



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**

**Combined fifth to ninth periodic reports  
submitted by Ireland under article 9 of the  
Convention, due in 2014<sup>\*, \*\*</sup>**

[Date received: 3 October 2018]

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\* The present document is being issued without formal editing.  
\*\* The appendices can be consulted in the files of the Secretariat.

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## **I. General**

### **A. Introduction**

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

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

3. The present report covers the period from 2010 to 2017. Where there have been no relevant legislative, judicial or administrative changes during this period, reference is made to the third and fourth report or other previous reports. This report has been compiled by the Office for the Promotion of Migrant Integration (OPMI) which is part of the Department of Justice and Equality. Material has been supplied by Government Departments and Agencies. OPMI also engaged in a public consultation exercise on the draft report in late 2017/early 2018. This comprised three regional "town-hall" style events and an open invitation for online written submissions.

### **B. General Context**

4. This combined 5th, 6th and 7th report is being submitted to the Committee approximately 7 years since the concluding observations on Ireland's 3rd and 4th report were adopted by the Committee in 2011. The period covered by this report (2010–2017) has been a time of significant change in Ireland in terms of our economic, political and societal landscape. Key developments include the following.

#### **(i) Economy**

5. Ireland's economy made the transition from a period of deep recession beginning in 2007, through a period of austerity to its present recovery. In 2017, the Irish economy grew by 7.8%. In 2018, GDP is expected to grow by 4.8%, according to the spring 2018 economic forecast from the Economic and Social Research Institute. Strong domestic consumption and investment, along with improving international conditions, are the main factors underpinning this growth. Unemployment averaged 6.7% in 2017 and is expected to decline to 5.4% in 2018 and 4.5% in 2019. It is expected that increased tax revenue will lead to budget surpluses in 2018 and 2019.

#### **(ii) Society**

6. The ethnic, national and cultural diversity among the population has continued to grow as evidenced in Census 2011 and Census 2016. In Census 2016 the number of Irish residents born outside Ireland stood at 810,406 (approximately 17% of the population), an increase of 43,636 on the 2011 figure. This figure includes Irish people born abroad or in Northern Ireland. In Census 2016, the proportion of the resident population that is of non-Irish nationality stood at 11.9%, or 535,475 people.

7. Over the reporting period Ireland saw significant changes to patterns and sources of inward migration. At the end of 2016, approximately 115,000 non-EEA nationals had permission to remain in Ireland. The top five nationalities, accounting for 48.5% of all persons registered were Brazil (13.2%), India (12.2%), China (9.2%), USA (7.9%), and Pakistan (6%). A total of 9,373 employment permits were issued during 2016, an increase over the 2015 total of 7,253. As in 2015, India was the top nationality for receipt of work permits.

8. The number of newly arriving immigrants increased year-on-year to 84,600 at April 2017 from 82,300 at end April 2016. Non-Irish nationals from outside the EU accounted for 34.8% of total immigrants. Net inward migration for non-EU nationals is estimated at 15,700.

### (iii) Public Policy and Legislation

9. The Irish Human Rights and Equality Commission Act of 2014 introduced a positive legal duty on all public bodies to have regard to the elimination of discrimination and the promotion and protection of human rights and equality in the course of their work.

10. In 2015 a constitutional referendum on marriage equality was passed and legislation was subsequently enacted by the Oireachtas (Irish Parliament) to make legal provision for same sex marriage.

11. The International Protection Act that became law in 2015 represents a complete overhaul of legislation governing international protection applicants, aiming to streamline processes and consequently reduce processing times for protection applicants.

12. In 2017 the State formally recognised Travellers as an ethnic minority. This historic step was widely welcomed by representatives of Traveller communities.

13. Also in 2017, the Government introduced new multi-annual national strategies in the areas of Migrant Integration (incorporating Combating Racism and Xenophobia), Equality for Women and Girls, Traveller and Roma Inclusion, and Disability Inclusion.

## C. Census of Population, 2016

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

15. This fall in non-Irish nationals is explained in part by the rise in the number of those with dual Irish nationality. Between 2011 and 2016, an estimated 94,000 people acquired Irish citizenship through naturalisation, which contributed to a large increase in the number of persons recorded as having dual Irish nationality in Census 2016. Census 2011 recorded 55,905 people with dual Irish nationality, while in 2016 this had increased by 87% to 104,784 people.

#### *Breakdown of Non-Irish national population in Census 2016*

16. EU28 (excluding Irish) nationals numbered 408,918 persons or 76.4% of the non-Irish national total. Asians were next at 50,661 (9.5%), followed by Africans at 22,150 (4.1%).

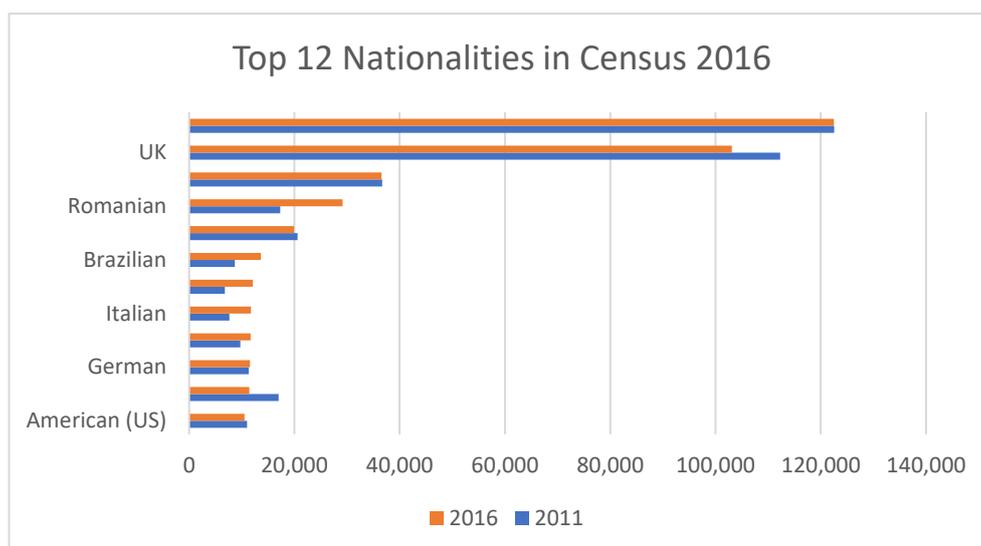
#### *Remarkable diversity in Ireland 2016*

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

### *Top 12 Nationalities in 2016 Census*

18. 12 countries, each with over 10,000 residents, accounted for 73.6% of all non-Irish nationals in 2016. A further 32 countries with between 1,001 and 10,000 residents accounted for a further 19.7% of the total, with the remaining percentage made up of persons from 156 different countries. Figure 1 below shows the 12 largest non-Irish national groups in 2016 and the change in their numbers since 2011. While the number of Polish nationals (122,515) has remained virtually unchanged since 2011, the number of UK nationals fell by 9,146 to 103,113.

**Figure 1**



### *Ethnic or Cultural Background*

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

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

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

### *Religious Diversity*

21. Ireland’s religious diversity continues to increase. The proportion of the population normally resident in the State identifying as Catholics continued to decline to reach its lowest point at 78.8 per cent in Census 2016. The overall number of Catholics fell by 134,543 people to 3.7 million. There were 122,612 members of the Church of Ireland in April 2016, a decrease of 1.5% on 2011. There were 62,032 Muslims in Ireland in April 2016, an increase of 28.9% on 2011, 60,777 Orthodox Christians, a 38.1% increase on 2011 and 22,188 Presbyterians, down on the 2011 figure of 22,835.

*Language other than English or Irish spoken at home*

22. In 2016, a question on foreign languages was included for the first time in the Census. The results show that 612,018 people speak a language other than English or Irish at home. This equates to 13% of the population. Polish was the most common language, followed by French, Romanian, Lithuanian, Spanish, German and Russian.

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

23. This section of the State Report provides responses to the Committee's concerns and recommendations contained in paragraphs 11 to 36 of the Committee's Concluding Observations to Ireland's 3rd and 4th State Report (CERD/C/IRL/CO/3-4).

### **Re: Committee's Concluding Observations — Paragraph 11**

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

25. The Irish Human Rights and Equality Commission Act 2014 which established the Irish Human Rights and Equality Commission (IHREC) is designed to comply fully with the standards required by EU law and the Paris Principles [No. 2].<sup>1</sup> In preparation of the 2014 Act, consultations were held with the office of the UN Deputy High Commissioner for Human Rights. IHREC's founding legislation ensures its structural independence from Government and public recruitment processes. The strength of IHREC's mandate also compares favourably to similar bodies in other jurisdictions and it reports directly to the Oireachtas. In 2015, IHREC was accredited as an "A" status National Human Rights Institution by the International Coordinating Committee on national human rights. This accreditation status is awarded only to those national human rights institutions deemed by the Committee to be fully compliant with the Paris Principles.

26. IHREC's mandate incorporates all the functions of two previous bodies, the Irish Human Rights Commission and the Equality Authority, as well as a number of new functions introduced by the 2014 Act. As regards the role of the former National Consultative Committee on Racism and Interculturalism, IHREC has a role in relation to integration and combating racism. It has functions to encourage good practice in intercultural relations and to promote tolerance and acceptance of diversity in the State, and respect for the freedom and dignity of each person. Some of the functions of the Committee were subsequently absorbed into the Department of Justice and Equality's Office for the Promotion of Migrant Integration. An estimated €2 million in additional funding was provided to IHREC in 2014. Its budget rose to €6.522 million in 2017 and again in 2018 to €6.7 million. Staffing levels are also set to rise from the currently approved level of 56 posts to 64 in 2018.

### **Re: Committee's Concluding Observations — Paragraph 12**

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

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

29. By taking this important step, the State hopes to foster pride and self-esteem among Travellers and support them in overcoming the legacy of economic marginalisation and discrimination. Travellers now have a new platform for positive engagement and dialogue with Government in seeking sustainable solutions to the issues faced by their community in areas such as health, education, employment and accommodation. In announcing the decision, the Government stressed that it is without prejudice to Travellers being (and self-identifying as) part of the Irish nation.

<sup>1</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>.

**Re: Committee's Concluding Observations — Paragraph 13**

30. Substantial changes have been made to the structures for consultation with and participation by Traveller and Roma communities since 2014. It is the State's policy to address Traveller and Roma needs under a single Strategic Framework (see below).

