant workers. In addition, Personal Assistant services are chronically underfunded and inadequate to support disabled people to live independent lives. The Citizens' Assembly recommended that disabled people be actively supported and resourced to live independently with person centred financial supports to enable this.

Investment in universal, non-profit, social care services are vital to ensure older people and disabled people have the necessary supports to reduce dependence on family and friends and to maintain a private life with dignity. While some progress has been made in recent years on the protection of and employment rights of domestic workers, there are significant steps still to be taken.⁵³

Recommendations:

- Develop a legislative underpinning for the funding of a public, affordable and accessible care infrastructure to support people at all stages of the life cycle

⁵⁰ WBG (2020). [A care led recovery from Coronavirus](#).

⁵¹ POBAL (2021) Early Years Sector Profile 2019 / 2020

⁵² Mulkeen, M. (2016). Going to market! An exploration of markets in social care. *Administration*, 64(2), 33–59.

⁵³ See for example research and projects of the MRCl and the Domestic Workers Action Group (DWAG).

- Develop a model of funding for the care economy that ensures proper wages for the workforce, a quality service for children and affordable fees for families
- Increase investment in early years care and education to 1% of GDP over the next decade
- Provide a statutory right for a broad spectrum of paid maternity, paternity, parental leave and carers leave, to include a minimum of 4 paid months of parental leave and 6 paid days of carers leave
- Legislate for a full and retrospective Homecare credit to support women to access a full pension
- Provide a statutory right to home care to support older persons to remain independent
- Provide a statutory right to a Personal Assistance Service for disabled people

2.4 Inclusion and Participation

Leadership

Women, in all our diversity, must be represented in State decision-making processes. Those affected by decisions must be involved in the making of those decisions. It is only in recent years that women have made progress in overcoming the gender inequality this area and there are still significant gaps in political participation on State and company boards.

Minority ethnic women are virtually invisible in such structures. Indeed, few data collection systems even count minority ethnic women. In the past 18 months we have seen the first Traveller (and first Traveller woman) in the Seanad⁵⁴ and the first Black woman elected Mayor⁵⁵. The extent of the limited representation of minority ethnic women is all the clearer by the fact that the inclusion of individual women has proven so noteworthy. However, such examples do provide role models for minority ethnic women and girls, and demonstrate to the general population the important contribution minority ethnic women make to Ireland's social, economic and political life.

Racism is a key barrier to increasing the diversity and representativeness of our political leaders. NWC's 2019 study "Women Beyond the Dáil"⁵⁶, reported the racism that occurs in local political discourse where, for example, rhetoric used to resist allocation of Traveller accommodation uses stereotypes that demean Traveller experiences. This informs Traveller women's perceptions about local office and discourages their participation or running for election. The lack of support for minority ethnic women, who often also carry the burden of care work, makes running for office particularly challenging. Migrant and ethnic minority women candidates lack support systems that include extended family networks for canvassing or for childcare, and the financial resources required. Less than 1% of local election candidates in recent elections were from an identifiable migrant background (3 in 2104 and 9 in 2019). Three of the 4 candidates in the 2019 local election who openly identified as Travellers, were women. The lack of demand to recruit minority ethnic women interacts with the structural constraints that exacerbate the challenges facing all women in accessing political office.

⁵⁴ Senator Eileen Ni Fhloinn

⁵⁵ Councillor Uruemu Adejinmi was elected Mayor of Longford County Council, <https://www.irishtimes.com/news/politics/first-black-female-african-mayor-in-state-elected-1.4602861>

⁵⁶ [NWC Women Beyond the Dáil: More Women in Local Government 2019](#)

Recommendations:

Fix the System

- Develop mandatory standards in political discourse to ensure it is free from discriminatory rhetoric and hate speech
- Implement NITRIS measures to improve the participation of Traveller and Roma women in political and public life
- Provide supports for caring responsibilities for canvassing and participation
- Quotas, incentives and sanctions should be applied to political parties to increase minority ethnic women's participation in politics
- Introduce an entitlement to maternity/adoptive leave
- End reliance on electoral register for selection process for Citizens Assemblies, consultative processes, selection process in e.g. Presidential election, referenda⁵⁷
- The Electoral Commission should monitor voter turn-out and this information should inform voter registration information registration drives.

Fix the numbers

- Introduce a target for diversity on State Boards
- Establish targets for diversity on all non-state Irish company boards
- Legislate for a quota system to be extended to local elections with an initial quota of 30% women's representation in the Local Elections 2024 and additional targets to improve diversity
- Introduce gender disaggregated data of minority community membership of political parties.

Promote participation

- Raise awareness of the right to vote among migrant communities
- Support NGO voter registration drives and capacity building programmes
- Protect the legitimate advocacy role of civil society organisations.

Participation in policy development, including NAPAR - Meaningful engagement

Minority ethnic women want to engage and make a critical contribution to all policy-making processes. The root cause of “consultation fatigue” is lack of implementation following former consultation, limited ongoing engagement with the process beyond initial consultation and limited feedback or accountability to communities on progress. People want and have the fundamental right for their voices to be heard.

Those who are impacted by decisions must be involved in making those decisions. There is a need for real, meaningful participation. During NWC engagement with members on the NAPAR, it was clearly communicated that there is distrust of what people perceive, or have experienced to be, “rubber stamping” or “tick box” exercises. Women, including minority ethnic women, are keen to engage meaningfully on impactful strategies and plans; however, some express “fatigue and frustration” at the failure of previous plans to deliver for their communities.

⁵⁷ The 2021 report of the independent researchers evaluating the Citizens Assembly highlight some weakness in the process including the selection process, available online at <https://www.citizensassembly.ie/en/news-publications/publications/independent-researchers-report-on-the-process.pdf>

Conditions for meaningful participation include amongst others, respect, parity and resourcing. It is noted that minority ethnic groups at grassroots level are not adequately resourced to support participation. They may also hold a higher burden and expectation of delivery of outcomes and change for the communities they represent. NAPAR can ensure a specific funding line to support and resource ongoing participation.

Culture

Culture, and the fact that it appeared relatively invisible in the ARC consultation document, was noted during NWC's consultation with members. Following the invitation by ARC to highlight areas not in the consultation guidance note, we bring this to your attention.

Recommendations:

- Provide funding to empower minority ethnic women and organisations to participate directly in decision making structures related to NAPAR
- Culture needs to be more visible and greater consideration given to it in the NAPAR Framework and content
 - Encourage and resource women's representation, cultural communication and creation
 - Support public campaigns to develop a positive narrative - campaigns that are factual and impactful.

3 Implementation and Accountability

Implementation

Racism is a cross-cutting and intersectional issue that affects all areas of people's lives. As such, it is relevant to every sector and to each government department or public service. It is acknowledged that equality and intersectionality can be complex; it is important to be inclusive of all equality grounds. Therefore, NAPAR will require complex solutions and progressive thinking.

To ensure the success of the NAPAR, the ARC must show leadership role in bringing together relevant and diverse stakeholders, delivering on innovative and inclusive approaches to policy formulation and implementation and, crucially, facilitating and requiring "joined up government". All government departments and State bodies have a responsibility to address racism and not to discriminate. There needs to be a integration and alignment of NAPAR and other strategies and national action plans. As noted earlier the Public Sector Equality and Human Rights Duty (PSD) acts as a critical tool in ensuring implementation and accountability of NAPAR

Strong, clear and high-level political leadership is required to drive the implementation of NAPAR. This needs to be reflected internally through ensuring senior civil servants and officials have the authority to make decisions so that progress can be made and impact achieved, in a timely manner. NAPAR requires a long-term commitment from government.

Through NWC engagement with members, and also participation in the ARC consultation fora, participants sent a very clear message that they do not want another policy without implementation. The lack of implementation is having a significant impact on people's lives. It

diminishes trust of minority communities and community/representative organisations in Government. Fundamental principles of democracy all support the need for civil society organisations to be involved in NAPAR, however, this principle is arguably undermined by the fatigue and frustration resulting from previously limited processes

As those most directly affected by the decisions, resourcing and actions associated with NAPAR, ARC must recognise minority ethnic communities as critical stakeholders to whom they, and the Government, are ultimately accountable. The EU Commission encourages Member States to “ensure that civil society representatives and equality bodies are involved in the design, implementation and evaluation of national action plans against racism”⁵⁸. Minority ethnic communities and organisations need to be engaged throughout the process, from the initial phase through to implementation and evaluation. Given that NAPAR is still in the consultation phase, there is a real opportunity for ARC to embed meaningful participation and inclusion of those affected by racism, in the implementation and accountability mechanisms and processes.

A permanent consultative forum is one option and should be given consideration by ARC, in their deliberations. There needs to be feedback (including to those who engaged in the ARC consultation process) on the implementation and accountability structure and process ultimately selected with an explanation given as to why the decision was made; how it will be effective; how civil society can engage and how this will ensure minority ethnic women’s voices are heard. While civil society organisations may participate in the NAPAR process, civil society also has a role to act as a watchdog, a role that needs to be recognised, respected and resourced.

Monitoring

The dearth of equality data particularly data on minority ethnic groups and gender disaggregated data is a real challenge in the development of NAPAR and for its monitoring. Priority action must be given to addressing this problem. CERD also raised this point in its reports to Ireland, including in its last report in 2019. In its concluding observations CERD noted its concerns about,

“the inconsistent collection of statistics on the ethnic composition of the population. It is also concerned about the lack of comprehensive disaggregated data and the significant gaps in the population census and other national surveys, and administrative data on ethnic minority groups in terms of its availability, quality and use, which makes it hard to assess the fulfilment of the State party’s obligations under the Convention (art.1).”

Recommendations:

- Ensure strong political leadership for the implementation of NAPAR
- Ensure NAPAR is underpinned by a “whole of government” approach
- Ensure minority ethnic women’s voices are heard, throughout the process
- Gender equality proof the NAPAR
- Develop NAPAR as comprehensive and measurable, with clarity on responsibility and accountability
- Ensure ongoing monitoring and evaluation, so any implementation issues are raised early and addressed promptly
- Introduce penalties for lack of implementation.
- Develop and implement an equality data process
- Establish a Consultative Forum, over the lifetime of NAPAR

⁵⁸ EU Action Plan Against Racism (2021), p. 21.

- Resource the participation of civil society
- Develop a clear communication strategy for NAPAR
- Develop and deliver a positive narrative on diversity and migration

For any queries and further information please contact:

[REDACTED]



Submission on the National Action Plan Against Racism

Comhairle Náisiúnta na nÓg
National Youth Council of Ireland

3 Montague Street

Dublin 2

July 2021

Contents

Introduction	1
Premise	2
NYCI’s Understanding of Racism	2
Demographics and statistics for the Republic of Ireland	3
The Youth Work Sector	
What is the youth work sector?	4
Who are the stakeholders in the youth work sector?	4
NYCI’s Key Recommendations in Brief	5
Key Issues and Recommendations in Detail	7
1. On the role of youth work in tackling racism	7
2. Young people as a distinct and important cohort impacted by racism	9
3. Process and implementation	10
4. Data collection, inclusion and equitable outcomes	11
5. Culturally informed institutional change and the need for diversity amongst staff and volunteers in our services, including youth services	12
6. Employment	14
7. Education	15
8. Access to justice	19
9. Hate speech and the rise of the far-right	21
10. Accommodation	21
11. Health, including mental health	22
12. Accessing the Arts	23
13. Representation and Participation at Local and National level policy development	24
14. Access to Services	25
Conclusion	26
Video Resources	26

Introduction

The National Youth Council of Ireland (NYCI) is a national organisation which represents and supports community, voluntary and not for profit youth organisations in Ireland. Founded in 1967, we currently have 56 member organisations (www.youth.ie/members) which represent the scope, scale and diversity of the youth work sector. Our member organisations work with approximately 380,000 young people aged 10 to 24 years in every community in Ireland with the support of 40,000 volunteers and 1,400 paid staff. NYCI's role is recognised in legislation (Youth Work Act) and is represented on the National Economic and Social Council and other national structures.

NYCI offers a variety of programmes and supports to the youth sector through our:

- Equality and Intercultural Programme,
- National Youth Health Programme,
- National Youth Arts Programme,
- International and Young Voices Programme,
- Development Education and Global Youth Work Programme,
- YouthPact: Cross-border/Cooperation Ireland Initiative,
- Child Protection Programme,
- STEAM in Youth Work Programme,
- Skills Summary Programme,
- Youth Policy, Advocacy, Research, Media, and Communications.

NYCI believes that a fair and just society is one where young people are valued; where there is a commitment to justice; a belief in the interdependence of lives and a sense of solidarity that comes from people acting together; a strong commitment to freedom; and a strong engagement with the ecological values of harmony and balance with nature.

The National Youth Council of Ireland welcomes the development of the National Action Plan Against Racism (NAPAR). We make this submission focusing on youth-specific issues. It is informed by our ongoing work with minority ethnic young people and the youth work sector, drawing on the many youth consultations we have done in recent years, our own research *Make Minority a Priority* on the experiences of minority ethnic young people growing up in Ireland, and engagement with our members and the wider youth sector, principally through our *Equality and Intercultural Programme*, our *Youth 2030 Global Youth Work and Development Education Programme*, and our *Young Voices initiative*.

In leading up to writing this submission we reached out to the youth sector, collaborating with the Anti-Racism Committee and DCEDIY to hold an online consultation event. We have included quotes from our consultations with young people to directly include their voices in this submission, as well as through our recommendations. The recommendations outlined below come directly from our own research, engagement with the youth sector, and the case studies and anecdotal evidence we have gathered.

Premise

NYCI's Understanding of Racism

At the outset we want to define NYCI's understanding of racism and urge that a similar one be adopted by the National Action Plan Against Racism.

NYCI support the understanding of racism used by the Anti-Racism Committee. Racism is structural, institutional, and historical, and not just an individualised experience. It is structurally embedded within our culture as a phenomenon of domination and power, which is reflected through, and reproduced by, institutions, practices, policies, and cultural norms, and through them has the effect of excluding or discriminating against individuals or groups, based on their race or ethnicity (including nationality and membership of the Traveller community). Racism is present whether the exclusion is intentional or not (UN Durban Declaration on Racism and Programme of Action).

Racism occurs in many areas of society and affects many aspects of people's lives. A focus on the root causes of racism is necessary to ensure that the NAPAR tackles the structural and institutional aspects of racism, those aspects that are harder to see but do more damage and perpetuate systems of oppression and social injustices. As an organisation, we adopt a racial justice lens to tackling racism. This approach recognises that, systemic racism manifests in ways that prevents people from enjoying their rights across many domains, including their economic, social, cultural rights, as well as their civil and political rights.

We acknowledge the intersectionality between racism and all other forms of oppression, including the oppressions experienced by people based on gender, sexuality, gender identity, disability, and socio-economic circumstances. Racism impacts groups across a range of life circumstance and all must be afforded equal protection and support in the NAPAR. It must include all residents in Ireland, including those temporarily residing in Ireland, migrant workers whether documented or undocumented, the Traveller community, the Roma community, and all those in the international protection system.

NYCI's submission relates specifically to young people's experiences of racism and the recommendations they, and the youth work sector have asked us to convey. In doing this we pay attention to the varied instances of racism experienced by young people who are:

- Black people (experiencing Afrophobia),
- Other young people of colour (POC) groups, (Anti-migrant racism),
- Muslim or other minority religion (Islamophobia or Anti-Muslim racism, Antisemitism),
- Travellers or Roma, and other minority ethnic groups (Antigypsyism or Anti-Traveller racism),
- Black, Traveller, and POC (BTPOC) young people experiencing mental health issues, those in care or social services, are disabled, involved in juvenile justice system and in prisons, having caring roles, are LGBTI+, who experience socio-economic disadvantage, who have different immigration status,
- Gender also plays a significant role in young people's experience of racism.

Demographics and statistics for the Republic of Ireland

NYCI notes that almost 1 in 7 young people (15%) aged 15-24 living in Ireland are minority ethnic, with this rising to 16% for those aged 5-14. This represents over 200 different nationalities (Central Statistics Office 2017a: EYO29). Only 7.5% of all 0–14-year-olds were born abroad (Central Statistics Office 2017a: EYO20). This demonstrates that the vast majority of minority ethnic children were born in Ireland. In addition, an increasing number of young people from a minority ethnic background also identify as having a dual nationality. In 2016, 34,761 of those aged 0-14 years old and 14,384 of those aged 15-24 identify as having dual nationality with one of these being Irish.

Of the national population of young people at least 6.7% come from backgrounds who experience racism (CSO 2017a: EYO29):

- 1.2% are Travellers,
- 2.9% are Black or Black-Irish,
- 2.6% are Asian or Asian-Irish.

Figures for young people from Arab or Muslim backgrounds who also experience racism are not included in these figures.

In a recent Red C Poll that NYCI carried out (April 2021), it became clear that 18–24-year-olds are more likely than other age groups to see racial discrimination as an important issue:

- 79% of those aged 18 – 24 stated that racism is a significant issue online (compared with 69% on average).
- 77% of those aged 18 – 24 stated that Ireland needs a National Action Plan Against Racism (compared with 66% on average),
- 80% of those aged 18 – 24 recognised that racism is having a negative impact on Irish society (compared with 63% on average),
- However, 64% of those aged 18 – 24 also believe that racism is more significant in other countries which may have the effect of negating the serious impact it has on racialised groups in Ireland.

Moreover, only 44% of those aged 18 – 24 stated that racism is an issue in the area they live; this compares to 21% in the general population. It is hard to know what this low figure means but it corresponds with evidence from NYCI's other research work that has consistently shown that people do not see racism that is not overt or experienced at an individual level. Many young people complain that when they report racism in school or to Gardai their experience is dismissed as being 'not racist'. In addition, people do not see the pervasive nature of racism in structural and institutional forms or within their own unconscious bias. However, the much higher statistic in young people's answers suggests a greater awareness and understanding of racism amongst younger people and the figure of 80% of those aged 18 – 24 who recognise the negative impact it has on society also shows increased awareness.

Our submission addresses the key questions and concerns raised as part of the consultation process to date. We address the issue from young people's perspective and have included some quotes from young people.

The Youth Work Sector

What is the youth work sector?

Youth work has been enhancing the lives of young people and adults in Ireland for more than 100 years. It was given formal statutory recognition in the [Youth Work Act 2001 - National Youth Council of Ireland](#), which defines youth work as:

“A planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young people through their voluntary involvement, and which is complementary to their formal, academic or vocational education and training and provided primarily by voluntary youth work organisations.”

Who are the stakeholders in the youth work sector?

The youth work community in Ireland includes young people, youth workers and youth leaders, youth work managers, youth organisations, volunteers, trainers, researchers, educators of youth workers, Education Training Board Youth Work Officers, further education and Third Level institutions, Youth Justice, boards of management, local communities, National Agencies for Erasmus+ Youth and the European Solidarity Corps, youth work partners, funders, and policy makers at all levels of governance.

The youth work sector also interfaces with Children and Young People’s Services Committees, Family Resource Centres, and social inclusion officers in local government structures including Partnerships.

NYCI's Key Recommendations in Brief

Recommendation 1: Recognise and fund the unique role of youth work as an effective route in tackling racism.

Recommendation 2: Recognise that young people are a particular cohort at risk from the negative effects of racism, especially in relation to their sense of identity and belonging. Young people should be named in all aspects of the NAPAR so that they are never overlooked.

Recommendation 3: Implementation is key with strong political leadership:

This new National Action Plan Against Racism for Ireland **needs to be fully costed and funded, be cross departmental and cross-sectoral, be long-term in scope, have clear timelines, concrete objectives, and measurable outcomes.** Lessons must be learned from the previous NAPAR which was a strong document but was poorly resourced with few actions implemented. This NAPAR for Ireland should be based centrally at the highest level within the Department of An Taoiseach and involve all government departments to steer, implement, monitor, and report on the plan.

A new **National Consultative Committee on Racism and Interculturalism** must be in place to support coordination, implementation and monitoring of the National Action Plan. The Committee must have representation from the youth work sector alongside other key stakeholders.

We need a **Minority Ethnic Youth Action Plan implemented by DCEDIY and other relevant departments and key stakeholders.**

Recommendation 4: Data collection must be disaggregated by ethnicity, religion and age to measure gaps and trajectories of success. Collation of comprehensive and consistent data on the reporting of racism and discrimination by civil and statutory bodies is critical. Without data we cannot systematically measure discrimination or changes over time to better target responses, resourcing, and support that young people need.

Recommendation 5: Increase diversity amongst staff and volunteers at all levels in public bodies, institutions, NGOs, educational settings, business, healthcare, politics, and civil society. This long-term goal needs to be ambitious. It involves delivery across a range of institutions and to be named in all relevant strategies/policies - including within the youth work sector - to make this a reality.

- Key to ensuring responsive, diverse and inclusive workplaces, that are welcoming and supportive of ethnically diverse colleagues, it is critical that there is leadership, awareness-raising and understanding, and that workplaces are held to account.

Recommendation 6: There is a need to implement long-term plans to address the under-employment of minority ethnic communities and take seriously the admission and retention of minority ethnic young people in mainstream employment. This involves both measures to make the workforce more inclusive and measures to penalise discrimination.

Recommendation 7: On education there is a need for:

- The integration of anti-racism education into the National Action Plan Against Racism is a key priority. Engagement with the Irish public is essential, through formal, non-formal, informal and life-long learning opportunities, so all can acquire the knowledge and skills

needed to eliminate racial discrimination and take the action needed to confront and end racism.

- We call for a forum of interests/ cross-departmental approach involving Departments of Children, Equality, Disability, Integration and Youth, the Department of Foreign Affairs/Irish Aid, the Department of Education, the Department of Justice, Department of Social Protection and Department of Further and Higher Education, Research, Innovation and Science to work collaboratively with all education partners, adopting a cross-sectoral approach to eliminating racism and racial discrimination in education.

Recommendation 8: On Access to Justice there is a need to:

- 1) Ensure greater transparency in policing and increased diversity awareness,
- 2) Extend the nine grounds to include socio-economic status,
- 3) Ensure the safety and regularisation of undocumented people,
- 4) Address concerns for young people in the International Protection System.

Recommendation 9: Tackle hate speech, online racist content, white supremacy, and the far-right through sanctions, collaborate with the far-right observatory, build trust, fund education and awareness-raising.

Recommendation 10: Uphold and reinforce rights to accommodation, including the right to live in accommodation where occupants can live free and protected from racist incidents

Recommendation 11: Ensure that measures are taken to create mainstream health and mental health services that are staffed by people who have cultural and religious competencies to meet the needs of minority ethnic young people, including Travellers.

