



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

Distr.: General
23 September 2010

Original: English

Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

Third and fourth periodic reports due in 2008*

Ireland , *****

[21 December 2009]

* This document contains the third and fourth periodic reports of Ireland, due on 28 January 2008. For the initial and second periodic reports and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/460/Add.1 and CERD/C/SR.1687, 1688 and 1699.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

*** Annexes can be consulted in the files of the secretariat.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. General.....	1–46	3
II. Responses to the concerns and recommendations of the coordinator on follow-up of the Committee on the Elimination of Racial Discrimination	47–134	10
A. Legal and technical aspects	49–86	11
B. Vulnerable groups	87–97	17
C. Education.....	98–125	19
D. Consultation and ongoing dialogue	126–134	26
III. Information on the implementation of articles 1–7 of the Convention	135–475	28
Article 1	135–146	28
Article 2	147–203	30
Article 3	204–207	37
Article 4	208–226	37
Article 5	227–382	39
Article 6	383–403	68
Article 7	404–475	69
IV. Consultation.....	476–545	77
A. Consultation meeting with the non-governmental sector on the joint third and fourth reports of Ireland under the United Nations Convention for the Elimination of All Forms of Racial Discrimination on 25 November 2008	476–483	77
B. General comments	484–545	78
Bibliography.....		85

I. General

1. Introduction

1. The Government of Ireland welcomes the opportunity to give an updated report to the United Nations Committee on the Elimination of Racial Discrimination (CERD) on the measures giving effect to its undertakings under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination and, as recommended by the Committee in its concluding observations on Ireland's first and second reports, Ireland has combined its third and fourth reports.

2. Background

2. Ireland signed the CERD in 1968. Following the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000, the Convention was ratified by Ireland and entered into force in January 2001. The Convention covers the legislative, judicial, administrative or other measures that need to be implemented to give effect to its provisions and it places an onus on States "to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races".

3. Ireland submitted its First National Report in March 2004. This report was subsequently deemed by CERD as Ireland's Initial and Second Periodic Report.¹ NGOs were also invited to submit a shadow report.

4. In March 2005, the then Minister of State at the Department of Justice, Equality & Law Reform, Mr. Frank Fahey, T.D., headed an Irish delegation to the UN in Geneva for a dialogue with CERD on Ireland's Initial and Second Periodic Report. Later that month, CERD published the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2)² in relation to Ireland's Initial and Second Periodic Report. The Concluding Observations contained a number of recommendations for further action in relation to Ireland's implementation of the Convention.

5. In June 2006, Ireland underwent a follow-up process. To facilitate this, Ireland prepared an Update Report for the Follow-up Coordinator on the Recommendations in the Concluding Observations on Ireland's Initial and Second National (Periodic) Report.³ Following his visit here, the follow up co-ordinator, Mr Morten Kjaerum, submitted the report of his visit (CERD/C/69/Misc.9).⁴ The follow-up co-ordinator's report was formally adopted by CERD at its 69th session (31 July–18 August 2006). The State's current position in relation to the follow-up coordinator's recommendations is outlined in Part II of this report. Part II also provides additional information sought by the Committee in its

¹ <http://www.justice.ie/en/JELR/1st-National-Report-Elim-of-Racism.pdf/Files/1st-National-Report-Elim-of-Racism.pdf>.

² <http://www.justice.ie/en/JELR/CERD-Concluding-Observations.pdf/Files/CERD-Concluding-Observations.pdf>.

³ <http://www.justice.ie/en/JELR/Ireland%20Follow%20Up%20Report.doc/Files/Ireland%20Follow%20Up%20Report.doc>.

⁴ http://www.justice.ie/en/JELR/CERD_%20C%20_%2069_%20Misc.9.pdf/Files/CERD_%20C%20_%2069_%20Misc.9.pdf.

Concluding Observation (CERD/C/IRL/CO/2). Part III contains information on the implementation of Articles 1–7 of the Convention.

6. All of the above documents are available to download from the website of the Department of Justice, Equality & Law Reform and the Office of the Minister for Integration⁵ at the website addresses referenced in the footnotes.

3. A note on the text

7. The information in this report supplements and the information provided in previous reports to the Committee.

8. In regard to Appendix 1, it should be noted, as already indicated in Ireland's Initial and Second Periodic Report that, in recent years, some of the bodies representing Travellers have sought explicit recognition of Travellers by the State as an ethnic minority. The exact basis for this claim is unclear. The Irish Government's view is that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or ethnic origin. However, the Government of Ireland accepts the right of Travellers to their cultural identity, regardless of whether the Traveller community may be properly described as an ethnic group. In line with this, the Government is committed to applying the protections afforded to ethnic minorities by the Convention on the Elimination of All Forms of Racial Discrimination equally to Travellers. As outlined in Ireland's Report under the International Covenant on Civil and Political Rights, Travellers in Ireland have the same civil and political rights as other citizens under the Constitution and there is no restriction on any such group to enjoy their own culture, to profess and practice their own religion or to use their own language.

9. In a range of legislative, administrative and institutional human rights instruments provisions, the Government has recognised the special position of Ireland's Traveller community to protect their rights and improve their situation. Whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal significance. The key anti-discrimination measures – the Incitement to Hatred Act, 1989,⁶ the Unfair Dismissals Acts 1997,⁷ the Employment Equality Acts and the Equal Status Acts specifically identify Travellers as a group whose interests are protected in legislation. The Equality Act 2004⁸ (which transposed the EU Racial Equality Directive) applied all the protections of that Directive across all of the nine grounds contained in the legislation, including the Traveller Community ground.

10. The Government of Ireland is committed to challenging discrimination against Travellers and has defined membership of the Traveller Community as a separate ground on which it is unlawful to discriminate under equality legislation. This does not provide a lesser level of protection to Travellers compared to that afforded to members of ethnic minorities. On the contrary, the specific identification of Travellers in equality legislation guarantees that they are explicitly protected.

11. It should also be noted that the 1995 Report of the Task Force on the Travelling Community which comprised representatives of Government Departments, civil society and Traveller organisations did not recommend that Travellers should be identified as an ethnic minority. In addition, the Council of Europe's Advisory Committee on the

⁵ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/managingdiversity-UNCERD-en>.

⁶ <http://www.irishstatutebook.ie/1989/en/act/pub/0019/index.html>.

⁷ <http://www.irishstatutebook.ie/1977/en/act/pub/0010/index.html>.

⁸ <http://www.irishstatutebook.ie/2004/en/act/pub/0024/index.html>.

Framework Convention on National Minorities, in its Second Opinion on Ireland (2006), also acknowledged that recognition of Travellers based on ethnicity is not the only valid approach in realising relevant human rights protections.

12. This report has been compiled using the United Nations “Guidelines for the CERD-Specific document to be submitted by States Parties under Article 9, Paragraph 1 of the Convention” (CERD/C/2007/1).⁹ It has been drafted by the Office of the Minister for Integration in close cooperation with various Government Departments and other agencies and following consultation with civil society as recommended by the Committee. A report of the consultation meeting with civil society is outlined in Part IV of this report.

13. The Irish Government is confident that the submission of this report will facilitate another open, frank and constructive dialogue between the State Party and the Committee on the Elimination of All Forms of Racial Discrimination on the progress made and the challenges ahead in the fight against racism.

14. The Irish Government is firmly committed to promoting an inclusive society and the elimination of all forms of racial discrimination. Ireland has undergone a phenomenal demographic and social change over a very short period of time. Between 2002 and 2006, the non-Irish national population increased from 224,000 to 420,000 (+ 87%). Over 10% of Ireland’s population are now non-Irish nationals representing people from 188 different countries. The fastest growing categories were EU nationals, particularly from Eastern Europe and the Baltic States, along with people from Africa and Asia (Census 2006). More detailed information on the findings of Census 2006 are below. Other challenges currently being faced in Ireland include an economic downturn, increasing numbers on the unemployment register and significant cuts in public expenditure.

4. Census of population 2006

15. The enumerated population of Ireland in April 2006 amounted to 4.24 million persons. This represented an increase of 323,000 persons or 8.2 per cent compared with the April 2002 Census figure, leading to the highest population since 1861.

16. Of the 4.17 million usually resident persons present in the State on 23 April 2006, 420,000 (or 10%) had a nationality other than Irish – up from 224,000 (or 5.8%) four years earlier.

17. By comparing the results of successive censuses and making due allowance for the number of births and deaths which occurred in the intervening period, it is possible to derive a measure of net migration – that is the difference between inward and outward migration. Between 2002 and 2006, the estimated net immigration flow was 191,000. This represents a figure of 48,000 on an average annual basis.

18. It is estimated that just over two thirds of this net inflow occurred in the two years following the accession of the ten new member States to the EU in May 2004.

19. According to the Census, the non-Irish national population had a strikingly different demographic profile to that of the Irish. The non-Irish were dominated by people in their twenties and thirties with significantly more men than women. The sex ratio disparity was most marked among the younger age groups, where the largest numbers were found, though there were more men than women in every age group under 70 years (except for the 15–19 age group). There were few children and elderly among the non-Irish nationals. The predominance of persons of working age accounts for other differences between the Irish

⁹ <http://daccess-ods.un.org/TMP/7176285.html>.

and non-Irish groups in areas such as labour force participation rates and levels of educational attainment.¹⁰

5. Population and migration estimates 2006 data¹¹

20. The number of immigrants into Ireland in the twelve months to April 2006 is estimated to have been 107,800 which is the highest figure recorded since the present series of annual migration estimates began in 1987. There were almost 13,000 more men immigrating into Ireland during this time than women. During this time, 36,000 emigrated out of Ireland leaving a net migration of 71,800.

21. Approximately two thirds of the population increase in the year up to April 2006 was accounted for by migration. Nearly half of the immigrants were nationals of the 12 new EU accession states, ten of which joined the EU on 1 May 2004 and the remaining two on 1 January 2007.

22. 22% of all immigrants originated from outside the EU and USA. More than half of immigrants were aged 25–44 years while a further 29% were aged 15–24. Approximately 1 in 10 of the immigrants were children under the age of 15.

23. There were 419,733 non-Irish persons resident and present in the State on Census night, 23 April 2006. Approximately 276,000 of these persons were of EU nationality, 24,000 from the rest of Europe, 35,000 from Africa, 47,000 from Asia and 21,000 from America.

24. 87.4% of usual residents categorised their cultural background as “white Irish”, 1% as “African”, 0.1% as “any other Black background”, 0.4% as “Chinese”, 0.9% as “any other Asian background” and 1.1% as “Other including mixed background”.

25. Another important set of figures to examine in regard to the issue of immigration is the changes in population by religious grouping between 2002 and 2006. For example, there was a 70% increase in the Muslim population and a 100% increase in the Orthodox population.¹² A detailed breakdown in relation to the Population classified by religion and nationality in the 2006 Census is available on the website of the Central Statistics Office.¹³

26. These figures indicate the complexity of ethnic and cultural identity in Ireland, which can include some or all of the following: nationality, place of birth, language, regional affinity and religion.

6. Population and migration estimates 2009 data¹⁴

27. The Central Statistics Office published a set of Population and Migration Estimates on 22 September 2009 which indicates that there is now a resumption of net outward migration. The number of emigrants from the State in the year to April 2009 is estimated to

¹⁰ Source: Census 2006 – Non Irish Nationals Living in Ireland published by the Central Statistics Office (June 2008).

¹¹ The sources of the 2006 data are the 2006 Census and the Population and Migration Estimates published in September 2009.

¹² Extract taken from “Migration Nation” — Appendix “Composite Statement of the new demographics based on the 2006 Census and subsequent revised Population and Migration Estimates — released 18th December 2007.

¹³ <http://www.cso.ie/statistics/popclassbyreligionandnationality2006.htm>.

¹⁴ The source of the 2009 data is the Population and Migration Estimates published in September 2009.

have increased by almost 44% from 45,300 to 65,100 while the number of immigrants continued to decline over the same period, from 83,800 to 57,300. These combined changes have resulted in a return to net migration for Ireland (– 7,800) for the first time since 1995.

28. Some of the main features from the 2009 figures include:

- Of the 65,100 people who emigrated in the year to April 2009, the European Union 12¹⁵ were by far the largest group accounting for 30,100 with Irish nationals being the second largest at 18,400
- Immigration of all non-Irish national groups showed a decline with those from the EU 12 countries showing the greatest fall from 33,700 in April 2008 to 13,500 in April 2009, a decline of 20,200

7. Statistics on Personal Public Service (PPS) numbers

29. The Personal Public Service (PPS) Number is a unique personal reference number. It is required in order to apply for benefits and to get information from public service agencies quickly and easily. This includes services such as Social Welfare, Revenue, Public Healthcare and Education. It is also another good indicator as to the number of new migrants entering Ireland.

30. There were 247,325 Personal Public Service numbers issued in 2008. Deducting the 91,280 which were issued to Ireland leaves a total of 156,045 allocated to countries other than Ireland. In the same twelve month period in 2007, 218,051 PPS numbers were issued to countries other than Ireland.

31. In September 2009, 6,506 PPS number were allocated to countries other than Ireland. Comparing this to the figure allocated in September 2008 (13,843), this represents a 53% decrease on the same month in 2008.

8. Establishment of national bodies

Irish Naturalisation and Immigration Service¹⁶

32. The Irish Naturalisation and Immigration Service was established in April 2005 in order to provide a ‘one stop shop’ in relation to asylum, immigration, citizenship and visas.

33. It was established by Government decision on a non-statutory basis. The Irish Naturalisation and Immigration Service is an executive office within the Department of Justice, Equality & Law Reform and now incorporates the Department of Justice, Equality and Law Reform’s asylum, immigration and citizenship functions.

Office of the Minister for Integration¹⁷

34. The Irish Government also appointed the first Minister of State for Integration in June 2007 in conjunction with the establishment of a new Office of the Minister for Integration. The Minister of State has special responsibility for Integration Policy at the Department of Community, Rural and Gaeltacht Affairs, the Department of Education and

¹⁵ EU 12: defined as the 10 accession countries that joined the EU on 1 May 2004 i.e. Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and includes 2 new accession states that joined the EU on 1 January 2007 (Bulgaria and Romania).

¹⁶ www.inis.gov.ie.

¹⁷ www.integration.ie.

Science and the Department of Justice, Equality & Law Reform. The Minister has a cross Departmental mandate to develop, drive and co-ordinate integration policy across Government Departments, agencies and services.

35. On 1 May 2008, the then Minister for Integration published a statement on integration policy called “*Migration Nation: Statement on Integration Strategy and Diversity Management*”.¹⁸ This document recognises that a key challenge facing Government and Irish society is the imperative to integrate people of different cultures, ethnicity, language and religion so that they become the new Irish citizens of the 21st century. The new integration policy focuses on the role of local authorities, sporting bodies, faith-based groups and political parties in building integrated communities and targets funding in these areas. The Statement sets out the key principles which will inform and underpin State policy with regard to integration.

36. These key principles are as follows:

- A partnership approach between the Government and non-Governmental organisations, as well as civil society bodies, to deepen and enhance the opportunities for integration
- A strong link between integration policy and wider state social inclusion measures, strategies and initiatives
- A clear public policy focus that avoids the creation of parallel societies, communities and urban ghettos, i.e. a mainstream approach to service delivery to migrants
- A commitment to effective local delivery mechanisms that align services to migrants with those for indigenous communities

Anti-Human Trafficking Unit, Department of Justice, Equality & Law Reform¹⁹

37. An Anti-Human Trafficking Unit has been established in the Department of Justice, Equality, and Law Reform under the stewardship of an Executive Director. The role of the Unit is to ensure that the State’s response to trafficking in human beings is effective and proportionate to the scale and scope of the problem in Ireland. It has primary responsibility for coordinating policies and actions of governmental and non-governmental organisations to maximise the effectiveness of national and international efforts. In addition to providing support to stakeholders and fostering cooperation between the various governmental and non-governmental agencies engaged in the fight against human trafficking, the Unit will also play a lead role in collecting and analysing data on potential, suspected and identified cases of human trafficking.

38. In June 2009, the Minister for Justice, Equality and Law Reform published a National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland (2009–2012) which provides a blueprint for the State’s response to human trafficking. The Plan sets out the policies and structures for Ireland’s fight against human trafficking in the areas of prevention, protection of victims and prosecution of traffickers. There is also a particular emphasis on tackling child trafficking in the Plan.