*The National Traveller and Roma Inclusion Strategy Steering Group*

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

32. The main functions of the Steering Group are:

- To monitor and assess the impact that integration efforts have on the situation of Traveller and Roma people, in relation to the key areas of education, health, employment, housing and combating discrimination;
- To agree the impacts to be monitored and assessed under each of the key priority areas of accommodation, health, education, employment and anti-discrimination, in line with European Commission recommendations;
- To agree the monitoring and assessment mechanisms;
- To ensure that meaningful conclusions are established through the monitoring and assessment process, and that these conclusions are used to inform policy development in key areas of accommodation, health, employment, education and anti-discrimination;
- To present annual progress reports to the relevant Cabinet Committee;
- To lead the development of a new 5 year National Strategy for Traveller and Roma Inclusion.

*A new National Traveller and Roma Inclusion Strategy 2017–2021*

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

34. Key commitments in the Strategy include:

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

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

35. An education sub-committee of the NTRIS Steering Group has been set up with a focus on the retention of Traveller and Roma children in education. A pilot proposal to be funded jointly by the Department of Education and Science, the Department of Justice and Equality and TUSLA was agreed. One pilot will be located in each of four TUSLA Education Welfare Services regions — Co Wexford, North Dublin, South Dublin and Co Galway. It involves focussing extra staff resources in these areas with a view to improving pupil retention rates in education.

36. A second sub-committee has been set up to develop conflict reduction and mediation mechanisms to reduce feuding in the Traveller community. A third sub-committee has been set up to look at the implementation of an Ethnic Identifier for equality data across all state services. To date, there has been good progress in over 100 of the 149 actions contained in the Strategy.

#### *Traveller and Roma initiatives at the local level*

37. The Local Government Reform Act, 2014 saw major realignment of the Local Government Sector under the auspices of the Department of the Environment, Community and Local Government and the subsequent delivery of the “Local and Community Development Programme”. This programme aimed to tackle poverty and social exclusion, including among Travellers, through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities.

38. That programme was superseded by the Social Inclusion and Community Activation Programme (SICAP) in April 2015. The aim of SICAP is to reduce poverty and promote social inclusion and equality through local, regional and national engagement and collaboration. As with its predecessor, SICAP targets those who are marginalised in society, including Travellers and Roma, SICAP is delivered nationwide through Local Community Development Committees (LCDCs) in accordance with agreed Local Economic and Community Plans (LECP). Traveller and Roma groups are represented in local Public Participation Networks (PPNs).

39. In accordance with the Housing (Traveller Accommodation) Act 1998, housing authorities have statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller Accommodation Programmes (TAPs) in their areas. In 2014, local authorities adopted the fourth round of Traveller Accommodation Programmes, with the five-year rolling accommodation programmes running from 2014 to 2018. They form the basis for the allocation of funding from the Department for Traveller accommodation, on foot of proposals received from local authorities and subject to approval from the Department.

40. The Housing (Traveller Accommodation) Act, 1998, directs housing authorities to review TAPs at least once in each three-year period, and to make any amendment to the programme following this review within seven months.

41. Evidence of a high level of Traveller specific accommodation delivery is apparent in the significant reduction in the number of families living on unauthorised sites. In 1999,

prior to the first Traveller Accommodation Programme, the Annual Count of Traveller families estimated that there were a total of 4,790 Traveller families in the State, 25.2% of whom were living on unauthorised sites. The 2017 Annual Count identified a total of 11,116 Traveller families in the State. In spite of the increase in families between 1999 and 2017, only 5.3% of the 11,116 families (585 families) were living on unauthorised sites in 2017. This reduction in the number of families living on unauthorised sites, despite a large increase in the overall number of families, is evidence of the results of investment in Traveller accommodation over the last decade.

42. While funding reduced substantially during the recession, as it did with all capital programmes, funding is gradually increasing to pre-recession times. In 2016, the allocation was €5.5m, increasing to €9m in 2017 and a further increase of 33% to €12m in 2018.

43. In addition to Traveller-specific accommodation, Traveller families are also accommodated in local authority social housing through the main local authority social housing programme and under the Leasing Initiative and the Rental Accommodation Scheme. The vast majority of Traveller families are accommodated in mainstream housing (standard social housing, private rented accommodation, private houses assisted by local authorities, and housing funded from their own resources) in line with preferences expressed under the housing needs assessment process.

#### *Traveller/Roma Health*

44. Health is one of the Strategic Themes within the new National Traveller and Roma Inclusion Strategy. A number of actions directly address this theme with the aim of advancing the health of service users from the Traveller and Roma communities, with particular reference to mental health, barriers preventing access to health services and initiatives to prevent/improve chronic health conditions.

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

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

47. The mental health of Travellers has previously been referenced as a significant area of concern. The Department of Health has secured additional funding from the Dormant Accounts Fund 2017–2019 to support a mental health initiative for Travellers which will commence in the coming months. A once off amount of €220,000 has also been made available under the Dormant Accounts Fund towards development and implementation of a Roma Primary Healthcare Training Programme.

48. The Department of Justice and Equality is leading efforts to improve the development of indicators and recording of metrics as a means of monitoring the implementation of targeted interventions to improve Traveller health.

#### *Traveller/Roma Education*

49. The Department of Education and Skills continues to work with Traveller and Roma representative groups and other education partners to improve educational outcomes for Travellers and Roma. The Department also engages directly with the Educational Welfare Services of TUSLA — the Child and Family Agency — in order to support and consolidate

the work of schools in ensuring that the participation of Traveller and Roma children in the education system is maximised.

50. Key actions in the DEIS (Delivering Equality of Opportunity in Schools) Plan 2017 in relation to Travellers and Roma seek to improve collaboration between the Education Authorities and Traveller and Roma representative groups in order to tackle poor attendance, knowledge retention, and progression levels for Traveller and Roma children.

51. TUSLA (Child and Family Agency), in partnership with a number of Government Departments and Roma representative groups, is leading a two Year Pilot Programme to target attendance, participation and school completion in specific Traveller and Roma communities regionally.

52. Since 2006 it has been Government policy to phase out separate provision and to provide for the educational needs of all children within the mainstream system. This policy was developed and agreed with Traveller representative groups and other education partners. A number of Traveller and Roma-specific supports are available to assist with the transition to the mainstream system including 141 alleviation resource teacher posts for schools with significant numbers of Travellers and Roma at a cost of €8.46 million per year. Additional pupil capitation for Travellers and Roma at a rate of €70 per pupil for Primary, and €201 per pupil for Post-Primary is also provided at a cost of €1.11 million.

53. The Department of Education and Skills has embarked on a data analysis exercise in 2018 with a view to better tracking the participation and progress of Traveller and Roma children through the primary level educational system. The information gathered is used as a mechanism for planning policy, assessing outcomes and monitoring progression.

#### *Traveller/Roma Employment*

54. The Special Initiative for Travellers (SIT) is an employment and recruitment service to assist Travellers to secure and maintain a job in the open labour market. It focuses on job-ready Travellers and supports their access into employment through the provision of a range of supports to both Travellers and employers through a Job Coach. The job coach provides advice in career planning, identification of skills and support clients in accessing and applying for jobs. Job coaches engage with employers willing to employ Travellers, provide work experience and assist with integration into the workplace. The range of supports include:

- Individual Needs Assessment;
- Vocational Profiling and Career Planning;
- Individual Employment Plan;
- Job Sourcing and Job Matching;
- On-the-Job Support and Coaching;
- Advice and Support to Employers;
- Follow-up Support and Mentoring to both Employers & Employees.

55. The Traveller & Roma Inclusion Unit took over the management of this project from the Department of Social Protection from 1st January 2015, including its annual budget of €0.55m.

#### **Re: Committee's Concluding Observations — Paragraph 14**

56. The Department of Justice and Equality continues to provide core funding for Minceirs Whiden, a Traveller organisation which supports Travellers to register to vote, to promote the importance of voting and to engage with politics generally. The new National Traveller and Roma Inclusion Strategy contains actions to support Traveller participation in political processes at local and national level and to facilitate political engagement and leadership in the Traveller community. Specifically, the Department of Housing, Planning and Local Government commits to supporting the work of Traveller and Roma

organisations on voter education and voter registration initiatives for the Traveller and Roma communities.

**Re: Committee’s Concluding Observations — Paragraph 15**

*The International Protection Act 2015*

57. In 2014, the Government decided to fast track the “Protection” elements of the Immigration, Residence and Protection Bill to significantly reform Ireland’s international protection system. The International Protection Act 2015 was commenced on 31 December 2016. This legislation provides for a single application procedure, which has replaced the multi-layered and sequential protection application system under the repealed 1996 Refugee Act. The new single application procedure will, in time, significantly streamline the protection determination process and by extension will reduce the length of time spent in State-provided accommodation by those applicants who choose to avail of this accommodation.

58. The structural causes of delays have been removed with the commencement of the International Protection Act 2015. The main challenge now faced is the need to eradicate the substantial backlog of cases carried over from the previous system as soon as possible.

59. Considerable administrative resources were required by the International Protection Office (IPO) to get the new single procedure process up and running in the first part of 2017 and this transition process led to a shorter processing year. Nevertheless, the IPO succeeded in scheduling over 2,400 single procedure interviews (including in respect of EU relocation cases) once the process was operational in 2017. 1,780 recommendations/decisions in respect of international protection and permission to remain were made by the IPO in 2017. This included 750 recommendations in respect of the grant of international protection.

60. At the end of April 2018, there are 5,300 applications for international protection pending in the IPO, 2,200 of which were made before the commencement of the 2015 Act but not finalised by the former Office of the Refugee Applications Commissioner (ORAC) and the former Refugee Appeals Tribunal (RAT) by that date. Furthermore, there was a 30% increase in applications for international protection during 2017 which put additional pressure on the system.

61. Significant additional resources have been, and continue to be, allocated to the IPO with a view to processing the volume of cases on hand as soon as possible. Based on current predictions, the IPO is in line to make over 3,500 recommendations/decisions in 2018 which is a substantial increase on the 1,780 recommendations/decisions made in 2017.

62. Notwithstanding the increase in the volume of cases being processed by the IPO, it is recognised that currently many applicants for international protection are still waiting too long for their first instance interviews in the IPO and to have their cases decided. These challenges are being addressed by deploying increased resources and continually assessing and adapting the use of those resources, having due regard to the requirements of the 2015 Act, in order to maximise quality output. In this regard, it is planned to increase the size of the IPO Processing Panel over the coming months following public advertisement and interview.