Recommendation 12: Resource youth arts programmes which enable young people from minority ethnic backgrounds to participate in the arts, including in arts experiences which are led by practitioners/artists from their own communities or in programmes which draw on the arts practice of their own cultural identities.

Resource and support young minority ethnic artists into career development and progression.

Recommendation 13: Create safer spaces and opportunities for the lived experience of young people to inform policy and practice.

Recommendation 14: Initiatives to improve access to services for minority ethnic young people include: developing a code of practice for services and businesses; delivering cultural competence and awareness raising education; applying Public Sector Duty reform; developing forms of redress when rights are withheld or compromised.

Key Issues and Recommendations in Detail

1. On the role of youth work in tackling racism

Recommendation: Recognise and fund the unique role of youth work as an effective route in tackling racism.

- The youth work sector has a key role to play in bringing about and enacting societal and cultural change and must be held accountable and supported to do this. The inclusion of young people from minority ethnic communities needs to be sustained as a conscious and purposive part of youth work. Youth workers need ongoing support to develop specific competencies in inclusive, diverse and responsive practice in order to address this need¹,
- Youth work responses must be led by what the young people need to feel safe and included. The current situation is impacted by structural barriers in the mainstream youth sector. There is a need for greater choice in how young people and youth leaders from minority ethnic backgrounds participate. This may mean:
 - Establishing minority ethnic and/or gender-specific groups²,
 - Funding support to facilitate minority ethnic-led organisations to apply for resources to deliver youth services in their own right or in partnership with others,
 - Challenging a traditional preference for only engaging with young people from minority ethnic communities in integrated youth groups,
 - Spaces may need to serve as drop-in or fluid spaces where project work can evolve based on the young people's interests,
 - Youth spaces need to promote dialogue and empowerment, where youth work methodologies are grounding principles,
- NYCI is committed to bringing about and enacting societal and cultural change through its Equality and Intercultural Programme. It has identified a need for funding to employ four outreach regional officers to work under the Programme; our current reach is limited with just 1.5 staff. NYCI proposes to build and coordinate a group of Champions across the youth work sector to support inclusion,
- Develop and resource an Intercultural Strategy for Youth Work³,
- A global youth work⁴ approach runs in conjunction with intercultural and anti-racism work and needs resourcing. Strengthening the youth sector's relationship with global citizenship,

¹ [8 Steps to Inclusive Youth Work](#) (NYCI, 2021).

² [How do I get the Balance in My Head](#) (Canal Communities Regional Youth Service, 2017) and [Make Minority a Priority](#) (NYCI, 2017).

³ National Youth Council of Ireland (2008) A Report and Recommendation for an Intercultural Strategy in Youth Work, Dublin: NYCI unpublished report.

⁴ A global youth work approach supports young people and youth workers to see themselves as global citizens with a role in addressing inequality and being part of transformative action, both locally and globally.

sustainability, democracy and human rights, and a critical development education approach, provides a key opportunity to build capacity of youth workers and young people to develop active global citizenship and see diversity as a resource and strength⁵,

- Resources need to be allocated at national, regional and local levels to strategically fund dedicated youth workers and inclusion workers to support intercultural and anti-racist youth work especially those directly running minority ethnic youth groups. Resources include youth work and community facilities that would be made available to self-organising minority-ethnic youth groups for free or minimum cost,
- The youth work sector needs to be resourced to explore ways of replicating and adapting successful approaches spearheaded by existing intercultural and anti-racist youth work. NYCI is introducing Racial Justice training in the youth work sector with the aim of building competencies around racism and diversity to better equip youth organisations to support inclusive, diverse and responsive practice in youth work,
- In addition, NYCI has been leading out on a Transformative Practice project that works to transform hate in youth settings by introducing tools that bring about real and lasting change, by working with young people that perpetrate hate,
- The youth work sector should be supported to deliver CPD training in medium to long term projects with the view to creating whole organisational approaches to tackling racism (including boards, CEOs, regional managers, staff, volunteers, and students),
- In provisioning the education of the youth work and formal education sectors, education about racism and anti-racism must be included and aligned with delivery of quality, life-long learning and critical development education.

⁵ This should include youth work training and activities and awareness-raising in human rights, sustainable development and good governance – and to support young people's active engagement in responding to global challenges and efforts to build democratic, peaceful, inclusive, equitable, tolerant, secure and sustainable societies across the world. ([Youth in external action - Council conclusions, June 5th 2020](#))

2. Young people as a distinct and important cohort impacted by racism

*“Why are they treating me like this? What did I do wrong? Is there something wrong with me?”
Should I try to change myself?”⁶“You’re like scared to like show people who you are because
you’re afraid that they’re going to like judge you from where you came from, and how you act.
So you’re just like scared of really being yourself.”⁷*

Recommendation: Recognise that young people are a particular cohort at risk from the negative effects of racism, especially in relation to their sense of identity, belonging, and emotional well-being. Young people should be named and included in all aspects of the NAPAR so that they are never overlooked.

- Young people need support in exploring their identity, to be listened to, heard and involved. Identity formation and engendering a sense of belonging for young people who were born in Ireland or who arrived here as children and feel an affinity with more than one cultural identity is critical⁸,
- Young people need safer and supported places in which they can share, deliberate and debate with others who have similar experiences⁹. In negotiating a sense of belonging minority ethnic young people in Ireland are significantly impacted by the attitude of people around them as they navigate their own journeys of self-understanding and discovery,
- Young people need to have opportunities to talk about the things they hear so that it is not internalised – from comments that make them feel different, or that they don’t belong, or that insult them. They need to have opportunities to critically reflect on the nature of racism and exclusion, to name it and identify and develop their coping strategies,
- Young people need robust racist reporting processes to ensure that when reporting racism, there is an experience of accountability and that their experience is being used to inform policy responses. Since the Black Lives Matter movement emerged, an ‘acceptance’ of racism is no longer present for young people and the desire to make a difference is being strongly voiced. (Previously, in NYCI research and consultations, racism had been expressed as a ‘normal’ feature of young people’s lives),
- Young people need to experience appropriate responses from authorities e.g., teachers and Gardaí - in particular an acknowledgement of their reported experiences of racism. Specific targeted training for ensuring accountability needs to be implemented as part of standard CPD training in education and within policing,

⁶ Mahon, E. Be Heard on CERD. NYCI Consultation Report (2019). Unpublished.

⁷ [Make Minority a Priority](#) (NYCI, 2017).

⁸ One of the six transformation goals of the National Policy Framework for children and Young People, *Better Outcomes, Brighter Futures*, is ‘Listen to and Involve Children and Young People’.

⁹ [Make Minority a Priority](#) (NYCI, 2017).

- Where minority ethnic people have significant advocacy and support needs in relation to visas/migration status, access to college etc., it is important that they have advocacy and mentoring to understand and address these issues. These issues differ significantly for young people versus adult populations.

3. Process and implementation

“Just be realistic here, because this actually does happen, I’m seen as a n...r, seen as a monkey. [...] we get called these names. That even if it’s not on a daily basis, at least once a week. I’m just saying this actually does go on and you’re not taking it seriously.”¹⁰

Recommendation: Implementation and strong political leadership is central: This new National Action Plan Against Racism for Ireland needs to be fully costed and funded, be cross departmental, cross-sectoral and long-term in scope, as well as have clear timelines, concrete objectives, and measurable outcomes.

- The NAPAR should take a long-term approach recognising that many interventions will take a generation to bring about real change. The NAPAR should have clear goals and a realisable implementation plan. Regular evaluations and reviews will be essential. Good NAPARs place a focus on tackling structural and institutional racism, precisely because it is particularly enduring, in part because it has historically been hardest to identify and tackle,
- **A new National Consultative Committee on Racism and Interculturalism must be in place to support coordination, implementation, and monitoring of the National Action Plan,**
- NYCI believes there are critical elements inherent in a developing an effective and visionary National Action Plan Against Racism. These include:
 - Leadership, especially political leadership; Joined up thinking across all state functions; all Government Departments, National authorities and local authorities,
 - **It should have oversight and steering through the Department of An Taoiseach,**
 - Local initiatives supported from village/townland to county level, including local authorities; local and regional youth services; engagement and involvement with civil society; engagement, involvement and buy-in for/from affected communities,
 - Linking the NAPAR to other government agendas, strategies, and policies including future ones.
- The current review and any new policy focus of Better Outcomes Brighter Futures and the National Youth Strategy should facilitate the provision and delivery of additional and enhanced support for young people from minority ethnic backgrounds,
- We call for a **Minority Ethnic Youth Action Plan** implemented by DCEDIY (in partnership with other relevant departments and key stakeholders) that includes:

¹⁰ [Make Minority a Priority](#) (NYCI, 2017).

- A responsive youth sector that operates from a youth strengths approach,
- Culturally relevant mentorship programmes for minority ethnic young people,
- Support for wellness and healthy life choices,
- A focus on cultural identity as a key aspect of a young person's sense of self-conception and belonging,
- Support around access to higher education and skills development,
- A network to build community capacity and collaboration for systemic change,
- Cross sectoral collaboration.

4. Data collection, inclusion and equitable outcomes

Recommendation: Data collection must be disaggregated by ethnicity, religion, and age to measure gaps and trajectories of success. Collation of comprehensive and consistent data on the reporting of racism and discrimination by civil and statutory bodies is critical. Without data we cannot systematically measure discrimination or changes over time to better target responses, resourcing, and support that young people need.

- Data collection must be consistent across all state bodies and in line with CSO descriptors. Without data we cannot measure the success of any measures taken and the impact of these for young people. In addition, we need such data to interrogate the State on equality in Ireland. We call for:
 - The roll out of the universal ethnic identifier across all health, education, policing, social and public services to determine and plan services for those most in need,
 - Tracking of minority ethnic young people in socio-economic and employment trajectories, including the Labour Force Survey and the Survey of Income and Living Conditions,
 - Alternative measures such as ethnicity or parents' country of birth to be included in social surveys, as well as a broader reflection on whose outcomes are being measured¹¹. This ensures that increasing numbers of naturalised citizens are not excluded when measuring integration outcomes solely on the basis of nationality,
- Revise data collection models based on understanding the lived realities of minority ethnic communities in mixed income areas. The Pobal HP Deprivation Index, used by government departments and other agencies to determine required funding levels, does not accurately determine the needs of minority ethnic families as it relies on educational attainment as a determinant of income. However, many minority ethnic adults are well-educated, but they are not in correspondingly high-paying employment due to underemployment. The Pobal HP

¹¹ ESRI. (2018). Monitoring Report on Integration. Dublin: Department of Justice and Equality & ESRI.

Deprivation Index is an example of a model that, along with institutional racism that is a factor in underemployment, exacerbates the socio-economic inequalities that prevail ¹²,

- Data collection on various aspects of racism and discrimination, such as equality data collection, attitude and experience surveys, hate crime and hate speech statistics is crucial for monitoring and targeting policies and practices relating to hate crime and policing, to monitor patterns of discrimination, and to better target funding and resources,
- As identified by the ESRI¹³, immigrant or ethnic minority boost samples would support measuring poverty and deprivation and would allow analysts to distinguish more policy relevant groups,
- Develop a research response to advise on areas for research within the youth sector to establish a clear evidence base on racism and discrimination to inform policy, and enhance delivery and practice:
 - Fund third level youth work research,
 - Develop a learning network for youth work researchers,
 - Adopt a longitudinal and participatory approach,
 - Engage the Irish Research Council to develop a research funding stream for Youth Work that addresses racism through intercultural, anti-racist and Global Youth Work.

5. Culturally informed institutional change and the need for diversity amongst staff and volunteers in our services, including youth services

A key block for minority ethnic young people not engaging in available services is the lack of ethnic diversity across staff and volunteers. This is of particular concern in our own youth work sector as well as across other state and state funded institutions.

"You have to see it to be it"¹⁴

Recommendation: Increase diversity amongst staff and volunteers at all levels in public bodies, institutions, NGOs, educational settings, business, healthcare, politics, and civil society. This long-term goal needs to be ambitious. It involves delivery across a range of institutions and to be

¹² Email received from the manager of ARD FRC, Doughiska, Galway (9th July 2021).

¹³ ESRI. (2018). Monitoring Report on Integration. Dublin: Department of Justice and Equality & ESRI.

¹⁴ This is a phrase articulated by young people on the need for role models in all areas of their lives.

named in all relevant strategies/policies - including within the youth work sector - to make this a reality.

Key to ensuring responsive, diverse and inclusive workplaces, that are welcoming and supportive of ethnically diverse colleagues, it is critical that there is leadership, awareness-raising and understanding, and that workplaces are held to account.

To create the conditions that support diversity in the workforce it is important to ensure:

- Communication of key messages that signal zero tolerance for racism as a core aspect of leadership,
- Cultural competencies are required across all government bodies, government agencies, government structures, and government funded organisations and programmes. This should be done through a dedicated policy and practice approach including staff training, policy coherence, recruitment, communications, and media training/engagement, and putting appropriate and timely strategies in place. This is in addition to implementing the Public Sector Duty,
- The Public Sector Duty must be implemented across all state and state-funded services¹⁵,
- Bring an explicit focus to understanding and adapting to diverse representations of Irish identity, including dual-identity by giving space to discussions and dialogue on the changing understanding of Irish identity and the need to accept and embrace difference as a norm.
- Shift beyond the language of equal opportunities to replace it with an understanding that structural change and intentional strategies are needed. Equality of outcome needs to be prioritised over equality of opportunity.

To increase diversity in our workforce we must:

- Develop a recruitment programme that works with schools and youth services to signpost minority ethnic young people to potential careers in youth work and education,
- Work with the Public Appointments Service (PAS) to develop initiatives to increase ethnic diversity in government bodies where ethnic diversity is underrepresented in the workforce.
- Set new targets with PAS to increase workforce diversity that matches the ethnic diversity in the community with a focus on those under-represented in the workforce.

¹⁵ 'Implementation of the Duty can assist an organisation to define, and give expression to, equality and human rights values related to its purpose, and to key public sector values. Explicit equality and human rights values, such as non-discrimination or dignity for service users, can motivate and guide public bodies to assess and address equality and human rights issues relevant to their functions.' (IHREC, 2019).

6. Employment

*'I'd be on the phone ... talking to someone who hasn't seen me, for a job interview or something... And they'd think I'm White... or I'm Irish. Then I'd go to the job interview and they're like "Eh hi!" [in a very shocked voice]'*¹⁶

Recommendation: Address under-employment of minority ethnic communities and the admission and retention of minority ethnic young people in mainstream employment, including Travellers. This involves both measures to make the workforce more inclusive and measures to penalise discrimination.¹⁷

- Increase opportunities for under-represented minority ethnic young people and specifically ensure that they have the experience, credentials and networks to compete for available jobs in order to eliminate systemic racism and race-based disparities,
- Develop responsive in-school guidance to ensure that young people and their parents can make informed choices on options for life and career progression. This should also be supported by industry-led career initiatives for training, support and work placement and mentoring opportunities to help minority ethnic youth secure high-quality employment and advance their careers, including in the interactive digital media industry which has a significant presence in Ireland,
- Promote *Investing in Diversity* models to engage industry led career initiatives¹⁸ in challenging systemic, race-based disparities,
- Support post-secondary education, and alternative education paths along with career development plans that are responsive to minority ethnic young people's needs.
- Implement the following measures:
 - Re-introduce successful targeted training programmes aimed at Traveller and Roma communities which were cut due to austerity and have not yet been re-introduced,
 - Support apprenticeships and Traveller specific economies for entrepreneurship,
 - Address discrimination at work and ensure that accountability mechanisms are enforced across private and public sector contexts,
 - Include measures of respondents' ethnicity and age to both the Labour Force Survey and the Survey of Income and Living Conditions to support better understanding of differences in employment in Ireland amongst groups and inform policies,
 - Implement effective and prompt recognition of skills and qualifications acquired abroad.

¹⁶ [Make Minority a Priority](#) (NYCI, 2017).

¹⁷ INAR. (2019). *Alternative Report on Racial Discrimination in Ireland: Collective Civil Society Perspective*. Dublin: INAR.

¹⁸ Internationally, there is evidence of the impact of work-based learning and education/ enterprise partnerships. ([Dept of Education and Skills, 2016](#)). Industry Led Career Initiatives elsewhere show that involving industry in tailored projects can support young people with meaningful outcomes and challenge structural inequality. ([Post-secondary education and career development: Black Youth Action Plan, Ontario](#)).

7. Education

'I actually had a bad experience with a teacher from secondary school ... From 1st year to 3rd year I had great teachers, so I moved into transition year. And we had to change into [wearing] white t-shirts. And there was my geography teacher who said, "we shouldn't have been given a white t-shirt at all because it will get stained". And I was like "what do you mean by that?" and then he was like "you know exactly what I mean". I actually left the school, I moved to a different school for the last two years'¹⁹

Recommendation: The integration of anti-racism education into the National Action Plan Against Racism is a key priority. Engagement with the Irish public is essential, through formal, non-formal, informal and life-long learning opportunities, so all can acquire the knowledge and skills needed to eliminate racial discrimination and take the action needed to confront and end racism.

We call for a forum of interests/ cross-departmental approach involving Departments of Children, Equality, Disability, Integration and Youth, the Department of Foreign Affairs/Irish Aid, the Department of Education, the Department of Justice, Department of Social Protection and Department of Further and Higher Education, Research, Innovation and Science to work collaboratively with all education partners, adopting a cross-sectoral approach to eliminating racism and racial discrimination in education.

Strategy and Policy issues that need to be addressed include:

- Curricular reform – long-term reform with interim solutions are needed to avoid another generation falling through the gap. Interim solutions include provision of extracurricular interventions and visiting expertise in the short term plus CPD for education staff as a priority,
- Tackle racism in schools through anti-racism training for teachers and school staff,
- End reduced hours in schools for Travellers, and young people in international protection system. This is an issue across the school system,
- Increase language support for speakers of English as a second language - including parents,
- Set up a social capital/mentoring programme to support minority ethnic young people disconnected from social networks (for TY placements, applications to post school opportunities, form filling, navigating systems etc.),
- 'PATH' - Programme for Access to Higher Education - funding streams include Travellers in further education but does not include migrants. If PATH is continuing, then additional funding with a widening of focus to include migrants is required,

¹⁹ [Make Minority a Priority](#) (NYCI, 2017).

- Reduction in third level fees for young people in Ireland who are unnecessarily viewed as international students and have completed three years of secondary education in Ireland.
- Recognition of the Sustainable Development Goals Framework to 2030 is required in the new NAPAR particularly the role of SDG 4.7:
 - *“By 2030 ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for ... human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture’s contribution”²⁰,*
 - Review post primary languages with the view to creating curriculum specifications for dominant African languages – similar to what is in place for over 15 other languages. If we look at this through the lens of SDG 4.7 – diversity, racism and the SDGs – language is a significant part of cultural identity and can support a sense of belonging.
- Greater investment in a justice and rights perspective is required with a focus on global inequalities,
- The most recent Intercultural Education Strategy (DES, 2010) and the Intercultural Education guidelines for primary and post primary schools (NCCA, 2005) require urgent revisions and updating, to include a conceptual framework that can support school leadership and staff in tackling and mitigating against racism. The NCCA has made some progress in building awareness of and shaping responses to racism experienced by the Traveller community (NCCA, 2017). The national curriculum needs to deepen and extend this work to all aspects of racism experienced by minority ethnic communities,
- The current bullying policies and procedures conflate racism with bullying. The school system needs to develop processes for responding to and addressing racism, including against schools themselves, in which racism is understood as violence (often as micro-aggressions) and is responded to with zero-tolerance,
- Schools need designated anti-racism and intercultural resources. Initiatives exist to provide this support, including the Yellow Flag Programme that supports primary and secondary schools to be more inclusive, celebrate diversity and challenge racism. But these initiatives need core funding to grow and make the necessary impact,
- Include all levels of the education system in the implementation plan to include funding for training and curriculum support,
- A framework should be designed by the Department of Education to help schools create spaces for peer reflection and self-evaluation. An example of this in the UK National Education Union’s Framework for Developing an Anti-Racist Approach²¹

²⁰ [Transforming Our World: The 2030 Agenda for Sustainable Development](#), UN (2015).

²¹ [Framework for Developing an Anti-Racist Approach](#), National Education Union (UK).

- Resource the NCCA to include a focus on the history and culture of minority ethnic groups in Ireland and create a new Education Officer post to build understanding of the diversity in Irish society with the view to developing curricular reform,
- Curricular and policy reform should include education at all levels and ages about racism and black history to include topics on social and political life, migration, belonging and experiences under colonialism.
- Decolonise the curriculum by applying a global and racial justice approach, including discussing and challenging portrayals of poverty and inequality in schools. In support of decolonising the curriculum, we must not just diversify curricula²². A decolonised curriculum would bring questions of intersectionality and specifically, class, caste, race, gender, ability and sexuality into dialogue with each other,
- Expand the National Plan for Equity of Access to Higher Education and develop a National Traveller Education Strategy, including a plan to improve access to Higher Education for members of the Traveller and Roma Communities.

A forum of interests/ cross-departmental approach would include:

- The State, together with its educational partners must develop a programme for training and resourcing across the education system - teachers and school management, third and further education institutions, communities, youth workers and volunteers, to plan for and implement anti-racist and intercultural education and ethos in schools and in the community and, particularly, to assist schools to meet their Public Sector duty and Equality and Human Rights obligations,
- Teachers and other educators must have the knowledge, skills, and confidence to tackle issues of racism in the school community and in their classroom/playground,
- A fully funded implementation plan is required for the new Teaching Council *Ceim standards* in teacher education for all universities,
- Global Citizenship Education and Intercultural and anti-racism education must be prioritised in the whole career of a teacher and particularly those who are keeping up their registration as a teacher. This can be done through the Teaching Council who have responsibility for the 'Teacher Career' from Initial Teacher education (*Droichead*) through to Continuous Professional Development (*Cosan*),
- Increased cultural competency awareness for Guidance Counsellors should be a priority,
- A whole community approach to tackling racism and improving intercultural engagement is necessary and a method of culturally appropriate engagement with parents should be adopted and rolled out to ensure the needs and cultural differences are considered when addressing issues and opportunities,

²² Education is a keyway to impose hegemonic order i.e., a term for how the state and ruling classes have historically instilled values that are gradually accepted as 'common sense', what is considered 'normal'. Hegemony is important to understand because it informs how ideas are adopted, carried, and maintained. The Purpose of Power (Garva, 2019).