39. ‘Blue Blindfold’ was developed by the UK Human Trafficking Centre during Operation Pentameter. The Irish ‘Blue Blindfold’ awareness raising campaign was launched by the Commissioner of An Garda Síochána (Irish Police) on 21 October 2008 and ran for three weeks. It was designed to raise awareness of the problem of human trafficking with the public and law enforcement agencies and to discourage demand for the

¹⁸ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/omi-publications-en>.

¹⁹ <http://www.justice.ie/en/JELR/Pages/WP09000005>.

services of victims of exploitation. It included newspaper advertisements at the start and the end of the campaign, a wide distribution of posters, leaflets and business cards to Garda (Police) Stations, Libraries, Health Centres, Hospitals, Reception and Integration Agency centres, etc, advertisements on the Luas (tram) and on the Radio Teilifís Éireann (RTE) website, advertisements in sporting programmes/magazines, a 12 hour hotline manned by members of An Garda Síochána (Irish Police) and the development of a website www.blueblindfold.gov.ie.

9. Ireland and international human rights instruments

40. In 2007, Ireland signed five new instruments treaties, the United Nations Convention on the Rights of All Persons with Disabilities, the United Nations Convention on the Protection of All Persons from Enforced Disappearance, the United Nations Optional Protocol to the Convention Against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment, the Council of Europe Convention on Action Against Trafficking in Human Beings and the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse.²⁰

10. European Commission against Racism and Intolerance

41. The European Commission against Racism and Intolerance (ECRI) published its third report on Ireland on 24 May 2007. The report was broadly positive and recognises progress made since the second report in 2001.

42. ECRI held a Round Table event in Dublin on 15 November 2007. Issues discussed at this event included:

- ECRI's Third Report on Ireland
- Promoting equality and diversity in the workplace
- Safeguarding the Rights of the Traveller Community under the Framework Convention for the protection of National Minorities

11. Domestic legislative measures

Criminal Law (Human Trafficking) Act 2008²¹

43. The Criminal Law (Human Trafficking) Act 2008 came into effect on 7 June 2008 and creates an offence of recruiting, transporting, transferring to another person, harbouring or causing the entry into, travel within or departure from the State of a person for the specific purpose of the trafficked person's sexual or labour exploitation or removal of his or her organs. It provides for penalties of up to life imprisonment for persons who traffic other persons for the purposes of labour or sexual exploitation or for the removal of a person's organs.

44. It is an offence under the Act for a person to solicit a trafficked person for the purposes of prostitution where the person soliciting knows, or has reasonable grounds for believing, that the person has been trafficked. The soliciting can take place anywhere, in public or private. Any person who accepts or agrees to accept any kind of payment in

²⁰ <http://www.dfa.ie/home/index.aspx?id=318>.

²¹ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/acts/2008/a0808.pdf>.

exchange for the prostitution of the trafficked person will also commit an offence. Fines of up to €5,000 and 12 months imprisonment apply if a person is convicted summarily and an unlimited fine and up to 5 years imprisonment apply if convicted on indictment. The Act also provides that, if an Irish citizen or a person ordinarily resident in Ireland is alleged to have committed a trafficking offence abroad, Ireland will accept the jurisdiction to try the offence here. Again penalties of up to life imprisonment apply.

45. Enactment of this legislation brings Ireland into compliance with the criminal law/law enforcement elements of the:

- (i) European Council Framework Decision on combating trafficking in human beings;
- (ii) Council of Europe Convention on Action against Trafficking in Human Beings;
- (iii) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

12. Immigration and residence bill

46. The Immigration, Residence and Protection Bill,²² which was published on 24 January, 2008, provides a unified code of immigration law replacing all present legislation, some of which dates back to 1935. It provides for an integrated framework for the development and implementation of Government immigration policies into the future. The Bill is before the Houses of the Oireachtas (Parliament) for consideration. Additional information on the Bill is provided in paragraphs 168 ff. of this Report.

II. Responses to the concerns and recommendations of the coordinator on follow-up of the Committee on the Elimination of Racial Discrimination²³

47. The follow-up coordinator's concluding observations are broken down under the following headings:

- (a) Legal and technical aspects;
- (b) Vulnerable groups;
- (c) Education;
- (d) Consultation and ongoing dialogue.

48. The concluding remarks range from recommendations to Comments and are contained in paragraphs 5–26 of the report of the follow-up coordinator. Ireland's responses to the concluding remarks are contained in part II of this report and provide an overview of the measures taken to address each of the points raised.

²² A copy of the Bill is available at: <http://www.oireachtas.ie/viewdoc.asp?DocID=8701&&CatID=59>.

²³ CERD/C/69/Misc.9.

A. Legal and technical aspects

Response to the recommendations contained in paragraph 5 of the report of the coordinator on follow-up

49. The Government of Ireland notes the follow-up coordinator's recommendation but also notes that there is no obligation under the Convention that States Parties should incorporate the Convention into domestic law. Ireland considers that there is adequate provision for addressing racism and racial discrimination under domestic legislation which includes the European Convention on Human Rights Act 2003 and the Constitution. It therefore considers that it does not need to incorporate the Convention into domestic legislation.

50. As regards raising awareness regarding the Convention, please see the response in paragraph 129 to the concluding remark contained in paragraph 23 of the follow-up coordinator's observations.

Response to the recommendation contained in paragraph 6 of the report of the coordinator on follow-up

51. There is currently no criminal law provision which defines racist offences in Irish law. Research into this aspect was undertaken by the Centre for Criminal Research Justice, University of Limerick. The findings of the research were published on the 18 December, 2008.

52. The report, entitled "Combating Racism and Xenophobia through the Criminal Law" calls, *inter alia*, on Judges to impose tougher sentences on those who commit crimes where racism is an aggravating factor. The authors of the research report also stated that changes in the Criminal Law would be insufficient by themselves. They commented that it was clearly established, at both the national and international level that greater dividends would ensue from more substantial investment in social and education measures. The report is available on the website of the Office of the Minister for Integration.²⁴

53. The Report's recommendations are being examined in the context of the Ongoing Review of the Prohibition of Incitement to Hatred Act 1989. See also Ireland's response under article 4(2) of the CERD Convention on paragraphs 210–214 of part III of this report.

Response to the recommendation contained in paragraph 7 of the report of the coordinator on follow-up

1. Office of the Press Ombudsman and the Press Council of Ireland²⁵

54. On 2 January, 2008, the Office of the Press Ombudsman and the Press Council of Ireland were established as an initiative of the press industry. They provide a new system of independent regulation for the printed media in Ireland. The Press Council of Ireland is the body that appoints the Press Ombudsman. It takes decisions in cases of significance or complexity which have been referred to it by the Press Ombudsman. It also decides on appeals from decisions of the Press Ombudsman. The job of the Press Ombudsman is to investigate complaints that breach a new Code of Practice which the press industry signed up to in 2007.

²⁴ www.integration.ie.

²⁵ More information on the Press Council and the Office of the Press Ombudsman can be found on <http://www.pressombudsman.ie/v2/default.htm>.

55. The Ombudsman's Office will, in the first instance, attempt to resolve the matter by making direct contact with the editor of the publication concerned. It will outline the complaint against the publication and seek to resolve the matter by a process of conciliation. If conciliation is not possible, the Ombudsman will examine the case and make a decision. The new complaints mechanism provides the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and periodicals that breach the Code.

56. A total of 246 admissible complaints were considered by the Office in 2008.²⁶

57. 113 of these complaints were not followed up beyond a preliminary hearing as the complainants did not pursue their complaints in the timeframe allowed (i.e. within three months of the publication of the article or of the behaviour of the journalist taking place).

58. The following tables set out the status of the 133 complaints that were either being processed or had been fully processed at 31 December 2008:

Table 1

Press Ombudsman complaints processed in 2008

<i>Being processed</i>	
Complainant to write to editor in the first instance	28
At conciliation	12
With Press Ombudsman for decision	1
Total	41

Table 2

Press Ombudsman complaints fully processed in 2008

<i>Fully processed</i>	
Ruled out on first reading	26
Successfully conciliated	12
Withdrawn by complainant	11
Consideration postponed due to legal proceedings	6
Decided by Press Ombudsman	35
Referred to Press Council by Press Ombudsman	2
Total	92

59. From January to June 2009, a total of 164 admissible complaints were received.

60. In September 2009, the Press Ombudsman stated that the figures for the six months of 2009 pointed to a much greater awareness and understanding of the role of the Office.

²⁶ www.presscouncil.ie/v1/publications/statistics2008.pdf.

Response to the recommendation contained in paragraph 8 of the report of the coordinator on follow-up

2. The Equality Tribunal

61. In 2007, in consideration of the fact that the staffing levels as originally estimated for the Equality Tribunal were not adequate for current demand, additional staff were sanctioned to facilitate the removal of the backlog of cases before the Equality Tribunal. Nine additional staff were recruited and trained by the end of 2008. In addition, the Tribunal has achieved significant increases in productivity. In 2008, nearly 200 Decisions were issued (a 16% increase on 2007) and over 850 cases were closed by the Tribunal (an increase of 41% compared with 2007).

3. Human Rights Commission

62. In the case of the Irish Human Rights Commission, the Irish Government will continue to support it to carry out its statutory functions and will respect its independence in performing such functions as are set out in the Human Rights Commission Acts 2000 and 2001. In regard to the appointment of any additional staff, the Commission will require the consent of the Minister for Justice, Equality and Law Reform and the Minister for Finance as is set out in the relevant legislation.

Research on the issues and challenges in the recruitment and selection of immigrant workers in Ireland

63. A research report entitled *Issues and Challenges in the Recruitment and Selection of Immigrant Workers in Ireland* which was part funded by the Office of the Minister for Integration and the Public Appointments Commission, was launched in July 2009. The Research takes into account the experiences of job seekers from a range of minority ethnic groups, examines their experiences of seeking employment in Ireland and identifies particular challenges/barriers that they have encountered. The focus of the research was specifically on Eastern European, Asian/Chinese and African groups living in Ireland (for more detailed information on this research please see paras. 382–384).

Response to the remark contained in paragraph 9 of the report of the coordinator on follow-up

64. A Study entitled *A Conceptual Framework and Principles to Guide Core Funding for Organisations Representing the New Communities in Ireland* was carried out on appropriate funding mechanisms for ethnic minority organisations. The report was commissioned under the National Action Plan Against Racism and was carried out by Fitzpatrick Associates. The report is being considered by the Office of the Minister for Integration in the overall context of funding measures to promote integration.

65. The Office of the Minister for Integration continues to provide target funding to Local Authorities, sporting bodies and faith based groups. Some of these groups subsequently fund a number of non-governmental organisations and community groups in their area.

Response to the recommendation contained in paragraph 10 of the report of the coordinator on follow-up

66. The Employment Permit Act 2006, commenced in February 2007, included a number of key additional protections for migrant workers. The ability to change employer is an important element in combating the abuse of migrants and, in exceptional circumstances, the one year restriction may not apply. In general, however, the duration of

the period during which a migrant remains tied to their initial employer ought to take account of the time it would take an employer to recoup part of their investment in relation to the recruitment of that migrant. While this will vary on a case-by-case basis, it seems reasonable that an initial period of one year should apply.

67. For clarity, under the Employment Equality Act 1998 as amended by the Equality Act 2004, the Government of Ireland can report that the protection of migrant domestic workers is identical to that of Irish citizens who work as domestic workers.

4. The National Employment Rights Authority (NERA)²⁷

68. The National Employment Rights Authority was established on an interim basis in February 2007 following the social partnership agreement *Towards 2016* and the need to enhance employment rights compliance. The Authority was established under the aegis of the Department of Enterprise, Trade and Employment.

69. In April 2008, the Minister for Labour Affairs announced the appointment of the National Employment Rights Authority Advisory Board. The purpose of the Board was to provide policy advice and input and feedback to the Office on enforcement and compliance issues.

70. Since its inception, the National Employment Rights Authority has made substantial progress in its aims to secure compliance with employment rights legislation and to foster a culture of compliance in Ireland through five main functions:

- Information – The role of the National Employment Rights Authority is to provide free, unbiased information on employment rights in Ireland to employers, employees and other interested parties.
- Inspection – the National Employment Rights Authority inspectors have the power to inspect an employer's records under legislation, photocopy records and interview and require information from any relevant person. Inspection Officers operate on a regionalised basis throughout the country.
- Enforcement – The Enforcement Services Unit can seek to have a determination of the Labour Court or the Employment Appeals Tribunal enforced through the Courts Service in certain specific circumstances.
- Prosecution – where a breach of Employment Rights has been identified, the National Employment Rights Authority's Inspection Services' primary role is to seek compliance with the legislation and rectification of the breach. This includes redress for the employees concerned and payment of any arrears due.
- Protection of Young Persons – The Protection of Young Persons (Employment) Act, 1996, is designed to protect the health of young workers and to ensure that work done during school years does not put their education at risk.

71. The number of inspectors in place in 2007, the year the Authority was set up, was 31. The National Employment Rights Authority currently has 74 inspectors. The inspectors appointed include 9 inspectors proficient in a range of Eastern European Languages. The languages in which these inspectors are proficient include: Polish, Lithuanian, Czech and Russian. The National Employment Rights Authority inspectors have recently been appointed as authorised officers under the Employment Permits Acts 2003 and 2006. Since July 2009, they have undertaken employment compliance checks as part of their inspection role.

²⁷ <http://www.employmentrights.ie/en/>.

72. The National Employment Rights Authority has its Headquarters located in Carlow with regional offices in Cork, Dublin, Shannon and Sligo.

73. The Minister for Enterprise, Trade and Employment launched a major publicity campaign “Employment Rights, you need to know” to inform workers of their rights in January 2008. The cross-media advertising campaign was designed primarily to raise the issue of employment rights with employers and employees and also to highlight the role of the Authority in providing information. The campaign, which ran for a 12 month period, included information provided online, on radio and television as well as through billboard advertising and the print media.

74. The National Employment Rights Authority information services dealt with over 73,000 telephone enquires and 5,973 e-mails in the period January to June 2009. The Authority’s website (www.employmentrights.ie) contains comprehensive and up to date information on employment rights and, in the same six month period, received over 840,000 hits. It contains information in 13 different languages including Chinese, Polish and Spanish. The Authority’s Information Services participated in 13 national and local conferences, exhibitions and seminars during the first half of 2009 including the National Conference of the Migrant Rights Centre of Ireland.

Response to the remark contained in paragraph 11 of the report of the coordinator on follow-up

75. An independent police complaints authority, the Garda Síochána (Police) Ombudsman Commission²⁸ was established by the Garda Síochána (Police) Act 2005. This replaced the Garda Síochána (Police) Complaints Board. In 2007, the Ombudsman Commission identified the number of complaints made against Garda members where the complainant provided a description of discrimination as the perceived motive for the alleged misbehaviour as 11 complaints. This amounted to approximately 0.53 per cent of its total caseload for that year. (N.B. The Garda Síochána Ombudsman Commission became operational in May 2007).

76. In 2008, 2,681 complaints were made to the Garda Síochána (Police) Ombudsman Commission. In 477 cases, the complainant provided a description of the perceived motive for the alleged misbehaviour of which 61 instances were described as discrimination.

77. The case outcomes are listed in Tables 3 and 4.

Table 3

Case outcomes of complaints to the Garda Síochána (Police) Ombudsman Commission in which discrimination was suggested as a motive in 2008

<i>Formal recommendation</i>	<i>No. of cases</i>
Cases still open	19
Advice offered to Garda member	1
Further investigation not necessary or reasonably practicable	17
No breach of discipline regulations identified	8
No misbehaviour by member following Section 98 investigation identified	1
Inadmissible	12
Reduction in pay not exceeding 2 weeks’ pay	3

²⁸ More information about the Commission can be found at the following website: <http://www.gardaombudsman.ie/>.

<i>Formal recommendation</i>	<i>No. of cases</i>
Total	61

78. In 2009, up to the end of August 2009, 1,458 complaints were made to the Garda Síochána Ombudsman Commission. In 672 cases, the complainant provided a description of the perceived motive of which 82 instances were described as discrimination.