63. Prioritisation of international protection applications is provided for in the International Protection Act 2015 subject to the need for fairness and efficiency. When the “Application for International Protection Questionnaire (IPO 2)” and other supporting documentation is returned by applicants, the IPO schedules applications for interview primarily on the basis of date of application (oldest cases first). However, certain categories of applicant are also being prioritised such as those who arrive under the Irish Refugee Protection Programme (IRPP), from refugee generating countries (such as Syria) and unaccompanied minors. The IPO’s approach to prioritisation has been agreed with the UNHCR. It has been explained to NGOs at the IPO Customer Service Liaison Panel and is available on its website: [www.ipso.gov.ie](http://www.ipso.gov.ie).

*Female Genital Mutilation*

64. Legislation prohibiting Female Genital Mutilation was enacted on 2 April 2012.<sup>2</sup> The HSE funds a specialist clinic that offers free medical care and counselling to all women and girls in Ireland who have experienced Female Genital Mutilation. It continues to fund AkiDwA — a migrant women’s organisation — to deliver information and awareness raising around this practice in at-risk communities, as well as to a range of health and other workers.<sup>3</sup>

*The Prohibition of Incitement to Hatred Act 1989*

65. Both the general criminal law and targeted legislation (the Prohibition of Incitement to Hatred Act 1989) have application for the purpose of protection from racist attacks. The Prohibition of Incitement to Hatred Act 1989 addresses the issue of incitement. Under this Act it is an offence to use words, publish or distribute written material, or broadcast any visual images or sounds that are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred. The word “hatred” is defined as “hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation”. Accordingly prosecutions may be brought under the Act where intention to incite hatred is proven or where the likelihood of stirring up hatred is proven regardless of intention. This approach was adopted following an analysis of difficulties in other jurisdictions in securing prosecutions solely by relying on intention. Since 2010 there have been 12 cases prosecuted under the Prohibition on Incitement to Hatred Act 1989 resulting in two sentences of imprisonment. Two further cases are awaiting a trial date.

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

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

67. The relevant offences under these Acts are relied on where criminal offences such as assault, criminal damage or public order offences are committed with a racist motive. In those circumstances, the trial judge can take aggravating factors, including racist motivation, into account at sentencing. While aggravating factors are taken into account at the time of sentencing in all cases, statistical information on these factors is not kept by the Courts Service, just the final sentence.

68. While Ireland is confident that it is meeting its obligations in relation to public safety and dealing effectively with hate crime, the Department of Justice and Equality is undertaking a legislative review of the law relating to hate crime and incitement to hatred in order to ensure the best possible public policy response to racism and xenophobia in the context of Ireland’s integration policy, the EU Framework Decision 2008/913/JHA on Combating Racism and Xenophobia, and legislative developments in other jurisdictions. It is anticipated that the review will be completed by the end of 2018. Formal notification of Ireland’s compliance with the EU Framework Decision was submitted with supporting documentation to the European Commission by the November 2010 deadline. A further letter was sent to the Commission in April 2016 and no further response has been received.

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

<sup>2</sup> <http://www.oireachtas.ie/documents/bills28/acts/2012/a1112.pdf>.

<sup>3</sup> <http://www.ifpa.ie/Sexual-Health-Services/FGM-Treatment-Service>.

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

**Re: Committee's Concluding Observations — Paragraph 16**

71. Ireland's position as outlined in paragraphs 19 to 21 of the addendum to the 3rd and 4th report to the Committee remains unchanged. In essence, because all of the Convention's obligations are provided for in domestic legislation, it is not necessary to incorporate the Convention into domestic law. Please see CERD/C/IRL/CO/3-4/Add.1 for more detail.

**Re: Committee's Concluding Observations — Paragraph 17**

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

73. The declaration

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

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

**Re: Committee's Concluding Observations — Paragraph 18**

75. An Garda Síochána, (AGS) [Irish Police Service] has responded with a range of initiatives to the growing diversity in the communities it serves. These include approaches that are mainstreamed throughout the force as well as specialist provision.

76. All members of AGS are bound by the Garda Code of Ethics, which contains a solemn commitment to recognise and respect the dignity and equal human rights of all people, to treat everyone at all times with fairness and in a non-discriminatory fashion, and to oppose and challenge any behaviour or language that demonstrates discrimination or disrespect, in particular with regard to vulnerable individuals and minority groups.

77. The Migrant Integration Strategy contains commitments by AGS to develop greater contact with marginalised communities and encourage and support victims of racist behaviour to report offences in line with recommendations of the independent policing review body, The Policing Authority of Ireland.

78. In terms of legislation, the Garda Síochána Act of 2005 established the Garda Síochána Ombudsman Commission, an independent body which has the power to investigate any report of malpractice by members of AGS, including reports of racial profiling. The Protected Disclosures Act 2014 also provides an avenue for all employees, including Gardaí and public sector employees, to report wrongdoing in confidence to their employer, other prescribed persons or a Government Minister. Its definition of "wrongdoing" is "an act or omission by or on behalf of a public body that is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement".

*Human Rights Training*

79. In an effort to promote and maintain best practice in the areas of equality, human rights and non-discrimination, members of AGS are provided with a range of training programmes in these areas. This aims to ensure that no element of stereotyping or prejudice consciously or unconsciously informs day-to-day policing decisions.

80. Human rights modules are threaded through the new trainee Student Education/Training Programme for Garda recruits. They form a core competency on which students are assessed.

81. AGS's comprehensive education, training and information system for the continuous professional development of all members incorporates the following human rights training:

- Two and a half day human rights and anti-racism module on the Sergeant and Inspector Development courses;
- Specialist training is provided for members on the questioning of suspects, particularly of those who may be vulnerable or have psychological issues;
- A human rights module on the course for Senior Investigating Officers is provided by the IHREC. In addition there are inputs on human rights on the Superintendent and Chief Superintendent Development Courses.

*Garda National Diversity and Integration Unit (GNDIU)*

82. In establishing the Garda Racial and Intercultural Office (GRIDO) in 2001 (now named the Garda National Diversity and Integration Unit "GNDIU"), AGS demonstrated its capacity to anticipate and respond to the need for appropriate policing initiatives to meet the needs of diverse cultures and religions so as to foster good community relations in a multi-ethnic environment and minimise any potential for illegal racial profiling.

83. GNDIU is part of the Garda Community Orientated Policing Bureau which designates responsibility for building partnerships with diverse populations, including migrants and ethnic minorities. Anti-Discriminatory policing techniques are rigorously applied and mainstreamed through all functions carried out at GNDIU.

84. GNDIU works to ensure the provision of a quality service by AGS to the members of minority communities and acts as necessary to meet emerging needs of groups and/or individuals. This is central to the integration, anti-discrimination and anti-profiling strategy of AGS.

85. GNDIU's role includes:

- Training and supporting specialist Garda Ethnic Liaison Officers (ELOs);
- Identifying local issues and problems;
- Assisting in informing minorities about current Garda strategy;
- Acting as an aid to promote public support and cooperation;
- Facilitating a two-way process involving ethnic minority leaders and civil society organisations to enable Garda members to learn about the customs, protocols and practices of all religious denominations that exist within the community they serve;
- Creating an environment of trust with minority communities by supporting intercultural relations building with AGS through national and local initiatives;
- Identifying and supporting innovative approaches to fostering integration in community policing.

86. GNDIU works on a national level in cooperation with other public agencies and bodies that are working to promote diversity. The unit also actively communicates with representatives of ethnic minority groups and relevant non-governmental organisations that hold a human rights/anti-discrimination mandate.

*Building Relations with Representatives of Ethnic Minorities.*

87. The Garda Commissioner approved the appointment of ELOs in 2002<sup>4</sup> for the purpose of directly engaging with members of ethnic minorities and the Traveller Community in order to facilitate ease of access to Garda services. ELOs work to build trust

<sup>4</sup> (Garda HQ Directive: 42/12).

and confidence between AGS and Ireland's minority communities, thereby eroding the potential for discriminatory profiling. There are currently 247 ELOs appointed throughout the State. All ELOs receive training on intercultural awareness and anti-discrimination from GNDIU.

#### *Prohibition of Racial Profiling*

88. An Garda Síochána prohibits discriminatory racial profiling and is acutely aware that discriminatory ethnic profiling has the potential to undermine the fundamental human rights of individuals and is never acceptable. Furthermore, AGS does not pursue data gathering/data mining based upon discriminatory profiling in respect of race, colour, language, religion, nationality, national or ethnic origin, ethnicity, including The Traveller Community.

89. In its work with members of AGS, GNDIU emphasises the importance of avoiding at all times law enforcement decisions that are based solely or mainly on race, ethnicity or religion in respect of individuals/groups. To this end, GNDIU has adopted the closest to an officially approved European description of racial profiling as described by the European Commission on Racism and Intolerance (ECRI) working definition of "racial profiling", namely:

"use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin, in control, surveillance or investigation activities" (ECRI, 2007: para.1).

90. On the basis of this definition, it is apparent that direct discrimination can never be legally justifiable, and the "reasonable justification" for relying on factors of race, ethnicity or religion will only exist in specific and limited circumstances.

#### *Specialist Training — Anti-Profiling Imperative*

91. Anti-profiling is a key theme that is mainstreamed throughout the two-day training programme developed by GNDIU for ELOs. Separately, a specific module within the programme is wholly dedicated to ethnic profiling. This module aims to improve ELOs' understanding of the theory and practice of "ethnic profiling" and to place it within a legal and social context. This module negotiates the intricacies directly associated with the harmful effects of discriminatory profiling, its non-effectiveness as a law enforcement tool and the application of alternative policing methods and safeguards against misuse of profiling.

92. GNDIU also delivers training on anti-profiling and anti-discriminatory policing techniques at the request of the Garda College to a wide range of other groups including:

- Specialist Garda Interviewers and Social Workers;
- Members undertaking Level 3 Detective Garda Interviewer Courses;
- Members undertaking Covert Human Intelligence Courses;
- Members embarking on duty with the OSCE and the United Nations.

#### **Re: Committee's Concluding Observations — Paragraph 19**

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

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

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

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

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

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

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

96. Within Ireland's legislative framework, the determination of penalty in any individual case is largely a matter for the trial judge, taking case law, including appealed cases, into account. This allows the courts to take all the circumstances of the offence and all the relevant aggravating and mitigating factors into account. The gravity of the offence, the facts surrounding the commission of the offence, the criminal record of the accused and the impact on the victim are among the critical factors taken into account before a sentence is imposed. The judge must take into account the circumstances of the offence and the offender. The Director of Public Prosecutions can appeal against the sentence imposed if she believes it to be unduly lenient (Criminal Justice Act 1993). AGS record on the PULSE system a variety of discriminatory motivation factors for crimes at the time of recording that crime.