- Greater diversity is necessary in teacher education – ‘see it to be it’. Existing funding streams should be enhanced for projects in universities to encourage greater diversity in staffing and in student engagement. Grants/incentives for minority ethnic people to study teaching (pre-primary, primary, secondary, further education, third level),
- The Teaching Council should provide supports and recognise the teacher qualifications from other jurisdictions, including refugees who have arrived in Ireland without documentary evidence of qualifications. The Teaching Council needs to engage with this as a priority issue,
- Coordination is needed to develop Global Citizenship Education about racism between key policies, including the forthcoming Irish Aid Strategy on Development and Global Citizenship Education, and the Department of Education/ Department of Education and Department of Further and Higher Education, Research, Innovation and Science strategy on Education for Sustainable Development, the National Youth Strategy, the Further Education and Training Strategy, and the National Volunteering Strategy (2021 – 2025), and the forthcoming Better Outcomes Brighter Futures,
- Carry out analysis of fundraising in Ireland by International NGOs to ensure their fundraising methods do not undermine their commitment to challenge, prevent and end racist attitudes, acts, and incidences, especially those impacting directly on minority ethnic young people in school settings. A recognition of the importance of a racial justice approach²³ should feature strongly in the new *Dóchas Code of Conduct for Images and Messages* with greater policy coherence for Global Citizenship Education and Development Education.

²³ Racial justice—or racial equity—goes beyond “anti-racism”: It is not just the absence of discrimination and inequities, but also the presence of deliberate systems and supports to achieve and sustain racial equity through proactive and preventative measures. Racial Justice [is defined] as the proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment, impacts and outcomes for all. (RaceForward.org).

8. Access to justice

*"I've been pulled over so many bloody times. And they just start searching you. I can't count the number of times me and [my mate who is black] have been pulled over by the guards for no bloody reason whatsoever."*²⁴

Recommendation: On access to justice:

Firstly, ensure greater transparency in policing and increased diversity awareness including:

- Transparency in how the Gardaí conduct enquiries with a racial bias bearing,
- Address shortcomings identified in the professional development and training practices in An Garda Síochána in line with [2018 report of the Commission on the Future of Policing](#),
- Draw up the Code of Practice accompanying the newly published Garda Síochána (Powers) Bill without delay,
- Deliver on its promise that the gender, age, ethnicity and location of the person stopped be recorded along with details of documents that were requested, questions asked and any searches that were carried out. The lack of data on the ethnic composition of young people in such circumstances has already been identified as an issue within An Garda Síochána.

Secondly, extend the nine grounds to include socio-economic status.

- To support meaningful and sustained progress in the fight against racism, education and other initiatives the nine grounds prohibiting discrimination should be extended to include socio-economic status without delay. This would give greater recognition of the multiple forms of discrimination that many minorities ethnic groups face.

Thirdly, ensure safety and regularisation of undocumented people.

- There needs to be a racism reporting process to Gardaí that undocumented people can feel safe to use where they know they won't risk fear of deportation for coming forward when they feel a crime has been committed against them,
- NYCI seeks continued commitment to the current Programme for Government's promise to create new pathways for long-term undocumented people and their dependents to regularise their status – particularly to see children and young people as rights holders, and not solely as dependents. We urge consideration of the submission by the Ombudsman for Children's Office on the Draft Scheme to Regularise Undocumented Migrants (2021),
- Reduce the cost of regularisation and citizenship application costs for young people who are applying.

Lastly, address concerns for young people in the International Protection System.

²⁴ Quote from a young white male from [Make Minority a Priority](#) (NYCI, 2017).

- Reduce the waiting time for people in the International Protection system for decisions on their applications and appeals,
- We welcome the forthcoming overhaul of the direct provision accommodation system, but urge that in the interim the following is put in place and continues as long as necessary:
 - Move families with children and young people out of unsuitable accommodation, including emergency accommodation,
 - Employ suitable interpretation services so that young people are not asked to translate sensitive or inappropriate information,
 - Ensure Children First guidelines are adhered to; including vetting for all staff, and reporting issues to statutory agencies,
 - Ensure that misinformation or misleading information that create unnecessary fears in relation to child protection is not shared with parents,
 - Establish safe spaces to address fears, concerns and complaints to mitigate against residents' reluctance to complain in fear that highlighting issues may impact on their status or their treatment while seeking asylum in Ireland²⁵,
 - Ensure cultural sensitivity training, as well as training in gender, equality, human and children's rights training for all staff working in Direct Provision centres.
- **Ensure priorities for the new system to replace the direct provision system, including:**
 - A non-profit model; ending the use of emergency accommodation; carrying out vulnerability assessments; putting integration supports in place,
 - Address any discrimination against young people in the International Protection system,
 - Ensure independent oversight and inspection of all new systems.
- **On unaccompanied children:**
 - Provide guidance in relation to applications for residence status whilst in Tusla care and as early as possible,
 - Respect the difficulties children face when transitioning from the care of Tusla on turning 18 years of age where a decision has not been made on their immigration status,
 - Unaccompanied children should be provided with the same standard of aftercare planning and supports as other children leaving care.

²⁵ Safety and Welfare of Children in Direct Provision, (OCO 2021).

9. Hate speech and the rise of the far-right

Recommendation: Tackle hate speech, online racist content, white supremacy and address the far-right through sanctions, collaborate with the Far-Right Observatory, build trust, fund education and awareness-raising.

- Apply sanctions on social media companies, and users, who allow or share racist content, to counteract the endemic online racism and the hate speech that young people encounter,
- Inform young people of the instruments at work to tackle hate speech, especially online hate speech, to lessen their feelings of isolation when under attack. Communicate and build trust with initiatives to counter hate, both online and offline
- Fund the youth sector to roll out NYC's transformative anti-racist practice – Transforming Hate in Youth Settings – which upskills youth workers working with young people perpetrating racism to bring about real and lasting change.
- Address the far-right through the following initiatives:
 - Resource An Garda Síochána and the Department of Justice to work in collaboration with the Far-Right Observatory to tackle organised far-right activism,
 - Educate educators on the grooming of young people into far-right ideologies and how to counteract it,
 - Fund the youth sector to offer alternative spaces of connection and belonging for young people vulnerable to extremist political grooming.

10. Accommodation

Recommendation: Uphold and reinforce rights to accommodation, including the right to live in accommodation where occupants can live free and protected from racist incidents.

- Bolster the infrastructure to stop prejudice in the private rental market and actively sanction prejudice where it happens. Ensure that private landlords must take HAP,
- In the event of a racist incident toward minority ethnic families living in local authority housing ensure intervention that is timely and appropriate with relocation as an option,
- Work with an equity lens to tackle the high rate of homeless Travellers²⁶, Roma and other minority ethnic families,
- Address the rights of minority ethnic young people in care, by implementing the recommendations under the Health Information and Quality Authority ²⁷, including:

²⁶ Young Travellers represent 11% of homeless young people but only 1.2% of the population

²⁷ [Foster Care, HIQA, Cork.](#)

- Children’s assessments must sufficiently explore the identity and care needs of children from diverse cultural backgrounds and adequately consider this within the fostering matching process,
- Complete the required diversity/cultural competency training to all care staff without delay.
- Uphold and reinforce Traveller rights to accommodation, this includes:
 - Sanctions for local authorities who do not provide accommodation under the county plan and budget allocation,
 - Providing sanitation services and clean water supplies to Travellers in halting sites,
 - Accessible play areas for children,
 - A promise and long-term plan to reverse over-crowding on halting sites and future-proofing Traveller needs.

11. Health, including mental health

Young people speaking about the impact of racism:

“It makes us feel sad and lonely.”; “They call me monkey, tell me to go back to my country, they hate me. I want to feel safe.”; “I lose confidence.”; “We are not treated the same – so it makes you feel different”

Recommendation: Ensure that measures are taken to create mainstream health and mental health services that are staffed by people who have cultural and religious competencies to meet the needs of minority ethnic young people, including Travellers.

- Ensure staff and practitioners understand the centrality of cultural identity in a young person’s care. Young people from minority ethnic backgrounds usually feel an affinity with more than one national or cultural identity which can be an additional stressor²⁸,
 - Build ethnic diversity amongst health staff and practitioners,
 - Deliver intercultural awareness training to all health staff and practitioners,
 - Co-design health and mental services in consultation with minority ethnic young people,
 - Reform the 27th amendment to the constitution on citizenship.
- Ensure that health, mental health and social services practitioners understand and adopt trauma informed responses through ongoing CPD training,

²⁸ [How so I get the Balance in my Head?](#) (Mc Crea and Mc Mahon, 2017).

- Develop and roll out a national targeted suicide prevention campaign in relation to young Travellers and other minority ethnic young people that is supported by research that establishes a clear evidence base,²⁹
- Ensure that the Government follow through with its recent commitment to publish a Traveller and Roma Mental Health Action Plan with a dedicated budget and supported by a Traveller advisory group, paying attention to the distinct needs of young Travellers vulnerable to suicide, including LGBTI+ Travellers.

12. Accessing the Arts

Recommendation: Resource youth arts programmes which enable young people from minority ethnic backgrounds to participate in the arts, including in arts experiences which are led by practitioners/artists from their own communities or in programmes which draw on the arts practice of their own cultural identities.

Resource and support young minority ethnic artists into career development and progression.

- Ensure access to career guidance, counselling and/or mentorship opportunities to support young artists from minority ethnic backgrounds to explore their interests and build upon their strengths, as well as identify their options in terms of training, funding, employment and career progression,
- Create targeted bursary schemes for young artists from minority ethnic backgrounds to address existing disparities between their economic conditions and those of other emerging artists. This positive action would support minority ethnic artists to transition through training, apprenticeship/mentoring programmes and unpaid early career opportunities and support more equitable progression routes for emerging artists of all backgrounds,
- Funding and arts bodies to prioritise alternate types of expression such as video-based applications etc. to diversify the portfolio of applications received, subsequently improving the number of minority ethnic artists applying, especially those where English is a second language,
- Urge national agencies to work with funded arts organisations and artists from minority ethnic backgrounds to share learning and best practice on culturally diverse arts practice; to build partnerships with artists from minority ethnic backgrounds; to interrogate recruitment processes in arts organisations with a diversity lens; and to deliver audience development initiatives,

²⁹ Traveller suicide rate is 6 times higher than the general population and most common in young Traveller men aged 15-25 (- All Ireland Traveller Health Study (2010). However, Traveller suicide data is not included in national collection figures. Community information indicates a steep increase in the last 5 years particularly among young people and most recently young women

- Create effective information-sharing channels to communicate with young artists from minority ethnic backgrounds about available resources that would support the development of their creative practices and careers, including funding; physical resources (such as spaces to rehearse and create work, equipment etc.); opportunities to exhibit, present and perform work; and training and education,
- Develop peer-networking and continuous learning opportunities that embody a vision of the arts sector as an open community and explore the provision of national and regional forums, art-form specific peer-support groups and distance/online seminars or discussions.

13. Representation and Participation at Local and National level policy development

Recommendation: Create safer spaces and opportunities for the lived experience of young people to inform policy and practice.

Safer spaces involve:

- Develop responsive, inclusive and diverse practice that puts young people's needs central, that is based on creating participation spaces that are developed in dialogue, co-design and collaboration and on minority ethnic young people's own terms,
- Supporting peer-facilitation skills development to create the best conditions for representation and participation,
- Supporting spaces where skills are fostered and developed to build the capacity of young people for meaningful participation in decision-making space such as NYCI's Young Voices programme³⁰,
- Resources dedicated to youth work responses that support skills progression for minority ethnic young people on the process of informing ³¹[[\[10\]](#)],
- Breaking cycles of disadvantage through initiatives that recognise the lived reality of minority ethnic young people, for example, using text reminders with minority ethnic young people as a tried and tested way to improve attendance and engagement,
- Developing a Think Tank/ campaign strategy on how to communicate the complexity of what it is to belong and to feel safe and supported to participate and contribute.

³⁰ This is Young Voices-A Model of Youth Democratic Engagement. (NYCI, 2021, unpublished).

³¹ The No Shame/Good Nuck Mental Health campaign developed by Involve Meath, a Traveller specific youth organisation, following engagement with *Young Voices*, is an example of what is possible by creating space for such initiatives. This corresponds with recommendations on advocacy and leadership identified in [Make Minority a Priority](#).

14. Access to Services

"A translation error or mistake could have devastating consequences for my whole family. It's high pressure thinking. Having to think like an adult means that you somehow lose your childhood."

"You prepare to be disappointed".

Recommendation: Initiatives to improve access to services for minority ethnic young people include: developing a code of practice for services and businesses; delivering cultural competence and awareness raising education; applying Public Sector Duty reform; developing forms of redress when rights are withheld or compromised³².

Key to improving access to services for minority ethnic young people is to understand the lived experience of minority ethnic young people in accessing services to date.

On the need for cultural competence education, codes of practice and Public Sector Duty:

- Ensure an end to discrimination by building understanding of minority ethnic young people's lived experience of services. Minority ethnic young people describe feeling worried and anxious even before accessing services, especially healthcare, as they had experienced discrimination in the past and were fearful of the reaction of those in positions of power. Young people speak to us about service providers serving other people before them, even if they are next in line.

On rights:

- Minority ethnic young people who are followed in shops (most often black young men, Travellers and Roma) should have a right of redress,
- Minority ethnic young people who are denied access to restaurants, bars, nightclubs, hotels, etc. (most often black young men, Travellers and Roma) should have the right of redress including sanctions for offending businesses,
- Ensure the right to interpretation services for justice, medical, immigration related, financial and other sensitive and private services. Minority ethnic young people have the right not to have to translate/interpret inappropriate information for parents and guardians.

On access to youth work services:

- Funding, resourcing, developing codes of practice, cultural competency education and creating culturally diverse volunteer and staff youth worker teams are all necessary to enhance youth work's capacity to make a real and lasting positive

³² See *Ireland and the Convention on the Elimination of Racial Discrimination: Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's Combined 5th to 9th Report*, IHREC (2019).

difference in minority ethnic young people's lives. Supporting initiatives that NYCI has taken a lead on are critical – such as its global and racial justice approach to awareness raising, its roll out of transformative practice that works with young people who perpetrate racism, and its commitment to growing its impact through outreach and building a network of anti-racism champions.

Conclusion

Racist and anti-migrant narratives are becoming more mainstream, the rise of far-right politics and the spread of hate speech and false information threaten democracy and our values of human rights, equality, solidarity, and sustainability.

However, growing racial and social justice movements are seeking change. Informed and engaged young people are confronting injustice and demanding a better world. The opportunity that this new National Action Plan Against Racism brings to tackle these important issues cannot be overstated.

Our submission has highlighted a significant number of issues – each one too important to encapsulate into a smaller set of recommendations. If we are to provide better outcomes for current and future generations of young people in Ireland, then we must ensure the issue of racism and racial justice is addressed and tackled through a strong, fully funded, plan that gets fully implemented.

We look forward to collaborating on the delivery of the new National Action Plan Against Racism for Ireland.

It seems fitting that our last words are left to minority ethnic young people who were asked to imagine Ireland in 2030. We share their ambition that these become the reality for our young people.

Ireland 2030

“Diversity and inclusion training is now mandated for all government bodies”

“Quotas are removed as equality is achieved in Ireland - the most diverse group of politicians ever in the 36th Dáil in Leinster House”

“Statistics of high-level executives reflect Ireland’s diverse populations”

“Ireland’s first Black president is appointed”

Video Resources

NYCI (2020), Introduction to Racial Justice, Youth 2030 Programme - [Racial Justice - An Introduction - YouTube](#)



Addressing barriers to work

The Inclusivity Toolkit on the website www.opendoorsinitiative.ie deals with some of these issues in more detail and offers resources to assist organisations hiring. Alternatively, please contact us directly and we will try to help you find a solution for any issues that may arise. This is a living document and we would ask that organisations share any insights with us or learnings so we can add to this piece and benefit others.

Step 1: Establish the business case - why are we doing this?

- Training of the gatekeepers (recruitment and HR) to increase the number of people from diverse backgrounds put forward for positions, on merit
- Training of employers and employees – cultural awareness, diversity, positive impact of difference to business
- Understanding of merit and not tokenism – people can be highly skilled/educated and need career progression and roles at their level not just entry level
- Offer other employees training and support in working with people with differing abilities – awareness raising at team level. Raise awareness among employees at all levels. Gather allies to the three causes and begin conversations about how to be more inclusive.
- Communicate to clients, supply chain and employees the benefits of inclusion and diversity
- Educate staff, including interviewers, managers and team members to tackle unconscious bias, stigma and preconceptions. Conscious bias or general assumptions about a person's abilities and skill sets based on race/creed/background/ability etc. are not based on fact. Each person should be treated as an individual and approached with an open mind.
- Unconscious bias in the job description and interview process or organisationally should be addressed. Ask experts on all issues to 'proof' documentation and explain clearly the impact of the language chosen.
- Involve staff in managing inclusion using employee resource groups (ERGs) or ally groups.

- Create an inclusive culture by being open to learning, listening to what is required to support, communicating to clients and staff that inclusion and diversity works for all.

Step 2: Prepare for inclusion - how do we start?

- Audit all workplace policies and procedures and the working environment – involve inclusion champions and stakeholders.
- There is a very strong need to instil confidence – a mentoring system should be put in place to walk people through the first six months and offer support, particularly at the start.
- Audit recruitment process for barriers:
 - Allow for CVs not to be dismissed – e.g. gaps in education, work etc which can be difficult to explain both in cv and in an interview – on the job training can help make up for these gaps.
 - If you want to hire people with, for example, autism, skew the interviews through the lens of someone with autism – be informed on how it should proceed – competency-based interviews help all.
 - Stigma can be manifest through a lack of knowledge about a condition, culture or background – inform and assist existing employees with relevant information to make the new person's onboarding easier for all and aid integration into the workplace.
- Audit physical and cultural workplace environment for inclusion:
 - Physical environment constraints – implement reasonable accommodation and sometimes spend – Involve the people impacted in decisions on how the workplace environment works best. Have an ergonomic assessment on the work area – phone, chair, desk, screen etc. Cost assessments from specialists are available for remedial work that may be required. Grants are also in place to assist employers with these changes if required.
 - Check the general environment for accessibility and safety – ramps, bathrooms, meeting rooms, Evacuation procedures, etc.
- Look at induction and all policies for inclusion:
 - Be alert to possible racism/sexism/homophobia, etc – clearly inform all employees what behaviour is acceptable in the workplace and check policies in this area are up to date.
 - Lack of cultural awareness about different groups - misunderstandings about appropriate behaviour can be insulting or embarrassing. Try to educate other employees as to what is appropriate
 - A refugee or asylum seeker may be deeply traumatised by their experiences and not wish to disclose what has led them to this point. Only they should disclose this information if they feel they want to and should not be asked for their history – irrelevant.
 - Some employees fear saying the wrong thing. We need to see people as people first and condition/race/background etc as irrelevant unless there is a misunderstanding or help is required. Let the new employee guide you as to what is appropriate for them.
 - Transport/childcare/housing issues – be aware of difficulties in these areas and allow for delays in coming to work, the need to work from home or allow time off within reason. Some people may be embarrassed/can't afford or have other difficulties relating to their

home life that adjustments have to be made for, e.g. appropriate clothing for the office. (www.dressforsuccessdublin.org can help here), ability to buy lunch or socialise outside work, etc. Try and put supports in place for these possibilities.

- Religious beliefs – be informed of religious customs and practice e.g. prohibition on alcohol or certain foods, fasting at certain times, the need for a prayer space etc. and try to accommodate within reason.
- Disclosure – not all disabilities may be disclosed – some people may have multiple issues but not feel comfortable discussing them, so the needed supports are not in place – this needs to be carefully dealt with and with an open mind. Ibec/Ictu's Workplace Passport <https://www.opendoorsinitiative.ie/news/ictu-and-ibec-announce-workplace-passport-scheme-for-workers-with-disability> can provide some assistance with this or talk to Open Doors for guidance from an expert.
- Consider different entry paths to the workplace for diverse groups:
 - Offer internships, traineeships and placements as pathways to full employment and to give people experience in work life. This can often help them prepare for a full time role in another area too.
 - Seek out roles that suit the individual – there are many different types of people with different skills. Are quotas a good idea? It can be seen as tokenism and lose the purpose they are meant to achieve. Hire on merit and the right fit for the position.
 - Language and literacy skills – allow for differing levels of skill and possibly training to support the person. Use plain in English in all communications.
 - Lack of experience in the work environment can lead to misunderstandings – for example a person not knowing their rights or what is assumed by other employees e.g. taking time off to mind a family member without losing their position; attending a funeral; speaking up about bullying; correcting a mistake in pay; the need to be there at a certain time for work and so on. This need to be clearly and helpfully explained.
 - Background differences - the inability to understand cultural/work references that a homogenous group use or which can make someone feel uncomfortable. Allowance needs to be made to avoid in-group jokes, references or short-hand terminology that can be exclusionary, especially in a business environment where acronyms are often used.

Step 3: Successful management of inclusion - how do we get it right?

- There can be a genuine fear of saying/doing the wrong thing or asking questions of an authority figure or peers can limit decision making. Management has an important role here in enabling people to speak up.
- Offer help with financial planning as some will be coming off weekly disability support to monthly payments and this may cause difficulties for them. Full wages may also impact other financial and medical supports.
- Offer details and help aligning with employee assistance programmes – eyes, dental, hearing aids etc which may be available through PRSI payments.

- Dress codes may cause difficulties for some with physical impairments – skirts, ties, heels – allow flexibility.
- Offer flexible working arrangements to allow for doctor's appointments, therapy etc. and working from home where possible if required.
- Offer training and support in certain roles where the person may not have had experience e.g. public speaking, computer and finance systems, etc.
- Progression pathways – ensure supports needed are in place and that every employee is encouraged to advance their career if they wish
- Work difficulties – address them quickly. Check on supports for the person during this process. Use the mentor system or other routes to ensure an advocate for the person. Check if it is performance or background or disability related and act accordingly.

ENDS -



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Submission to the Anti-Racism Committee
The National Action Plan Against Racism (NAPAR)

Pavee Point is a national non-governmental organisation working towards the attainment of human rights for Irish Travellers and Roma in Ireland since 1985. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma by working for social justice, solidarity and human rights.