Table 4

Case outcomes of complaints to the Garda Síochána (Police) Ombudsman Commission in which discrimination was suggested as a motive Jan–Aug 2009

<i>Formal recommendation</i>	<i>No. of cases</i>
Allegation withdrawn	1
Closed informally resolved	1
Further investigation not necessary or reasonably practicable	7
No misbehaviour by member following Section 98 investigation	5
Inadmissible	19
Open	49
Total	82

79. Discrimination in this instance includes all of the nine grounds of discrimination as set down in the Equal Status Act 2000. Unfortunately, at the moment, it is not possible to determine from the Case Management System what type of discrimination was alleged as the information held is not currently sufficiently refined. Discussions are taking place to consider how the system may be further refined to give a more detailed breakdown.

5. Expansion of the scope of the Equal Status Act

80. As indicated on page 31 of Ireland’s Update Report (June 2006), the question of extending the coverage of the Equal Status Act to cover the controlling functions of the State raises a number of fundamental issues. If this argument was accepted, then actions taken by the Director of Public Prosecutions and the judiciary ought to also be covered and it would be contrary to the independence of the judiciary and the Director of Public Prosecutions if an Equality Officer was to have powers to review decisions on arrest, prosecution and conviction.

81. It is open to an aggrieved person who claims to have been discriminated against by the Gardaí (Police) or any other organ of the State to challenge in a High Court constitutional action or in judicial review proceedings.

82. The Ombudsman²⁹ may investigate any action undertaken by or on behalf of a specified public body and action is broadly defined under Section 1(1) of the Ombudsman Act 1980:³⁰

“‘action’ includes decision, failure to act and omission and cognate words shall be constructed accordingly”.

²⁹ Please see paragraph 207 of Ireland’s First and Second Report and paragraphs 75 ff. of this report.

³⁰ <http://www.irishstatutebook.ie/1980/en/act/pub/0026/sec0001.html>.

83. The Ombudsman's potential jurisdiction is not therefore confined to services as defined by the Equal Status Act.

84. Section 5(1)(e)(i) of the Ombudsman Act 1980 provides that the Ombudsman shall not investigate actions taken in the "administration of the law relating to aliens or naturalisation".

Response to the remark contained in paragraph 12 of the report of the coordinator on follow-up

85. Please see information about the Immigration, Residence and Protection Bill in paragraphs 46, 268, 287 and 512–514 of this Report.

Response to the recommendation contained in paragraph 13 of the report of the Coordinator on follow-up

86. Please see paragraph 25 of Ireland's Update Report (June 2006) in this regard. There is no indication at this point of any inadequacies in national measures in this area or of any pressing need for Ireland to change its previous position. It is noted that no EU Member State has signed or ratified the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and that only six current members of the EU have ratified ILO Convention No. 97 on Migration and Employment (Revised) and that none of these ratifications have taken place in the last ten years. However, the position will remain under consideration.

B. Vulnerable groups

Response to the recommendation contained in paragraph 14 of the report of the coordinator on follow-up

87. The Irish Government does not propose to amend existing policies in relation to direct provision or access to the labour market for asylum applicants which were outlined in detail on pages 12–15 of Ireland's Update report (June 2006). The Government policy of direct provision arose from the need to provide food and shelter to asylum-seekers consistent with the State's obligations under the 1951 Geneva Convention Relating to the Status of Refugees as amended by its 1967 Protocol. The direct provision system allows the State to ensure that a suitable standard of accommodation, food and other services is maintained. The Government of Ireland is satisfied that this is a fair and humane system for meeting the needs of asylum-seekers and that it is in line with asylum-seekers accommodation arrangements in other EU Member States.

88. Regarding access to the labour market, asylum applicants are not permitted to take up paid employment pending a final decision on their applications. This is based on the fact that, under the Refugee Act, 1996 (as amended), asylum-seekers only have temporary permission to remain in the State pending the determination of their applications. Successful applicants, that is, those who have been granted refugee status, have essentially the same rights as Irish citizens in every respect, including the right to seek employment.

Response to the recommendation contained in paragraph 15 of the report of the coordinator on follow-up

89. The National Women's Strategy 2007–2016³¹ recognises that, within Ireland, there are a number of groups of women who might be described as having special needs, or who experience multiple discriminations, by reason, for example of their culture, sexual orientation, geographic location, ethnicity, or a disability. It notes that some such groups have already been targeted in specific government policy initiatives and it recommends that, in monitoring progress on the implementation of the National Women's Strategy, to be undertaken on a three yearly basis, special cognisance should be taken of the needs of such women.

90. With regard to migrant women, the Strategy states that it is essential that Ireland's social/caring services continue to adapt their information leaflets and other support services to serve our new multi-lingual community. Isolation can be a problem for those who may be dependent spouses and not engaged in the labour market. The Strategy states that Community groups should be encouraged to continue to reach out specifically to migrant women to enable them to achieve the necessary coping skills including language which will enable them to integrate well in their new community.

91. With regard to Traveller women, the Strategy makes reference to the specific recommendations in the Task Force Report on Travellers (Task Force Report on the Travelling Community 1995 which was published by the Department of Justice, Equality and Law Reform). The Strategy states that discrimination is still a major issue for members of the Traveller Community and suggests that concerted efforts are required to overcome it and to break down the barriers which exist.

Response to the recommendations contained in paragraph 16 of the report of the coordinator on follow-up

92. Please see paragraphs 8–11 and Appendix I of the Note on the Text in paragraphs 7–14 of this report.

Response to the recommendation contained in paragraph 17 of the report of the coordinator on follow-up**1. Training**

93. Human rights compliance features strongly in the Garda Síochána's Corporate Strategy "A Time for Change (2007–2009)".³² That document commits the Gardaí (Police) to engaging in "a culture of public service grounded in honesty, integrity, respect, professionalism and accountability". It further commits to "compliance with the highest standards of ethical human rights and service standards".

94. Issues such as human rights concerns and constitutional issues are built into the guiding principles of the Force. Human Rights training is provided in the context of the function and role of the Garda Síochána (Police Force) and emphasis is placed on the standards required in all Garda (Police) procedures.

95. The Garda Síochána (Police Force) has a comprehensive education, training and information system for the professional development of all members. This development programme incorporates human rights training. This applies both to Garda students and to

³¹ http://www.justice.ie/en/JELR/Pages/National_women's_strategy_2007-2016.

³² <http://www.garda.ie/Controller.aspx?Page=3096&Lang=1>.

supervisory and managerial development courses. In addition, the preparation of a new statutory Code of Ethics is underway.

96. Details of the Human Rights inputs on the training programmes provided by the Garda (Police) Training College are set out in Appendix II.

Response to the recommendation contained in paragraph 18 of the report of the coordinator on follow-up

2. Immigration Officers

97. A one day Human Rights and Refugee Training Programme for immigration staff was drafted in partnership with the United Nations High Commissioner for Refugees (UNHCR). This training programme commenced in 2006 with the aim of training all Garda (Police) staff dealing with immigrants. The programme was delivered in partnership with a trainer from the UNHCR. The programme concluded in December 2007 with the final completion of training for all full-time Immigration Officers in the Garda National Immigration Bureau and all Police (Garda) Divisions. Civilian staff allocated to the Garda National Immigration Bureau have also completed this training. In addition, the Garda National Immigration Bureau, in conjunction with the United Nations High Commissioner for Refugees' representatives in Ireland, have trained a member of An Garda Síochána (Police Force) as a trainer to deliver this training to all personnel, both Garda (Police) and civilian, being appointed to the Garda (Police) National Immigration Bureau.

C. Education

Response to the recommendation contained in paragraph 19 of the report of the coordinator on follow-up

1. Promotion of diversity and interculturalism in schools

98. There is a range of actions/ resources in place to promote diversity and interculturalism in schools. Some of these are listed below, whilst others are detailed in the response to Articles 5 (E)(5) and 7(A) in Part III. Due to the large number of resources available, the "AIM" portal (Accessing Intercultural Materials) was developed by the Department of Education and Science to enable ease of access to information on education resources for newcomer parents and students, educators, researchers, and those interested in the area of newcomer education. It is hosted on the websites of the Department of Education and Science (www.education.ie) and the Office of the Minister for Integration (www.integration.ie).

(a) For primary and post-primary schools

99. A key resource for schools is "English as an Additional Language" teachers. In 2008/2009, there were over 2,100 such teachers in primary and post-primary schools at a cost of over €120m – an increase from 262 such teachers in 2001/2002. "English as an Additional Language" teachers assist schools in working with parents and class teachers, to identify pupils requiring additional support, administer the assessment material, devise appropriate language/socialisation programmes, deliver the programmes and record and monitor pupils' progress.

100. Due to current economic circumstances, changed allocation criteria for "English as an Additional Language" Support teachers for 2009/10 will lead to a reduction of such posts. The resource remains a substantial one, however, and the challenge is to utilise it as effectively as possible (see also paras. 120 and 124). Under new measures announced in the

October 2008 budget, English Language Support Teachers are to be limited to a maximum of two per school, unless there are extenuating circumstances. In such cases, the school must make a case to the Department for any additional posts. Schools must continue to make a case to the Department for the extension of language support beyond the two year time frame, and students receiving support for over two years are counted on a three for one basis for the purpose of meeting allocation thresholds.

101. Some other key education initiatives include:

(a) Information on the Irish education system is available on the Department of Education and Science's website www.education.ie in a number of languages including Polish, Latvian, Lithuanian, Russian, Spanish and German;

(b) A Value for Money Review of English as an Additional Language expenditure is being carried out by the Department of Education and Science. This is examining whether the appropriate supports are in place for English as an Additional Language students. A report will be finalised by the end of 2009;

(c) The development of an Intercultural Education Strategy which is further discussed in the response to the concluding remark contained in paragraph 21 of the report of the follow-up coordinator;

(d) Continuing Professional Development was offered to all English as an Additional Language teachers in 2008/2009 and specialist staff visit schools for more intensive support;

(e) Over 1,600 teachers participated in a national on-line course on Teaching English as an Additional Language in summer 2007. This course was offered to an additional 250 teachers in 2007/2008;

(f) An English Language Support Teachers Association³³ is funded by the Department of Education and Science;

(g) The Reception and Integration Agency³⁴ assists asylum-seekers and the Office of the Minister for Integration³⁵ assists programme refugees with their integration into schools.

102. Key materials which have been developed include:

(a) The National Council for Curriculum and Assessment has developed intercultural guidelines for both primary and post-primary schools. These provide exemplars of best practice in developing an intercultural classroom and online demonstrations are available on the National Council for Curriculum and Assessment website (www.ncca.ie) – see also the response under Article 7 (A)(4) for further details). As well as English as an Additional Language guidelines for mainstream primary teachers, the National Council for Curriculum and Assessment has also produced a booklet and DVD for parents on the primary curriculum in several languages;

(b) Integrate Ireland Language and Training produced English as an Additional Language guidelines for subject teachers at second-level. Resource material developed by Integrate Ireland Language and Training is available on the NCCA website (www.ncca.ie);

³³ <http://www.elsta.ie/>.

³⁴ <http://www.ria.gov.ie/>.

³⁵ <http://www.integration.ie/>.

(c) English language assessment kits for both primary and post-primary schools have been developed and sent to all schools. The kits enable teachers to objectively assess students' language proficiencies and devise individual learning plans based on the Common European Framework of Reference for Languages;

(d) A "*Toolkit for diversity in primary schools – Together towards inclusion*"³⁶ was jointly developed by the Department of Education and Science and the Northern Ireland Education Authorities and sent to all primary schools on the island in 2008. It assists in whole school capacity building regarding learning and teaching, the role of parents and community, assessment and monitoring of students' progress and promoting the concept of inclusiveness in schools.

(b) *For adults*

103. Over 12,000 migrants are learning English in classes provided by the national network of Vocational Education Committees costing over €10 million in 2008.

(c) *Schools and diversity*

104. Factors such as an increasing birth rate since 1995, inward migration and increased participation (especially beyond compulsory school attendance age) have resulted in increasing school enrolments.

105. To deal with increasing demand, the Government is providing €4.5 billion for school infrastructure over the lifetime of the National Development Plan (2007–2013). Capital expenditure on schools in 2007 and 2008 was almost €1.3 billion. The 2009 allocation is €614m.

(d) *School numbers and patronage*

106. The Central Statistics Office has projected a population increase of 1.5% per annum on average, between 2011–2026, with the national population expected to rise from 4,233,000 to 5,696,000 during this period.

107. A full review of the criteria and procedures for the recognition and establishment of new primary schools is being undertaken by the Department of Education and Science. In the interim, some new schools are being established and the normal building programme of modernising, replacing or extending existing schools continues.

108. There are approximately 3,300 primary schools and 750 post primary schools in the State and the vast majority are privately owned and managed but funded by the State. The current shape of the Irish school system reflects the historical reality that the vast majority of primary schools in Ireland were established by religious authorities. Such schools have traditionally welcomed pupils from all backgrounds, including the children of immigrants and many have large numbers from other faiths enrolled.

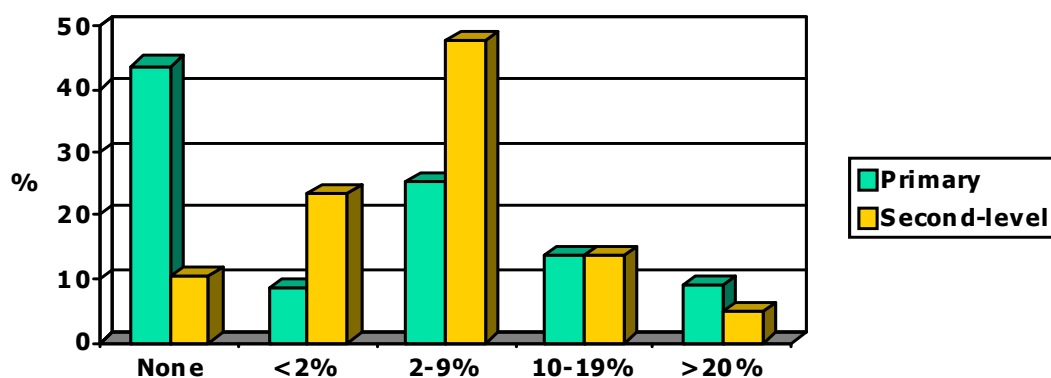
109. At primary school level, 92% of schools are under the patronage of the Catholic Church. Many Catholic schools have large numbers of newcomer children, with a diversity of faiths, enrolled. The Department of Education and Science is continuing to support this practice by ensuring that sufficient school places are available in all areas. The Catholic Church, itself, has highlighted the necessity for a greater plurality of provision to respond effectively to the changing social needs.

³⁶ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/usefullinks-irish-DepartmentEducationportaleducators-en>.

110. The Economic and Social Research Institute (www.esri.ie) published “Adapting to Diversity: Irish schools and newcomer students” in June 2009. This was a comprehensive, nationwide survey of primary and post-primary schools. One of its key findings was the distribution of newcomer students throughout schools, as shown in the graph below, taken from the report:

Figure 1

Representation of newcomers across schools (ESRI, 2009)



111. Thus, approximately 40% of primary schools and approximately 10% of second-level schools have no newcomer students. This is due to the fact that there are many small, rural schools throughout the country, out of a total of over 3,000 primary schools. These would have very small catchment areas. In addition, second-level newcomer students often attend larger, urban schools. At this level, there are approx. 730 schools, and so they have much larger catchment areas.

(e) *Greater choice of schools*

112. Parental demand for access for their children to schools where the curriculum is taught through the medium of Irish and for multi-denominational or interdenominational schools is a growing feature of educational planning. The concept of providing for diversity/choice has featured in Irish education provision since the 1970's, particularly with community, vocational and comprehensive schools, and it is now an established feature of the school planning landscape.

113. The changing shape of society is placing new and complex demands on the Irish education system. Tables 4 and 5 provide details on new schools established since 2003.

(f) *New patron model*

114. As already indicated, the changing shape of Irish society places new demands on the education system's response. The traditional role of churches in education is enormously valued, as is the growing role of other patronage bodies. The Irish Government has responded by the hosting by the Department of Education and Science of a conference on the *Governance Challenges for Future Primary Schools Needs* in 2008, to explore the fit between the profile of school provision and the make-up of the new communities that it is seeking to serve. The Minister for Education and Science is formally consulting with the education partners on the matter. The Minister will carefully consider their views in developing policy responses. Developments in this area will also have regard to increased demographic diversity and tighter economic conditions.