#### *Judicial Training*

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

#### **Re: Committee's Concluding Observations — Paragraph 20**

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

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

#### *System of Direct Provision<sup>5</sup> for Protection Applicants*

100. Direct Provision is the system whereby State services are offered to protection applicants while they await a decision on their application. The system means that State services are delivered directly to protection seekers through the relevant Government Agency e.g. the Department of Education & Skills delivers education through the established school system; the HSE delivers medical services through the established GP and hospital systems etc. The Department of Justice & Equality's Reception and Integration Agency (RIA) provides accommodation to protection applicants while their application is

<sup>5</sup> Direct Provision is a means of meeting the basic needs of food and shelter for asylum seekers directly while their claims for refugee status are processed rather than through full cash payments. Direct provision commenced on 10 April, 2000 from which time asylum seekers have received full board accommodation and personal allowances.

being processed. (There is no obligation to accept such offers and many chose to live in the community with the support of family and friends).

101. A Working Group on the Protection Process including Direct Provision and Supports for Asylum Seekers was established by the Minister for Justice and Equality in 2014, chaired by Bryan McMahon, Judge of the High Court and including representatives of public authorities, independent stakeholder organisations, and service users. Its report was published on 30 June 2015.

102. This was the first comprehensive review of the protection system. 173 recommendations were made by consensus in the Working Group Report including recommendations with regard to improvements to the protection determination process, living conditions in accommodation centres, and supports for persons in the system. The key recommendation of the Working Group was the introduction of a single application procedure, which was subsequently introduced under the International Protection Act 2015. The Government has published three progress reports on the implementation of the recommendations since the publication of the Working Group Report. The third and final report, published in July 2017, showed a 98% full or partial implementation rate for the 173 recommendations.

103. A Standards Advisory Group was set up in 2017 to develop a set of standards for accommodation offered by RIA. The Standards will meet the minimum standards set out in the Recast Reception Conditions Directive and EASO Guidance on Reception Conditions: Operational Standards and Indicators and take account of national developments in the provision of services to those in the protection process. The group includes members of organisations supporting refugees and staff of relevant Government Departments and will deliver a Working Document in September 2018 following widespread consultation.

#### *Improvements to Accommodation*

104. There have been significant changes to the accommodation arrangements for protection applicants, most notably the implementation of self or communal catering arrangements in a number of accommodation centres. As a result, over 1,500 residents are now able to prepare meals of their own choosing. In addition, there have been improvements to a number of outdoor playgrounds and football pitches to provide for “all-weather” facilities and the introduction of teenagers rooms in centres to provide social areas for this age group. Friends of the Centre groups have also been established in each centre. This initiative aims to bring residents, community and voluntary groups together with a view to increasing integration opportunities and providing for the development of greater community linkages with the residents and the centre.

#### *Domestic, Sexual and Gender based violence and harassment*

105. A policy on safeguarding residents of State accommodation centres against sexual, domestic and gender based violence and harassment is in place and operational in each centre.

#### *Victims of Trafficking*

106. RIA provides accommodation for potential and suspected victims of human trafficking during the 60 day recovery and reflection period. The HSE has a dedicated unit that provides wrap around supports to potential and suspected victims of trafficking.

#### *Office of the Ombudsman and Ombudsman for Children*

107. The mandate of the Ombudsman and Ombudsman for Children was extended from April 2017 to enable them to accept complaints from residents of accommodation centres regarding services and facilities provided to them by RIA and by extension, by accommodation centre management and staff.

108. The Ombudsman can examine complaints about (i) decisions a person considers to be unfair and that affect the person in a negative way, (ii) failure to give clear reasons for decisions, (iii) failure to answer, or delay in answering correspondence, (iv) providing

incorrect, inaccurate or misleading information and (v) failure to deal properly with a complaint. The Ombudsman can also examine complaints about services set out in the RIA's House Rules such as, (i) standard of accommodation, (ii) meals, (iii) cleaning and (iv) facilities.

*Reception Conditions Directive*

109. The decision to opt into the (Recast) Reception Conditions Directive represents another major reform of the process, subjecting services to external oversight and placing them on a common European standard. The opt-in process will allow the European Commission to assess the management and conditions pertaining to the Direct Provision system and to present findings.

*Health Services for Asylum Seekers*

110. Asylum seekers are entitled to access mainstream health services and many hold medical cards. Measures have been undertaken to address the health needs of persons in the Direct Provision system, including a decision by the Department of Health to waive prescription charges for asylum seekers living in the accommodation centres.

**Re: Committee's Concluding Observations — Paragraph 21**

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

112. In 2014, the independent Garda Inspectorate published a wide-ranging Report on Crime Investigation which included recommendations to help improve the way racist crime is recorded and to support victims of such crimes. The Inspectorate recommended, inter-alia, that AGS implement a victim-centred policy and good investigative practices in racial, homophobic and other similar crimes to encourage victims to report offences.

113. Several steps have been taken to address these recommendations. Improvements to the PULSE (police crime information and recording) system in 2015 will help in addressing them. PULSE 6.8, released in November 2015, introduced a Victim Assessment Screen. This requires the mandatory recording of data relating to the apparent motive for a crime incident, such as whether it has been motivated discrimination on specific grounds including age, disability, race, religion, gender or sexual orientation. In addition, the Policing Plan 2018 includes commitments that AGS will produce a definition of, and procedures to record, hate crime.

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

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

116. GNDIU has responsibility for coordinating, monitoring and advising on all aspects of policing Ireland's diverse communities. GNDIU monitors the reporting and recording of hate and racist crime on a continual basis.

117. 247 ELOs appointed to work with minority communities at local level, together with GNDIU, play a fundamental role in liaising with minority groups and work in partnership to encourage tolerance, respect and understanding within communities and to help prevent

hate and racist crime. They provide advice and assistance to victims of hate or racist crime where required.

118. The National Migrant Integration Strategy contains a commitment by AGS to address the under-reporting of racially motivated crime, including through the development of greater contact with marginalised communities. A campaign for raising awareness about under reporting is also under discussion.

*Detailed Analysis by Central Statistics Office*

119. Following the publication of the Garda Síochána Inspectorate Report on Crime Investigation in 2014, the Central Statistics Office (CSO) agreed to carry out a detailed analysis of certain issues raised by the Inspectorate in relation to the recording, classification and reclassification of crime, to see whether and to what extent there might be implications for the crime statistics which that Office produces. The CSO published its first Quality report on 30 June 2015 and the second on 28 September 2016.

120. Separately, the CSO chaired an Expert Group on Crime Statistics to examine some of the Garda Inspectorate Report recommendations directly relating to the compilation of crime statistics. The Report of the Expert Group was published on 26 July 2017 and one of the Group's recommendations was the development and publication of a new crime counting rules and detection manual.

121. Concerning nationality, the Report states that in practice members of AGS are entitled to request information from victims, witnesses or suspects, but the provision of information is voluntary other than in certain circumstances. For example, Section 6 of the Criminal Justice Act 1984 stipulates that a Garda member may demand the name and address of a person detained pursuant to Section 4 of the Act. A demand to confirm a person's nationality can only be made in certain circumstances as outlined in legislation e.g. Immigration Act 2004, Section 11 (as amended in the Civil Law (Miscellaneous Provisions) Act 2011, Section 34). Accordingly, it is not possible to make this field mandatory as members of AGS do not have the statutory powers to make a demand for such information in every circumstance.

122. The CSO does not produce statistics on crimes disaggregated by race. There is a "discrimination" field in PULSE where AGS can attach up to 12 types of discrimination to a crime (including race, anti-Roma, anti-Traveller, anti-Muslim etc.) but the data may not be fully comprehensive and is one of the areas for improvement. The CSO recently resumed publication of Recorded Crime Statistics but "Under Reservation" meaning that the data does not fully meet the quality expected for CSO statistics.

**Re: Committee's Concluding Observations — Paragraph 22**

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

124. TUSLA receives unaccompanied minors notified under the International Protection Act 2015 into the care of the State. An application for international protection does not have to be made by the young person at this stage. An equity of care principle means that unaccompanied minors receive the same level of and access to care as any other child in the State. Each unaccompanied minor is allocated a social worker who acts as a de facto guardian for the child *in loco parentis*. Each unaccompanied minor undergoes an assessment to identify their needs. Unaccompanied minors may be accommodated, in accordance with their needs following an assessment, in community based residential houses, with foster families or other appropriate accommodation in the community. The

social worker advises the child, oversees their childcare plan, and also acts on the child's behalf, including obtaining legal or other formal advice. For example a legal advisor is available to the young person in respect of applications for international protection. TUSLA works with relevant agencies in respect of family reunification. Section 15(4) of the International Protection Act 2015 provides that TUSLA should seek legal advice in deciding whether or not to make an application for international protection on behalf of the unaccompanied minor. Where an application is made on behalf of the unaccompanied minor, TUSLA will represent and assist the child during the examination of the application.

125. The Social Work Team for Separated Children Seeking Asylum is the specialist unit within TUSLA Child and Family Agency with responsibility for managing the care of unaccompanied minors. The team develops individualised aftercare plans for unaccompanied minors who age out of statutory care when they reach 18 years of age, based on need, eligibility, vulnerability and voluntary participation of the young person.

**Re: Committee's Concluding Observations — Paragraph 23**

126. Ireland is firmly committed to ensuring that all instances of crime are properly investigated and that perpetrators are convicted and the appropriate sentence is handed down. Ireland is unaware of any basis for the suggestion that there is a specific problem of stabbings involving people from Sub-Saharan Africa. AGS's Policing Plan for 2018, in relation to the implementation of the EU Victims Directive, sets targets for a definition of hate crime and procedures to record hate crime (end Q.2 2018). AGS further aims to complete a nationwide campaign to encourage members of minority groups to come forward and report hate crime by the end of Q.3 2018.

**Re: Committee's Concluding Observations — Paragraph 24**

127. The Irish Human Rights and Equality Commission Act 2014 was signed into law by the President on 27 July 2014. All provisions have been commenced and IHREC came officially into being on 1 November 2014.

128. The Act imposes a positive legal duty on public bodies to have due regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. This requires public bodies to take pro-active steps to address the equality and human rights issues that affect the people who use their services, people affected by their policies and people employed in the organisation. This duty has the potential to embed equality and human rights in the centre of policymaking, service provision and employment within the public service.