Pavee Point Traveller and Roma Centre

46 North Great Charles Street, Dublin 1, Ireland

[Redacted]

[Redacted]

Website: www.paveepoint.ie

Summary of Key Recommendations

Pavee Point's submission is structured based on ENAR's *checklist for what makes a good National Action Plan Against Racism* and the priority issues identified in the Anti-Racism Committee's interim report: Please see below our key recommendations:

Process Recommendations:

- Ensure the National Action Plan Against Racism will **address the specific forms of anti-Traveller and anti-Roma racism and discrimination**;
- NAPAR to be adopted in a **timely fashion; afforded a sufficient budget and a clear implementation and monitoring framework**; and is implemented in partnership with Traveller and Roma organisations
- Implement NAPAR actions in **coordination with other key inclusion strategies**, such as the National Traveller & Roma Inclusion Strategy, and the National Strategy for Women and Girls, in line with Public Sector Equality and Human Rights Duty under Section 42 of the Irish Human Rights and Equality Commission Act 2014
- **Resource anti-racism organisations, including Traveller and Roma organisations**, to support their participation in the leadership and oversight of the action plan.

Content Recommendations:

1. Equality Proof Public Services

- In line with commitments in the interim report, ensure that **ethnic equality monitoring** including the introduction of **standardised ethnic identifier** (based on the Census Question on ethnicity) is adopted and rolled out across all routine administrative systems, state agencies and surveys, in line with human rights standards. Use this data to monitor all forms of racism, including anti-Traveller and anti-Roma discrimination, and to **equality proof State policies, budgets and programming**
- Adopt special measures to **train and employ minority ethnic groups, including Travellers and Roma, in public bodies** by including dedicated quotas in recruitment policies within an Garda Síochána, state departments, Local Authorities and other public bodies

2. Access to Complaint Mechanisms

- Resource sustained positive action measures to **facilitate access to complaint mechanisms** for all minority ethnic and racialised groups, including Travellers and Roma
- Ensure the **enactment of the Hate Crime Bill 2021**, in consultation with anti-racism organisations, with **special measures to encourage reporting** of these crimes, including a public awareness campaign targeting protected groups (inclusive of Travellers and Roma).

3. Information, Communications, Media and New Technologies

- Work with the **Broadcasting Authority of Ireland and Press Ombudsman** to include **specific anti-racism elements in their codes of practice**, strategy statements and other guidelines, specifically naming anti-Traveller racism.
- Work to build **anti-racism awareness among media producers** by engaging with the NUJ and civil society to promote **anti-racism guidelines among journalists** on an ongoing and sustained basis in national and local media.
- **Public Service Media to introduce a quota system to ensure the employment of minority ethnic groups**, including Irish Travellers, within Public Service Media and also within internship programmes.
- Develop and **deliver positive action measures to build better relations between Travellers, Traveller organisations and local media**, including measures to challenge negative stereotyping of Travellers and Roma and improved representation by Travellers and Roma in local media.
- Resource sustained positive action measures to **facilitate access to Broadcasting Authority of Ireland and Press Ombudsman complaint mechanisms** by Travellers and Roma.

4. Promoting Political Representation

- Undertake legislative and practical measures to **ensure Traveller inclusion in political representation at local and national levels**, along with other minority groups; including reserving specific seats for members of the Traveller community in the houses of the Seanad and where relevant, in local councils

5. Raising Awareness about Racism

- Develop and implement **an awareness raising campaign with the general population about anti-Traveller and anti-Roma racism** and provide support towards the celebration of Traveller and Roma cultures on a permanent and ongoing basis
- Ensure that **the inclusion of Traveller culture and history in school curriculum takes place in active consultation with Traveller organisations** and acts as a precedent for further inclusion of all the cultures which are part of the diversity in Irish society

6. Equal Treatment in the Justice System

- Provide **training to all Gardaí and Criminal Justice Personnel on hate speech and hate crime** and its impacts on all the protected categories named in the legislation
- Introduce legislation to **prohibit ethnic profiling** by Gardaí and other law enforcement agencies
- **Incorporate human rights, anti-racism and anti-profiling training within initial and ongoing training with Gardaí and Judiciary**, with a specific focus on the human rights of Travellers and Roma. Include these aspects in performance assessments, promotion and assignment processes of those working in the justice system
- Take necessary steps to **ensure that the Garda Síochána Code of Ethics is fully implemented** in their culture, strategies, policies, processes and behaviour, including introducing sanctions and disciplinary measures when breaches of the Code take place
- **Amend the Garda Síochána (Discipline) Regulations 2007** to explicitly specify that discrimination constitutes a breach of discipline
- Identify the contributing factors and **address the overrepresentation of Travellers in prison, particularly Traveller women**, as recommended by CEDAW Committee in 2017
- Introduce **alternative community-based responses** for Travellers and Roma who have committed non-violent poverty related offences

7. Priority Issues: Accommodation, Social Protection, Health, Education, Employment

- Ensure full **implementation of recommendations by the Independent Expert Group on Traveller accommodation**, including overhauling legislation and policies which impact on accommodation provision for Travellers
- **Implement the findings and recommendations of IHREC equality reviews of Traveller accommodation** to ensure budgets are drawn down and that Traveller specific and culturally appropriate accommodation is provided to Traveller families
- Address the Roma housing crisis by **introducing clear Roma accommodation actions** and associated implementation plan and resources in the National Traveller Roma Inclusion Strategy
- To ensure Roma children have access to basic income, **make Child Benefit a truly universal payment** that is not contingent on the fulfilment of the Habitual Residence Condition
- **Publish and implement the long-awaited National Traveller Health Action Plan**; establish a clear consultative structure to drive its implementation and monitoring; and ensure all actions in the Plan have clear targets, indicators, outcomes, timeframes and budget lines
- Ensure direct **targeting of Travellers and Roma in key mainstream health policy initiatives**, including in the implementation of Sláintecare and Healthy Ireland
- Develop a comprehensive **Traveller and Roma training, employment and enterprise strategy** with a robust implementation and monitoring plan, and ensure Travellers and Roma are **included in key mainstream policy initiatives related to employment**, including the forthcoming Pathways to Work Strategy
- Urgently prioritise and **complete the development of a Traveller and Roma education strategy**; ensure it is inclusive of all ages and educational levels, and that it has a robust implementation and monitoring plan and budget lines

Introduction

Pavee Point Traveller and Roma Centre welcomes the development of the National Action Plan Against Racism (NAPAR), and the opportunity to contribute to this consultation process. In this submission, we will outline how racism and discrimination impact Travellers and Roma in Ireland, and make key recommendations for addressing anti-Traveller and anti-Roma racism within NAPAR.

We believe that NAPAR is urgently needed, as to date, there has been little State action to address structural racism and discrimination in Ireland. Implementation of legislation, policies and strategies to promote Traveller and Roma inclusion have been slow, with inadequate funding, sanctions, and monitoring processes put in place.

Pavee Point's Work to Tackle Anti-Traveller and Anti-Roma Racism

Over the past thirty-six years, Pavee Point has an established track record in innovative and ground-breaking work using a collective community development approach to addressing anti-Traveller and anti-Roma racism and promoting Traveller and Roma rights. The organisation comprises of Travellers, Roma and members of the majority population working together in partnership at national, regional, local and international levels.

Pavee Point holds to the principle that in order to achieve equality for Travellers and Roma, attention must be paid to the structural inequalities that impact on them, including education, employment, poverty, health, discrimination and racism. This means that policy and practice must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism. Planning, policy and practice plays a key role in determining these outcomes.

Delivering services based on equality does not mean treating people the same, but designing and implementing programmes that are inclusive, culturally appropriate, and tailored to the needs of all groups in society, including Travellers and Roma. This leads to better outcomes for disadvantaged and minority ethnic groups, including Travellers and Roma. Fundamentally we believe that Travellers and Roma should be afforded rights to their cultural identity, without experiencing marginalisation and discrimination in the process.

There is a need for an urgent response and positive action to address the current and historic discrimination and racism experienced by Travellers, and to address the determinants that are leading to these unacceptable inequalities.

Pavee Point campaigned for many years for the State's legal recognition of Traveller ethnicity, and this was achieved in 2017. This was a vital step in tackling anti-Traveller racism as this recognition entitles Travellers to their right to a cultural identity. It means that Travellers will automatically be included in all State anti-racism and inter-cultural initiatives, and that discrimination experienced by communities is recognised as racism. It also ensures that Travellers are afforded protection under the EU Race Directive. Recognition of the minority ethnic status of Travellers needs to open a new dialogue as to how the State interacts with Travellers and Roma into the future.

Context

There are a little over 36,000 Irish Travellers in Ireland, representing less than 1% of the nation's population, and an estimated 5,000 Roma living across the country. As minority ethnic groups, Travellers and Roma experience persistent racism and discrimination on the basis of ethnicity, gender and other grounds. As a result, Travellers and Roma are among the most marginalised and excluded individuals and groups in Ireland.

Discrimination against Travellers at a Glance	Discrimination against Roma at a Glance
<ul style="list-style-type: none"> • Travellers are over 22 times more likely than White Irish to report discrimination in shops, pubs and restaurants • Travellers are 10 times more likely than White Irish to experience discrimination in seeking work • 40% of Travellers experience discrimination in accessing health services • 80.2% of Travellers are unemployed (Census, 2016) 	<p>The implementation of EU Directive 2004/38 and state policy (Habitual Residence Condition) leaves many Roma outside the social protection system and, thus, vulnerable to poverty and social exclusion.</p> <ul style="list-style-type: none"> • 78.9% of Roma feel discriminated in getting a job • 93.3% feel discriminated in getting accommodation • 84.4% feel discriminated in getting social welfare • 81.1% feel discriminated in a public setting

Process Recommendations:

Pavee Point welcomes the Anti-Racism Committee's recommendations in their Interim Report, November 2020. This report outlines a definition of racism that is in line with the Convention for the Elimination of Racial Discrimination (ICERD) and recognises both the structural and intersectional nature of racism. It also names the specific forms of racism present in Ireland, inclusive of anti-Traveller racism.

The report also acknowledges that we already have extensive evidence of the existence of racism in Ireland, and that NAPAR must focus on practical actions to combat this issue. Pavee Point agrees with this approach and believes that this is a time for a whole of Government effort to combatting racism, with clear objectives, timelines, resourcing, and monitoring frameworks.

Pavee Point remain concerned at the persistent, as well as increased reports during the COVID-19 pandemic, of anti-Traveller and anti-Roma racism. Therefore, it is vital that the National Action Plan addresses the specificities of anti-Traveller and anti-Roma racism in Ireland.

- Ensure the National Action Plan Against Racism will **address the specific forms of anti-Traveller and anti-Roma racism** and discrimination;
- NAPAR is adopted in a **timely fashion; afforded a sufficient budget and a clear implementation and monitoring framework**; and is implemented in partnership with Traveller and Roma organisations
- Implement NAPAR actions in **coordination with other key inclusion strategies**, such as the National Traveller & Roma Inclusion Strategy, and the National Strategy for Women and Girls, in line with Public Sector Equality and Human Rights Duty under Section 42 of the Irish Human Rights and Equality Commission Act 2014
- **Resource anti-racism organisations, including Traveller and Roma organisations**, to support their participation in the leadership and oversight of NAPAR.

Content Recommendations:

1. Equality Proofing Public Services

Ethnic Equality Monitoring: Ireland has committed to developing a system of ethnic data collection across state departments and agencies. However, while progress has been made with some state agencies, there have been major issues and resistance to progress ethnic data collection with others. The urgency to develop and implement ethnic data collection is particularly pertinent during the current pandemic with a number of European institutions having issued statements to draw attention to the disproportionate impact of COVID-19 on Travellers and Roma. We urge the committee to ensure relevant agencies and government departments advance this area of work as a matter of priority.

- In line with commitments in the interim report, ensure that **ethnic equality monitoring** including the introduction of **standardised ethnic identifier** (based on the Census Question on ethnicity) is adopted

and rolled out across all routine administrative systems, state agencies and surveys, in line with human rights standards. Use this data to monitor all forms of racism, including anti-Traveller and anti-Roma discrimination, and to **equality proof State policies, budgets and programming**

Increased Representation in the Public Sector: Increased inclusion of Travellers and Roma, as well as other minority groups, within the public sector workforce would provide a sustainable means to promote tolerance and diversity within public services. Currently there are no dedicated quotas set for Travellers and Roma in the recruitment policy and practice in the Gardaí, state departments, Local Authorities and other public bodies.

- Adopt **special measures to train and employ Travellers and Roma in public bodies** by including dedicated quotas for Travellers and Roma in recruitment policies within the police, state departments, Local Authorities and other public bodies

2. Access to Complaint Mechanisms

As the main anti-discrimination laws, the Employment Equality Acts (1998-2015) and the Equal Status Acts (2000-2015), prohibit discrimination in employment, accommodation, housing assistance, education, and in the provision of goods and services. The use of complaint mechanisms by Travellers and Roma is low. In 2018 only six complaints were made under the Employment Equality Acts 1998 to 2011 in relation to membership of the Traveller community.

Pavee Point welcomes the introduction of the general scheme on hate speech and hate crime and hope these will be robust in addressing hate speech and hate crime experienced by Travellers and Roma. In order for the legislation to be effective, it is necessary for the Government to roll out special measures alongside the legislation to encourage the reporting of these crimes.

- Resource sustained positive action measures to **facilitate access to complaint mechanisms** by Travellers and Roma
- Ensure the **enactment of the Hate Crime Bill 2021**, in consultation with anti-racism organisations, with **special measures to encourage reporting** of these crimes, including a public awareness campaign targeting protected groups (inclusive of Travellers and Roma).

3. Information, Communications, Media and New Technologies

Racist incidents against Travellers and Roma often increase following negative media reporting. UK research from Report Racism GRT shows a major peak in cases following the broadcasting of the April 2020 Dispatches programme “The Truth About Traveller Crime”, accounting for 45 reports in that month alone. It is vital that measures are put in place to combat anti-Traveller and anti-Roma racism in media reporting, and promote positive representation of Travellers and Roma on all media outlets.

- Work with the **Broadcasting Authority of Ireland and Press Ombudsman to include specific anti-racism elements in their codes of practice**, strategy statements and other guidelines, specifically naming anti-Traveller racism.
- Work to build **anti-racism awareness among media producers** by engaging with the NUJ and civil society to promote **anti-racism guidelines among journalists** on an ongoing and sustained basis in national and local media.
- For **Public Service Media to introduce a quota system to ensure the employment of minority ethnic groups**, including Irish Travellers, within Public Service Media and also within internship programmes.
- Develop and **deliver positive action measures to build better relations between Travellers, Traveller organisations and local media**. These could include internships for Travellers and Roma as well as measures to challenge negative stereotyping of Travellers and Roma and improved representation by Travellers and Roma in local media.
- Resource sustained positive action measures to **facilitate access to Broadcasting Authority of Ireland and Press Ombudsman complaint mechanisms** by Travellers and Roma.

4. Political Representation

Despite calls made by a number of human rights monitoring bodies (CEDAW, CERD, FCNM), Travellers and Roma continue to experience significant exclusion from decision making and wider political processes. Commitments outlined in the National Traveller and Roma Inclusion Strategy (NTRIS) or the National Strategy on Women and Girls (NSWG) have not materialised into measures to improve the representation of Travellers in political institutions and decision making.

- Undertake legislative and practical measures to **ensure Traveller and Roma inclusion in political representation at local and national levels**, including reserving specific seats for members of the Traveller community in the houses of the Seanad and where relevant, in local councils
- All political parties and representatives to demonstrate commitment to the **Anti-Racism Election Protocol and an Anti-Racism Code of Conduct**.

5. Raising Awareness about Racism

Positive developments are taking place in relation to including Traveller culture and history in the school curriculum, and cross-party support for a Traveller Culture Education Bill which holds potential to initially create a more inclusive school environment for Travellers but can also benefit other minority ethnic groups who are part of the diversity in Ireland now. However, to ensure effective implementation upon its enactment, steps must be taken to ensure that policy and practice in schools are in line with interculturalism, anti-discrimination and anti-racism, and that they explicitly focus on Travellers and Roma and other minority ethnic groups.

It is vital that any anti-racism education and awareness raising initiatives outlined in the national action plan include the specificities of anti-Traveller and anti-Roma racism

- Develop and implement an **awareness raising campaign with the general population about anti-Traveller and Roma racism** and provide support towards the preservation of Traveller and Roma cultures on a permanent and ongoing basis
- Ensure that the inclusion of **Traveller culture and history in school curriculum takes place in active consultation with Traveller organisations** and acts as a precedent for further inclusion of all the cultures which are part of Ireland

6. Equal Treatment in the Justice System

Training activities on human rights, anti-racism and anti-profiling for an Garda Síochána is not adequate, effective or ongoing, and isn't consistently delivered across all ranks. Furthermore, such training is not incorporated into performance assessments and promotion and assignment processes of Gardai.

Training on equality and human rights issues with the Judiciary is reportedly delivered on an ongoing basis. However, evidence shows that there are significant concerns with administering justice with Traveller and Roma communities, as well as examples of anti-Traveller and anti-Roma sentiments expressed by members of the Judiciary (See Appendix 2).

- Provide to all Gardai and Criminal Justice Personnel **training on hate speech and hate crime** and its impacts on all the protected categories named in the legislation
- Introduce legislation to **prohibit ethnic profiling by Gardai** and other law enforcement agencies
- Incorporate **human rights, anti-racism and anti-profiling training within initial and ongoing training with the police and Judiciary** with a specific focus on the human rights of Travellers and Roma
- **Amend the Garda Síochána (Discipline) Regulations 2007** to explicitly specify that discrimination constitutes a breach of discipline

Although Travellers account for only 0.7% of the Irish population, they account for an estimated 10% of the entire prison population and 15% of the female prison population. Research from the Irish Penal Reform Trust shows how Traveller women have been subjected to abusive, discriminatory and racist language and physical violence by the police, and in prison can experience discrimination from other

prisoners and/or prison staff. To further add to the concern, the majority of Traveller women are sent to prison for non-violent, poverty related offences, with experiences of racial discrimination, social and educational disadvantage, homelessness, mental health problems, domestic violence, and/or drug and alcohol dependency.

- Identify and **address the contributing factors to the overrepresentation of Travellers in prison**, particularly Traveller women, as recommended by CEDAW Committee in 2017
- Introduce **alternative community-based responses** for Travellers and Roma who have committed non-violent poverty related offences

7. Priority Issues: Accommodation, Social Protection, Health, Education, Employment

Accommodation: The persistent and deteriorating accommodation crisis among Travellers and Roma has been greatly exacerbated by Ireland's ongoing housing and homeless crisis and the current pandemic. The legislative framework (Housing (Traveller Accommodation) Act 1998) to drive the provision of Traveller specific accommodation has fallen short. Local Authorities continuously fail to meet their legal duty to ensure adequate, safe and culturally appropriate accommodation for Travellers.

In 2019, an independent Expert Group on Traveller Accommodation set out a clear recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers, and a number of human rights bodies have urged Ireland to tackle the problem of underspent Traveller accommodation budgets and failure to deliver Traveller accommodation by Local Authorities.

Roma also face discrimination in accessing accommodation, severe overcrowding, homelessness, and structural barriers to social housing, rent supplement and homeless supports. This often leaves Roma families with rough sleeping or staying with family and friends in unsuitable, overcrowded accommodation as their only options. Currently, there are no Roma specific housing actions in the National Traveller Roma Inclusion Strategy to tackle these issues.

- Ensure **full implementation of recommendations by the Independent Expert Group on Traveller accommodation**, including overhauling legislation and policies which impact on accommodation provision for Travellers
- **Implement the findings and recommendations of IHREC equality reviews of Traveller accommodation** to ensure budgets are drawn down and that Traveller specific and culturally appropriate accommodation is provided to Traveller families
- Address the housing crisis among Roma by introducing clear **Roma accommodation actions** and associated implementation plan and resources in the forthcoming revised National Traveller Roma Inclusion Strategy

Social Protection: Pavee Point welcomes the recommendation to remove all barriers to accessing support for migrant women experiencing Gender Based Violence. Pavee Point have advocated on this issue for many years, as we have seen the devastating impacts of the Habitual Residence Condition on Roma women, unable to access housing and social protections.

We would ask the Committee to consider extending this recommendation further to also include the removal of barriers to accessing Child Benefit, making it a truly universal payment not contingent on residency status. This is in line with UN Convention on the Rights of the Child which prohibits any discrimination between children on the basis of the status of their parents. Concerns about the discriminatory impact of the application of the Habitual Residence Condition, and the resulting extreme child poverty, have been raised by many human rights reporting bodies, including the Special Rapporteur on extreme poverty and human rights, and the European Commission against Racism and Intolerance.

- To ensure Roma children have access to basic income, **make Child Benefit payment a truly universal payment** that is not contingent on the fulfilment of the Habitual Residence Condition

Health: Travellers and Roma experience stark health inequalities when compared to the general population. The current pandemic has had a disproportionate impact on Travellers and Roma with the rate of testing positive for COVID-19 being significantly higher than the national figure. Within this context, the development of the first ever National Traveller Health Action Plan (NTHAP) has been welcomed. However, there are significant delays with its publication and we remain concerned about the monitoring and implementation framework and resources afforded to its implementation, particularly in the context of the persistent and deteriorating health situation due to COVID-19.

Roma also face additional barriers due to difficulties accessing medical cards, and basic health supports, the absence of dedicated Roma health advocates, as well as a lack of interpretation and translation supports within the health service.

- **Publish and implement the long-awaited National Traveller Health Action Plan;** establish a clear consultative structure to drive its implementation and monitoring; and ensure all actions in the Plan have clear targets, indicators, outcomes, timeframes and budget lines
- Ensure direct targeting of **Travellers and Roma in key mainstream health policy initiatives**, including implementation of Sláintecare and Healthy Ireland

Education: Despite the educational disadvantages faced by Travellers and Roma, mainstream educational strategies do not contain actions aimed at increasing Traveller and Roma participation in early years, primary or post-primary. We have welcomed the explicit targeting of Traveller participation in higher education, and a recent commitment to develop the first ever National Traveller Education Strategy. In the context of the current pandemic and school closures, the risk of deepening educational disadvantage among Travellers and Roma needs to be urgently tackled through the development of a Traveller and Roma education strategy, as committed to in the Programme for Government.