115. The key concern is to ensure that the best quality education is available for all children.

116. Two Community National Schools opened in 2008, Scoil Choilm Community National School, Porterstown and Scoil Ghráinne in Phibblestown, both in Dublin. The new schools are interdenominational and fully inclusive. This offers an additional choice for parents.

Table 4
Types of primary schools recognised between 2003 and 2008

	<i>Catholic</i>	<i>Catholic Gaelscoil³⁷</i>	<i>Inter-denominational Gaelscoil</i>	<i>Multi-denominational Gaelscoil</i>	<i>Church of Ireland</i>	<i>Multi-denominational</i>	<i>Others</i>	<i>Total</i>
2003	2	2					6	10
2004	1		1		1		4	7
2005	3	3	1				5	12
2006			3		2		4	9
2007	6	2			3		1	13
2008	2	3	1				12	23
Total	14	10	6	5	1	32	6	74

Table 5
A breakdown of patronage/ethos of primary schools in 2005 and 2008

	<i>Catholic</i>	<i>Church of Ireland</i>	<i>Presbyterian</i>	<i>Methodist</i>	<i>Multi-denominational</i>	<i>Inter-denominational</i>	<i>Muslim</i>	<i>Jewish</i>	<i>Other</i>	<i>VEC Community National School</i>	<i>Total</i>
2005	3 039	183	14	1	34	5	2	1	0	0	3 279
2008	3 027	183	14	1	58	9	2	1	5	2	3 302

* This group includes Educate Together schools.

³⁷ Schools where tuition is through the medium of Irish.

Response to the recommendation contained in paragraph 20 of the report of the coordinator on follow-up

117. Please refer to the traveller-specific Appendix (Appendix I).

Response to the recommendations contained in paragraph 21 of the report of the coordinator on follow-up

118. Please see the information in paragraphs 101 and 450 in relation to Language Support Teachers.

2. Inclusive education

119. The Department of Education and Science is currently developing an Intercultural Education Strategy. A conference was held in 2008 to start the consultation process. It was followed by seven sectoral consultation fora. Over 200 delegates attended these and over 50 written submissions were received. The Intercultural Education Strategy will be finalised in 2010.

120. Several key pieces of research are informing the Strategy's development. These include the ESRI's "Adapting to Diversity: Irish Schools and Newcomer Schools" study (see response to para. 19 of the follow-up coordinator's report) and an evaluation by the Inspectorate of the Department of Education and Science of the quality of English as an additional language teaching and learning in schools. (The final report on this evaluation will be published in 2009). As is also mentioned in the response to paragraph 19 of the report of the coordinator on follow-up, the Department of Education and Science is conducting a value for money review of English as additional language expenditure and the review's findings will be considered in the context of the Strategy. Ireland is also one of six participants in an OECD Thematic Review of Migrant Education, the composite report of which will be launched in spring 2010. The stand-alone country report on Ireland will be published by the end of 2009.

121. The Department has adopted an inclusive approach to meeting the needs of those with special needs and disabilities, Traveller students and newcomer students. The response to paragraph 19 of the report of the follow-up coordinator has outlined a number of the initiatives and resources developed in this area. Other measures include:

(a) The variety of language subjects for the Junior and Leaving Certificate Examinations;

(b) The non-curricular language option at Leaving Certificate higher level. These are languages which are not part of the school curriculum but students may sit an exam in them if they meet certain criteria. The list of languages involved is constantly expanding and the papers are based on the First Foreign Language final written paper of the European Baccalaureate. In 2009, these exams were offered in 16 languages. 886 students sat these examinations in 2008 compared to 254 students in 2007.

3. Mother tongue education

122. EU Directive 77/486/CEE³⁸ provides that Member States should:

- Ensure free tuition in their territory, adapted to the specific needs of such children, in particular the teaching of an official language of the host State and

³⁸ [www.ipex.eu/ipex/webdav/.../COM_COM\(2008\)0423_EN.doc](http://www.ipex.eu/ipex/webdav/.../COM_COM(2008)0423_EN.doc).

- Promote teaching of the mother tongue and culture of the country of origin, in coordination with normal education, in cooperation with the Member State of origin

123. The European Union's Green Paper *Migration and Mobility: Challenges and Opportunities for EU Education Systems* (2008)³⁹ notes that the "Directive's implementation has been patchy". The content of the Directive formed part of the consultation process for the Green Paper in December 2008 and the findings of this process were discussed at a stakeholder conference in Brussels in October 2009.

124. Continuing professional development teams within the Department of Education and Science have been emphasising the importance of the mother tongue in their work with schools and specifically with English as an Additional Language Teachers. Proficiency in the mother tongue assists newcomer students in their cognitive development and assists in promoting their identity and self esteem.

125. There are, for example, a number of Polish Schools which provide classes in Polish language, history and geography at weekends. Students range in age across the education spectrum and they also attend Irish schools full time. Most of the classes are supervised by the Ministry of Education in Poland and students receive certificates recognised by this Ministry. Other nationalities resident in Ireland also offer other tongue language classes.

D. Consultation and ongoing dialogue

Response to the recommendations contained in paragraph 22 of the report of the coordinator on follow-up

1. Dialogue with NGOs

126. Please see paragraphs 187 ff. (to encourage where appropriate non-governmental organisations and institutions that combat racial discrimination and foster mutual understanding) and paragraphs 275 ff. (the extent to which groups of victims or potential victims of racial discrimination are involved in the development and implementation of policies and programs affecting them).

127. In the context of the drafting of the National Strategy on Domestic, Sexual and Gender-Based Violence, two Non-Governmental Organisations, the Immigrant Council of Ireland and Akidwa contributed written submissions and Akidwa is represented on the National Steering Committee on Violence Against Women.

(a) Dialogue with the traveller community

128. Please see the Note on the Text, paragraphs 8–11 of this Report and the traveller-specific Appendix (Appendix I).

Response to the recommendation contained in paragraph 23 of the report of the coordinator on follow-up

129. The text of the Convention on the Elimination of All Forms of Racial Discrimination is available on the website of the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform and the Office of the Minister for Integration.⁴⁰ There is also a link from the websites of the Department of Justice, Equality and Law Reform, the Department of Foreign Affairs and the Office of the Minister for

³⁹ http://ec.europa.eu/education/news/news490_en.htm.

⁴⁰ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/managingdiversity-UNCERD-en>.

Integration to the website of the United Nations. All material in relation to Ireland's reporting obligations under the Convention on the Elimination of All Forms of Racial Discrimination and reports in relation to the same are available on the website of the Office of the Minister for Integration⁴¹ to promote greater understanding of the Government's commitment to tackling racism.

- (b) *Additional information sought by the Committee following its consideration of Ireland's initial and second period report at its sixty-sixth session*

Response to the recommendation contained in paragraph 15 of the previous concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/IRL/CO/2)

130. Please see paragraph 15 of Ireland's Update Report (June 2006) in this regard.

131. Table 6 illustrates the numbers and the length of time persons have been detained on immigration matters over the past 6 years.

Table 6

The numbers and the length of time persons have been detained on immigration matters

	<i>0–3 days</i>	<i>4–7 days</i>	<i>8–14 days</i>	<i>15–30 days</i>	<i>31–50 days</i>	<i>51+ days</i>	<i>Total</i>
2003	1 140	324	6	12	3	367	1 852
2004	414	195	127	75	65	70	946
2005	484	140	88	86	43	19	860
2006	439	255	167	138	55	59	1 113
2007	632	205	89	99	67	53	1 145
2008	513	193	89	71	52	43	961

132. In 2008, there were 1,034 committals to prison in respect of immigration issues involving 961 detainees. This represents a decrease of 16% on the 1,145 persons detained in respect of immigration issues in 2007. 759 of those committals, or 73%, were for less than 8 days. The average daily number of persons in custody in this category in 2008 was 17.

2. Voluntary Assisted Return and Re-integration programme

133. The main vehicle for the return of asylum-seekers and irregular migrants from non-EU countries is the Voluntary Assisted Return and Reintegration Programme which is funded by the Department of Justice, Equality and Law Reform and managed by the International Organisation for Migration. The Programme is open to those who wish to return home voluntarily but do not have the means, including the necessary documentation, to do so. Assistance under the programme can include assistance in obtaining valid travel documents, travel costs and access to reintegration assistance. Reintegration assistance (normally up to €600 per person or €1,200 per family) is generally directed towards the setting up of small business, vocational training, education etc.

⁴¹ www.integration.ie.

134. Since 2001, approximately 2,000 people have been assisted by the Voluntary Assisted Return Programmes to return to their countries of origin. In 2009, it is expected that 450 persons who make the decision to voluntarily return to their home country, will be assisted under the Voluntary Assisted Return and Reintegration Programmes.

III. Information on the implementation of articles 1–7 of the Convention

Article 1

135. For the purposes of the Employment Equality Acts 1998 to 2008 and of the Equal Status Acts 2000 to 2008, discrimination between persons is generally prohibited on nine grounds including the ground of race, i.e. that they are of different race, colour, nationality or ethnic or national origins. A similar prohibition is included in the Pensions Acts 1990 to 2004.

References:

- Section 6(2)(h) of the Employment Equality Act 1998 (No. 21 of 1998)
- Section 3(2)(h) of the Equal Status Act 2000 (No. 8 of 2000)
- Section 66 of the Pensions Act 1990, as amended

136. The Employment Equality Acts 1998 to 2008 and the Equal Status Acts 2000 to 2008 prohibit direct discrimination, indirect discrimination, discrimination directed against persons due to association with another person and harassment.

137. The definition of direct discrimination encompasses differences of treatment on any of the nine specified grounds (including that of race), which exists, existed but no longer exists, may exist in the future, or is imputed to the person concerned.

138. Similar prohibitions are included in the Pensions Act 1990, as amended.

References:

- Section 6(1)(a) & (b) and Section 31 of the Employment Equality Act 1998 (No. 21 of 1998), as amended
- Section 3(1)(a), (b) & (c) of the Equal Status Act 2000 (No. 8 of 2000), as amended
- Sections 66 and 68 of the Pensions Act 1990, as amended

139. Irish equality law has a very broad field of application. The Employment Equality Acts 1998 to 2008 prohibit discrimination in the field of employment and occupation, the Equal Status Acts 2000 to 2008 prohibit discrimination in the access to and supply of goods and services, while the Pensions Acts 1990 to 2004 prohibit discrimination in occupational pension schemes. This legislation extends to both the public and private sectors.

140. Exceptions to the general prohibition on differences in treatment include provisions to balance the requirements of combating discrimination and the protection of other rights and freedoms, such as freedom of expression, freedom of association, and the right to private and family life.

141. The Employment Equality Acts provide that difference of treatment on the ground of race does not constitute unlawful discrimination in certain circumstances, including as follows:

- Access to employment, for persons employed in another person's home in the provision of personal services which affect private or family life is excluded from the scope of the Employment Equality Acts to ensure the striking of an appropriate and fair balance between the right to privacy in private households and the right to equal treatment. Once employed, such employment is fully covered by the Acts.
- Different treatment is allowed by vocational/training bodies in relation to fees and the allocation of places to people who are nationals of an EU Member State, and in relation to assistance to particular categories of persons by way of sponsorships, scholarships, bursaries but only to the extent that the assistance is reasonably justified having regard to traditional and historical considerations.
- There is an exemption for any action taken on the basis of nationality in accordance with the Employment Permits Act 2003.

142. The Equal Status Acts provide that difference of treatment specifically on the ground of race does not constitute unlawful discrimination in certain circumstances, including the following:

- The main exemption is that anything required by Statute or by EU law is exempted. This exemption would not cover circumstances where there is an element of choice or discretion as to how the services are provided. There are specific exemptions on the nationality ground in relation to the treatment by public authorities of certain non-nationals.
- Difference of treatment as is reasonably required for reasons of authenticity, aesthetics, tradition or custom in connection with a dramatic performance or other entertainment.
- Difference of treatment on the basis of nationality or national origin in relation to the provision or organisation of a sporting facility or event, to the extent reasonably necessary having regard to the nature and purpose of the event.

143. More generally, differences in treatment within the scope of the Equal Status Acts may be permitted:

- In insurance (covering annuities, pensions, insurance policies and other matters relating to risk assessments but only if the differences are based on actuarial or statistical data or other relevant underwriting or commercial factors and are reasonable having regard to the data or other relevant factors)
- Where goods are disposed of by will or by gift
- Where services are provided for the principal purpose of promoting for a bona fide purpose and in a bona fide manner, the special interests of persons in a particular category, but only to the extent that the different treatment is reasonably necessary and
- Where goods and services are provided which can reasonably be regarded as being suitable only to the needs of certain persons

144. The Employment Equality Acts and the Equal Status Acts provide that difference of treatment based on citizenship or immigration status does not constitute unlawful discrimination within the scope of the Acts in certain circumstances.

145. The Employment Equality Acts 1998 to 2008 permit the taking of measures with a view to ensuring full equality in practice between employees, to prevent or compensate for disadvantages linked to any of the discriminatory grounds (such as race) or to create or maintain facilities for safeguarding or promoting the integration of such persons into the working environment (Section 33 refers).

146. The Equal Status Acts 2000 to 2008 permit preferential treatment or the taking of positive measures which are bona fide intended to promote equality of opportunity for persons who are, in relation to other persons, disadvantaged, or who have been or are likely to be unable to avail themselves of the same opportunities as those other persons. Such measures are also permitted to cater for the special needs of persons, or of a category of persons who, because of their circumstances, may require facilities, arrangements, services or assistance not required by persons who do not have those special needs (Section 14(1)(b) refers).

Article 2

147. The Employment Equality Acts 1998–2008 prohibit direct and indirect discrimination and harassment in relation to employment on nine grounds, namely, gender, age, marital status, family status, sexual orientation, religious belief, disability, race and membership of the Traveller Community. The acts are comprehensive and deal with all areas relevant to employment including access to employment, conditions of employment, remuneration, promotion, dismissal from employment and vocational training.

148. The Equal Status Acts 2000–2008 prohibit discrimination across the same nine grounds, including on the ground of race.

149. The Equal Status Acts apply to access to and supply of goods and services including public services, housing, healthcare and education.

150. The Employment Equality Acts 1998–2008 (Section 37(2)) exempts differences of treatment on the grounds of race where race amounts to an occupational qualification for the post in question, for example, reasons of authenticity, aesthetics, tradition or custom in connection with a dramatic performance or other entertainment.

151. The impact of Ireland's equality legislation will be examined in late 2009 to be followed by an international conference next year. The research will be jointly sponsored by the Equality Authority, the Equality Tribunal and the Department of Justice, Equality and Law Reform.

152. Since the State submitted its last report to CERD, a number of significant measures have been undertaken in Ireland to combat racism and promote integration.

1. National Action Plan Against Racism

153. 'Planning for Diversity', the National Action Plan Against Racism 2005–2008 was launched in January 2005 by the then Taoiseach (Prime Minister) and the then Minister for Justice, Equality and Law Reform. The Plan provided strategic direction to combat racism and to promote the development of a more inclusive, intercultural society in Ireland.

154. The National Action Plan Against Racism originated from commitments given by Governments at the United Nations World Conference Against Racism in Durban, South Africa in 2001 that each member state of the United Nations should develop and implement a national action plan. Ireland was one of the leading States in putting a National Action Plan Against Racism in place. The Plan ran from 2005–2008. As racism is a major barrier to integration, it will remain a focus in the overall integration agenda. An outline of the measures undertaken during the life of the National Action Plan is contained in the final report of the steering group set up to oversee implementation of the plan.⁴²

⁴² <http://www.integration.ie/website/omi/omiwebv6.nsf/page/managingdiversity-npar-en>.

2. European Year for Intercultural Dialogue

155. Ireland actively participated in promoting the European Year for Intercultural Dialogue in 2008.

3. Intercultural and Anti-Racism Week

156. See paragraphs 361–362.

4. An action strategy to support integrated workplaces

157. See paragraphs 363 ff.

5. Holocaust Memorial Day

158. The Office of the Minister for Integration provides support, including financial support, for the Holocaust Memorial Day commemoration which is marked in Ireland on the Sunday nearest the 27 January which is the anniversary date of the liberation of the Auschwitz – Birkenau concentration camp in 1945. The Holocaust provides a platform from which every form of discrimination and prejudice can be studied. The experience of the Holocaust remains relevant in today's society and is significant in our efforts to combat racism and prejudice on all levels.