129. IHREC is playing an important role in assisting and supporting public bodies to comply with this new duty, including by developing practical guidance and resources for public bodies and through an awareness campaign for a wide range of public bodies and civil society organisations. In November 2017, IHREC hosted two major conferences on the duty in Dublin and Limerick to assist public servants to understand their obligations and to share good practice. It has recently undertaken pilot projects with five organisations (Cork City Council; Monaghan County Council; University College Cork; Irish Probation Service; Community Action Network) to support the development of approaches to implementing the Duty in differing contexts. IHREC allocated grant funding in 2016 and 2017 to organisations to promote human rights and equality. In 2017, awards were made under two overarching themes, one of which was to support the implementation of the Public Sector Equality and Human Rights Duty.

130. Several large public sector organisations, including the Department of Justice and Equality, and Revenue, have established cross-divisional working groups tasked with working collaboratively to integrate the duty into existing policies and structures.

**Re: Committee's Concluding Observations — Paragraph 25**

131. The legal framework for family reunification for beneficiaries of international protection is set out in Sections 56 and 57 of the International Protection Act 2015.

132. The Act defines family as the spouse or civil partner of the refugee or subsidiary protection beneficiary (i.e. the sponsor) if the sponsor is married, an unmarried child of the sponsor or if the sponsor is a child, the parents of the sponsor. The definition is in line with the definition of family in the 2003 EU Directive on Family Reunification though Ireland, unlike a number of European countries who are a party to the Directive (Ireland is not), allows subsidiary protection beneficiaries to be sponsors under the Act. 791 people were approved for family reunification in 2017.

133. In November 2017 the Government announced a new Family Reunification Humanitarian Admission Programme (FRHAP) that will address the issue of family reunification for some immediate family members coming from established conflict zones who are outside the scope of the International Protection Act 2015. The proposed FRHAP now restyled as the *Irish Humanitarian Admissions Programme (IHAP)* will form part of the Irish Refugee Protection Programme (IRPP) for 350 people approximately over 2 years. The IHAP will be operational from mid-May 2018 when the first open call for proposals for family members of refugees, subsidiary protection beneficiaries or Irish citizens to be considered by the Minister for the admission programme will be made.

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

### **Re: Committee's Concluding Observations — Paragraph 26**

#### *Diversity of Patronage*

135. Ireland is continuing to make progress in the area of pluralism and diversity in education. Arrangements were introduced in 2011 whereby whenever a new school is needed, the Department of Education and Skills runs a separate patronage process to decide who will operate that school. It is open to all patrons and prospective patrons to apply for patronage of the new school under this process and the level of parental preference for each patron, along with parental preference for either Irish-medium or English-medium provision, are key to decisions in relation to the outcome of the process.

136. Between September 2011 and September 2017, 30 new primary schools (29 multi-denominational, one interdenominational) and 30 new post-primary schools (26 multi-denominational & 4 denominational) have been established for demographic purposes.

137. There are currently 113 multi-denominational primary schools and 38 multi-denominational post-primary schools (2017/18 school year). In addition to the above, 7 new schools (2 primary, including one school to be established under the patronage divesting process, and 5 post-primary) are due to be established in September 2018, all of which will be multi-denominational.

138. Community National Schools represent another new policy initiative to deal with increasing societal diversity and demand for greater choice in education provision at primary school level in Ireland. The model has an ethos of inclusion, equality and harmony, where each child and member of the school community is valued and treated with respect. There are currently twelve Community National Schools in operation around the country. Community National Schools are multi-denominational and welcome and respect children of all beliefs and none.

#### *Forum on Patronage and Pluralism in the Primary Sector*

139. The lack of diversity of patronage in the primary sector is also being addressed through the implementation of the recommendations of the Forum on Patronage and

Pluralism, established in 2011 and a Programme for Government commitment. The Forum was tasked to develop recommendations on steps to be taken to ensure that the education system at primary level could provide a sufficiently diverse number and range of primary schools to cater for children of all religions and none. The Forum held public sessions and consulted widely on the issues arising. The Advisory Group to the Forum published its report in 2012.

140. Work on implementing the Forum's recommendations is being advanced by the Department of Education and Skills in consultation with relevant stakeholders. A number of steps have been taken to implement these recommendations (see below).

#### *Issues Underpinning Diversity in all Schools*

141. The Forum recognised that outside urban areas, there is unlikely to be sufficient population to warrant the opening of more than one school in a given geographic area. Therefore, the existing school has to cater for the full range of traditions, religions and beliefs in the community. It produced a paper in 2014, following public consultation, entitled "*Forum on Patronage and Pluralism in the Primary Sector: Progress to Date and Future Directions*". The paper outlined good practice and options for promoting diversity in schools, in particular in relation to:

- The right to opt out of religion classes;
- Scheduling of Religion Classes and other Religious Activities;
- Options for Pupils to Religious Ceremonies of the Ethos of the School;
- Celebration of Religious Festivals;
- Display of Religious Artefacts.

142. The paper was not prescriptive on how schools should address these issues but instead it encouraged school authorities to engage in consultation with stakeholders and to review their policies and practices on an ongoing basis to ensure that they remain suitable for the school population that they serve. It recognised that each school should arrive at solutions that suit its own particular context and noted that practices may evolve over time as circumstances change.

#### *Education about Religion and Beliefs and Ethics*

143. The Forum on Patronage and Pluralism in the Primary Sector recommended that the State has a responsibility to ensure that all children have the right to receive Education about Religion and Beliefs (ERB) and Ethics. This would ensure in particular that children whose parents have chosen to withdraw them from religious instruction classes in denominational schools would have the opportunity to learn about religions and beliefs in school.

144. Religious education is one of the seven curricular areas of the Primary School Curriculum (1999) and schools are currently required to allocate thirty minutes per day for religious education. However, unlike other subject areas, the content of the religious curriculum provided by schools is not set by the Department of Education and Skills. Section 30 of the Education Act (1998) provides that time will be made available in the school day to teach curriculum that arises from the ethos of the school. This means that the content of the religious education programme in a particular primary school is determined by the patron of the school.

145. The National Council for Curriculum and Assessment (NCCA) was asked to explore with the education partners and religious interests the development of ethics programmes for primary school pupils. In 2015, it produced a Consultation Paper outlining the proposed rationale, vision, aims and features of a curriculum in ERB and Ethics, to support teachers to enable children to:

- Develop self-awareness, confidence, personal beliefs and positive social identities;

- Have knowledge and understanding of how religious and non-religious worldviews have contributed to the culture in which we live, and continue to have an impact on individuals and relationships between individuals and their communities;
- Express comfort, empathy and joy with human diversity, use accurate language for human differences, and form deep, caring human connections;
- Recognise unfairness, injustice and inequality and understand the relationship between rights and responsibilities;
- Appreciate the impact of prejudice and discriminatory actions on others.

146. The final Consultation Report, which outlines the key messages arising from the consultation process and the implications for the development of a curriculum, was published by the NCCA in February 2017, and describes a way forward for the development of integrated provision for ERB and Ethics as part of the newly developing primary curriculum. As a first step in advancing the recommendations of the Forum on Patronage in this regard, the NCCA has gathered and published examples of good practice in the area of ERB and Ethics for schools to use in supporting and developing their practice in this area.

#### *Patronage Divesting Process*

147. On foot of the report of the Advisory Group to the Forum on Patronage and Pluralism in the Primary Sector, parental preferences surveys were undertaken in a number of areas of stable population in 2012 and 2013 to establish the level of parental demand for wider choice in the patronage of primary schools within these areas.

148. The surveys indicated that there was sufficient parental demand to support changes in school patronage in 28 areas. From September 2013, ten multi-denominational schools have opened under the patronage divesting process. In parallel with the Schools Reconfiguration for Diversity process below, work will continue on delivering multi-denominational schools in the remaining areas under the patronage divesting process.

#### *Schools Reconfiguration for Diversity Process*

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

150. In this context and given the modest pace of progress with the Patronage Divestment process (see above), the Minister for Education & Skills announced on 30 January 2017 new plans, including the new School Reconfiguration for Diversity Process, aimed at providing more multi-denominational and non-denominational schools across the country, in line with the choices of families and school communities and the Programme for Government commitment in this area. In the initial phase it involves the Education and Training Boards (ETB's — the State's local education authorities) identifying areas where there is likely to be demand for greater diversity and working with their local City/County Childcare Committees to establish evidence of this demand among the cohort of pre-school parents.

151. As part of this process, surveys of the parents of pre-school children will commence in 16 areas across the country in latter half of 2018 — one pilot area to be identified by each of the 16 ETBs. The learning from this initial roll out will inform the further development of the survey process and associated documents prior to extending the process to additional areas. An analysis of the results will determine the extent of demand for multi-denominational or non-denominational in each area and form the basis of discussions with the majority patron concerning the transfer of patronage.

152. Each ETB will then draw up a comprehensive report on the position in relation to each of the 16 pilot areas for submission to the Department of Education and Skills, which will subsequently publish the reports. On publication of the reports, the Schools

Reconfiguration for Diversity process will move into the Implementation Phase, involving existing patrons consulting with their local school communities on accommodating the demand for diversity by transferring patronage of an existing school to a new multi- or non-denominational patron.

153. The new process supporting transfers of schools is based around principles of transparency and cooperation. It will involve very substantial levels of consultation of local communities. In that process, proposals from all prospective multi-denominational patrons that wish to be considered will be taken into account.

154. In the meantime, the “early movers” provision encourages school communities that have already decided to seek a transfer of patronage (independent of the survey process) to request their existing patron to apply to the Minister for Education and Skills for a direct transfer of patronage under section 8 of the Education Act.

#### *School Admissions*

155. The Education (Admission to Schools) Bill 2016 was published in July 2016, was passed by the Oireachtas on 4th July 2018, and was signed into law by the President on the 18th July 2018.

156. This legislation introduces a number of important changes to make enrolment policies fairer and more transparent for parents and students. The Act will create a more parent-friendly, equitable and consistent approach to how school admissions policy should operate for all primary and post-primary schools.

157. The Education (Admission to Schools) Act 2018, when commenced, will bring into operation a number of important measures, such as to:

- Ensure that where a school is not oversubscribed (approximately 80% of schools) it must admit all students applying;
- Ban waiting lists, thus ensuring that children who move to a new area are not disadvantaged;
- Ban fees relating to admissions in non-fee charging schools;
- Require all schools to publish their admissions policies, which will include details of their arrangements for pupils who decline to participate in religious instruction;
- Require all schools to consult with and inform parents where changes are being made to their admissions policies;
- Provide a power for the Minister to compel a school to open a special class or classes where the National Council for Special Education has identified a need for such provision within an area;
- Amend the Equal Status Act 2000 to remove the role of religion in school admissions for virtually all primary schools;
- Replace section 29 of the Education Act (Appeals) with a new section to align the legislation with actual practice and procedures as they have developed over the years and to increase the efficiency of the processes involved;
- Provide new powers for the National Council for Special Education and TUSLA, the Child and Family Agency, to designate a school place for those children who cannot get a school place.