- Urgently prioritise and **complete the development of a Traveller and Roma education strategy;** ensure it is inclusive of all ages and educational levels, and that it has a robust implementation and monitoring plan and associated budgets

Employment: We welcome the inclusion of Travellers and Roma in the new Pathways to Work strategy, and the commitment to develop a dedicated strategy to address the significant levels of racism and discrimination in employment and unemployment faced by Travellers and Roma. This needs to lead to effective measures with adequate resources to improve employment among Travellers and Roma. It is vital to also incorporate these measures into Ireland's post-COVID resilience and recovery plans.

- Develop a **comprehensive Traveller and Roma training, employment and enterprise strategy** with a robust implementation and monitoring plan, and ensure Travellers and Roma are included in key mainstream policy initiatives related to employment.

Appendix 1. Examples of Ethnic Profiling of Travellers and Roma by the Police

Evidence highlights serious concerns around ethnic profiling with Traveller and Roma communities:

- 77.5% of Roma report being stopped by Gardaí for an identity document, and of those, 56% report being stopped four times or more.
- In 2013, in two separate instances two Roma children were removed from their biological parents by the police under Section 12 of the Child Care Act 1991 under a suspicion the children had been abducted. Subsequent inquiry found that the removal of one of the children amounted to ethnic profiling. A further audit of the use of the Section 12 of the Child Care Act found that crucial demographic data to draw conclusions about ethnic profiling is not recorded in the PULSE (police data base).
- In 2014, a Traveller mother discovered that her children aged 4 and 5 were recorded and given criminal tag numbers in the PULSE. The children's details were logged in 2011 after their parents visited a police station in relation to passport applications. The mother was not aware of this until informed by a freelance journalist in 2014. In 2014, a police whistle-blower alleged that up to 40 Traveller families were entered on the PULSE system, including a 16 days old baby, and that these registrations on PULSE were made without any proper foundation, criminal or otherwise.

Appendix 2: Examples of Hate Speech and Crime against Travellers and Roma

Anti-Roma and Anti- Traveller Statements by Public Officials:

- In 2018 Presidential Election, candidate Peter Casey made a number of offensive remarks about Travellers during his campaign. He came second in the election, with 23.25% of all votes.
- Fianna Fáil (political party) councillor: *"there should be an isolated community of them [Travellers] some place..."*. The statement was backed by a Fine Gael (political party) Town Councillor who noted that *"They [Travellers] can be sent to Spike Island for all I care"*.
- District Court judge and former Fianna Fail member of parliament: *"[Travellers are] Neanderthal men ... abiding by the laws of the jungle"*
- Dublin Circuit Criminal Court Justice: *"I assume from his appearance that he's from the Roma community who came here to do what all of them tend to do, to use the streets to beg"*

Anti-Roma Protests in Waterford, 2014: Over 100 people gathered chanting "Roma, out, out, out" and smashing windows and kicking doors in. Families had to be evacuated from their homes due to the violence.

Burning and Vandalising Travellers' Homes:

- Donegal, 2013: A house allocated to a Traveller family was burnt in an arson attack to prevent the family from moving in. The events were followed by anti-Traveller statements made by local councillors.
- Tipperary, 2019: A Traveller family was allocated a house and was ready to move in when the house was vandalised with significant damage made to the house.

Online Hate Speech:

"Promote the use of Kn***er babies for Shark Bait" – Court Case: A Facebook page suggesting to use Traveller babies as shark bait and fed to zoo animals was found 'obnoxious, revolting and insulting' by the Judge but was not deemed to be incitement to hatred.



Plé (Pedagogy, Learning and Education)

Submission for Public Consultant

Towards a new National Action Plan Against Racism for Ireland



PLÉ is the Irish Association of Academics in Early Childhood Education and Care in Higher Education. We welcome the opportunity to make a submission as part of the consultation process for the new *National Action Plan Against Racism for Ireland*. We are delighted to see such a comprehensive consultation process for the critical issue of anti-racism for higher education and for society. We are using some of the consultation guiding questions as a structure. *Our focus will be on Higher Education, Early Childhood Education and Care and Young Children.*

Theme 3: Education and Early Childhood Education and Care

Theme 4: Inclusion and Participation

Racism from a structural and systemic perspective is not always recognised within institutions. It tends to be viewed as something that happens at an individual level. **An Action Plan Against Racism** must recognise the structural implications of racism on society, and for those within society experiencing discrimination and racism, as well as individual incidents of racism. Systemic change is needed.

Section One: Higher Education Theme 3 and Theme 4

How would you like racism tackled in the education sector?

Higher Education can play a leadership role in society by addressing equality, diversity, and inclusion for all under the nine equality grounds and class. Higher Education Institutions should be representative of society for both the staff and student profile.

Key Recommendation: Ensure an inclusive education system at all levels from early childhood to higher education. This will ensure that all children, young people and adults will have access, can equitably participate, will feel safe and have a sense of belonging. Therefore, the system must recognise racism as structural and not an individual behaviour. Additionally, the system must also recognise the specific needs and rights of those experiencing marginalisation including Traveller, Roma, Black and Minority Ethnic groups.

To Ensure a Sense of Belonging in an Anti-Racist inclusive university

- **An inclusive higher education system means recognising structural racism and actively creating an environment across all disciplines that moves beyond welcoming.** An inclusive system will actively ensure that all adults and young people, regardless of their identity and/or background (socio-economic status, age, class, race, ethnicity, sexual orientation, ability, disability, creed, family or marital status), have supported access, feel that they belong in the university, are recognised and acknowledged in the course content, curricula and across the campus. The intersectionality between racism and other oppressions needs to be recognised, supported, and addressed.
- **Anti-racism Strategy:** An active and resourced anti-racism strategy needs to be put in place in Higher Education Institutions. Policies addressing racism, ableism, sexism, homophobia, classism, marital/family status, and religion should be developed and/or audited, be made visible and implemented in a way that is accessible to all. It is important to encourage a climate where people feel able to report discriminatory or racist incidents. Training and continuous support for front line staff investigating discriminatory incidents is also necessary.

- **Partnership:** Experience and voices from minority students need to be actively supported to inform the development of a strategy, policy developments and implementation plans.
- **Disaggregated Data:** Collection of disaggregated data at institutional level is necessary to meet students and educators needs. Disaggregated data is important for monitoring and evaluating an institutional anti-racist strategy and its implementation plan.
- **Diverse workforce and Student Cohort:** Outline clear targets to increase diversity in the higher education workforce across equality grounds and class. Targets need to be set to increase the diversity of the student cohort.
- **Review of mechanisms:** Review and amend the mechanisms that are currently in place to support minority groups access higher educational programmes.
- **Mentoring Programmes:** Continue to support current and emerging mentoring programmes which target specific minority groups. Travellers and Roma are the most marginalised communities in Ireland (FRA, 2020), therefore, require proactive measures to support their engagement in higher education. Mentoring supports should begin at registration, help with orientation and transitions and be available throughout the academic year.
- **Funding:** Higher Education Institutions need funding to develop promotional materials and outreach initiatives to support hard-to-reach groups to engage with Higher Education.
- **De-colonised Curricula:** The curriculum across disciplines needs to be de-colonised. It is important to recognise and acknowledge how the education sector structurally reproduces privilege through policies and practice. Active support from management to engage with this at programme levels is required.
- **Anti-racist training:** All staff will require training in anti-racism and the intersectionality of other oppressions. Training should support understanding of the socio-historical bases of discrimination, exclusion, personal attitudes and values, also the importance of valuing differences and building solidarities.
- **Links:** Link the National Action Plan for Racism to the National Plan for Equity of Access to Higher Education (HEA, 2015). This should include funding mechanisms for the HEA as well as Institutes of Technology. For example, the Susi grant should be available to Travellers and Roma.

Key Action Points for Higher Education

- Policies and actions needed at structural and individual levels
- Anti-racist strategy to include appropriate funding and training
- Disaggregated Data at institutional level
- Diversify the workforce and student cohort
- Pro-active access routes and mentoring programmes for minority groups
- Decolonised curriculum across disciplines
- Resource and Fund Higher Education Institutions to develop promotional materials and outreach initiatives for hard-to-reach groups
- Link the National Action Plan for Racism to the National Plan for Equity of Access to Higher Education and provide adequate funding.

Section 2: Young Children and Anti-racism: Early Childhood

Education and Care at Higher Education, Training and Practice

ECEC programmes at higher education have implications for the learning experiences and the curricula for young children in Early Childhood Education and Care settings. There is a need to have a focus on addressing racism in ECEC higher education, training and practice programmes.

Young Children and Early Childhood Care and Education

Recommendation: Ensure a focus on Early Childhood Education and Care from birth in the Action Plan Against Racism from higher education to practice levels.

As our engagement with diversity begins at a very early age, it is important to place a significant focus on anti-racism in early childhood. There is a misconception that children do not notice difference. However, research illustrates how children as young as three and four years of age develop prejudice and attitudes towards diverse social and cultural

identities (Lane, 2008; van Ausdale and Feagin, 2001; Mac Naughton, 2005; Robinson and Diaz 2016). Children are also subjected to the racism experienced by their parents and communities but there is little focus on the implications of racism on their daily life and their life chances (Murray & Urban, 2012). We know that children internalise both positive and negative experiences and that racism is experienced at both structural and individual levels. Racism is a particular form of oppression which has implications for children experiencing marginalisation and exclusion. Majority/dominant group children are also negatively affected too because we know it is not healthy to grow up thinking you are superior to or better than other people in our society (Derman-Sparks & Olsen Edwards, 2010).

Hence, addressing Diversity, Equality and Inclusion (DEI) from a critical pedagogical perspective is necessary in ECEC. Addressing DEI from an anti-bias or anti-discriminatory perspective is relatively new to the ECEC sector (Murray & Urban, 2012). It is therefore necessary that staff in HEAs, ETBs and those delivering Professional Development programmes receive comprehensive training in delivering DEI programmes. It is necessary that these programmes are grounded in a critical pedagogical approach, such as an Anti-bias approach (Derman-Sparks & Olsen Edwards, 2010), which addresses all forms of oppression including racism, sexism, classism, ableism, homophobia, whilst, recognising the intersectionality of our humanity. The early childhood education and care sector needs to build capacity and awareness of the different mechanisms through which racism occurs, such as historical racism/structural racism and institutional racism (Smyth, 2011).

Furthermore, key European early childhood documents including *Competence Requirements in ECEC* (CoRe) (Urban et al, 2011) and *European Quality Framework* (EU Commission, 2012) recommend addressing diversity to include an anti-bias approach and anti-discriminatory practice in early childhood at all levels of the system.

Key Recommendations for Early Childhood Education and Care

Building on current initiatives, such as the Access and Inclusion Model (AIM) and DEI Charter and Guidelines (DCYA, 2016) develop a national strategic approach to diversity, equality and inclusion for Early Childhood Education and Care education, training, and practice. The strategy should be grounded in Anti-bias principles, whilst including a framework of intersectionality, alongside clear mechanisms for addressing discrimination.

It should include a focus on policy development, regulation and practice within higher education programmes, ETB training, professional development and ECEC practice. An interdepartmental approach should be put in place to meet these requirements.

Policy Recommendations

1. How can we Ensure Equality for all Children in Terms of Access, Participation and Outcome in ECEC services?

- **Disaggregated Data:** Disaggregated data, using an ethnic identifier for both children and staff in ECEC, is needed to identify and address specific gaps and needs of minority and hard to reach groups.
- **Review of ECEC Frameworks:** The Aistear Curriculum Framework (NCCA, 2009) (currently under review), Siolta Quality Framework (CECDE, 2006) should be reviewed and audited to ensure both frameworks are underpinned by the principles of Anti-bias addressing racism and the intersectionality of oppressions in line with the DEI Charter and Guidelines (DCYA, 2016).
- **DEI Charter and Guidelines Training:** The DEI Charter and Guidelines for Early Childhood Care and Education (DCYA, 2016) supports educators to tackle racism on a range of levels from interpersonal to institutional. The DEI experiential training for implementing the DEI Charter and Guidelines (DCYA, 2016) should be reviewed and adequately resourced to extend beyond 15 hours of training. It should be mandatory, certified and include a capitation for the service.
- **Access to ECEC:** Ensure mechanisms to access ECEC are clearly available and accessible for all children. Issues in terms of literacy, especially for on-line registration for the National Childcare Scheme, and lack of local knowledge can be problematic for Travellers, Roma and some minority groups. Clear outreach mechanism should be developed through the County Childcare Committees (CCC's) in consultation with representative groups to ensure accessibility for all children.
- **Diversify Workforce:** Set clear targets to diversify the workforce for ECEC. Provide incentives to engage in ECEC accredited training at Higher Education and ETBs (ECEC Workforce Development Plan).

- **Equality Proof:** Review and equality proof positive diversity representation in the media, teaching, assessment tools and practice materials alongside representation in wider society.
- **Appropriate Diverse Materials:** There is a dearth of materials that represents children from diverse backgrounds appropriately within higher education and within the ECEC field generally. Funding needs to be made available to develop and source appropriate materials in terms of representation for children in ECEC (i.e., Travellers, Roma, Black, mixed race children, disability/ability, language, class, sexual orientation and family status).

2. Making Connections Across Higher Education, ETBs and ECEC Practice

- **Recruitment Across the Sector:** The need for recruitment of a wider and more diverse training/lecturing cohort; across all roles/levels/ contexts of the wider ECEC/School Age Childcare field to ensure an accurate representation from Irish society. This is important for creating an inclusive climate and sense of belonging for all lecturers, students in higher education and educators in ECEC settings. Those delivering ECEC programmes should have appropriate ECEC qualifications.
- **Decolonise Curriculum:** Higher Education, ETBs and ECEC programmes need to decolonise (Loke, 2018) their ECEC curricula. This can be achieved when ECEC programmes address DEI comprehensively in course materials using the DEI Charter and Guidelines (DYCA, 2016) as a core resource. All lecturers and ECEC educators should be required to attend DEI training that addresses structural and individual racism, sexism, classism, ableism and homophobia and their intersectionality. It is important for staff at all levels to acquire diversity skills and knowledge of the mechanisms of (unconscious) prejudices and direct and indirect discrimination.
- **Student Awareness:** Raise awareness and ensure students develop an understanding around racism and the different forms that it takes, including intersectionality.
- **Capacity and Action:** Educate lecturers, students and ECEC educators on a range of actions to take in college if they experience racism on campus, placement and/or in work. Develop managers, lecturers, students and educators' capacity to challenge racism at institutional and individual levels.

- **Placement Supports:** Develop guidelines and training to support ECEC placement providers to address racism and create an inclusive working environment for children, students, and staff.

3. Professional Development and Practice: CPD is Important for Promotion Purposes and Equality for Career Advancement

- **Incentivise Professional Development:** Training should be extended beyond 15 hours. Incentivise Professional Development training including the current DEI training being rolled out by the City and County Childcare Committees. The training should be mandatory, certified and include a capitation for the service.
- **Peer Learning:** Provide training and mentoring supports for peer learning on diversity, equality issues and networking in local communities.
- **Funding:** Provide learner funding and targeted funding programmes to meet the needs of different groups.

4. Networking and Representative Groups

- **Links to Representation Groups:** Fund representative organisation to work on young children's issues and work in partnership with City and County Childcare Committees to target hard to reach groups including Travellers and Roma locally. For example: establish regional communities of practice, supported by minority community representatives. Review CYSPY Children and Young People's Services Committees (CYPSC) for appropriate representation.
- **Outreach Work:** Develop alliances with representative groups with a view to agreeing steps to progress outreach work to include clear pathways to developing a diverse workforce (Roma, Travellers, men in childcare, disability groups, immigrant, and migrant groups).
- **Development of Training Materials:** Work in partnership with minority groups to Develop and share resources and training materials that includes case studies of the lived experiences of those experiencing racism and other forms of oppression to be utilised within Early Childhood Education and Care education and training.

Key Action Points for Early Childhood Education and Care

- **Disaggregated Data**
- **Review of ECEC Frameworks**
- **DEI Training, Development of Material for ECEC training and practice**
- **Equitable access to ECEC**
- **Diversify the Workforce**
- **Equality Proof and Positive Representation**
- **Decolonise ECEC curricula at all levels**
- **Student training and awareness**
- **Incentivise training provide support including learning fund**
- **Develop alliances with Representative Groups**
- **Funding for Representative Groups**

Section 3 General Questions:

1. What Do you See as the Most Important Problem Facing Young Children from Minority Communities?

- The lack of a specific focus on young minority children's needs and rights and their lived experience of racism within policy and practice.
- Young children's ongoing and daily lived experience with racism at micro and macro levels in society. Their experiences are at a structural level as well as an individual basis within state and private institutions. This is particularly difficult for children and young people in and leaving care.
- The need for recognition of parents/guardians from minority groups as the first educators of the child. A wider understanding is needed in services to include children's different funds of knowledge, which include a range of cultural and languages variations that influence parental styles.
- The lack of representative diversity within the ECEC workforce.

- The lack of positive diverse representation in media and in all professions including education and justice.
- Myths and stock stories about minority groups that are not challenged or dispelled through state interventions.
- In the absence of meaningful inclusion practices, tokenistic celebrations that promote an 'exotic' construction of those from minority ethnic groups.

2. What Initiatives do you Think would Address Gaps in Data for Gathering and Use for Young Children?

- Through the collection of disaggregate data and the development of evidence base practice reflective of the experiences of Roma, Travellers, Black and Minority Ethnic staff, and students in the education system to include from early years to higher education.
- Actively working in partnership with minority groups through mechanisms of participatory research to develop a repository of real stories, which counter the narrative or stock stories presented in society.
- Culturally appropriate assessment tools need to be developed to meet the needs of minority children who often fail assessments due to the use of standardised tools, which do not consider their funds of knowledge.
- Employ different approaches to gathering data in culturally appropriate ways. Actively involving minority communities in the development of research questions, data collection, analysis and dissemination of results.
- Evaluate different approaches to addressing racism and other forms of oppressions in training and practice to establish what makes them effective.

3. How would you Measure how well the Plan is Working? Who do you Think Needs to be Involved in the Implementation and Monitoring Actions Recommended in the Plan?

- Develop a whole of government strategy and implementation plan with set targets, timelines, and resourcing. Review the implementation plan; gather data, monitor, review, and evaluate against set targets on a continuous basis.
- Evidence of positive outcomes for minority children attending Education and Early Childhood Education and Care Services.

- Measure the impact of the Action Plan through robust monitoring and evaluation methods which include consultation and data gathering in partnership with different minority groups, representatives, stakeholders and key departments who are implementing the targets in the Action Plan Against Racism.
- Appropriate consultation with both minority and majority young children should be integrated into the Anti-racism Action Plan and its monitoring processes.

4. Recognising that the Action Plan will Cover many Issues, What are the Two Areas that you Feel Should be Prioritised for Early Action?

- Ensure young children from birth and Early Childhood Education and Care are embedded in the Anti-racism Action Plan.
- An implementation plan with targets should be developed immediately followed by mechanisms to monitor the implementation plan for the Action Plan Against Racism.

5. Does the Experience of Racism Change Depending on the Child's gender, Age, Ability, Sexual Orientation or Family or Civil Status?

- **Research and Data:** Racism is extremely complex, racism changes through time, however, the premises of superiority and inferiority remains (Fleras, 2016). The question of how the experience of racism changes within the Irish context needs to be answered with empirical disaggregated data. For example, a longitudinal study which considers the intersectionality of oppressions over time. Although the experience of racism may change, the trajectory of long-term health and life chances have implications due to experiences of discrimination, for example mental health needs to be considered, lack of access to opportunities in early childhood education and care, primary, secondary, higher education and employment opportunities.
- **Intersectionality and Identity:** Young children are developing their identity. Therefore, their experiences affect what they learn and how they feel about themselves. We are not one dimensional, as humans we have multiple identities. However, societal and individual attitudes to our various diversities can result in positive or negative experiences. Hence, this can affect how we think about and see ourselves, for example, if you are hurt due to discrimination for one or more aspects of your identity at any given time, whether that is racism, sexism, or homophobia.

Therefore, intersectionality of oppressions needs to be recognised in the Action Plan Against Racism.

- **Language:** In Ireland due to the population size, most assessment tools use internationally standardised language and cultural references, which can discriminate against minority groups and users of EAL. This needs to change.

6. What is Going to Make the Biggest Difference in the Longer Term?

Acknowledge the structural nature of racism in society. Put in place a clear cross departmental *Anti-Racism Action Plan* to include an implementation plan, timeline, resources, and clear targets. It is essential to develop anti-racism education and practice for and with young children. For too long actions to address racism have focused on young people or adults. Interventions need to start at the earliest age, to include building on and developing education and training programmes that prepare the future workforce especially for those working with young children. As such, those delivering programmes to students or professionals need to be appropriately trained in anti-bias/racist approaches. Commitment to ensuring an *Anti-Racism Action Plan* will need to be regularly reviewed and evaluated. Appropriate funding needs to be put forward to ensure implementation. The most important factor will be the leadership shown by our politicians and their commitment to ensuring this National Action Plan Against Racism succeeds in addressing structural and individual racism which is a blight on our society.

7. How do Children's Experience of Racism Interact with Disability or Other Forms of Oppression?

- Intersectionality is a clear method of reviewing how racism interacts with other forms of discrimination (Crenshaw, 1989). See section 4 above.
- **Access and Inclusion Model:** Review and Develop the Access and Inclusion Model (AIM). There is an imperative to expand the focus of the AIM model. Currently, the model emphasises access to service for children with disabilities which is needed and welcome. However, there is a need for an overall DEI strategic approach which is relevant for all children.
- **Lack of Choice and Access:** In the case of disability, lack of choice is one of the most obvious forms of discrimination. Whether it be in education, the work-place sport or social opportunities, adults and children with disabilities have little say

over their daily lives. Geographical discrimination is also evident, depending on one's location, for example rural communities.

- **Representation:** Intersectionality of representation is important. There is a lack of representation for people with different abilities combined with lack of representation of people of colour/ethnic backgrounds in mass media or professional roles.
- **Culturally Appropriate:** There is a need to implement culturally appropriate evidence-based assessments and interventions for children with disabilities who experience marginalised and oppression, especially Travellers, Roma and children in direct provision.
- **Anti-bias Training:** Anti-bias training should be mandatory for the range of professionals working directly with minority children and families with disabilities.
- **Equality Proof materials and tools:** Equality proof assessment tools for assessing and determining disabilities for children from minority communities needs to be developed. Children's socio-cultural experience differ and this needs to be acknowledged and reflected in the assessment material.