159. In 2008, the Office of the Minister for Integration provided a grant of €90,000 to the Holocaust Education Trust in Ireland towards the further development of educational materials and awareness raising activities.

6. International Task Force

160. The International Task Force, which was established at the initiative of the Swedish Prime Minister, Goran Parson, in 1998, consists of representatives of governments and non-governmental organisations. Its purpose is to place political and social leaders' support behind the need for Holocaust education, remembrance and research, both nationally and internationally.

161. Membership of the International Taskforce involves a 3-stage process. Ireland became an Observer Country of the Task Force on International Cooperation on Holocaust Education, Remembrance and Research (ITF) in December 2007. Ireland progressed from Observer to Liaison status at the Oslo Plenary Meeting of the International Taskforce in June 2009 and is currently working on progressing to full membership.

7. The Office of the Minister for Integration

162. Please see information regarding the establishment of the Office of the Minister for Integration in paragraphs 34 ff.

8. The Equality Authority and the Equality Tribunal

163. Two bodies are established under the equality legislation – the Equality Authority⁴³ and the Equality Tribunal.⁴⁴ The functions of the Equality Authority are to combat discrimination and promote equality of opportunity in the areas covered by the Acts, to provide information on the Acts, to monitor and keep the Acts under review and to make recommendations to the Minister for Justice, Equality and Law Reform for change. The

⁴³ www.equality.ie.

⁴⁴ www.equalitytribunal.ie.

Equality Authority's powers include those of conducting equality reviews of action plans, preparing codes of practice, conducting inquiries, providing legal assistance to claimants under the Acts and conducting research on equality related issues. It may also take cases in its own name in certain circumstances.

164. The Equality Tribunal is an accessible and impartial forum to remedy unlawful discrimination. It is an independent statutory office which investigates or mediates complaints of unlawful discrimination. It operates in accordance with the principles of natural justice and its core values are impartiality and professionalism, accessibility and timeliness.

165. The Equality Tribunal's principal role is the investigation and mediation of complaints of discrimination in relation to employment and in relation to access to goods and services, disposal of property and certain aspects of education. This protection against discrimination applies to all nine grounds on which discrimination is prohibited under the equality legislation. Where a complaint of discrimination is upheld, redress must be awarded.

166. The Tribunal may also investigate complaints of discrimination on the same nine grounds under the Pensions Act, 1990 where an employer has failed to comply with the principle of equal treatment in relation to occupational benefit or pensions' schemes.

167. The Tribunal has jurisdiction in all areas covered by the equality legislation with the exception of service in licensed premises where claims of discrimination can be brought to the District Court under the Intoxicating Liquor Act 2003. In addition, under Ireland's equality infrastructure, and as indicated previously, both the Equality Authority and the Equality Tribunal have a role to play in combating racial discrimination. In 2008, the Equality Tribunal issued 18 decisions with regard to claims of discrimination on the race ground, 14 in the area of employment and 4 with regard to access to goods and services. Further information on the details of the cases taken to the Equality Tribunal can be found on the website of the Equality Tribunal in the Annual Legal Reviews section.⁴⁵

9. Anti-racism awareness training – Department of Social and Family Affairs

168. In the Department of Social and Family Affairs a comprehensive range of training and awareness raising programmes have been developed to support its staff, who have significant dealings with the public, including:

- Anti-discrimination awareness training has been part of the Department's integrated customer training since 1998.
- Internal Guidelines for staff when dealing with non-Irish national customers were circulated to the Departments staff in early 2002. These guidelines were published in a booklet entitle 'Non-National Customers: Guidelines for Staff'.
- A detailed anti-discrimination and awareness module is delivered in a number of core training programmes, including Induction, Customer Service and Management Development programmes.
- A poster campaign has been completed to raise awareness of diversity and anti-discrimination both among staff of the Department and its customers.

169. More information on diversity awareness training undertaken in the Department of Social and Family Affairs can be found at Appendix II.

⁴⁵ <http://www.equalitytribunal.ie/index.asp?locID=26&docID=-1>.

Training on racism and interculturalism in the Office of the Refugee Applications Commissioner (ORAC) and in the Refugee Appeals Tribunal

170. In line with the Office of the Refugee Applications Commissioner's awareness of equality/cultural diversity issues, and having regard to the organisation's customer base, a team of trainers from the Office of the Refugee Applications Commissioner received training from the National Consultative Committee on Racism and Interculturalism. A Train the Trainer course was also organised in 2009 in conjunction with the Probation and Welfare Service. A number of courses are run annually to ensure that the new members of staff receive this training (for more information please see Appendix II).

171. Established in November 2000 under the Refugee Act 1996 (as amended) to decide upon appeals made by an asylum-seeker against a recommendation of the Refugee Applications Commissioner that an asylum-seeker should not be declared to be a refugee, the Tribunal comprises a Chairperson and 34 – part-time members who are experienced barristers or solicitors, appointed by, but independent of, the Minister for Justice, Equality and Law Reform.

172. All newly appointed Members of the Tribunal are required to undergo training with the UNHCR prior to taking up their appointment. Additionally, all Members of the Refugee Appeals Tribunal receive regular training provided by UNHCR personnel in Dublin (for more information, please see appendix II).

173. The State, Government and public bodies as employers are bound by the Employment Equality Acts 1998 to 2008 (see section 2(3) of the Employment Equality Act 1998). Organisations, public bodies and other entities are defined by section 2 of the Equal Status Act 2000 to 2004 as "persons" and are prohibited from discriminating on race or other grounds.

174. Section 14 of the Employment Equality Acts 1998 to 2008 and Section 13 of the consolidated Equal Status Acts 2000–2008 make it an offence for a person (including a public body) to procure another person for anything which constitutes racial discrimination under the Acts. The Prohibition of Incitement to Hatred Act, 1989 prohibits actions by natural or legal persons likely to stir up racial hatred.

175. The Employment Equality Acts 1998–2008 prohibit direct and indirect discrimination and harassment in relation to employment on nine grounds, namely, gender, age, marital status, family status, sexual orientation, religious belief, disability, race and membership of the Traveller community. The acts are comprehensive and deal with all areas relevant to employment including access to employment, conditions of employment, remuneration, promotion, dismissal from employment and vocational training.

176. The Equal Status Acts 2000–2008 prohibit discrimination across the same nine grounds, including on the ground of race.

177. The Equal Status Acts apply to access to and supply of goods and service including public services, housing, healthcare and education.

178. The EU Race Directive, which implements the principle of equal treatment between persons irrespective of racial or ethnic origin, was transposed into national law on 19 July 2004 by the Equality Act 2004 which amended the Employment Equal Act and the Equal Status Act.

179. As stated in Ireland's last report, there are three mechanisms currently in place for the review of legislation or policies:

(a) *The Ombudsman*⁴⁶

180. Please see paragraph 207 of Ireland's first and second report and the response to the concluding remark contained in paragraph 11 of the report of the coordinator on follow-up (Expansion of the Scope of the Equal Status Act).

(b) *Judicial review*

181. Please see paragraph 208 of Ireland's first and second report.

(c) *Constitutional review of administrative or executive action*

182. Please see paragraph 209 of Ireland's first and second report.

183. There are no explicit racially discriminatory laws or regulations which permit discrimination on the grounds of race.

10. Other measures

184. In addition to the measures outlined above, the Government has also outlined the following:

(a) *Agreed Programme for Government – “A Blueprint for Ireland's Future 2007–2012”*⁴⁷

185. Under the current Programme for Government, the Government has committed to continue to promote national campaigns that educate the Irish public about the role of immigration and integration in Irish society. It states that the Government will:

“Continue to promote national campaigns aimed at challenging racism and promoting understanding of diversity and fund campaigns that educate the Irish public about the role of immigration in Irish society.”

(b) *Towards 2016*

186. Under the current social partnership agreement entitled “Towards 2016”,⁴⁸ the social partners are committed to reviewing, as necessary, existing equality legislation with a view to establishing best practice in relation to positive action, particularly in relation to access to employment, across all nine grounds.

187. The National Consultative Committee on Racism and Interculturalism was an independent expert body which assisted the Irish Government in the implementation of the National Action Plan Against Racism 2005–2008. It sponsored a partnership approach to anti-racism and intercultural initiatives and received much of its core funding from the Government.

188. The National Consultative Committee on Racism and Interculturalism was designated as the National Coordinating body for the 2008 European Union Year of Intercultural Dialogue in Ireland.

⁴⁶ www.ombudsman.gov.ie.

⁴⁷ (http://www.taoiseach.ie/eng/Publications/Publications_Archive/Publications_2007/An_Agreed_Programme_for_Government_-_June_2007.html).

⁴⁸ http://www.taoiseach.gov.ie/eng/Department_of_the_Taoiseach/Policy_Sections/Social_Partnership/Social_Partnership_Publications/Towards_2016,_Ten-Year_Framework_Social_Partnership_Agreement_2006-2015.shortcut.html.

189. The Policy Statement on Integration Strategy and Diversity Management *Migration Nation* which was launched in May 2008 signalled that there would be changes in integration structures.

190. Subsequently, and in line with the policy of a rationalisation of State funded agencies in the context of Budget 2009, the Government decided to cease funding the National Consultative Committee on Racism and Interculturalism from 2009 onwards. Some of the functions of the National Consultative Committee on Racism and Interculturalism were subsequently absorbed into the Office of the Minister for Integration.

11. Consultation process

191. In the process of compiling this report, members of civil society as well as members of the general public were invited to engage in a consultation process with the Office of the Minister for Integration.

192. Members of relevant civil society groups were also invited to attend an independently chaired and reported consultation meeting with the Office of the Minister for Integration in late 2008. A report of this meeting and an outline of the issues that arose is attached at Part IV.

193. See also the response to the concluding remark in paragraph 22 of the follow-up coordinator's report in paragraphs 126 ff. of this report.

194. See the information on the establishment of national bodies in Ireland in Part II of Ireland's First Report.

195. Where it feels such measures are necessary, the Government has adopted positive action measures to promote equality of opportunity.

12. National Action Plan for Social Inclusion 2007–2016

196. A key target in the "National Action Plan for Social Inclusion 2007–2016"⁴⁹ is to reduce the numbers of those who are 'consistently poor' to between 2% and 4% by 2012 and to aim to eliminate it by 2016. Specific attention is being paid to particular vulnerable groups including Travellers, migrants and members of ethnic minority groups in the pursuit of this objective.

197. Progress in relation to these targets/ actions which are part of the responsibilities of a number of Departments/Agencies, has been reported on in the Social Inclusion Annual Report 2006/2007⁵⁰ and will continue to be monitored and reported. The Social Inclusion Annual Report 2008 will be published before the end of 2009.

13. Data strategy

198. A lack of adequate sectoral data does not permit the level of poverty being experienced by certain vulnerable groups to be measured and presents problems in assessing the impact of policies. This is an issue that the Office of Social Inclusion⁵¹ is addressing as part of its ongoing work on data with the support of a Technical Advisory Group made up of specialists in data collection and research. As a contribution to this process, the Economic and Social Research Institute is producing a series of statistical Social Portraits, commissioned by the Social Inclusion Division of the Department of

⁴⁹ www.socialinclusion.ie/nationalactionplan2007.html.

⁵⁰ <http://www.socialinclusion.ie/SocialInclusionReport2006-2007.html>.

⁵¹ <http://www.socialinclusion.ie/>.

Social and Family Affairs. The fourth in the series, *Communities* (including Travellers, migrants and ethnic minorities) was published in the first quarter of 2009.⁵²

199. Measuring the benefits and outcomes of policies aimed at vulnerable groups can be difficult due to a number of factors, including lack of available data, the multi-dimensional nature of poverty and social exclusion and the fact that impacts are difficult to measure over the short term.

200. Objective and verifiable information and data on poverty is key to policy development and implementation. There is ongoing work to strengthen data collection and analysis in this area under, for example, the Technical Advisory Group under the National Action Plan for Social Inclusion. This considers issues such as data strategies and indicators to measure progress on poverty. There is a comprehensive policy framework to tackle poverty and promote social inclusion, that includes the NAPinclusion, the social inclusion chapter in the National Development Plan 2007–2014 and the social partnership agreement *Towards 2016*. Within this, there is ongoing work to strengthen the local implementation of national policy and to feed back the local experience of policy into the policy development cycle. Poverty Impact Assessment is the process by which Government Departments, local authorities and State agencies assess policies and programmes at design, implementation and review stages in relation to the likely impact that they will have or have had on poverty and on inequalities which are likely to lead to poverty, with a view to poverty reduction. While poverty proofing has been carried out by Government Departments since 1999, new, more comprehensive, Poverty Impact Assessment guidelines⁵³ have been developed and the process of implementing these has commenced.

14. Local authority social inclusion units

201. Local authorities, as the key public service agency at a local level, have a significant role to play in service provision to immigrants in areas such as housing, planning, community development and social inclusion. County and City Development Boards can also play an important role in the coordination of service provision aimed at the needs of the immigrant communities. Some models of good practice in catering for the needs of immigrants have been identified through the work of local authority pilot social inclusion units. The pilot units have now been placed on a permanent footing and the programmes have been extended to half of all county and city local authorities in line with a commitment in the social partnership agreement *Towards 2016*. Some examples of good practice include:

- The Social Inclusion Unit in South Dublin County Council sought to encourage and promote the benefits of participating in the consultation process leading to the new County Development Plan. It located and funded the attendance of interpreters in French, Russian and Arabic for two targeted sessions.
- Also in South Dublin County Council, the Social Inclusion Unit piloted a training day for staff on communicating effectively with non-native speakers of English.
- Waterford City Council identified people to translate information on their waste disposal service waiver scheme. They worked with the local Health Service Executive to identify householders that would benefit from this information.

⁵² www.socialinclusion.ie/.../5062SOCIALPORTCOMMUNITY-7-AW-LO.pdf.

⁵³ <http://www.socialinclusion.ie/pia.html>.

- The pilot social inclusion unit in Dun Laoghaire/Rathdown County Council is involved in the organisation of their annual “Festival of World Cultures”.⁵⁴

202. The Office of the Minister for Integration’s publication “Migration Nation: Statement on Integration Strategy and Diversity Management” recognises the importance of local authorities in promoting integration and the Office has provided seed funding to county councils (local authorities) in areas in which significant numbers of ethnic minorities reside in order to facilitate integration activities.

203. Please see the information on the Migrant Voter Initiative in paragraphs 279 ff. of this report.

Article 3

204. As previously stated on page 52 of the First and Second National Report by Ireland, there is no racial segregation or apartheid in Ireland. Condemnation of these practices has been Ireland’s policy for many years. Ireland unreservedly condemns any policy, practice, or ideology that is conducive to racial intolerance or hatred.

1. Migrant communities

205. As previously indicated, the Minister for Integration published a statement on integration strategy and diversity management, called ‘Migration Nation’ in May 2008.⁵⁵ The document sets out the framework for the development of integration policy in Ireland and outlines the key principles that will underpin and inform State policy in this area.

206. Ireland adopts a mainstream policy of service provision in the integration area while recognising the need for targeted initiatives to meet specific short-term needs. In general, the actual delivery of integration services is the responsibility of mainstream Government Departments which are continuing to respond to the needs of newcomers. Due to the wide range of Departments involved in dealing with integration issues, a cross-Departmental Group has been set up to ensure a ‘whole-of-government’ approach to integration issues. This group is chaired by the Minister for Integration.

207. The Minister is also considering the establishment of a Ministerial Council on Integration which will advise the Minister on issues facing immigrants, examine and report on the issues and challenges arising from integration and review on a regular basis progress in the field.

Education – Please see the response under Article 5 in this report.

Travellers – Please see the Traveller specific Appendix (Appendix 1).

Article 4

208. Please see paragraphs 222 to 230 of Ireland’s First and Second Report.

209. It is an offence *at common law* to incite a person to commit an act of violence against another person.

⁵⁴ <http://www.festivalofworldcultures.com/>.

⁵⁵ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/omi-publications-en>.

210. The Prohibition of Incitement to Hatred Act 1989 makes it an offence to publish or distribute written material or to use words, behave or display written material outside a private residence (or inside a private residence if such can be seen or heard by persons outside it) or to distribute, show or display a recording of visual images or sounds are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred.

211. The Offences Against the State Act 1939, in particular section 18(d) and (e), makes provision to declare illegal and prohibit organisations which promote illegal activity, of which inciting racial hatred would be an example. Section 21 of the Act renders membership of such organisations a criminal offence.