#### **Re: Committee’s Concluding Observations — Paragraph 27**

158. A new National Strategy for Women and Girls 2017–2020 was adopted by Government and published on 3 May 2017. The Strategy has as its overall goal “to change attitudes and practices preventing women’s and girls’ full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing or at risk of experiencing, the poorest outcomes”. This goal will be advanced through six high-level objectives as follows:

- Advance socio-economic equality for women and girls;
- Advance the physical and mental health and wellbeing of women and girls;
- Ensure the visibility in society of women and girls, and their equal and active citizenship;
- Advance women in leadership at all levels;
- Combat violence against women;
- Embed gender equality in decision-making.

159. Migrant and minority women will benefit from the implementation of these actions and are the specific focus of several planned outcomes, including:

- Increased action by businesses on equality and diversity;
- Improved access to education, training and employment opportunities for Traveller and Roma women;
- Improved healthcare support for women and girls from an intercultural perspective;
- Improved healthcare services and health outcomes for women and girls who have undergone FGM;
- Improved health outcomes for Traveller and Roma women;
- Greater levels of participation by Traveller and Roma women in public life;
- Greater participation of Traveller and Roma women in leadership positions.

160. The Government supports a range of positive action programmes, several of which have migrant and minority women as their focus, including a two-year €1,000,000 programme to provide labour market pre-activation supports to female refugees and the female family members of refugees; and a three-year € 280,000 programme to support entrepreneurship among migrant women.

#### **Re: Committee's Concluding Observations — Paragraph 28**

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

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

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

#### **Re: Committee's Concluding Observations — Paragraph 29**

163. Combating Racism and Xenophobia is a specific theme within Ireland's National Strategy for Migrant Integration 2017–2020. Under this theme, public authorities have committed to implement a range of actions aimed at combating racial discrimination, including:

- Intercultural awareness training will be provided by all Government Departments and Agencies and reviewed at intervals to ensure that it is adequate. Front-line staff

will receive on-going cultural awareness training appropriate to their role and operational requirements;

- Local Authorities will take actions to have migrant representation on all Joint-Policing Committees;
- An Garda Síochána (AGS) will continue to implement a victim-centred policy and good investigative practices in racial and other similar crimes to encourage victims to report offences in line with recommendations of the Garda Inspectorate in this regard;
- The current legislation with regard to racially motivated crime will be reviewed by the Department of Justice and Equality with a view to strengthening the law against hate crime, including in the area of online hate speech;
- The issue of the under-reporting of racially motivated crime will continue to be addressed by AGS, including through the development of greater contact with marginalized communities;
- Public offices will display information on how to make a complaint of racist behaviour by a member of staff or other customer;
- Government arts and culture programmes and policy will assist in the promotion of the arts and culture of diverse communities across Ireland;
- Measures to combat racism and xenophobia will feature among the actions funded by OPMI.

164. Funding for a wide range of anti-racism projects and initiatives is provided by Government Departments, Agencies and Local Authorities. Examples of recent and current initiatives supported with Government funding include:

- Sport Against Racism Ireland — who organise activities and events such as anti-discrimination training workshops that further social inclusion by bringing people of different communities together through sport in primary schools aged 10–13;
- Show Racism the Red Card — who deliver a programme of activities which involves: provision of anti-racism education workshops in primary, post-primary schools, Youth outreach programmes and youth services nationwide. Coordination of activities such as the Creative Competition, Wear Red Day and FARE fortnight (Football Against Racism in Europe) all of which give young people the opportunity to demonstrate that they are opposed to racism and support a culture of inclusion.

165. See information provided as response under Article 5. Please also refer to paragraph 259 of Ireland’s updated Common Core Document (HRI/CORE/IRL/2014), attached at Appendix IV.

**Re: Committee’s Concluding Observations — Paragraph 30**

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

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

168. The state is currently in dialogue with civil society organisations to develop a comprehensive programme for the UN Decade of African Descent.

**Re: Committee's Concluding Observations — Paragraph 31***Consultation with Non-Governmental Organisations*

169. The preparation of this report has been informed by extensive consultation with civil society organisations. A draft of the report was prepared by the Department of Justice and Equality in consultation with relevant other Government Departments and Agencies. This draft was published for consultation on 6 December 2017. Written submissions were invited and a series of three public consultation meetings were held in Galway, Cork and Dublin. These meetings were attended by representatives of civil society organisations and local public authorities. 27 written submissions were received. [These were published on the website of the OPMI, together with a summary of the three consultation meetings. This report was revised prior to submission to the Committee in light of the issues raised during the consultation process.]

170. Dialogue with civil society organisations is an inherent part of the Government's approach to policy development and implementation in the area of human rights in general and efforts to combat racism and xenophobia in particular. The National Migrant Integration Strategy was developed using a consultative process that included civil society organisations working with migrants and minorities. The importance of dialogue is explicitly recognized in the Strategy through a number of specific commitments including:

- That Government Departments and Agencies will ensure appropriate, regular engagements with non-governmental organisations representing migrant groups;
- That the Department of Housing, Planning and Local Government, together with local authorities, will undertake initiatives aimed at increasing the number of migrant representatives in local authority and other representative forums;
- The Migrant Consultative Forum operated by the Department of Employment Affairs and Social Protection will continue to offer the opportunity for non-governmental organisations working with migrants, to engage on migrant-related aspects of social provision services;
- Each local authority will establish a Migrant Integration Forum in its area;
- Dublin City Council will establish an Integration Network where migrant groups can engage with the Government and public bodies on issues of concern and on barriers to integration.

171. Implementation of the Strategy is overseen by a Monitoring Committee chaired by the Minister of State for Equality, Integration and Immigration, Mr. David Stanton, T.D. and includes representatives of civil society organisations and relevant public authorities.

**Re: Committee's Concluding Observations — Paragraph 32**

172. The report will as usual be made available to the public. A draft has already been the subject of a public consultation as described above. This report will be published on the official website of the OPMI. The concluding observations of the Committee will similarly be published when available.

**Re: Committee's Concluding Observations — Paragraph 33**

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

**Re: Committee's Concluding Observations — Paragraph 34**

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

**Re: Committee's Concluding Observations — Paragraph 35**

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

**Re: Committee's Concluding Observations — Paragraph 36**

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

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

**Article 1**

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

**Article 2**

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

**Article 3**

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

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

*Migrant Integration Policy*

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

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

*Mainstreaming*

182. Ireland adopts a policy of mainstream service provision, i.e. migrants access the same services as Irish citizens but services have to adapt to the cultural diversity of their client base. Government Departments have sought to make their services more accessible, inter alia, through translating documents into multiple languages, providing interpretation and translation services and making services more inter-culturally competent for immigrant clients.

*Migrant Integration Strategy — A Blueprint for the Future*

183. A new National Migrant Integration Strategy, published on 7 February 2017, sets out the Government's approach to migrant integration for 2017–2020. It envisages a whole-of-Government approach involving actions by all Departments and relevant Agencies and is targeted at all migrants, including refugees, who are legally residing in the State. It is also intended to encompass the children of migrants and people who have become naturalised Irish citizens but who were born outside Ireland.

*Vision*

184. The Strategy sets as its vision that migrants are facilitated to play a full role in Irish society, that integration is a core principle of Irish life and that Irish society and institutions work together to promote integration.

*Integration Monitoring and Research*

185. Integration monitoring is carried out on behalf of OPMI by the Economic and Social Research Institute (ESRI).<sup>6</sup> The most recent monitoring report (2016) is included at Appendix III. A further report, due for publication in late 2018, will include, as a special theme, the integration of Muslims in Ireland. OPMI has recently commissioned research by the ESRI on the spatial segregation of ethnic groups and on data gaps with respect to integration. Findings from this research will be used to better inform policy development and decision making in this area.

**Article 4***Domestic Legislative and Policy Framework*

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

*Civil Law*

187. Ireland has comprehensive and robust equality legislation in place, which prohibits discrimination on nine specified grounds: gender, civil status, family status, age, race, religion, disability, sexual orientation and membership of the Traveller community. The legislation is designed to promote equality, prohibit discrimination — direct, indirect and by association — and victimisation, and to allow positive measures to ensure full equality across nine grounds.

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

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

190. Equality legislation also provides for remedies for those who have suffered discrimination. The Workplace Relations Commission (formerly the Equality Tribunal) investigates or mediates claims of unlawful discrimination under equality legislation. Ireland's equality legislation is constantly kept under review and amended as necessary.

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<sup>6</sup> <https://www.esri.ie/pubs/BKMNEXT330.pdf>.

*Criminal Law*

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

192. A new issue was raised by the European Commission in April 2016 under Article 9(2) of the EU Framework Decision 2008/913/JHA concerning jurisdiction over offences committed through ICT systems that are hosted in Ireland. A full reply addressing the concerns raised by the Commission, including those relating to Article 9(2), and maintaining Ireland's position that it is full compliance with the provisions of the Framework Decision, was returned on 28 April 2016. No response has yet been received.

*Law Reform Commission's proposed project on cyber bullying*

193. Relevant to the further consideration of the criminal law in the field of racism is the Law Reform Commission's comprehensive 2016 report "Harmful Communications and Digital Safety<sup>14</sup>" which presents research, guiding principles and recommendations for law reform in a number of areas including cyberbullying and hate speech. Legislative proposals are being brought forward under the Council of Europe Convention on Cybercrime.

*Racist Graffiti*

194. Racist graffiti has not been a widespread problem in Ireland to date. The policy in relation to racist graffiti has been early removal and local authorities have been very responsive to reports of racist graffiti where they have occurred. The National Migrant Integration Strategy requires local authorities to publish their policies for the removal of racist graffiti.

*Aggravated sentencing — Roundtable on Hate Crime*

195. In recognition that legislation on racist crime is inextricably linked to legislation relating to other forms of intolerance, a roundtable event on hate crime was hosted by the University of Limerick on 29 October 2014. The meeting was chaired by Mr. Aodhán Ó Ríordáin TD, then Minister of State with special responsibility for Equality, New Communities and Culture. A range of non-governmental organisations attended the event, which examined possible amendments to criminal legislation with a particular focus on the penalties to be applied for hate crime offences. At the conclusion of the roundtable, the Minister invited the non-governmental organisations to make concrete proposals for new legislative measures. Legislative proposals were brought forward in the form of a Private Members Bill the Criminal Justice (Aggravation by Prejudice) Bill 2016.