Thank you

REFERENCES

- Crenshaw, K. (1989) Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *University of Chicago Legal Forum* 1(8).
- Derman-Sparks, L., & Olsen Edwards, J. (2010) *Anti-Bias Education for Young Children and Ourselves*. Washington, DC: National Association for the Education of Young Children (NAEYC).
- Fleras, A. (2016) Theorizing Micro-Aggressions as Racism 3.0: Shifting the Discourse', *Canadian Ethnic Studies*, 48 (2)1–19. doi: 10.1353/ces.2016.0011.
- HEA. (2015) *National Plan for Equity of Access to Higher Education 2015-2019*. Dublin: HEA.
- Lane, J. (2008) *Young Children and Racial Justice: Taking Action for Racial Equality in The Early Years – Understanding the Past, Thinking About the Present, Planning for the Future*. London: National Children's Bureau.
- Loke, G. (2018) So What Next? A Policy Response, in J. Arday and H.S. Mirza (Eds.) *Dismantling Race in Higher Education Racism, Whiteness and Decolonising the Academy* Cham: Palgrave Macmillan.
- Mac Naughton, G. (2005) *Doing Foucault in Early Childhood Studies*. New York, NY: Routledge.
- Murray, C. & Urban. M. (2012) *Diversity and Equality in Early Childhood Education and Care: an Irish Perspective*. Dublin: Gill and MacMillan.

Robinson, K. H., & Jones Díaz, C. (2016) *Diversity and Difference in Childhood: Issues for Theory and Practice*. London: Open University Press.

Smyth, L. (2011) *Exploring Aspects of the Relationship Between Gender and Leadership in Early Childhood Care and Education: Towards an Engaged Feminist Pedagogy of Adult Education*. Mural. Maynooth University Available at:
<http://mural.maynoothuniversity.ie/9621/1/lyndaSmythCombined.pdf>.

Van Ausdale, D., & Feagin, J. R. (2001) *The First R: How Children Learn Race and Racism*. Oxford: Rowman & Littlefield Publishers, INC.



An tSeirbhís um Cheapacháin Phoiblí Public Appointments Service

Towards a National Action Plan Against Racism for Ireland

Public Consultation 2021

Consultation response

Submitted by: Public Appointments Service

Section: Theme Three: *Employment, education, health, and accommodation*

Date: 14th July 2021

Introduction

The Public Appointments Service are the centralised provider of recruitment, assessment and selection services across the civil and public service. We are committed to providing a premier recruitment facility to our clients who include government departments, state agencies, the HSE and local authorities in order to successfully employ suitable candidates. Additionally, we deliver an effective gateway to identify suitable individuals for consideration by Ministers for appointment to State Boards.

We provide an open and transparent recruitment process to identify top-quality candidates for public sector roles, with a strong reputation for independent and merit-based selection. We are privileged to support the Irish government and our clients to deliver high-quality public services through the recruitment of a diverse, highly talented and committed workforce that truly reflects the society that it serves.

As recruiters we are committed to equality of opportunity for all, ensuring that no unnecessary barriers are imposed on those who wish to pursue a career in the public service because of their gender, race, disability, sexual orientation or any other grounds covered by current Irish equality legislation. The Public Appointments Service has a key role to play in ensuring that routes to career opportunities are accessible to all potential candidates who are interested.

Further, we fully understand that attracting and retaining a diverse and engaged workforce is a key factor in delivering on the reforms required to meet the challenges ahead. We also understand that a civil and public service energised by the contribution of employees from all sectors of society will lead to more innovative, productive workplaces and more responsive and inclusive public policies, programmes and services.

To build on the good work underway already in the organisation, the Public Appointment Service launched its first **Equality, Diversity & Inclusion Strategy** (2021-2023) in March. The strategy is a key outcome in our corporate strategy Nua (2020-2023). It takes a planned, systematic approach to creating a more diverse and inclusive workforce for the public service through the recruitment and assignment process, ensuring also that we deliver on the statutory commitments embodied in equality and human rights legislation and ED&I-related national strategies.

Our strategy supports our commitment to delivering an inclusive recruitment service that attracts and engages diverse cohorts of talent. The three **strategic change areas** identified in our ED&I strategy are:

1. Greater knowledge and understanding of diversity in the recruitment market and the Irish public sector

Work in this area is focused on developing a data driven, holistic understanding of the recruitment and employment profile of the civil and public service to enable us to build strategies and initiatives to attract and engage more diverse potential candidates.

2. Develop recruitment and selection processes that encourage and enable access for candidates from diverse backgrounds

The Public Appointment Service is reviewing the various aspects of our recruitment model and practices through an ED&I lens to identify both barriers and good practice in our processes, policies and activity. Lack of visible diversity, role modelling and awareness of sector opportunities amongst underrepresented groups inhibit the attraction of diverse candidates.

We also aim to ensure a visible focus on ED&I in our communication and engagement with stakeholders, clients and candidates whilst also developing clarity with around mutual expectations and standards for an inclusive civil service.

3. Our culture models best practice in ED&I and we support our clients in building inclusive workplaces

Modelling ED&I best practice will foster an inclusive public service work culture, which is crucial to attracting and retaining diverse talent.

The Public Appointments Service plan to explore the potential for positive action in recruitment, actively engage with networks to enhance awareness of opportunities for under-represented groups and create platforms to highlight ED&I-related themes in recruitment and onboarding, while amplifying the personal, lived experience of candidates and employees.

The Public Appointments Service is an organisation that values the contribution of all individuals, and we aim to have robust, relevant policies and processes in place to minimise the impact of discrimination, prejudice or bias that, as referenced in the *Interim report of the Anti-Racism Committee* (Nov 2020), exist in Irish workplaces and wider Irish society.

A national anti-racism plan is key for a nation that wishes to embrace difference and fight racism in all its forms, and we are pleased to contribute to this public consultation on the formation of a national anti-racism plan for Ireland.

Consultation response

THEME THREE: Employment, education, health, and accommodation

Given the nature of our business this consultation response has focused on responding to the questions on employment *only* under Theme Three. Please find our response in the following section.

1. What initiatives and actions would you like to see undertaken to combat racism in access to employment?

1.1 Workforce Equality Data Collection and Monitoring

In line with Recommendation 2 of the *Interim report of the Anti-Racism Committee* to 'Take steps to put in place ethnic equality monitoring across all public services', the Public Appointment Service strongly believes that all employers in all sectors of the Irish labour force should collect robust and comprehensive workforce equality data. There is a particular onus on public sector organisations to collect this data and report on it under the Public Sector Equality and Human Rights Duty of current Irish equality legislation. This needs to be better enforced, ensuring reporting is undertaken and published to drive accountability as too few organisations are honouring this obligation at present.

This workforce data is essential to understanding the make-up of individual businesses and organisations, specific sectors and the Irish labour force as a whole. Without this data it is impossible to measure the extent to which people from, not only minority ethnic and migrant backgrounds, but all underrepresented groups, experience the labour force differently (entry into it, progress through it, remuneration, discrimination and success) from the majority group.

It will also be an essential tool to understand the employee experience beyond recruitment (See Section 2, *Approaches to reduce bias in recruitment and hiring*). Collecting and analysing data at regular intervals will also create a link to ED&I teams or D&I leads across departments to gain insights and grow their understanding of data as a tool for change.

In the absence of robust data, it is impossible to identify, understand or address the structural or institutional-based issues that may further perpetuate inequality or prejudice in an organisation, service or business.

The deficit of data is a civil service-wide issue. In order to develop a robust evidence base the Public Appointment Service believe the following actions would be most useful to undertake for all organisations intent on gathering and analysing the equality data they require

1.1.1 Regular and systematic collection and analysis of:

- **Quantitative data:** Strong statements of support for the collection of this hard numerical data by public sector bodies, senior civil servants and Ministers would highlight the necessity of it to deliver a civil and public sector that is both diverse and well prepared for the challenges ahead.
- **Qualitative data:** Adoption of workplace engagement tools e.g. Inclusio, Peakon, Workvivo, Lattice or Culture Amp to promote D&I and collect data on workplace culture and environment

1.1.2 Establish a high level and targeted cross-departmental/sector working group on promoting, collecting, analysing and reporting of data, to help identify current and future trends.

1.1.3 Encourage and support the use of ED&I Audit/Reviews and systemic diagnostic tools to

- Understand better the demographics and culture of an organisation
- Establish a greater understanding of employees' experience of engagement, inclusion and awareness of ED&I themed issues
- Understand better an organisation's processes through the ED&I lens and help identify the challenges, the good practice and what needs to change in an organisation to foster diversity and inclusion
- Identify the specific evidence-based factors and actions that can help create a more diverse organisation with more inclusive operational processes.

1.1.4 For the civil and public sector organisations, encourage the practical application of the [OPS ED&I Maturity Model](#) developed by Action 16 which aims to support organisations in progressing on their EDI journey. The model identifies the specific, interrelated components of a comprehensive approach to EDI: Inclusive Leadership; Diversity Data; Recruitment & Selection; Training & Professional Development and Structures & Culture.

1.1.5 It would also be beneficial to develop a community or centre of expertise/excellence in the civil and public sectors to drive policy and accountability in this ED&I space. This team or unit could support organisations and government departments with their ED&I policy and plans whilst disseminating best practice in all aspects of D&I.

1.2 Work based Cultural Education and Anti-racism Training

Both cultural awareness raising and practical training including, but not limited to, unconscious bias training are essential to ensure that all employees understand and respect different cultures, faiths and backgrounds in both the workplace and wider society and are properly equipped to deal with diversity and inclusion in the workplace of modern Ireland.

We would suggest the implementation of both an anti-racism and a cultural awareness training programme for all public and civil service staff. Emphasis should be placed on the recruitment and hiring processes and staff to ensure no additional attitudinal or structural barriers are in place for candidates from diverse ethnic backgrounds, the Traveller community or other underrepresented groups.

Inclusive leadership is now a critical skill for managers and leaders alike, one that is essential to helping governments, business and organisations manage and harness the diversity of their employees to drive the innovation and creativity that is needed to solve current challenges in all sectors. Training in this area should become standard to raise awareness and develop inclusive leadership capability and capacity.

1.3 Approaches to reduce bias in recruitment and hiring

○ Anonymous recruitment

This involves removing information that could potentially identify and therefore lead to making a conscious or unconscious determination about a person's ethnicity or nationality (or gender or socio-economic background) based on a name.

When shortlisting candidates only their work history and their responses to specific competency questions should be used by the assessment panel in an effort to reduce the inherent human biases that we all carry. The ability to implement these techniques continuously becomes easier as

technology advances. We would recommend that the feasibility of anonymous recruitment be assessed and piloted in the civil and public service.

- *Recruitment and Selection tools*

To meet best practice in fair recruitment, organisations should use tools and techniques to assess candidates that are proven to have no or minimum adverse impact on particular groups. Tests and assessments that are designed and used should be trialled as part of the development process. There could be scope (in the civil or public sector) to involve underrepresented groups in the development and trialling of new assessments to ensure that the exercises are fair and valid and that the instructions and familiarisation material provide sufficient information to allow all candidates to perform to the best of their ability.

- *Monitoring of Underrepresented Group Performance in Recruitment Processes*

All candidates applying for employment should be asked to provide information on their status within the different protected groups under the Employment Equality Acts, which allows monitoring of candidate performance across the different stages of the selection process.

Currently the provision of this information is voluntary, and many candidates may choose not to complete the different fields. Encouraging all candidates to engage with this process will provide the employer with better data on candidate across all the elements in the recruitment process used, it will also identify barriers to employment opportunities for some groups.

- *Diverse interview panels*

Both the evidence base and our experience of engaging people from diverse backgrounds highlight the diversity of interview panels as an important element in the recruitment process. Diverse panels guard against group think – or ‘bandwagon bias’ - and send a clear message to candidates about the values of an organisation and the importance they place on ED&I. Public Sector organisations should be directed to proactively ensure that their interview panels better reflect the diversity of the communities they serve.

- *Neutral and inclusive job advertisements*

To develop guidelines to provide advice and tips on how organisations can ensure the language they use is neutral and inclusive to engage potential candidates from all backgrounds. Further, encouraging job advertisements in different languages across various channels, publications and platforms, could promote employment opportunities for various diverse communities.

1.4 Representation matters

- Increase the visibility of existing public servants from different ethnic background, or from a migrant background to help connect with and attract interest from new audiences / communities.
- Initiate and support the use of proactive bespoke supports for different underrepresented groups so they can familiarise themselves with the recruitment process and optimise their performance.
- Introduce centralised internship or full apprenticeship programmes for key entry level grades into civil and public service with transition protocols for successful placements on completion of programmes.

1.5 Sectoral D&I Attraction Strategy Working Group

Support the establishment of a new *Sectoral ED&I Attraction Strategy Working Group* to review current sectoral attraction plans – identify areas for improvement and develop new attraction plans to encourage interest from underrepresented groups. ED&I should be a central element to any workforce attraction plan to ensure it is mainstreamed into all aspects of recruitment and selection.

In any robust future-facing attraction plan new communities (and established diverse communities), new partnerships (e.g. with schools and educational institutions) and new opportunities should be developed to widen the potential pool of candidates to ensure the employee pipeline is diverse.

1.6 Commitments in Irish Human Rights and Equality Commission Act 2014

The Public Sector Equality and Human Rights Duty ('the Duty') places a statutory obligation on public bodies to eliminate discrimination, promote equality of opportunity and protect the human rights of those to whom they provide services and staff when carrying out their daily work. It puts equality and human rights in the mainstream of how public bodies execute their functions.

All public bodies should be encouraged to fully meet the commitments outlined in section 42 'Public Bodies' of the Irish Human Rights and Equality Commission Act 2014, this includes fully funding their budget to specifically target people from diverse backgrounds, embed ED&I in their services, departments and workplaces and create an inclusive workplace for all.

In the Public Appointments Service we are currently examining ways to improve our reporting under this duty by creating a template through which both our internal and external data (on candidates who apply and campaigns we undertake for the civil and public sectors) will be filtered and analysed. As a trusted partner to many government departments and public sector organisations who look to us for advice and guidance on best practice in recruitment and assessment, we will encourage our stakeholders and clients to take a similarly robust and aligned approach to data collection, monitoring and reporting.

2. Are there particular sectors of the labour force where action needs to be prioritised to combat racism?

2.1 Irish Labour Force

The Public Appointments Service plays a central role in recruiting diverse talent to take up public and civil service employment opportunities, as such we can only speak to these sectors with any authority.

However, as other responses will no doubt highlight sections of the labour force where work is insecure, low paid, low skilled, often seasonal or precarious with low level of workers organising and an absence of employment rights are likely to be where bad practice and potentially hostile environments may exist.

Racism exists in all sections of society and therefore likely in all sections of the Irish workforce. Whether it is explicit, implicit, structural, organisational or at an individual level will depend on the sector, business type and workplace culture. Racism should be tackled in all its forms wherever it exists.

2.2 Public Sector

The Public Appointments Service derives its mandate and was established under the Public Service Management (Recruitment and Appointments) Acts 2004 to 2013. Most Public Appointments Service recruitment campaigns are carried out under the Commission for Public Service Appointments (CPSA) Codes of Practice. These Codes of Practice set out guidelines and standards for internal and external recruitment in the public service. The five core principles of probity, merit, best practice, fairness and transparency are applied to all recruitment processes that we run.

Our aim is to ensure we provide a recruitment process that is fair and transparent and that also is conscious of the barriers faced by people from diverse backgrounds. Our goal is to prove a recruitment process that considers those issues and provides solutions to overcome those issues and to ensure the public sector is made up of a diverse workforce that is representative of the diverse make-up of Irish society. To achieve this, we will proactively look at implementing actions to facilitate delivering on these objectives. Positive Action, alternative recruitment models and different paths to employment are all areas we will be focusing on.

3. What training and additional supports could help to combat racism in the workplace?

3.1 Work based Cultural Education and Anti-racism Training

As mentioned in Section 2; *Question 1 (above)*: Both cultural awareness raising, and practical training should be provided as routine to all staff in civil and public sector.

3.2 Common Language & difficult conversations

Discussions on racism and all kinds of prejudice and bias are often challenging conversations to have in the workplace. Particularly if you are lacking the language and vocabulary need to have constructive and honest conversations about this subject. Every effort should be made by employers to equip staff with the language tools and training to have these conversations to prevent culture clashes, misunderstandings and unacceptable comments and behaviour in the workplace.

3.3 Inclusive leadership training

Inclusive leadership, considering the impact of the COVID 19 pandemic has had on the world of work in general, is now essential for the current and future leaders of the civil and public sector. All staff at a senior management grade (or aspiring to it) should have the chance to undertake inclusive leadership training, where strategies and tools for conscious inclusion in leadership are shared and discussed. This will provide senior managers with the skills to lead and manage in a rapidly changing work environment and to have equality, diversity and inclusion as a key pillar of their delivery.

3.4 Cultural awareness programmes

Key to an inclusive workplace is respecting and valuing all staff in the workplace. The evidence is increasingly clear that a workplace that embraces and harnesses the different cultures, perspectives and skills of their staff benefits hugely in terms of innovation and productivity. Cultural awareness programmes provide an opportunity to educate staff on different cultures, to break down cultural barriers, avoid misunderstandings and foster better cultural awareness and appreciation between staff.

3.5 Equality, Diversity and Inclusion Liaison Officer

Consideration should be given to a dedicated Equality, Diversity and Inclusion Officer role for the Public Sector, similar to the current Disability Liaison Officer role that is mandatory in all civil service Departments/organisations.

3.6 Equality, Diversity and Inclusion Champion/Advocate

Consideration should also be given to creating ED&I champions/advocates within organisations. While every effort should be made to mainstream ED&I, and all employees need to understand that ED&I is

relevant to their roles and that it is everyone's business, it can be useful to have clearly identified champions/advocates in a workplace who have in-house expertise/training and can act as a point of contact and collaboration for internal and external stakeholders.

3.7 Employee Resource Groups (ERGs) / Staff Networks

A stronger emphasis should be placed on the importance of ERGs/Staff Networks within organisations and across the civil service as a channel for the employee voice. LGBTI+ staff networks within the public sector have shown to have had very positive impact in their organisations. These fora should be supported within and across departments and organisations, empowering staff to help shape their own workplace culture and practice, particularly with the backdrop of the emerging post-pandemic hybrid working model.

3.8 Ally networks

Ally networks could also be encouraged as a way of embedding the understanding that ED&I, tackling racism and/or discrimination is everyone's business in the workplace. An allies network can be a useful support for other individuals and networks who are keen to help shape the workplace of the future. However, real allyship requires more than good intent and should come with training and supports to avoid the allyship becoming performative.

4. What measures could be introduced to promote employment and labour market inclusion, as well as addressing the underlying causes of discrimination?

4.1 ED&I Strategies and Action plans

Public sector duties stipulate how public sector organisations need to be report on actions and initiatives they have undertaken to eliminate discrimination and ensure staff and service users human rights are protected. Organisations and departments should be encouraged to create their own ED&I plans and strategies.

4.2 Pay gap auditing

Pay Gap auditing is one way of measuring how different groups are faring within an organisation or sector – using pay as an indicator. Essential to this process is the robust collection and analysis of equality and pay data (see Section 2, 1.1: Workforce Equality Data Collection and Monitoring).

4.3 Better understanding of Positive Action

If public sector organisations had a better understanding of positive action measures, permissible when the representation of certain demographics falls below a certain threshold (which can be established through labour force data), organisations might feel more comfortable using positive action as a tool to address diversity deficits. Currently there is confusion and there is a perception that positive action is not permitted under Irish equality legislation. Further positive action is often used interchangeably with positive discrimination (not permitted under Irish law) so more education on this may be an effective action for those looking to take a more proactive approach to diversity. A clear statement from the Minister of Children, Equality, Disability, Integration and Youth would send a strong message to those who are proactively trying to develop a diverse and inclusive workplace.

A recent good example of a positive action programme in the public sector is the [Senior Academic Leadership Initiative](#) (SALI) which is a new initiative run by the Higher Education Authority (HEA) funded by the Department of Further and Higher Education, Research, Innovation and Science

(DFHERIS) aimed at taking positive action to accelerate gender equality goals and objectives in higher education institutions (HEIs) in Ireland.

4.4 Quotas or targets

Current targets and quotas that exist within the public sector should be updated to be more realistically aligned with the make-up of Irish society. For example, the Migrant Integration Strategy has 1% target for public servants to be from an ethnic minority. This figure should be updated and aligned to statistics from the most recent census. Most importantly this target should be monitored, and progress tracked. It is currently not being monitored so it will be very difficult to know if it has been achieved without the monitoring data (again see Section 2; 1.1). This would give the clearest possible message that real change is expected.

Equality budgeting

Public sector organisation and civil service departments should be urged to consider trialling '[Equality Budgeting](#)'. This involves looking at an organisation's, a departmental or thematic budget through the equality lens and trying to identify and assess the impact of that budget on a particular group(s) or community covered by equality legislation. This approach to budgeting can help policy-makers and service providers to better anticipate potential impacts of the budgetary process on these groups.

Alternative pathways to employment

Acknowledgment that groups further away from the labour market or who are most marginalised may not have the traditional educational and career experience to enter the workforce via the mainstream route. Alternative methods and routes for candidates/employees to demonstrate their skills, learn on the job and have access to entry and progression opportunities - will need to be developed.

In the Public Appointments Service we have successfully rolled out two '[alternative pathways](#)' to employment for disabled people:

- *Oireachtas Work Learning (OWL)*
the Oireachtas Work Learning (OWL) programme which is an 11-month applied learning, development and socialisation programme for adults with an intellectual disability.
- *Willing Able Mentoring (WAM) Programme*
The Civil Service Equality Unit works in partnership with the Association for Higher Education Access and Disability (AHEAD) to create a six-month paid programme aimed at graduates with disabilities.

Conclusion

We hope you find some of the detailed actions, approaches and suggestions contained in this response of some use as you develop the national anti-racism action plan.

Should you require further information or wish to discuss any of the contents of this response, please do not hesitate to contact the Public Appointment Service's ED&I team [REDACTED].

[END]

Results from an RCPI consultation on the National Action Plan Against Racism

July 2021

Table of contents

Executive Summary	3
Introduction	5
Survey methodology	5
Results	6
Respondents	6
What actions would you like to see taken in the health sector to address health inequalities based on ethnicity?.....	10
How can we ensure the equality of all children in access to services?	14
What initiatives and actions would you like to see undertaken to combat racism in access to employment?	18
What training and additional supports could help to combat racism in workplaces in healthcare?	21
What measures could be introduced to promote employment and labour market inclusion (in healthcare), as well as addressing the underlying causes of discrimination?	24
Do you have any other comments relating to the development of a National Action Plan against Racism?	27

Executive Summary

In May 2021, the Department of Children, Equality, Disability, Integration and Youth announced a public consultation on a new National Action Plan against Racism for Ireland.