212. The use of words, behaviour or the publication or distribution of material which is threatening, abusive or insulting and are intended, or are likely, to stir up hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, sexual orientation or membership of the Traveller community are prohibited under the prohibition of Incitement to Hatred Act 1989. The Prohibition of Incitement to Hatred Act is kept under continuing review in the Department of Justice, Equality and Law Reform to ensure its continuing effectiveness.

213. The continuing review is taking into account the Protocol to the Cybercrime Convention on combating racism and xenophobia through computer systems and the EU Framework Decision on combating certain forms and expressions of racism and xenophobia by means of the criminal law. It will also take into account major research undertaken on the effectiveness of present legislation in Ireland to deal with crime motivated by racism – in this regard, please also see the response to the concluding remark in paragraph 6 of the follow-up coordinator's report.

214. The Criminal Justice (Public Order Act) 1994 may be used in some cases to combat racist acts on public order grounds.

215. Any activity that incites racial hatred is a criminal offence in Irish Law. It would be a matter for the court in any particular set of circumstances to decide whether the dissemination of ideas based upon racial superiority or hatred was an offence. Under the Prohibition of Incitement to Hatred Act 1989, it is an offence to publish or distribute written material or to use words, behave or display written material if such is threatening, abusive or insulting and is intended or likely to stir up hatred. "Publish" could include publishing on the Internet.

216. Irish Law already recognises an offence of membership of an organisation which engages in, promotes, encourages or advocates the commission of any criminal offence (including incitement to racial hatred). It follows that it is an offence under current Irish law to be a member of an organisation committed to acts of violence against groups on the ground of their race or to inciting others to hatred of such groups.

217. Section 7(1) of the Criminal Law Act 1997 provides that any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender. Offences under the Prohibition of Incitement to Hatred Act 1989 are indictable offences.⁵⁶

218. As regards the prohibition in Irish equality law on procuring racial discrimination in employment or in access to and supply of goods and services, please see paragraph 173.

⁵⁶ An indictable offence is an offence which can only be tried on an indictment after a preliminary hearing to determine whether there is a prima facie case to answer or by a grand jury (in contrast to a summary offence).

219. Please see paragraph 230 of Ireland's First and Second Report.
220. Please see the response contained in paragraphs 51 ff. of this report to the coordinator's concluding remark in paragraph 6 of his report.
221. Under the Prohibition of Incitement to Hatred Act 1989, it is an offence
- (a) To publish or distribute written material;
 - (b) To use words, behave or display written material in any place other than inside a private residence, or inside a private residence so that the words, behaviour or material are heard or seen by persons outside the residence; or
 - (c) To distribute, show or display a recording of visual images or sounds, if any of the written material, words, behaviour, visual images or sounds are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred.
222. Under common law, it is an offence to incite a person to commit any offence. An act of violence would be such an offence.
223. Legislation in the area of prohibition of incitement to hatred was drafted in a manner that was intended to be in accordance with the guarantees contained in the Irish Constitution on freedom of expression, association and peaceful assembly.
224. Table No. 8 provides a breakdown of the official statistics recorded by the Central Statistics Office (CSO) in relation to racially motivated crime.

Table 8

Yearly national reported racially motivated incidents – 2003–2008⁵⁷

<i>Year</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Number of cases recorded by police (reported)	64	68	100	172	214	172
Number of cases (detected)	29	28	56	91	135	98
Number of cases prosecuted (proceedings initiated)	21	16	47	70	85	50
Number of cases in which perpetrators were sentenced (convictions)	4	9	20	26	29	3

N.B. All incidents are provisional and may be subject to further revision. Not all cases are heard in court the same year that they occurred. The above figures are subject to revision as cases are heard.

225. The Garda Síochána (Police) Ombudsman Commission and the Equality Tribunal also collate statistics in relation to complaints of racial discrimination – please see paragraphs 75 ff. and 163 ff. respectively of this report.

226. The National Consultative Committee on Racism and Interculturalism (see paras. 187 ff.) maintained unofficial statistics of racist incidents reported to them during the period 2001 to 2008. The number of incidents reported increased slightly from 99 in 2007 to 106 in 2008.

⁵⁷ Source: The Central Statistics Office (www.cso.ie).

Article 5

1. Information grouped under particular rights

227. On the right to equal treatment before tribunals and all other organs administering justice, please see paragraphs 231 to 234 of Ireland's First and Second Report.

228. There is no specific legislation in this jurisdiction which prohibits racial profiling. Neither is there evidence to suggest that An Garda Síochána (Police Force) engages in this practice.

229. The Garda Síochána (Police) Ombudsman Commission is the independent police complaints authority. It is empowered to independently investigate complaints of misbehaviour made against members of the Garda Síochána (Police Force) in a way which is transparent and equitable and increases public confidence in the Garda Síochána (Police). Please also see the information in relation to the Equality Tribunal in paragraph 163 ff. Please also see statistics in relation to cases being dealt with by the Garda Síochána (Police) Ombudsman Commission in paragraphs 75 ff.

2. An Garda Síochána (Police Force)

230. On the implementation of general recommendation No. 31 (2005), please see information on police training contained in paragraphs 97 ff. and appendix II.

3. The Irish Prison Service

231. The Irish Prison Service has developed comprehensive training and administrative instructions which incorporate guidelines on Anti-Racism. Discrimination on grounds including 'Race' is prohibited. Training addresses basic human rights for prisoners in the context of national and international legislation in which such rights are enshrined and addresses elements of the ethical context of working in prisons. The training enables Prison Officers to promote human rights in their establishment by ensuring that those in their custody are treated with dignity, respect and justice.

4. The Irish Courts Service

232. All Court Service staff are informed of policies contained in the Courts Service Code of Standards of Behaviour and the Customer Charter which specifies that all court users are to be treated "in a fair and open manner irrespective of race, gender, socio-economic status, language, disability, and/or other social attributes".

5. Judicial training on racial discrimination/The Judicial Studies Institute

233. Section 19 of the Court and Court Officers Act 1995 provides that:

"A person who wishes to be considered for appointment to judicial office shall undertake to the Board (The Judicial Appointments Advisory Board) his or her agreement, if appointed to judicial office, to take such course or courses of training or education, or both, as may be required by the Chief Justice or President of the Court to which that person is appointed."

234. Section 48 provides that "The Minister (for Justice, Equality & Law Reform) may, with the consent of the Minister for Finance, provide funds for the training and education of Judges".

235. As a result of the above sections of the Court and Court Officers Act coming into force, the Judicial Studies Institute was set up by the then Chief Justice, the Hon. Mr. Justice Liam Hamilton in mid 1996 to provide for the training and for the on-going

education of the Judiciary. Initial funds for the purpose of these sections were provided by the Minister for Justice, Equality and Law Reform.

236. The function of the Judicial Studies Institute is to organise conferences, seminars and lectures on legal subjects for members of the judiciary. The object is to enhance knowledge and understanding of law and legal principles among judges with particular regard to new developments in the law, including legislation. Among its main activities is the organisation of the annual judicial conferences for judges of the Superior Courts, the Circuit Court and the District Court respectively and an annual national conference for judges of all courts. Seminars on discrete topics are also organised for each jurisdiction. The Institute nominates judges to attend international conferences on legal topics where relevant.

237. For information on some of the topics covered in conferences in relation to racial discrimination since 2000, please see Appendix (III).

238. Average attendances at conferences organised by the Judicial Studies Institute have been in the region of 95% with 100% on some occasions. Members of the judiciary also frequently attend or participate in conferences, seminars and lectures concerned with legal topics organised by outside bodies such as universities, law associations and other interest groups.

239. The Judicial Studies Institute has links with many comparable bodies both in Europe and Internationally.

240. The Judicial Studies Institute engaged the University of Limerick to engage in a process of evaluation, assistance and strategic review of the Institute. The final report has been received and is currently being examined by the Department of Justice, Equality and Law Reform.

241. On the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution. These rights are encompassed by the general rights protection, which are enshrined in Article 40 of the Constitution of Ireland, which states:

“1. The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

2. The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name, and property rights of every citizen.”

6. An Garda Síochána (Police Force)

242. These rights are further underpinned by the relevant legislation. Ireland has a single national police force, the Garda Síochána, which is established by legislation. Its internal management is subject to Regulations made by the Minister for Justice, Equality & Law Reform. The Garda Síochána (Police) has operational independence subject to the general financial and regulatory framework established by the Minister.

243. Section 7 of the Garda Síochána Act 2005 sets out the functions of the Garda Síochána (Police Force) as:

- Preserving peace and public order
- Protecting life and property
- Vindicating the human rights of each individual
- Protecting the security of the State

- Preventing crime
- Bringing criminals to justice, including detecting and investigating crime
- Regulating and controlling road traffic and improving road safety and
- Other functions conferred by law including those relating to immigration

244. The powers of the Garda Síochána (Police) are set out in statute and all their actions are subject to review by an active and constitutionally independent judiciary. There is also an independent police complaints authority, the Garda Síochána (Police) Ombudsman Commission – see the response to the concluding remark in paragraph 11 of the follow-up coordinator’s report. Please also see paragraphs 75 ff. for further information.

Incitement to hatred legislation

245. Please see the information contained in Ireland’s response under Article 4 of the Convention.

7. Community policing

246. The community policing strategy is being strengthened and is increasing in experience through active engagement and deliberation with ethnic and cultural communities with a view to understanding and responding positively to their community and safety needs.

247. To this end, since January 2006, local Garda (Police) District Officers hold quarterly meetings with representatives of ethnic minority and Traveller groups residing and/or carrying on business in the police district. In addition, divisional officers hold quarterly meetings with representatives of ethnic minority and Traveller groups residing and/or carrying on business in the district.

248. The Chief Superintendent, Garda (Police) Community Relations/Garda (Police) Racial and Intercultural Office meets with national representatives of ethnic minority and Traveller groups twice a year.

249. A North Inner City New Communities Website⁵⁸ has been developed by An Garda Síochána (Police Force) North Central Division to support and compliment the work of the Dublin North Central Divisional Forum for Consultation with the New Communities in the area. The Forum is a partnership between representatives of the new communities, An Garda Síochána and Dublin City Council.

250. The objective of the Forum is to facilitate people from new communities living and working in the area to have channels of communication to express their views and to build relationships between the new communities, An Garda Síochána (Police Force) and Dublin City Council.

8. Garda (Police) Racial and Intercultural Office

251. The Garda (Police) Racial and Intercultural Office may find it necessary to liaise with victims of racist crimes in particular cases. The staff work with the investigating Garda (Police) Officer, where necessary, to ensure that the victim receives full professional Garda support in the course of the investigation.

252. The Garda (Police) Racial and Intercultural Office is sometimes called upon to offer advice or to deal with complaints of a minor sensitive nature. The staff endeavor to deal

⁵⁸ www.nicnewcommunities.ie.

with these matters where possible. Notwithstanding this, the staff will always advise persons of the right to take their complaint directly to the Garda (Police) Síochána Ombudsman Commission.

253. The Garda (Police) Racial and Intercultural Office has also published a booklet ‘Your Police Service in Intercultural Ireland’.⁵⁹ This booklet is available in 12 languages – English, Irish, Latvian, Lithuanian, Polish, Russian, Romanian, French, Portuguese, Chinese, Arabic and Spanish.

9. Joint Policing Committees

254. Joint Policing Committees are provided for in the Garda Síochána (Police) Act 2005. Their purpose is to provide a forum where An Garda Síochána (Police Force) and the local authority — the two organisations which make the most significant contribution to preventing and tackling crime in a specific area — can come together, with the participation of members of the Oireachtas (Parliament) and community and voluntary interests, on matters affecting the area.

255. Initially, 29 Communities were established nationwide in 2006 and 2007 in a pilot phase. Following an evaluation of the pilot phase, the guidelines for the Committees were amended. On 24 September 2008, the Ministers for Justice, Equality and Law Reform and the Environment, Heritage and Local Government launched the roll out of the Joint Policing Committee to all 114 local authority areas.

10. Diversity Strategy and Implementation Plan 2009–2012

256. An Garda Síochána (Police Force) published a Diversity Strategy and Implementation Plan 2009–2010 entitled “Beyond Legal Compliance” in May 2009.⁶⁰ The Plan sets out how the Garda Síochána (Police Force) will deliver on its commitment to embrace all aspects of policing and diversity. The Diversity Strategy was developed following extensive research and widespread consultation with key internal and external stakeholders. This Strategy is dual focused, in that it sets out organisational priorities to manage diversity within both the Garda (Police) workplace and the communities that the Gardaí (Police) serve.

257. The Government of Ireland wishes to reiterate its absolute commitment to preventing and, where they occur, detecting any abuses of the rights of persons in Garda (Police) custody. Those rights are extensively set out in the Criminal Justice Act, 1984 (Treatment of persons in Custody in Garda Síochána (Police) Stations Regulations), 1987 as amended. In addition, the Garda Síochána (Police) Code obliges all Gardaí (Police) to maintain the highest professional standards in relation to the care of detainees, on pain of disciplinary action.

258. The Government of Ireland also underlines the additional importance of the measures taken with regard to Garda (Police) Discipline Regulations,⁶¹ the Confidential Reporting of Corruption or Malpractice Regulations⁶² and the establishment of the independent Garda Síochána (Police) Ombudsman Commission.

259. The Government of Ireland emphasises that all serving and Student/Probationer members of An Garda Síochána (Police Force) are instructed of their duties and

⁵⁹ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/managingdiversity-policeinitiatives-en>.

⁶⁰ <http://www.garda.ie/Controller.aspx?Page=92>.

⁶¹ The legal structure underpinning the new Regulations is contained in section 123 of the Garda Síochána Act.

⁶² http://www.justice.ie/en/JELR/Pages/Garda_whistleblower_regulations_2007.

responsibilities under the Criminal Justice Act 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 and amendments thereto. These Regulations also form part of the Continuous Professional Development Core Programme for all serving members of the force. Any issues arising in the Courts or advised by the Director of Public Prosecutions which impact on the way in which the Regulations are enforced are circulated to members of the Force by way of a directive from Garda (Police) Headquarters for the information and compliance of all members. In addition, all members of An Garda Síochána (Police Force) are reminded regularly that the use of force in their duties should be no more than is strictly necessary in the prevailing circumstances and all members are required to be familiar with and adhere to the Garda Síochána (Police) Code.

11. Interviews of persons in Garda (Police) custody

260. Interviews of persons in Garda (Police) custody are governed by The Criminal Justice Act 1984 (Electronic Recording of Interviews) Regulations 1997.

261. Table 9, containing the latest available figures, indicates that the percentage of interviews electronically recorded continues to rise and accordingly, that the percentage not electronically recorded has decreased to 0.7%. The reasons why some interviews are not recorded include circumstances where a detained person has refused consent to the recording of the interview and where the recording equipment is unserviceable or unavailable.

Table 9

Electronic recording of interviews of persons in Garda custody

<i>Year</i>	<i>No. of interviews conducted</i>	<i>No. not electronically recorded</i>	<i>Percentage not recorded</i>
2005	13 377	162	1.21
2006	13 438	126	0.94
2007	16 725	158	0.95
2008	19 758	252	1.27
2009 (1 Jan - 31 May)	8 935	81	0.91

262. The Garda (Police) Corporate Strategy 2007–2009⁶³ places Ethnic and Cultural diversity as Goal 5 and promises to provide equal protection and appropriate service, while nurturing mutual respect and trust. Since the completion of Ireland's initial and second Report, the Garda (Police) Commissioner has approved the implemented policy, as follows:

(a) Consultation with new and ethnic communities living and working in Garda (Police) divisions and districts. The consultation forum is designed to exchange information between An Garda Síochána (Police Force) and ethnic communities and provides a platform for Ethnic Groups to raise and discuss policing issues and it is a mechanism for Garda accountability to the ethnic community. The Divisional Consultation Forum takes place 4 times each year;

(b) The Garda Racial and Intercultural Office monitors the implementation of the policy;

(c) There continues to be an increase in the number of Gardaí (police) trained and appointed as Ethnic Liaison Officers (400 at September 2009);

⁶³ <http://www.garda.ie/Controller.aspx?Page=3096&Lang=1>.