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

197. Separate to this, the Department of Justice and Equality is undertaking a legislative review of the law relating to hate crime and incitement to hatred in order to ensure the best possible public policy response to racism and xenophobia in the context of Ireland's integration policy, the EU Framework decision 2008/913/JHA on Combating Racism and Xenophobia and legislative developments in other jurisdictions. It is anticipated that the review will be completed by the end of this year 2018.

*Reporting of incidents*

198. It is acknowledged by the authorities that there is an issue with the under-reporting of racially motivated crime. The non-governmental sector has made efforts to encourage those subjected to racist or xenophobic incidents to report such events to them, with the aim of both recording the incident and referring incidents to An Garda Síochána or other authorities, for action as appropriate. An example of this is the iReport reporting system

introduced by the Irish chapter of the European Network Against Racism (ENAR) intended to provide a mechanism for people to document incidents of a racist nature that occur nationwide.

## **Article 5**

### *Constitutional Protection — Specified Rights*

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

### *Constitutional Protection — Unspecified Rights*

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

## **Article 5 (a)**

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

## **Article 5 (b)**

### *Victims of Human Trafficking*

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

203. The Criminal Law (Sexual Offences) Act 2017, amending the 1993 Act, was commenced on 27 March 2017. Part 4 of the Act amends the law to target the demand for prostitution by criminalising the purchase of sex. It removes those who provide sexual services through prostitution from the existing offences of soliciting and loitering for the purpose of prostitution. Additionally, the State's focus on eliminating labour exploitation has intensified following several referrals of suspected victims of trafficking over a number of sectors. This has included reconvening a multi-stakeholder labour exploitation working group.

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

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

## **Article 5 (c)**

### *Eligibility to Vote*

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

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

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

#### *The Electoral Register*

209. The Department of Housing, Planning and Local Government is responsible for the various legislative codes dealing with the registration of electors and the conduct of elections and referendums and offers information on voting in Ireland on its website.

#### *Awareness Campaign*

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

#### *2014 European Parliament and Local elections*

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

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

- Newspaper advertising was undertaken in 2014 to inform people of their entitlement to get on the register of electors via the supplement and advertisements were placed on local radio stations;
- An information leaflet on voting and standing in the European Parliament and local elections was distributed to various embassies.

#### *Role of Political Parties*

212. Information on the level of political participation by immigrants contained in the ESRI's 2016 Monitoring Report on Integration indicates that the percentage of elected local representatives of immigrant origin stood at 0.2% in 2014. Each political party is responsible for its own membership and for the selection of candidates to stand for election. The Migrant Integration Strategy commits political parties to encourage migrant participation in political life, and a successful event, attended by political parties, was co-hosted with the NGO community in March to encourage migrant political participation.

#### *Initiatives on Voting*

213. Some local authorities have developed initiatives to encourage migrants to become more involved and to register to vote, including Dublin City Council. Non-governmental organisations, including the Immigrant Council of Ireland, New Communities Partnership, AkiDWA, Forum Polonia, Doras Luimni and the Africa Centre, have been involved in the development of initiatives in this area with Government funding.

#### *Information on Registration for voting*

214. Information is provided to those receiving Irish citizenship on the process for registering to vote.

### **Article 5 (d)**

#### **(i) Right to freedom of movement and residence within the border of the State**

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

#### **(ii) Right to leave any country, including one's own, and to return to one's country**

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

#### **(iii) Right to nationality**

##### *EUROSTAT Statistics*

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

218. The top 10 nationalities of persons becoming naturalised Irish citizens since 2011 were: Nigeria, India, Philippines, Pakistan, Poland, Romania, China (including Hong Kong), Ukraine, South Africa, and Bangladesh. In total, nationals of 178 different countries became Irish citizens since 2011.

##### *Citizenship ceremonies*

219. Citizenship ceremonies were first introduced in June 2011. At these ceremonies, people complete the process of becoming Irish citizens through naturalisation and receive their Certificate of Naturalisation. The ceremonies celebrate an important milestone in the lives of new citizens and allow them to declare fidelity to the nation and loyalty to the State. The ceremonies reflect the importance that the State places upon the granting of Irish

citizenship. Citizenship ceremonies are presided over by a retired member of the Judiciary who administers the oath of fidelity to the Nation by candidates for citizenship. A Government Minister normally attends.

220. 131 such Ceremonies have been held at which 82,000 applicants received their Certificates of Naturalisation. If minors (who are not required to attend a ceremony) are included, the total granted Irish citizenship since 2011 is over 110,000. In 2016 four Citizenship Ceremony Days were held; one in Waterford for approximately 100 people and the other three in the Convention Centre Dublin, where over 7,800 people received their certificates of naturalisation in 8 ceremonies. Two Citizenship Ceremony Days (6 separate ceremonies) were held in Dublin in 2017 at which over 6,400 people became Irish citizens. At a smaller ceremony in Limerick in 2017, 300 people became citizens.

**(iv) Right to marriage and choice of spouse**

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

222. The Domestic Violence Act 2018 aims to facilitate Ireland's ratification of the Istanbul Convention (Council of Europe Convention on preventing and combating violence against women and domestic violence). It makes specific provision for a criminal offence of forced marriage.

**(v) Right to own property alone as well as in association with others**

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

**(vi) Right to inherit**

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

**(vii) Right to freedom of thought, conscience and religion**

225. Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014). Ireland's Constitution guarantees freedom of thought, conscience and religion and Ireland has robust equality legislation in place to combat discrimination on nine grounds, including religion.

## **Article 5 (d)**

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

*The Workplace Relations Commission*

226. The Workplace Relations Commission (WRC) is an independent, statutory body established on 1 October 2015 under the Workplace Relations Act 2015 (No. 16 of 2015).<sup>7</sup> The WRC took on the functions previously discharged by the Labour Relations Commission, the Equality Tribunal, the National Employment Rights Authority, the first instance functions of the Employment Appeals Tribunal and some of the functions of the Labour Court.

227. The appellate functions of the Employment Appeals Tribunal were incorporated into an expanded Labour Court. The WRC provides a single portal of entry for all employment and equality related information requests, and employment and equality rights complaints and referrals. It plays a key role in encouraging employers and employees to resolve issues

<sup>7</sup> <https://www.oireachtas.ie/en/bills/bill/2014/79/>.

at workplace level. The Labour Court acts as a court of appeal in relation to decisions made by WRC Adjudicators.

228. The Employment Equality Acts 1998–2015 outlaw discrimination in a wide range of employment and employment-related areas. The work of adjudicating on complaints arising under the Acts falls to the WRC.

229. In 2017, 671 specific complaints were made under the Employment Equality Acts compared with 691 in 2016. While complainants must indicate at least one of the discriminatory grounds, in many instances more than one is indicated. In 2017 the WRC received 189 specific complaints made under the Employment Equality Acts on the ground of Race but only 7 specific complaints where membership of the Traveller community was indicated as a ground.

#### *Atypical Working Scheme for Seafarers*

230. In February 2016, Ireland commenced an Atypical Working Scheme for Seafarers. This provided a lawful pathway for persons, previously with no immigration or employment permission, to work in the Irish fishing fleet. This was put in place a regulatory regime for the employment of non-EEA workers in this sector of the fishing industry. It was first open to all persons employed as fishermen without the appropriate immigration permission. 152 non-EEA nationals were given a permission under the scheme, 108 renewing their permission in 2017. Thereafter, applications under the scheme could only be made from outside the State, or as a renewal of an existing permission. 5 persons have sought to renew their permission with a different employer.

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

#### *Employment Permits*

232. Employment Permits legislation affirms the importance of protecting vulnerable migrants, who often do not have the personal support networks or the familiarity with employment practices here to protect their own interests, and places emphasis on ensuring employment rights compliance:

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

#### *Workplace Diversity Initiatives*

233. Employers in Ireland increasingly recognize the importance of managing workplace diversity successfully. As part of the wider European Diversity Charter initiative, Ireland's

Diversity Charter was launched in 2012 by organisations representing the business community and including the Irish Business and Employers Confederation (IBEC), the organisation representing Irish Businesses. The signing of this charter is a voluntary commitment by organisations to effective diversity management, preventing discrimination and promoting equality with respect to all their stakeholders and the environment in which they operate. There are 51 members in the Diversity Charter Ireland, covering an estimated 100,000 employees in Ireland. IBEC has separately produced resources and best practice guidelines on diversity and the integrated workplace for employers.

**(ii) Right to form and join trade unions**

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

**(iii) Right to housing**

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

**(iv) Right to public health, medical care, social security and social services**

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

**(v) Right to education and training**

237. Please see paragraph 85 of Ireland's Common Core Document (HRI/CORE/IRL/2014). Ireland operates an inclusive education system in keeping with obligations under the Constitution and national and international law. Principles of equality are set out in the Education Act 1998, the Education Welfare Act, 2000 and the Education for Persons with Special Education Needs Act, 2004.

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

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

- Monitoring current school enrolment policies to assess their impact on the enrolment of migrant students;
- Monitoring the number of non-English speaking migrant children in schools annually and publishing details;
- Reviewing the adequacy of language supports in schools to cater for the language needs of children from ethnic minorities;
- Reviewing the provision of ESOL (English for Speakers of Other Languages) classes to cater for the language needs of adults from ethnic minorities;
- Proactive efforts to attract migrants into teaching positions, including raising awareness of the Irish language aptitude test and adaptation period for primary teaching;
- Including a language component in education and training programmes for unemployed migrants with poor English proficiency;
- Other relevant actions include: Schools outside the established education system will be encouraged to network with the aim of providing information on child protection and health and safety regulation to them and of developing relationships with them.

240. Actions 15 & 16 of the Delivering Equality of Opportunity in Schools (DEIS) Plan 2017 note that supports for children whose first language is not English or Irish are particularly important in the context of DEIS schools as they cater for large numbers of

these children. It also notes, and includes specific action on, the need to establish current EAL (English as an Additional Language) levels of need at post primary level, and the need to improve data on EAL inputs, outputs and outcomes in all schools to inform future policy.

#### *Access to Third Level education*

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

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

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

#### **(vi) Right to equal participation in cultural activities**

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

### **Article 5 (f)**

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

### **Article 6**

#### *Workplace Relations Reform*

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

247. Since its establishment the WRC has eliminated a significant backlog of legacy discrimination complaints inherited from the Equality Tribunal. The WRC has also managed to significantly reduce the waiting time for the processing of all complaints. The clear majority of new discrimination complaints are now dealt with in under six months

248. In 2017, 671 specific complaints were made under the Employment Equality Acts compared with 691 in 2016. In addition, in 2017, 668 specific complaints were made under the Equal Status Acts compared with 658 in 2016. In 2017, 408 equal status complaints indicated membership of the Traveller community as the ground for the complaint while 363 indicated the ground of race.