The Royal College of Physicians of Ireland (RCPI) surveyed its members for their views on aspects of the consultation relating to the health sector. This report describes the results of the RCPI survey.

A total of 283 people responded to the RCPI survey. Notably, the largest group of respondents by nationality was those who indicated non-EU/EEA nationality, while the largest group by RCPI membership category was those with membership of RCPI (MRCPI).

Access to specialist training for non-EU doctors is a recurring theme of this survey, with many respondents feeling there was unfair discrimination against non-EU doctors in both access to training and career progression. Many respondents called for merit-based opportunities and frequent reference was made to RCPI's role in addressing this situation.

Themes highlighted from the consultation questions:

- Healthcare coverage that allows access to services and medical treatment based on need.
- The need for translation services/materials for patients for whom English is not a first language.
- A reporting system for racist incidents that offers anonymity/confidentiality for those reporting, and punitive measures for offenders.
- Greater representation of ethnic minorities in leadership and decision-making in healthcare.
- The need to focus on minority groups (this was mentioned in relation to equality of children in access to services, and in promoting labour market inclusion in healthcare).
- Education and raising awareness of racism was also mentioned often by respondents. This included education in schools, for healthcare staff, and the general public. Diversity, cultural awareness, and unconscious bias training were mentioned.
- Education was also mentioned in the context of informing and educating families on accessing services.

- Social determinants of health including housing and accommodation were also referenced in responses to questions on equality in access to services, and health inequalities based on ethnicity.

Many respondents explicitly welcomed the initiative for this action plan, and highlighted the need for a clear implementation plan, with regular monitoring against targets.

Introduction

In May 2021, The Department of Children, Equality, Disability, Integration and Youth announced a public consultation on a new National Action Plan against Racism for Ireland. The Royal College of Physicians of Ireland (RCPI) surveyed its members for their views on aspects of the consultation relating to the health sector.

Survey methodology

The consultation published by the Department of Children, Equality, Disability, Integration and Youth identified several themes. RCPI responded under Theme 3 – Employment, Education, Health and Accommodation asking the following questions from the consultation document:

- What actions would you like to see taken in the health sector to address health inequalities based on ethnicity?
- How can we ensure the equality of all children in terms of access to services?
- What initiatives and actions would you like to see undertaken to combat racism in access to employment (in healthcare)?
- What training and additional supports could help to combat racism in workplaces in healthcare?
- What measures could be introduced to promote employment and labour market inclusion (in healthcare), as well as addressing the underlying causes of discrimination?
- Any other comments relating to the development of a National Action Plan against Racism?

A survey was prepared which included questions for RCPI's membership under this theme. The survey was reviewed and approved by RCPI's executive board.

The survey was published on the Qualtrics platform. An invitation to complete the survey was sent to RCPI membership in the President's ezine in June 2021. The same invitation was sent by email to all those registered on the Professional Competence Scheme with RCPI. The survey link was also promoted on RCPI's twitter account.

Results from the survey were analyzed and coded in the Qualtrics platform by the RCPI Policy Specialist. Different themes emerged from this analysis and are presented below. Quotes have also been included from the individual survey responses.

Results

Respondents

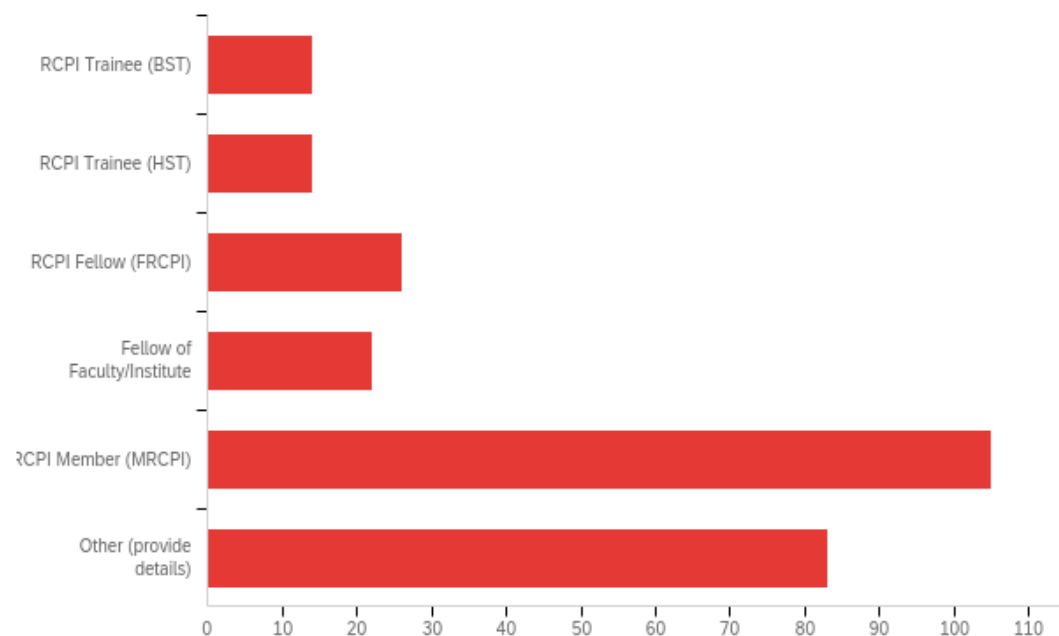
The total number of respondents to the survey was 283

Of these the number of completed responses was 138, giving a completion rate of 49%.

Given the nature of the questions (many free text, open ended questions), this completion rate may not be surprising.

Membership category

Figure 1: Category of membership

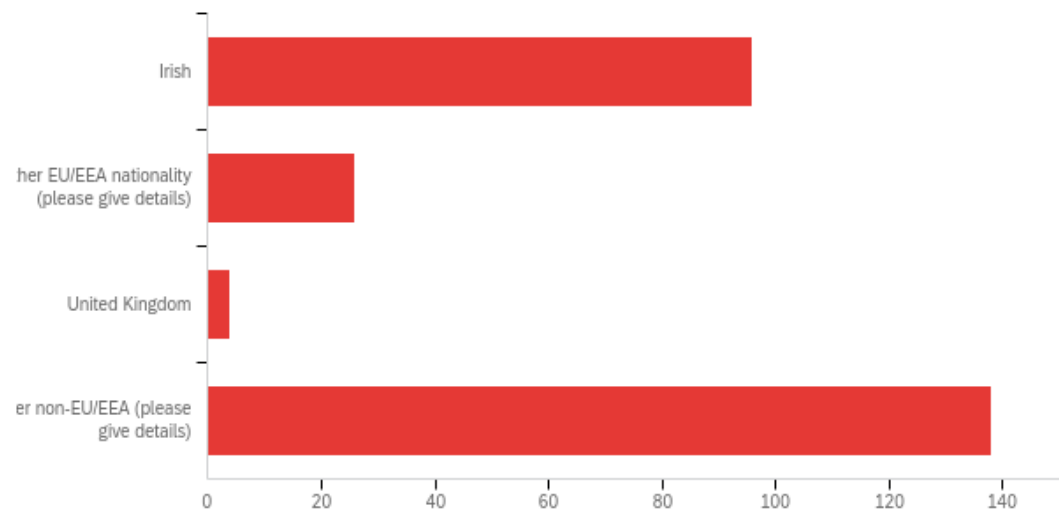


The largest group of respondents was from those with Membership of the Royal College of Physicians of Ireland (MRCPI) (105 respondents), followed by 'other' (83 respondents)

Under other, the most frequently mentioned was Non-Consultant Hospital Doctor (NCHD) followed by member of RCPI's professional competence scheme, membership of the general division (of the medical council register) and membership of other colleges.

Nationality

Figure 2: Nationality of respondents



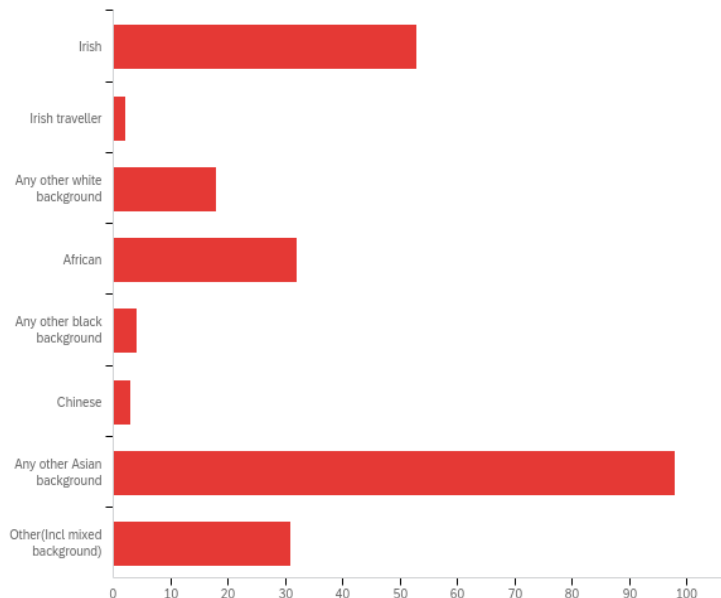
A majority of respondents indicated “other non-EU/EEA nationality”. The main countries indicated here were:

- Pakistan (48 of 113 responses under “other non-EU/EEA nationality”)
- Sudan (14 of 113 responses under “other non-EU/EEA nationality”)
- Malaysia (10 responses)
- India (6 responses)
- South Africa (6 responses)

Ethnic or cultural group

The question on ethnic or cultural group used groupings from the Central Statistics Office.

Figure 3: Ethnic or cultural group of respondents

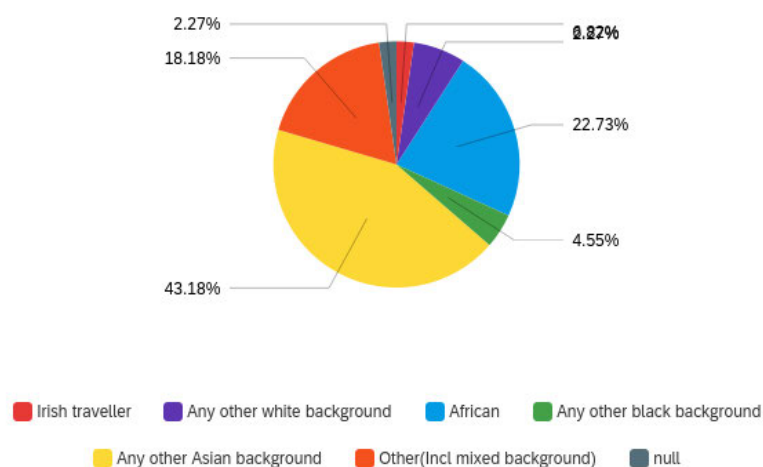


The largest grouping under ethnic or cultural group was “other Asian background”, followed by “Irish”.

Diversity of ethnicity/cultural group among those with Irish Nationality

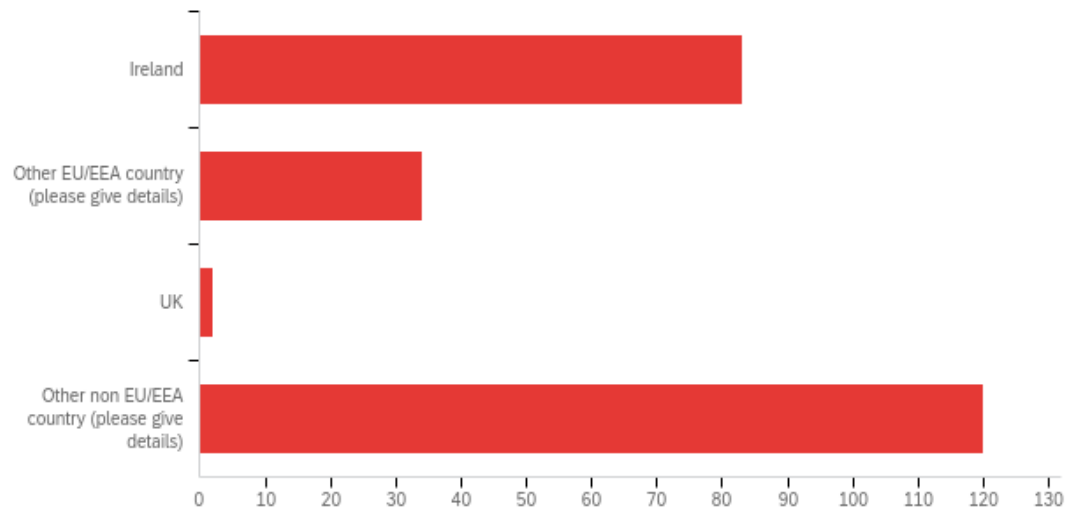
Among those indicating Irish nationality, 44 respondents indicated they were of an ethnic group other than ‘Irish’. Of these, 43% were of Asian background.

Figure 4: Irish Nationality, ethnicity other than ‘Irish’- breakdown



Completion of basic medical degree

Figure 5: Where did you complete your basic medical degree?



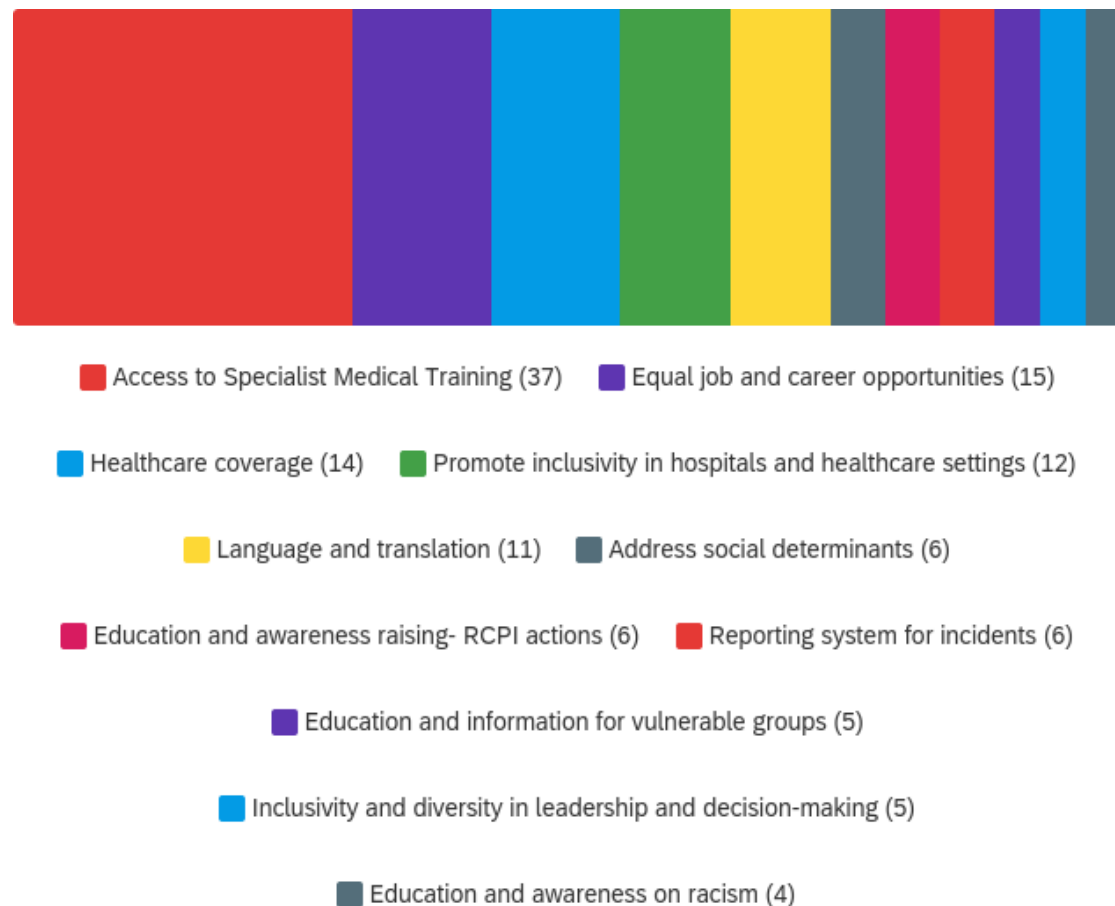
A majority of respondents (50% or 120 respondents) completed their basic medical degree outside of the EU/EEA.

The most common country indicated was Pakistan (51 of 99 responses under “Non-EU/EEA” or 52%), followed by Sudan (14%) and India (5%).

There were 22 respondents of non-EU/EEA nationality who indicated they completed their medical degree in Ireland. Of these, approximately half (10 respondents) indicated they were of Malaysian nationality.

What actions would you like to see taken in the health sector to address health inequalities based on ethnicity?

There were 133 responses to this question. Top themes are shown below. The number in brackets is the number of responses which referenced this theme.



Access to Specialist Medical Training

"I faced discrimination on the basis of my ethnicity and it took me long time to get HST as compared to my Irish colleagues who were no way better than me. Lots of my other non-EU colleagues faced same and left Ireland for better opportunities after being trained in Ireland."

The theme of access to medical training for non-EU doctors, in particular specialist training, was by far the most common theme seen in responses to this question. The most common observations and suggestions under this theme included:

- Equal access to training, based on merit, not nationality
- More higher training opportunities for Non-EU doctors

Also mentioned was

- Formal recognition of work of non-training scheme doctors working in Ireland
- The need to encourage members of ethnic minority groups to study or train in healthcare
- Parallel pathway to become a specialist

Equal job and career opportunities

The need for equal job and career opportunities within healthcare was mentioned frequently This included:

- Equal job and career progression opportunities based on merit
- Transparency in selection procedures
- Interviews- diversity in panels, and equal treatment in interviews for candidates

Healthcare coverage

- Equal medical treatment and care for all
- Problems mentioned include the high cost of GP care, long waiting lists and the two-tier system
- Universal free access to healthcare for all, children especially.

Promotion of inclusivity in hospitals and healthcare settings

“Sociological factors remain the most important so providing equity in society is key. That means creating space for all races. Providing training give those who don't understand how race permeates a person's life experience. Do this without creating a sense of victimhood.”

Suggestions under this theme included:

- Cultural sensitivity training for hospital staff
- Social events to promote friendship and inclusivity

Language and translation

This was mentioned frequently as an issue. Actions proposed included

- Need for translation services including interpreters for patients/service users whose first language is not English (examples of families who have immigrated into Ireland, and refugees)
- Health promotion literature, websites etc should be in a wide variety of languages

Social determinants

“Sociological factors remain the most important so providing equity in society is key”

The need for a focus on social determinants was referenced, including housing and education and the need to improve education for vulnerable and/or minority groups.

Education and raising awareness- suggested actions for RCPI

- Conversations/talks/webinars from RCPI
- Performance with respect to racism for every doctor to be sent to RCPI at end of every year
- Content within training programmes on cultural awareness

Reporting system for incidents

“Accountability and clear procedures for when a workplace or individual has been found to discriminate, without fear of this reflecting poorly on the individual affected or on the person who reports.”

- Focused on a strong system of reporting incidents, with clear procedures and accountability
- Strict action in response to an incident
- Guidelines for prevention and reporting of incidents

Education and information for vulnerable groups

Suggestions here included

- Education on patients’ rights
- Information on how the system works and how to access services (for those unfamiliar with the Irish system)
- In-reach services for groups at risk of poor health

Inclusivity and diversity in leadership and decision-making

- Active stakeholder engagement and co-production of health service planning
- Greater representation of ethnicities/ nationalities other than Irish in leadership positions and decision-making

Education and awareness on racism

- Education programmes to address racism

Other themes included:

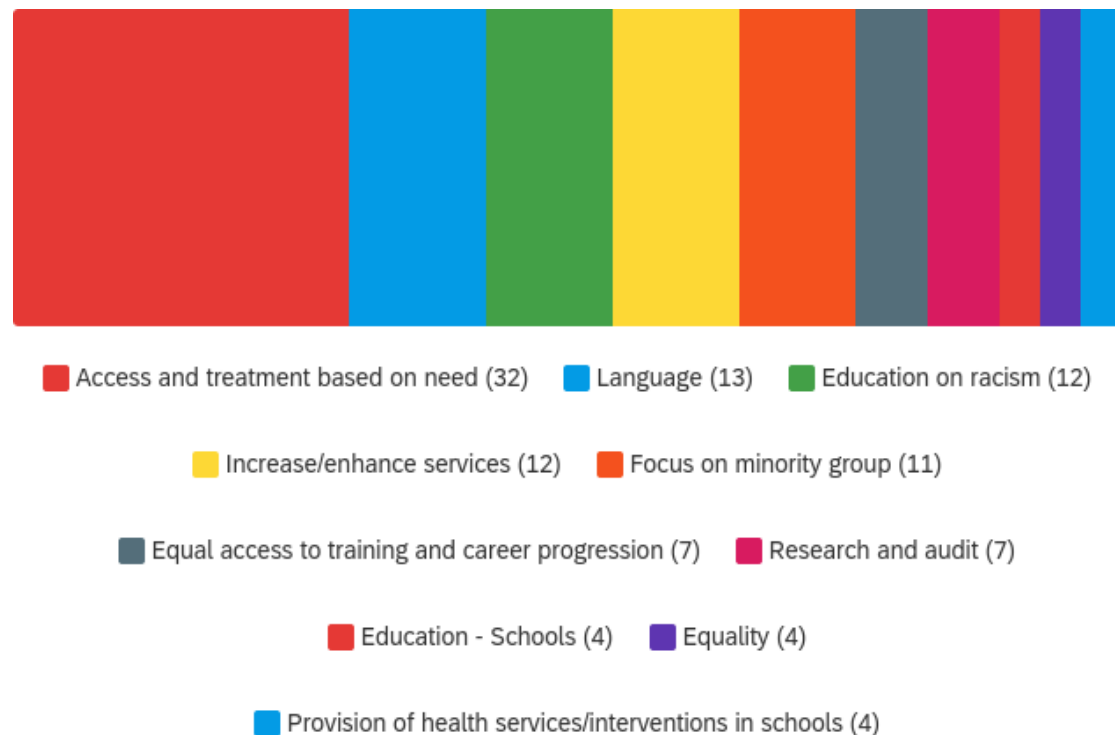
- Easier access to primary care, including GP services
- Greater community care initiatives for lower socio-economic groups
- More senior staff to deliver services
- More social workers
- Liaison role for specific groups

A small number of responses mentioned that Irish Travellers as an ethnic group experience extremely poor health, and as such the need for improved services and better access to services for this group was highlighted.