(d) In the Dublin Metropolitan Region, Human Rights training with a focus on community participation has taken place in North and South Central Garda (Police) Divisions. The training included a module on ethnic and gender diversity. An invitation was also extended to the participants of the Ethnic Forum in the North Central Division;

(e) An Garda Síochána (Police Force) has republished information booklets on cultural diversity for members of An Garda Síochána and a further booklet for members of Ethnic Communities. The second booklet was distributed through Ethnic Liaison Officers and through the Divisional Forums;

(f) It is Garda (Police) Policy to hold two information seminars annually. The target audience for the seminars are the leaders of ethnic communities and Garda (Police) Ethnic Liaison Officers. Invited speakers provide personal and organisational experience, open discussion and share new ideas and practices from the UK and elsewhere;

(g) The Garda (Police) Corporate Strategy 2007–2009 and the Policing Plan for 2009⁶⁴ include the goal of monitoring information on racially motivated incidents occurring in each District and Division.

263. An Garda Síochána (Police Force) is actively recruiting people from ethnic minorities. The recruitment of full – time Gardaí (Police officers) is governed by the Garda Síochána (Admissions and Appointments) Regulations 1988. In 2005, the regulations were amended to facilitate greater diversity in the membership of An Garda Síochána (Police Force). Recruitment of foreign nationals was made easier by modifying the requirement to have Leaving Certificate qualifications in both English and Irish. Recruits now only require the equivalent of a Leaving Certificate qualification in either language. In addition to EU, EEA and Swiss nationals, recruitment is also now open to non-European nationals who have resided in Ireland for five years.

264. A total of 46 full-time trainees and full time attested members of the Irish police force are foreign nationals coming from the following countries; South Africa, the United States of America, Canada, China, Denmark, Holland, Poland, Romania, Lithuania, Bosnia, Germany (June 2009).

265. Gardaí (Police) Reserves are volunteer (unsalaried) members within An Garda Síochána (Police Force) who provide support to full-time members and help to strengthen links between the force and local communities throughout the country. They perform a limited range of duties such as: monitoring CCTV; Foot patrol; Road traffic checkpoint duties and assisting at major events such as festivals and major sports events.

266. There are currently (June 2009) 39 non-Irish nationals in the Garda (Police) Reserve including 12 attested members and 27 in training. These members are from the following countries, Argentina, Austria, Belarus, Bulgaria, Cameroon, China, Germany, India, Japan, Kurdistan, Morocco, Nigeria, Pakistan, Poland, Ukraine and Zimbabwe.

267. Ireland's asylum determination system compares with the best in the world in terms of fairness, decision making, determination structures and support services for asylum-seekers including access to legal advice.

268. The statutory framework governing the asylum determination process in Ireland is set out in the Refugee Act 1996. The 1996 Act established two independent statutory offices to consider applications and appeals in respect of refugee status and to make recommendations to the Minister for Justice, Equality and Law Reform on whether such status should be granted. These offices are the Office of the Refugee Applications

⁶⁴ <http://www.garda.ie/Controller.aspx?Page=3097&Lang=1>.

Commissioner⁶⁵ and the Refugee Appeals Tribunal.⁶⁶ (Under the Immigration, Residence and Protection Bill, the functions currently carried out by the Office of the Refugee Applications Commissioner will be subsumed into the Irish Nationality and Immigration Service, the administrative agency of the Department of Justice, Equality and Law Reform).

269. The Refugee Appeals Tribunal will be replaced by the Protection Review Tribunal, which will be statutorily independent and will deal with appeals against a refusal to grant refugee status or subsidiary protection under the EU Qualification Directive. This expanded remit for the appeals body underpins the State's commitment to those in need of protection. Other differences provided for in the Bill include provisions to increase consistency of decision-making and the possibility of full-time members of the Tribunal.

270. Where an asylum applicant has failed to qualify for refugee status, he/she may apply to the Minister for Justice, Equality and Law Reform for 'subsidiary protection' under Statutory Instrument No. 518 of 2006,⁶⁷ which incorporates the provisions of EU Council Directive 2004/83/EC⁶⁸ 'on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted' (the "Qualification Directive"). Where the person also fails to qualify for 'subsidiary protection', any written representations as to why they should be given permission to remain in the State will be considered by the Minister under Section 3(6) of the Immigration Act 1999, prior to the issuing of temporary leave to remain, a deportation order, or the arrangement of voluntary return, where appropriate.

12. Right to vote

271. All Irish citizens who have reached the age of eighteen years and who are not disqualified by law have the right to vote. If an individual is ordinarily resident in Ireland but not an Irish citizen, he/she may also have the right to vote in some of the elections.

The right to vote is as follows:

- Irish citizens may vote at every election and referendum. Only Irish citizens can vote in Presidential Elections
- British citizens may vote at Dáil (Lower House) elections, European elections and local elections
- Other European Union (EU) citizens may vote at European and local elections
- Non-EU citizens may vote at local elections only

272. If an individual holds Irish citizenship, he/she has the right to vote in all referenda and elections in Ireland. In order to exercise that right, he/she must ensure that his/her name has been entered on the Electoral Register.

273. Electoral law provides that "ordinary residence" in a constituency on a specific date is a condition for registration and voting at referenda, Presidential, Dáil, European and local elections.

13. The right to stand for election

274. Please see paragraphs 275 to 277 of Ireland's first and second report.

⁶⁵ <http://www.orac.ie/>.

⁶⁶ <http://www.refappeal.ie/>.

⁶⁷ www.inis.gov.ie/en/INIS/AsylumQual.pdf/Files/AsylumQual.pdf.

⁶⁸ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0083:EN:HTML>.

275. The National Action Plan Against Racism 2005–2008 was informed by a comprehensive twelve-month public consultation process, overseen by a national steering group established under the aegis of the Department of Justice, Equality and Law Reform which involved a wide range of key stakeholders from Government bodies, the social partners and broader civil society including cultural and ethnic minorities.

276. There were seven regional seminars and twelve thematic seminars held during the consultative phase and some 34 organisations and networks received funding from the Department of Justice, Equality and Law Reform to facilitate their own consultative meetings. A total of 94 submissions were received, some representing a number of organisations coming together to make joint submissions.

277. For more information on the National Action Plan Against Racism 2005–2008, please see paragraphs 187 ff. of this report.

*Establishment of the Victims of Crime Office*⁶⁹

278. A Victims of Crime Office was established in 2008. The core mandate of the Office is to improve the continuity and quality of services to victims of crime by State agencies and non – governmental organisations throughout the country. It works to support the development of competent, caring and efficient services to victims of crime.

Among its key activities are:

- Using the Victims Charter to achieve improved standards of treatment of victims by relevant State and voluntary sector organisations
- Promoting awareness concerning victim’s needs and services available to victims of crime
- Advising the Minister for Justice, Equality and Law Reform on victim’s issues in Ireland and on international developments pertinent to victims
- Working in co-operation with COSC (The National Office for the prevention of Domestic, Sexual and Gender-based violence), the Anti-Human Trafficking Unit, the Criminal Law Reform Division and other relevant sections of the Department of Justice, Equality and Law Reform to ensure a co-ordinated policy in response to issues in relation to victims of crime by the Department

14. Migrant Voters Initiative

279. The Office of the Minister for Integration allocated €250,000 to Dublin City Council in 2008 in respect of measures to promote integration at city level. One of the initiatives undertaken by the Council through the provision of this funding was a ‘Migrant Voter Initiative’. The results of this initiative were:

- Strong relationships were formed between the city and migrant representatives
- The mobilisation of migrant community leaders around a shared project proved possible and quite easy to establish once trust and mutual respect were established
- Over 2000 people were personally registered by people directly involved in the campaign
- The Project achieved local, national and international profile

280. The Office of the Minister for Integration also provided funding to Dun Laoghaire/Rathdown County Council to undertake a Migrant Voter Mobilisation Campaign

⁶⁹ <http://www.victimsofcrimeoffice.ie/>.

from January to May 2009. The aim of the campaign was to promote local democracy for foreign nationals living in County Dublin and to promote an anti-racism message in schools through an initiative called 'Show Racism the Red Card'.

281. Joining forces with the voting registrar and migrant groups, the Social Inclusion Unit of the Dun Laoghaire/Rathdown Council sent a booklet, in five languages, to every household in the county, informing people of their right to vote. This was supported by posters on the transport services, a dedicated website and mock voting sessions. More information is available from www.dlrcoco.ie/vote.

282. With respect to the right to freedom of movement and residence within the border of the State, a citizen of Ireland or a person lawfully resident in Ireland is not subject to restrictions on the freedom of movement and residence within the State.⁷⁰

283. With respect to the right to leave any country, including one's own, and to return to one's country, there are no restrictions in place in respect of Irish citizens or those lawfully resident in the State who wish to travel outside the State. There are no restrictions in place on the return of Irish citizens to the State. Non-citizens returning to the State will be subject to normal immigration controls including, where applicable, the requirement to be in possession of a re-entry visa.

15. Citizenship and naturalisation

284. With respect to measures taken to ensure that particular groups of non-citizens are not discriminated against with regard to access to citizenship or naturalization, the Constitution of Ireland provides a constitutional right of citizenship to any person born on the island of Ireland, which includes its islands and seas, who, at the time of their birth has at least one parent who is an Irish citizen or is entitled to be an Irish citizen. Further statutory provisions on nationality and citizenship are contained in the Irish Nationality and Citizenship Acts 1956 to 2004. In general, any person born on the island of Ireland, its islands and seas, since January 2005, shall not be entitled to be an Irish citizen unless, at the time of their birth, one of their parents is an Irish citizen, a British citizen, a person entitled to reside in Ireland or Northern Ireland without restriction or a non-national who during the four years immediately preceding the person's birth has been lawfully resident in the island of Ireland (other than on foot of a temporary permission for the purpose of seeking recognition as a refugee or to undertake study) for a period of not less than three years. Anyone whose father or mother was Irish at the time of the person's birth is an Irish citizen irrespective of the place of birth (but subject to certain procedural requirements for those of the third and subsequent generations born outside the Island of Ireland).

285. Please also see paragraphs 286 and 287 of Ireland's first and second report.

16. Long-term residence

286. With regard to the specific situation of long-term or permanent residents, the current administrative arrangements to consider applicants for long-term residence, which were put in place in May 2004, are restricted to those who have been legally resident in Ireland for 5 years (60 months) or longer. Persons who qualify for long-term residence are granted a five

⁷⁰ It should be noted that in response to questions 1 & 2 above are without prejudice to restrictions that may be placed on a person's right to freedom of movement or residence on foot of national laws providing such restrictions by reference to the particular circumstances of a case e.g. in circumstances where a person may be unlawfully present in the State where necessary in the interests of public security, public order, public health or more generally in accordance with criminal law and family law etc.

year residence extension and are exempted from the requirement to hold an employment permit.

287. The Immigration, Residence and Protection Bill 2008 which was published on the 24 January 2008 and which is currently before the Irish Parliament, provides for a statutory long term residence status. Eligibility to apply for such a status is conditional on a number of requirements including 5 years lawful residence in the State. A period in the State on foot of a temporary or limited permission to be in the State will not be reckonable for this purpose.

288. In relation to action taken to reduce statelessness, section 16 of the Irish Nationality and Citizenship Act 1956 (as amended) provides that the Minister may, in his absolute discretion, waive some or all of the statutory conditions for naturalisation in certain circumstances e.g. where an applicant is a Stateless person within the meaning of the United Nations Convention relating to the status of Stateless persons.

289. With regard to standards of treatment for accessing citizenship are applied to non-citizen spouses (female and male) of citizens, applications for citizenship from the male or female spouses of Irish citizens are considered in a like manner.

290. With regard to the right to marriage and choice of spouse, the right to own property alone as well as in association with others and the right to inherit, please see paragraph 288 of Ireland's first and second report.

291. Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen under Article 44 of the Irish Constitution.

292. Discrimination on the ground of religion is, in general, prohibited in the field of employment, including access to employment, by the Employment Equality Acts 1998 to 2008 and in the supply of and access to goods, facilities and services by the Equal Status Acts 2000 to 2008. This prohibition applies equally to persons with no religious belief and to persons of different religious beliefs.

293. The Constitution protects the freedom of expression (Article 40.6.1) – please see Paragraph 289 of Ireland's First and Second Report in this regard.

294. Irish Government policy is to meet as much of our labour force and skills requirements as possible from within the European Economic Area (EEA) and to grant employment permits to nationals from outside the European Economic Area only in respect of short supply.

295. A non-European Economic Area national, except in a number of cases as listed below,⁷¹ requires an employment permit to take up employment in Ireland (the European Economic Area comprises the Member States of the European Union together with Iceland, Norway and Liechtenstein). It should be noted that is an offence under the Employment Permits Acts 2003 and 2006 for both an employer and an employee if a non-European Economic Area National is in employment without an appropriate employment permit.

⁷¹ A non-EEA national who has obtained explicit permission from the Department of Justice, Equality & Law Reform to remain resident and employed in the State:

- A non-EEA national who has been granted refugee status
- A non-EEA national who holds appropriate business permission to operate a business in the State
- A non-EEA national who is a registered student working less than 20 hours a week
- Swiss nationals

296. Employment permit holders can only work for the employer and in the occupation named on the permit. If the holder of an employment permit ceases, for any reason, to be employed by the employer named on the permit during the period of validity of the permit, the original permit and the certified copy must be returned immediately to the Department of Enterprise, Trade and Employment.

297. On 17 December 2008, the Government announced its decision that, from 1 January 2009, it would continue to restrict access to the Irish labour market for nationals of Bulgaria and Romania.

298. The following table gives a breakdown of the number of new work permits, renewals and group work permits issued in Ireland from 2004–2008.

Table 9
Work permits issued by sector

<i>Sector</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Service industry	14 775	11 250	9 750	9 251	5 440
Catering	8 394	7 304	5 808	4 684	2 137
Medical and nursing	2 594	2 727	2 843	4 235	3 173
Agriculture	3 737	2 207	1 947	1 414	616
Industry	2 189	1 711	1 673	1 743	1 378
Entertainment	996	968	1 109	118	65
Education	725	747	791	883	354
Domestic	787	698	626	562	245
Sport	209	221	155	168	178
Overall total	34 406	27 833	24 702	23 058	13 586

(a) *Work permit figures for 2009*

299. By the end of August 2009, 5,308 work permits had been issued in 2009. Of these, 2,919 were new permits and 2,389 were renewals. 778 applications were refused and 132 were withdrawn.

300. Comparing this figure against the figure for the same period in 2008, i.e. January to August 2008, this represents a decrease of 52 % as 10,162 work permits were issued in the first eight months of 2008. In respect of new permits only (6,117), the percentage decrease for this period was 48%.

(b) *Quarterly National Household Survey Q2 2009*

301. According to the results of the Quarterly National Household Survey (Quarter 2, 2009), there were approximately 445,000 non-Irish nationals aged 15 years or over resident in Ireland during the second quarter of 2009. Of these, 325,400 were in the labour force, consisting of 274,600 persons in employment and the remaining 50,800 persons unemployed. The employment rate (persons employed divided by total population aged 15 years or over) of non-Irish nationals was 62 per cent compared with 54 per cent for Irish nationals.

(c) *Economic profile*⁷²

302. The economic profile of the non-Irish population in 2006 was quite different to that of the Irish. Their labour force participation rate was higher, with fewer students, homemakers or retirees. This is broadly in line with expectations, given the younger age profile. However, there were marked differences in the economic profile within different nationality groups. Nationals from the Accession States were predominantly workers while there were a higher percentage of students among those from outside Europe. One in six UK nationals living in Ireland was retired or unable to work – the same for the Irish population.

303. Tables 10 and 11 are taken from the 2007 Central Statistics Office report entitled '*Equality in Ireland*'.

Table 10

Employment status by nationality, 2006 (9.5)

<i>Nationality</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Not in labour force</i>	<i>Total (% of cohort)</i>
Irish	56.1	4.8	39.1	100.0
Non-Irish nationals of which:	66.6	9.1	24.3	100.0
United Kingdom	56.7	6.7	36.7	100.0
EU 15 excl. Ireland and the UK	74.2	5.4	20.4	100.0
Accession States EU 10	84.3	8.8	6.9	100.0
Non-EU	55.7	12.7	31.6	100.0
Total aged 15 & over	57.2	5.3	37.5	100.0

* *Source:* CSO Census of Population.