249. A core objective of the reform is to encourage the resolution of complaints and disputes using mediation. A dedicated Mediation Service division of the WRC was established in late 2015 and mediation is offered free of charge to all parties to discrimination complaints, where appropriate.

*Other Bodies*

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

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

**Article 7****A. Education and Teaching***Junior Cycle Reform*

252. The reform of the Junior Cycle curriculum has opened new opportunities for teaching and learning other languages. The second statement of learning of the Junior Cycle Programme states that a student will be able to listen, speak, read and write in Language 2 and be provided with the opportunity to do so in one other language at a level of proficiency that is appropriate to his or her ability. Schools must ensure that the statements of learning feature in the Junior Cycle Programme. The new Junior Cycle also provides for short courses which offer opportunities, inter alia, for students to study languages such as Polish and Mandarin Chinese. The National Council for Curriculum and Assessment has developed a short course in Mandarin Chinese and the Post-Primary Languages Initiative has developed a template for short courses in other non-curricular languages. Using this template, the Post-Primary Languages Initiative is currently working on “off-the-shelf” courses in Irish Sign Language, Japanese and Russian. It is also developing a short course in Polish as a heritage language in collaboration with the Polish embassy. Schools can also use these templates to develop their own short courses in other languages, for example the languages of migrant children present in the school population. Jewish studies will continue to form part of the Junior Cycle curriculum available to schools.

253. Information on Ethnic/Cultural Background is now collected, with parental consent and used to plan policy and supports for minority groups.

*Holocaust Education Trust Ireland*

254. The Holocaust Education Trust Ireland (HETI) aims to educate people about the Holocaust in order to combat anti-Semitism and all forms of racism and intolerance in Ireland. OPMI funds the HETI to organise the Annual Holocaust Memorial Day which takes place each year on the Sunday nearest to 27 January. In 2018, the event took place on Sunday 28 January.

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

256. OPMI provided €706,340 in funding to the HETI between 2008 and 2017. In 2011 Ireland became a member of the International Holocaust Remembrance Alliance (formerly the Taskforce for International Cooperation on Holocaust Education, Remembrance and Research). Subsequently in 2012 a Standing Committee on Holocaust Education, Research and Remembrance was established, consisting of representatives of the Department of

Foreign Affairs and Trade, the Department of Education and Skills, the Department of Justice and Equality, HETI, the Irish Jewish Museum, and academia. The Government has worked closely with HETI to promote Holocaust education and awareness through teacher education programmes, schools' initiatives such as the Crocus Project, the National Holocaust Memorial Day commemoration and other activities.

*Integration of human rights education and training into school and training curricula*

257. The Department of Education and Skills has continued to liaise with and support a range of stakeholders and NGOs working in the area of human rights education including the Holocaust Education Trust Ireland, Young Social Innovators, World Wise Global Schools. It has also continued to foster human rights education under the National Strategy for Education for Sustainable Development.

258. The Department of Education and Skills has consolidated citizenship education in Junior Cycle, through the provision of a new short course in Civic, Social and Political Education (CSPE) under the Framework for Junior Cycle 2015. This also included provision for CSPE to be included in a compulsory Wellbeing Programme from September 2017. In essence, this means that societal engagement and human rights education are integral parts of a student's wellbeing, just as social, personal, health and physical education can be.

259. A new Leaving Certificate subject — Politics and Society — was formally introduced in 2016 and has almost 1,000 students taking it in 41 Phase One schools at present. This subject has a significant human rights dimension, built around international human rights instruments, theory and active citizenship.

*Promoting Intercultural Awareness in the Public Sector*

260. **The Garda (Police) National Diversity and Integration Unit (GNDIU)** is responsible for providing training on policing multi-cultural Ireland to a number of other dedicated specialist units. All Gardaí (Police) receive extensive training in human rights issues (see paragraphs 139 to 142 of Ireland's Common Core Document).

261. **Garda Síochána (Police) Ombudsman Commission** provides training in human rights to all members of its staff including investigators and caseworkers. Such training encompasses issues relating to racism and racial discrimination.

262. **International Protection Office (IPO)** provides a comprehensive programme of training for caseworkers who are involved in investigating and determining applications for asylum. These training programmes, including in relation to interviewing vulnerable applicants such as those subjected to sexual violence or victims of trafficking and unaccompanied minors, have been developed in conjunction with the United Nations High Commissioner for Refugees (UNHCR). Programmes are in line with international best practice including the European Asylum Support Office Training Curriculum.

263. **Irish Refugee Protection Programme** officers have undergone Equality and Diversity Training, Culturally Sensitive Refugee Status Determination Interviewing Skills training, and UNHCR's Resettlement training in 2018.

264. **Prison Service** — Irish Prison Service College. Since September 2007, all Recruit Prison Officers complete an accredited two year Higher Certificate in Custodial Care programme. The course includes modules on, inter alia, communications and interpersonal skills, human rights, equality and diversity awareness and ethics for custodial care.

265. The **Judiciary** — Training is organised by the Judiciary through its own Committee for Judicial Studies in keeping with the constitutional guarantee of judicial independence and the separation of powers. Training in the area of human rights is ongoing with training organised for Judges in relation to equality issues, including in the areas of racism and xenophobia. Among the topics discussed at the Committee's most recent National Conference, held on 17 November 2017, were:

- “The Administration of Justice in a Multicultural Ireland”;
- “Do immigrants understand the Court system?”;

- Issues for migrants including the swearing of the Oath and affidavits; women giving evidence in veils, use of interpreters, modes of address, common assumptions in family law etc.; misunderstandings about the legal system etc.;
- Since July 2017, all new members of the judiciary have also received a Bench Book entitled “The Equal Treatment of Persons in Court”;
- At the Superior Courts Conference in July 2017, the topic: “Ireland and the European Convention on Human Rights — a view from Strasbourg” was discussed by speakers from European Court of Human Rights and the Irish judiciary;
- The Irish judiciary was represented at Judicial Training on EU Asylum Law organised under the auspices of the European Judicial Training Network, EJTN on the 2nd & 3rd November 2017 in Sweden;
- The judiciary was also represented at the 15th Annual Human Rights Conference on 7 October 2017 organised by The Law Society Human Rights Committee in collaboration with the Probation Service and Law Society Professional Training. The theme of this year’s conference was “Inside Out: the Human Rights Implications of Imprisonment”.

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

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

## B. Culture

### *National Framework Policy for Culture*

268. In 2016 the Government published Culture 2025: Éire Ildánach, a draft Framework Policy for Culture to 2025. This policy recognizes cultural diversity as one of its key values.

### *OPMI Funding for integration initiatives supporting cultural diversity*

269. OPMI provides funding to a range of organisations working with and alongside the migrant community. This funding is used to support a range of activities including practical advice and supports for migrants, enhancing the awareness of cultural diversity within communities, and combatting racism and xenophobia. Please see the following page under Section C for details.

### *Church/State Dialogue*

270. In 2005, the Government indicated its intention to consult on a process of structured dialogue with the churches, faith communities and philosophical, non-confessional bodies. The structured dialogue process is based on an agreed framework between the Government and dialogue partners and comprehends plenary meetings, bilateral meetings at Ministerial level and meetings with Departmental officials.

### *Dublin City Interfaith Forum*

271. The Dublin City Interfaith Forum, works with interested members of faith communities to provide the space and opportunity for Faith Communities to build relationships with and between Dublin City communities, statutory and voluntary organisations and the residents of Dublin City. The faiths participating in the project are Baha’i, Buddhism, Christianity, Hinduism, Islam, Judaism, and Sikhism. In 2016, the Forum launched its Dublin City Interfaith Charter, which deals with issues including religious freedom, inter-faith dialogue and the promotion of religious diversity in the city.

*Support for Mother Tongue Languages support in Education*

272. There are over 180 nationalities represented in Irish schools at present. The Department of Education and Skills currently supports examinations in non-curricular European languages as part of the Leaving Certificate for heritage speakers. Further to this, as part of ongoing Junior Cycle reform, new short courses are one way in which students from migrant communities can be supported in enhancing their fluency and in developing the range of competences in their heritage/home language. The Post-Primary Languages Initiative has been working with embassies to develop short courses in students' home languages, based on the generic Foreign Language Short Course specification.

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

### C. Information

*State supported projects to further intercultural understanding, positive attitudes to diversity, and community integration*

274. OPMI operates a range of funding programmes in support of integration. These are:

| <i>Funding Programme</i>                 | <i>Amount allocated</i> | <i>Period covered</i> |
|--|-------------------------|-----------------------|
| National Integration Funding Programme   | 1 900 000 €             | 2017–2020             |
| Asylum Migration and Integration Funding | 4 500 000 €             | 2017–2019             |
| European Social Fund                     | 3 300 000 €             | 2016–2020             |
| Communities Integration Fund             | 500 000 €               | Annually since 2017   |
| Dormant Accounts Fund                    | 485 000 €               | 2017                  |

275. Examples of projects supported through the EU Asylum, Migration and Integration Fund (AMIF) and the National Integration Funding Programme (NIFP), whose implementation is directly relevant to the Convention, and in particular Article 7, include:

*Grassroots Integration through Football €150,073 (AMIF)*

276. This nationwide project is run by the Football Association of Ireland and aims to foster integration in Irish society by mobilizing football and community alliances to work together to encourage participation and integration of people from diverse backgrounds, including refugees, asylum seekers and people from non-European countries, through and in football.

*Yellow Flag Programme €150,410 (AMIF)*

277. This nationwide project is run by the Irish Traveller Movement and supports schools in pro-actively managing diversity and integration through awarding a yellow flag to schools that meet certain criteria in this regard.

*Volunteering For All €300,000 (NIFP)*

278. This nationwide project is run by Localise Youth and Community Services and aims to tackle racism and xenophobia by providing a means for school students from all backgrounds and nationalities to engage in community service projects in their local communities.

*Strengthening Intercultural Education in Primary Schools €130,000 (NIFP)*

279. This nationwide project is run by Dublin City University and aims to strengthen the competence and confidence of primary school teachers to integrate intercultural education in their teaching practice and wider school environment.

*For a full list of projects in receipt of funding, see Appendix II*

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

*Creative Competition for Schools and Associated Media Coverage*

281. OPMI provided €229,500 funding to the annual Show Racism the Red Card Creative Competition for Schools and Youth Services between 2009 and 2015.

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

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