“Irish travellers probably experience the worst health of any ethnic group living in Ireland. Is the problem of health inequalities related to poverty as much as ethnicity?”

How can we ensure the equality of all children in access to services?

There were 99 responses to this question. The top themes emerging in response to this question are illustrated below (again with the number of responses referencing this theme indicated in brackets):



Ensure access to services and treatment based on need

“The children should be given equal importance and priority irrespective of their background, e.g. My son was born in Ireland but is not yet a citizen, however, he should be given free medical services throughout the healthcare system.”

“I feel in the long term that removing private health care and having free access to public health service for all children regardless of wealth or race is the only way to proceed.”

Commonly mentioned under this theme were

- Principles of fairness and equal treatment
- Background/ ethnicity/nationality should not be an issue

- Remove financial obstacles (e.g. provide universal coverage, free healthcare for all children, medical cards)

The need for improvements in how healthcare is accessed, including:

- Improved access to primary healthcare services
- Exploration of barriers for children in access to services
- Provision of information and education for parents on services available
- Flexibility in appointments, including allowing for translators or other family members to attend appointments

Language

Language was again mentioned as a barrier – the need for the following was highlighted:

- Translators – GP access to translation services was mentioned
- Information available in many different languages

Education

“Parents need to be informed. This can be done through health community centres for children born in Ireland but those that come after they have been born elsewhere need education through crèche, school, religious and other community touch points as well as virtually throughout the year in a language that they can understand.”

Education was mentioned by several respondents. This included

- Education and awareness on racism, unconscious bias, cultural diversity in schools, communities and among health staff
- Access to good quality education (Pre-school through to secondary) for all children
- Education for parents and families on common health issues and on how to access services

Increase/enhance health services

Increased focus and funding of primary and community health services. Under this was mentioned

- Increased mental health services
- Improve special need services for all
- More funding and resources for community health

The need to reduce waiting lists across the board was mentioned.

Removal of private healthcare/two tier system was also mentioned.

Several responses suggested increased staffing – referencing supports such as social worker and key worker supports and community liaison workers.

Focus on minority group

“First, we need to shift focus from equality to equity of access. Groups such as children from Traveller and Roma communities, applicants for international protection and children living in homelessness have additional barriers to accessing care along with significantly poorer health status. We need to partner with these communities in codesigning services that bridge those barriers and deliver targeted, trauma-informed and culturally appropriate services. Recognising the importance of the social determinants of health, we need to explore the enablers and barriers for all children in accessing care, and accept that one size will not fit all.”

Several responses highlighted the need to focus on specific groups. Groups mentioned included

- Traveler community
- Roma community
- Children in direct provision
- Children experiencing homelessness

Actions mentioned included:

- Improving accommodation (including an end to direct provision, hotel room accommodation for those who are homeless, and improving traveler accommodation)
- Literacy initiatives
- Support services
- Tailored clinics for specific groups
- Making minorities aware of their rights
- Involve minorities in planning and co-design of health services

Equal access to training and career progression

Training posts for doctors- equality of opportunity in jobs and training was again mentioned.

Research and audit

“Keep checking the numbers of children applied for services, their ethnicity, black/white, and see how much was equal the entrants to these services, and keep correcting racism picking and mistakes every time till you get satisfactory results. It takes time but one day you will be there.”

In this area, respondents mentioned:

- Data needed to inform actions
- Transparent and independent audit of services against targets to ensure equal treatment and access to services

Equality

Principles of equality were mentioned in 4 responses.

Provision of health services/interventions in schools

- Health promotion and education in schools – delivered through GP/School Nurse/nurse access programmes
- Hearing and eye testing in schools

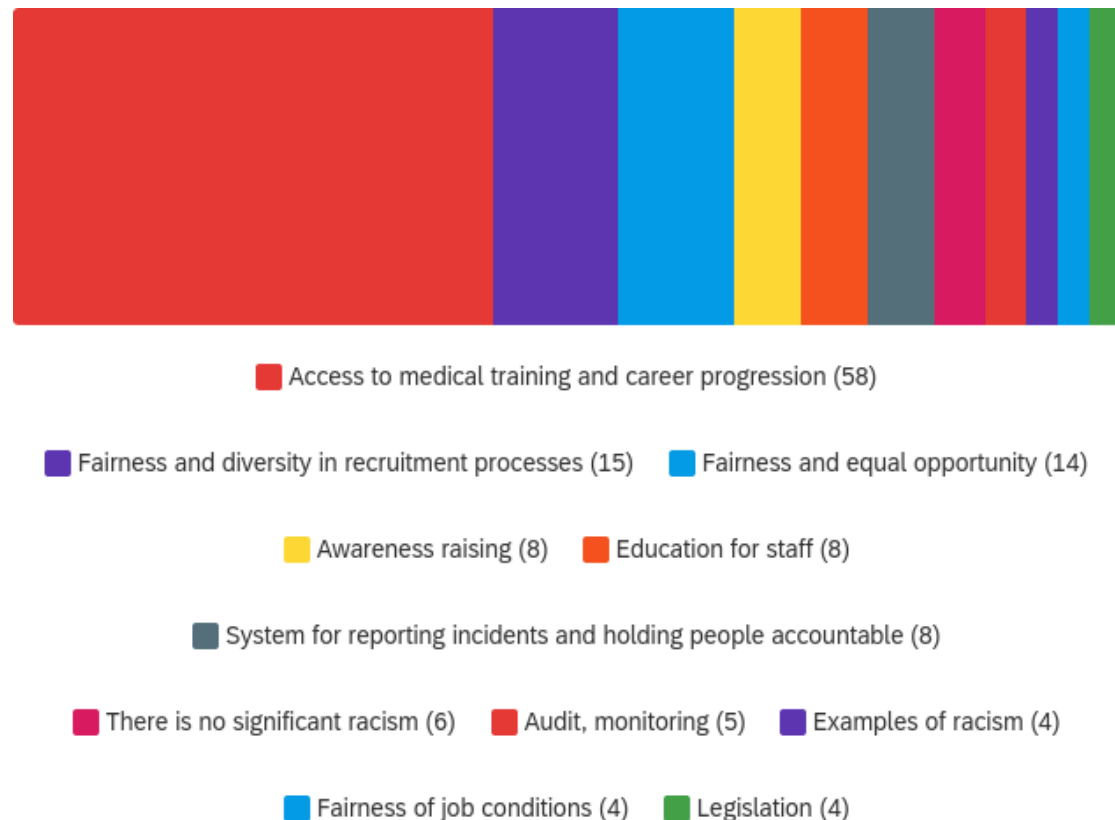
Other topics included:

- Service design
- Social determinants of health

What initiatives and actions would you like to see undertaken to combat racism in access to employment?

For the RCPI survey, respondents were asked to focus on employment in healthcare in their responses to this question. There were 107 responses to this question.

Themes identified from the free text answers to this question (top 11 themes presented below)



Access to medical training and career progression

"All the available posts should be merit based. Eu and Irish nationals should not be given priority over non-EU doctors or health care workers"

"Abolish EU and Non-EU racism to access posts, it should be purely based on merit and not by color of skin"

The most common concern here was access to training and career opportunities based on merit (and not nationality or citizenship). Several respondents felt there was unfair

discrimination against non-EU doctors in employment and that there was a lack of training opportunity for this group. Also mentioned was:

- Parallel pathway for HST and BST required
- Increased training opportunities for non – EU doctors
- Training for all doctors at NCHD level
- Recognition of foreign qualifications and experience

Fairness and diversity in recruitment processes

“When I was an SHO a Consultant told me that someone like me had no hope of being employed as a Consultant in a major teaching hospital. Whatever drove that comment - meant to be helpful to me - I will never know but someone does know. Whatever racism is hiding behind the curtain needs to be exposed. On my those who are white will know about this stuff. Name it please. Put it out there. I have taken part in short listing where photos were on the front of CVs and CVs were placed in the no pile on the basis of the photograph alone. This was seen as a pragmatic way to reduce the pile to be shortlisted. Not meant to be racist but while you tackle that, please look at equity for all. There are pockets of disadvantaged junior docs everywhere e.g. can you really break in to a Dublin HST scheme if you are a Cork trainee?”

“Be mindful of interview questions and how your panels are made up (where possible). It’s difficult to interview with a panel of all white doctors and HR staff and to feel comfortable in that space. It won’t always be possible given your demographics as a country. But where possible it’s nice to not feel like one doesn’t belong from the outset.”

Frequently mentioned was the need for fair and transparent recruitment processes – for example:

- Ethnic diversity on interview panels.
- Fair and transparent selection criteria and shortlisting
- Education and/or guidance for appointment panels with regard to diversity

Fairness and equal opportunity

“Equal opportunities for all applicants regardless of race. Base employment on competency not race.”

Comments here mirrored the feedback under “access to medical training and career progression” but were more general and mentioned the need for equal opportunities for all health workers/health sector employees, at all levels.

Awareness raising

“integrate integrate integrate/ when you are talking in a group look at everyone, not just the one with your own skin colour. We are a big team, inside we are all the same.”

The need to highlight and “call out” racism was referred to by several respondents. There were suggestions that awareness and education initiatives show examples of racism and include targets. Integration and celebration of cultures was also mentioned.

Education for staff

Under training for healthcare staff, the following were mentioned:

- Cultural sensitivity from staff towards other staff and patients
- Training on diversity, cultural sensitivity, unconscious bias
- Education for staff and zero tolerance policy for racism

System for reporting incidents

Respondents indicated the need for a confidential reporting system, with follow up from HSE, and with punitive action for offenders (including suspension or end of contract).

There is no significant racism

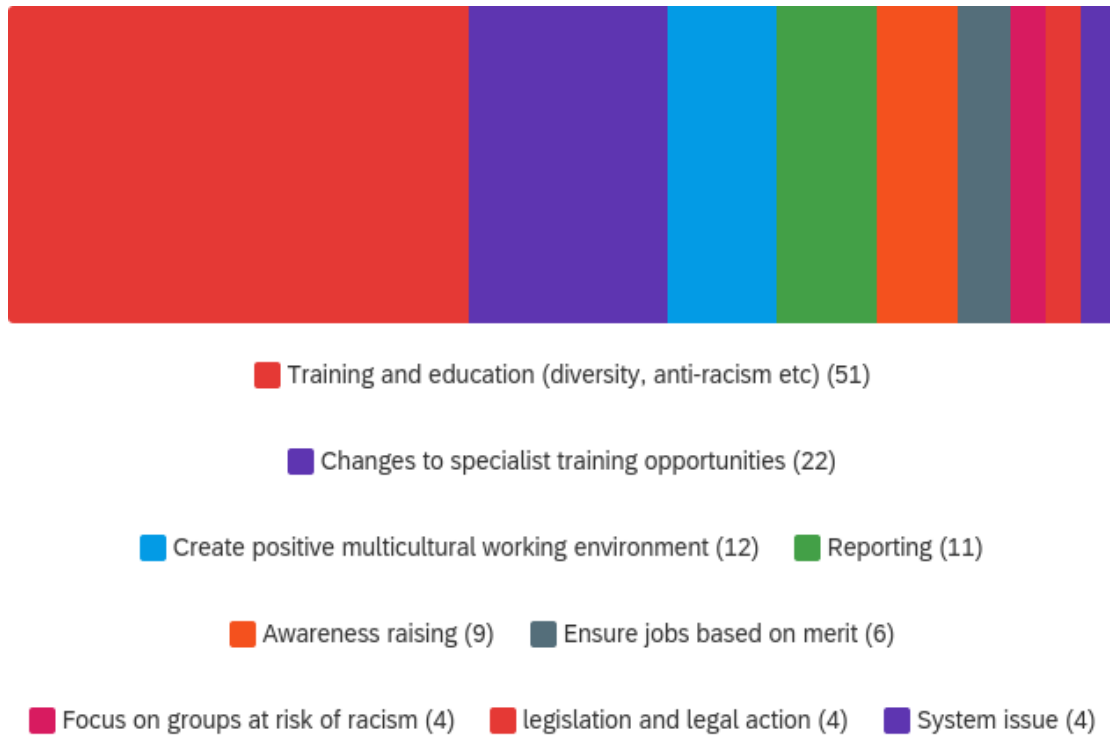
Some respondents indicated they had not experienced racism in access to employment.

Other

- Need for gathering data, setting targets, and having regular review and audit against targets
- Examples and acknowledgement of racism from some respondents
- Fairness of job conditions -e.g. fair rotas
- Need for legislation and/or enforcement of existing legislation

What training and additional supports could help to combat racism in workplaces in healthcare?

There were 119 responses to this question. The top themes are shown below.



Training and education

“Education to increase awareness across all institutions in healthcare re unconscious biases. All groups & committees in healthcare should be mandated to seek representation from people from diverse backgrounds, & those people should be trained & empowered to contribute.”

- Education on racial bias, unconscious bias, diversity, racial sensitivity
- Education across healthcare services and staff
- Suggestion that this training should be mandatory, and could also be delivered online
- Courses as part of undergraduate medical training and at later stages (e.g. Basic Specialist Training (BST))

Changes to specialist training opportunities

“Equal opportunity in all domains. Remove nationality and ethnicity points. Not judging people by their colour but by their potential.”

“Provision of training places for non-EU doctors in this country. Awarding the places on merit rather than citizenship. Acknowledge non scheme training by way of equivalency training certificate for doctors who have equivalent high standard of training.”

- Merit based training opportunities (not based on nationality)
- Training opportunities to be opened up to non-EU doctors
- More training for Non- Consultant Hospital Doctors (NCHDs)
- Parallel pathway for Higher Specialist Training (HST)

Positive multicultural working environment

- Diversity in groups, committees etc
- Religious and cultural sensitivity
- Teamwork
- Social gatherings

Reporting system

A confidential reporting system, with promote and strict action for incidents/offenders was mentioned many times. Training on how to report was also suggested.

Raising awareness

- Celebration of diversity
- Hearing experience of racism from those who have suffered it
- Awards for promoting equality
- Highlight dependence on and contribution of non-nationals in the Irish Health Service
- Provision of suggested reading lists

Ensure jobs based on merit

Merit was again mentioned, with responses calling for jobs, promotion and consultant posts based on merit regardless of ethnicity/religion/color or nationality.

Other

“Stronger DEI policies that are not just lip service to inclusion. Zero tolerance for racism, towards patients or colleagues. There is a role for unconscious bias training, however, the healthcare service cannot rely on individual training to correct embedded and systemic racism.”

- Focus on specific groups at risk
- Legislation and legal action
- Focus on combatting racism as a system issue (not just training)

What measures could be introduced to promote employment and labour market inclusion (in healthcare), as well as addressing the underlying causes of discrimination?

There were 107 responses to this question. Top themes are shown below.



Equal training and job opportunities

Again, a dominant theme here was around equal training opportunities for EU/non-EU doctors, including access to Specialist Medical Training.

Recruitment process

Under this area comments mentioned:

- Diversity in interview panels
- Transparent selection criteria with guidance for interview panels on how to apply this
- Removing bias in job applications (examples included - no photos on applications, removing names and addresses)
- Independent review/assessment of appointment processes (including RCPI processes)

Changes in specialist training

Changes suggested in specialist medical training included:

- Additional training places (one person suggested a quota system for accessing training slots)
- Alternative routes to training
- Parallel pathway to become a specialist
- No more service only jobs/recognise all NCHD jobs for training/all hospitals for training

Work permits

Changes to simplify the work permit process were mentioned:

- Online application
- Longer work permits for doctors and other important healthcare workers
- Make it easier for healthcare workers to get work permit e.g. Critical work permits for healthcare workers
- Removal of requirement for policy clearance from home country when person has been resident in Ireland for a significant time.

Inspections, audit, and feedback

A number of responses referenced the need for regular inspection, audit, and feedback.

Reporting system

“There should be more options to report discrimination (racial, cultural, ethnic, etc). At the moment the victims of discrimination might feel intimidated and will be afraid of reporting the discrimination, because they will suffer the consequences. -> make it easier to report discrimination -> protect the victims when they report -> guarantee that they are not persecuted when reporting -> publish and disseminate typical examples of discrimination, bullying, segregation, and abuse of power, so the victims can identify the situation and report it (many victims are being discriminated for so long that they don’t realise they are victims)”

Responses here highlighted the need for a confidential reporting system with strict penalties for discrimination/racist incidents.

Support and encourage specific groups

Responses here mentioned:

- Scholarships
- Highlight successful people from minority groups
- Start in schools
- Work experience
- Promotion of alternative routes into training
- RCPI and RCSI sponsored workshops to show opportunities available
- Training targeted at disadvantaged groups

Diversity in leadership and representation

Suggestions here centred around acknowledgement and promotion of ethnically diverse leaders and role models.

Staffing

Respondents suggested:

- Increasing posts (NCHDs, consultants were both mentioned) with corresponding reduction in locum agency workers to balance costs
- Funding of roles to work towards meaningful change- e.g. diversity officers in large organisations

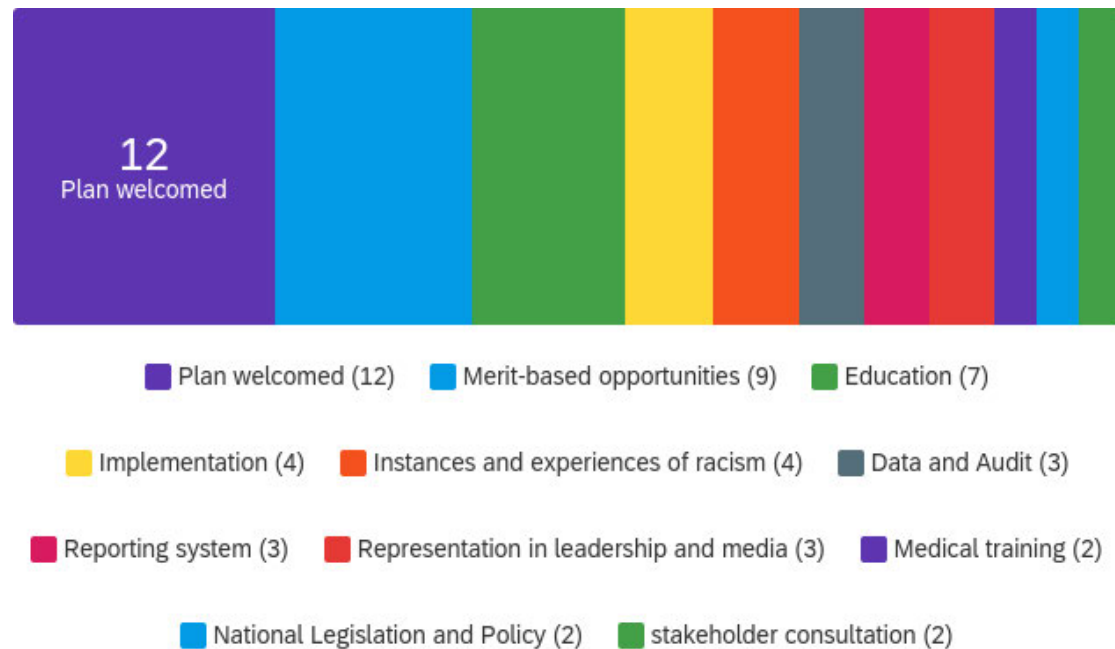
Engagement with stakeholders

The importance of engaging with relevant stakeholders to hear their experience and identify barriers was emphasised by some respondents.

“ This is a big question. We need to start by asking ourselves who is not in the room? Speak to those communities about why they are not well-represented and what barriers they are experiencing.”

Do you have any other comments relating to the development of a National Action Plan against Racism?

There were 75 responses to this question. Recurring themes are shown below:



Plan welcomed by many respondents

Many respondents explicitly welcomed/stated their support for a National Action Plan against Racism.

“Glad to see this and I would be very supportive. Some of the finest staff that I have worked with are not Irish. They definitely get a much harder time. The hard thing for me to see is that some almost accept the racism as going with the territory. On a more positive note, I have seen the attitude of older patients change over the years and they are now a lot more accepting.”

“I am very pleased to know that the authorities are taking positive steps to make system better. Racism and ethnic discrimination should not be promoted[sic] in a country like Ireland where all the people are very

welcoming and its a peaceful country indeed. A lot of doctors i know left ireland just because they worked hard for years and never got any training post opportunities. People say Irish people are not racist but the system is bias.

Merit-based opportunities

“Yes please ... provide equal opportunities to all drs irrespective of their race, if any dr who is qualified and competent should get equal chance to get promoted and non Irish should be allowed for training posts , consultant posts and permanent posts in hospitals”

“Provide equal training opportunities to NCHD’s from all nationalities or ar least give same opportunities to all non irish doctors (Non EU doctors are struggling a lot because they get at the bottom of the list when applying for a training post)”.

Opportunities based on merit was again mentioned frequently in responses. This included:

- Training programme places should be based on merit (not Eu/non-EU status)
- Job opportunities and promotions based on merit

Education

“This is long overdue and needs to be a priority. There needs to be training on what to do when a patient is racist to a staff member and what measures can be taken. No patient should have the right to refuse treatment from a healthcare professional based on racial discrimination. There also needs to be training for staff so that there is understanding that micro-aggressions are racist and unacceptable.”

Comments under education covered a range of training and education actions.

- Education on racism for health system staff (eg diversity training, micro-aggressions)- some respondents suggested training in this area should be mandatory.
- Education in schools
- A forum on this topic for discussion and sharing of opinions

Implementation

“It would be good to have meaningful actionable steps that are shared regularly and clearly by senior people so that this is not a token document that gathers dust”

Comments on implementation of the National Action Plan against racism included:

- Clear document/plan illustrating examples of racism
- Clear implementation with actionable steps and regular audit of progress

Instances and experiences of racism

“RCPI HSE Irish Medical council All does not show the racial diversity in profile pictures of their web sites... They are not really serious about this issue and as black irish we dont feel safe talking about it...one can lose his job.”

A small number of respondents mentioned their experiences of racism and discrimination.

Other comments/themes

Also mentioned in responses to this question were

- The need for data and audit to understand and monitor the situation
- A reporting system with support for those who report, and serious consequences/corrective actions for incidents and/or individuals
- Greater racial diversity in leadership and management (HSE, RCPI etc) and media representation
- Without medical training, development of language skills and online portfolio for an alternative pathway
- The need for stakeholder consultation
- National legislation and policy in this area