Table 11

Employment status by ethnicity, 2006 (9.6)

<i>Ethnicity</i>	<i>Employed</i>	<i>Unemployed</i>	<i>Not in labour force</i>	<i>Total (% of cohort)</i>
White Irish	56.3	4.6	39.1	100.0
White Irish Traveller	13.8	41.2	45.0	100.0
Other white background	71.8	7.6	20.6	100.0
African or other black background	40.7	26.6	32.6	100.0
Chinese	47.8	6.3	45.8	100.0
Other Asian background	62.9	7.8	29.3	100.0
Total aged 15 & over	57.2	5.2	37.6	100.0

* *Source:* CSO Census of Population.

Note:

(i) 84.3% of persons aged 15 and over from the 10 countries that joined the EU on 2004 were in employment in 2006. This was significantly higher than the other non-Irish national groupings (see Table 10).

⁷² Extract from Census 2006 – Non-Irish Nationals Living in Ireland.

(ii) 26.6% of those of African or other black background ethnicity were unemployed in 2006 compared to 4.6% of White Irish (see Table 11).

(d) *Workers by industrial group*

304. The broad sectors in which non-Irish nationals were employed varied according to nationality. While the services sector dominated for all groups, it was least important for persons from the Accession States where the industrial (specifically manufacturing and construction) and agricultural sectors were more important. The share of agricultural workers was very low for non-Irish groups excluding the Accession States (1.5% for EU 15 excluding Ireland and the UK and approximately 2% for the UK and rest of the world).

305. Table 12 provides a more detailed view of the relevant industrial groups. The distribution of UK nationals was very similar to that of the Irish, while for other groups a more distinct picture emerges. Workers of the EU15 (excluding Ireland and the UK) were more highly concentrated in business activities, accounting for almost a quarter of all workers from these countries. Among nationals of the EU Accession States, four industries employed three quarters of all workers: manufacturing, construction, wholesale/retail trade and hotels and restaurants. Over one fifth of those from other countries worked in health and social work – these were mostly Asian workers. All groups had a high proportion of workers in hotels and restaurants. In overall terms, this industry had the highest proportion of non-Irish national workers at over one in three. The area with the lowest proportion of non-Irish nationals was public administration and defence at 2.6 per cent.

306. According to the Quarterly National Household Survey (Quarter 2, 2009),⁷³ non-Irish nationals accounted for 14.2% of all persons ages 15 and over in employment. This compares with 15.8% in the second quarter of 2008. Almost 35% of workers in “Accommodation and food service activities”, 21.4% in “Administrative and support service activities” and 18.9% in “Information and communication” were non-nationals. The largest decreases in employment for non-Irish nationals occurred in the “Construction” (-20,800), “Wholesale and retail trade: repair of motor vehicles and motorcycles” (-13,200) and “Industry” (-12,100) sectors.

307. A person who claims that he or she has been discriminated against in the employment or non-employment area might seek redress by referring to the Equality Tribunal (see paras. 163 ff.).

308. Please also see the information in relation to the National Employment Rights Authority in the response to the concluding remark in paragraph 10 of the Coordinator’s report and in relation to the Action Strategy for Integrated Workplaces in paragraphs 363 ff. of the present report.

Table 12

Workers by industrial group and nationality (%)

<i>Industrial group</i>	<i>Irish nationals</i>	<i>United Kingdom</i>	<i>EU 15 (excl. Ireland and UK)</i>	<i>EU 15 to EU 25 accession States</i>	<i>Rest of world</i>
Agriculture	5.3	2.1	1.6	3.9	2.0
Mining, quarrying and turf production	0.4	0.4	0.1	0.4	0.2
Manufacturing industries	13.1	13.8	14.9	21.4	11.7

⁷³ <http://www.cso.ie/newsevents/default.htm>.

<i>Industrial group</i>	<i>Irish nationals</i>	<i>United Kingdom</i>	<i>EU 15 (excl. Ireland and UK)</i>	<i>EU 15 to EU 25 accession States</i>	<i>Rest of world</i>
Electricity, gas and water supply	0.7	0.4	0.5	0.2	0.2
Construction	11.7	11.6	4.4	20.8	8.3
Wholesale and retail trade	14.4	15.3	9.7	17.0	11.7
Hotels and restaurants	4.3	6.2	14.2	16.5	17.0
Transport, storage and communications	6.1	5.7	7.0	3.7	3.6
Banking and financial services	5.0	4.6	6.4	0.9	2.8
Business activities	9.6	12.8	24.3	9.0	12.9
Public administration and defence	6.3	2.4	1.5	0.2	1.4
Education	7.7	6.6	6.1	0.6	3.1
Health and social work	10.8	11.8	5.7	2.4	20.8
Other community, social and personal services	4.5	6.1	3.7	3.1	4.3
Total	100.0	100.0	100.0	100.0	100.0

309. The relevant provision in the Irish Constitution in relation to freedom of association is Article 40.6.1, which guarantees liberty for the exercise, subject to public order and morality, of “the rights of citizens to form associations and unions”. However, laws may be enacted for the regulation and control in the public interest of the exercise of that right. Article 40.6.2 provides that laws regulating the manner in which the right to form associations and unions may be exercised shall contain no political, religious or class discrimination. Prohibition on discrimination on the grounds of race is contained in the Employment Equality Act, which was amended by the Equality Act 2004.

310. Laws preventing the dismissal of an employee because of his/her membership of or activities on behalf of a trade union have been enacted in the Unfair Dismissals Acts 1997 – 2005.⁷⁴

311. It is not considered appropriate to legislate for the specific right to housing. Government policy on housing has the overarching aim of enabling every household to have available an affordable dwelling of good quality, suited to its needs, in a good environment and, as far as possible, at the tenure of choice.

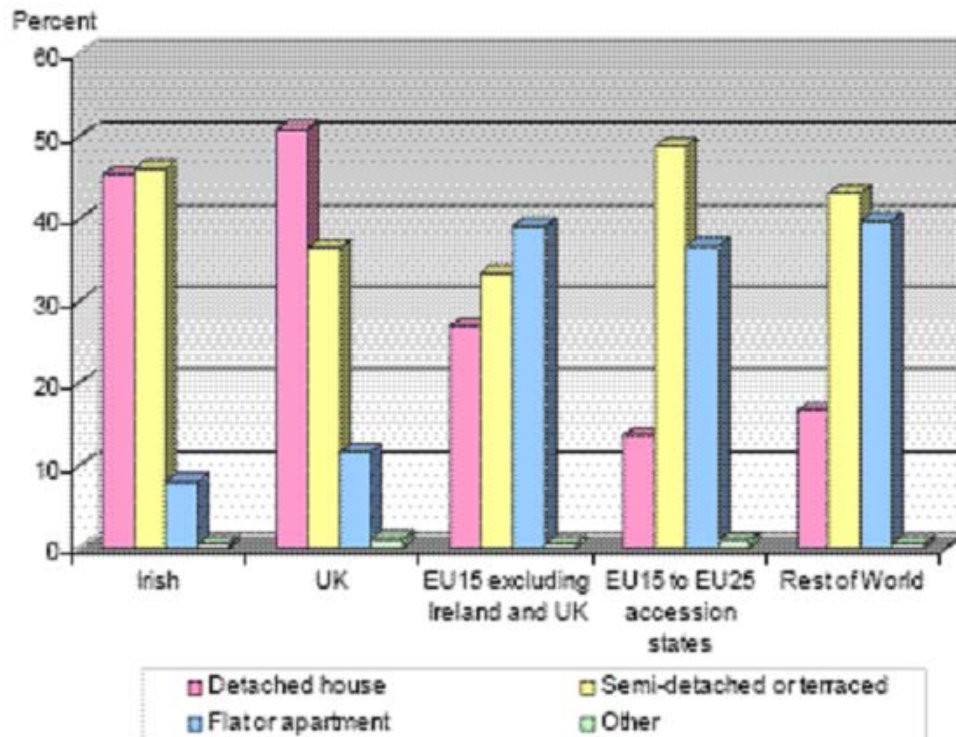
312. The Government’s approach to achieving this policy is that those who can afford to do so should provide their own housing, with the aid, where available, of certain fiscal incentives or subsidies and that those unable to access housing in this way should have access to social housing or income support to rent private housing. Existing legislation and funding programmes support this strategy and have been effective in delivering increased outputs.

313. In response to question (a) on the nature of occupancy, according to the Census 2006 report ‘Non-Irish Nationals living in Ireland’, the housing profile of non-Irish nationals is very different to that of Irish nationals. While owner occupancy continues to be

⁷⁴ www.entemp.ie/publications/.../2004/unfairdismissals_booklet.pdf.

the favoured status for Irish and UK headed households, the picture for other non-Irish nationals is quite different. 81% of households headed by persons from the Accession States were in rented accommodation. For other non-Irish groups, the numbers renting were almost 50%. Differences were also observed in the age of the dwellings occupied by Irish and non-Irish nationals. 31% of Accession State nationals were living in dwellings built in the previous five years, 45 % had been built since 1996. This latter figure compares with just over one in four for households headed by Irish persons.

Figure 2
Type of housing by nationality by head of household



Source: Central Statistics Office.⁷⁵

314. On Government action to prevent racial discrimination by those who rent or sell houses or apartments, section six of the Equal Status Acts 2000–2008 prohibits discrimination in the disposal of premises and provision of accommodation.

315. While action to deal with anti-social behaviour in the case of private rented dwellings is primarily a matter for An Garda Síochána (Irish Police Force), landlords are responsible for enforcing the obligations that apply to their tenants under the Residential Tenancies Act 2004.

316. The Act, in this regard, prohibits a tenant in a private residential tenancy from engaging in anti-social behaviour in, or in the vicinity of, a dwelling to which the Act applies and allows a landlord to terminate any tenancy where the tenant is engaging in or allowing others to engage in such behaviour, subject to a notice period of only 7 days in the case of serious anti-social behaviour or 28 days in the case of less serious but persistent behaviour.

⁷⁵ <http://www.cso.ie/releasespublications/documents/population/non-irish/pages1-22.pdf>.

317. The Residential Tenancies Act also provides that a third party affected by anti-social behaviour may, subject to certain conditions, take a case to the Private Residential Tenancies Board against a landlord who has failed to enforce tenant obligations. A specific condition is that the third party complainant must have taken reasonable steps to resolve the matter by communicating or attempting to communicate with the parties to the tenancy concerned.

318. The National Action Plan Against Racism 2005–2008 supported a research project on housing policy arising from increased cultural diversity in Ireland. The research entitled *'Building Integrated Neighbourhoods: Towards an Intercultural Approach to Housing Policy and Practice in Ireland, Part 1'* as well as a *'Part 2: An update and NCCRI recommendations'* was published in October 2008⁷⁶ and was an exploratory piece of research on the possible implications of greater ethnic and cultural diversity for housing.

319. With regard to measures taken to implement the right to housing of nomadic or semi-nomadic people, with full respect for their cultural identity, please see traveller-specific appendix (Appendix I).

17. Health/medical care

320. The Health Services cater to all persons regardless of their country of origin or ethnicity. However, there are impacts both on the services and migrants accessing these services. These include the impact on the health services of increased numbers of clients in times of high inward migration, the requirement to provide culturally sensitive services and the need to provide for translation facilities.

(a) *The Health Service Executive National Intercultural Health Strategy 2007–2012*⁷⁷

321. The National Action Plan Against Racism supported the development of the Health Service Executive National Intercultural Health Strategy. This Strategy, which was launched in February 2008, addresses the health and support needs of persons from Ethnic Minorities. It will build upon the good practice already reflected throughout the country in ensuring a responsive, culturally sensitive approach to service provision to the unique healthcare and support needs of asylum-seekers, refugees, migrant workers, Travellers, foreign students and members of new and established minority ethnic groups.

322. The model of consultation the Health Service Executive used to inform the development of the strategy has been widely commended and the Health Service Executive plan to write up the learning from this process to support other pillars and sectors in the Health Service Executive in carrying out consultations around appropriate areas of care.

323. The Strategy has a life span of 5 years and recommendations are thus being implemented on a phased, prioritised basis. The National Social Inclusion Unit of the Health Service Executive coordinates and supports implementation of the Strategy, working in partnership with colleagues in other areas of the organisation, as well as with a range of agencies in the voluntary and statutory sectors. Implementation has progressed on the 3 main themes in the Strategy – Access to services; Data, Information & Research; Staff Learning, Training & Support.

324. Major progress has been made in aspects relating to the enhancement of interpretation service provision, while a range of translated core health related information is on the Health Service Executive website. A good example of a practical resource being

⁷⁶ [http://www.integration.ie/website/omi/omiwebv6.nsf/page/other-publications\(NCCRI\)-en](http://www.integration.ie/website/omi/omiwebv6.nsf/page/other-publications(NCCRI)-en).

⁷⁷ http://www.hse.ie/eng/Publications/Social_Inclusion,_Asylum_Seekers,_Travellers/National_Intercultural_Health_Strategy_2007_-_2012.pdf.

developed is the Emergency Multilingual Aid.⁷⁸ This Aid has been rolled out across 52 hospitals in the country – this resource is designed to assist staff in communicating with patients who present in acute or emergency situations and who are not proficient in English. This Aid is available in Arabic, Bosnian, Cantonese, Czech, French, German, Hungarian, Irish, Latvian, Lithuanian, Mandarin, Pashtu, Polish, Portuguese, Romanian, Russian, Slovak, Spanish, Somali, and Urdu.

325. Another example is the development of a Health Services Intercultural Guide which has been designed to assist staff in caring in sensitive, culturally competent ways for inpatients from diverse religious communities and cultures. It profiles the religious and cultural needs of 25 diverse groups, with reference to those caring for the ill particularly in in-patient settings as well as those involved in care of the dying for both adults and children. The Guide is being rolled out across hospitals, hospices, nursing homes and a range of other settings.

(b) *Services for unaccompanied minors seeking asylum*

326. The immediate and ongoing needs of unaccompanied minor asylum-seekers relating to accommodation, medical and social needs as well as their application for refugee status are the responsibility of the Health Service Executive in accordance with the Refugee Act 1996⁷⁹ (as amended) and the Child Care Protection Act 1991.⁸⁰ The latter Act is the primary legislation for the protection and welfare of children in Ireland.

327. The Health Service Executive is devising a National Operational Policy for unaccompanied minors/separated children seeking asylum. This is being finalised and it is understood to include the principle that all children in the care of the Health Service Executive should receive the same standard of care whether they are separated children seeking asylum or indigenous children in care.

328. A report prepared for the European Commission Directorate – General Justice, Freedom and Security entitled “Policies on Unaccompanied Minors”⁸¹ in Ireland was published by the Economic and Social Research Institute on 2nd September 2009. The study is intended to provide an overview of the complex system of provision in the area and highlights the presenting issues and gaps as well as instances of best practice.

18. Information for migrant workers

329. To support EU migrant workers, the Department of Social and Family Affairs has published a guide, entitled “Your Social Security Rights in Ireland – a Guide for EU Citizens”,⁸² which gives information on the social welfare payments available in Ireland and how these payments are classified for the purposes of European Union Regulations. It also gives information about entitlements under the Irish healthcare system. In addition to an English version, the guide is available in seven other languages, namely French, German, Spanish, Polish, Latvian, Lithuanian and Irish.

330. The Department of Social and Family Affairs is carrying out a technical review of the entire social welfare code to examine its compatibility with the Equal Status Act 2000 (as amended). The review is examining all the schemes and services provided for both in social welfare legislation and in the administrative schemes operated by the Department. It

⁷⁸ <http://www.hse.ie/eng/Publications/services/SocialInclusion/EMA.html>.

⁷⁹ <http://www.irishstatutebook.ie/1996/en/act/pub/0017/index.html>.

⁸⁰ www.irishstatutebook.ie/ZZA17Y1991.html.

⁸¹ http://www.esri.ie/publications/latest_publications/view/index.xml?id=2833.

⁸² <http://www.welfare.ie/EN/Policy/EU/Pages/SocialSecurityRightsIreland.aspx>.

will identify any instances of direct and indirect discrimination on any of the nine grounds under the Act that are not justified by a legitimate social policy objective or where the means of achieving that objective are either unnecessary or inappropriate.

331. The findings of the review will contribute to informed planning and policy making to ensure that the social welfare system reflects the needs and expectations of all citizens and is equitable in meeting those needs. The review commenced in October 2007 and is expected to be completed in 2010.

Habitual residence condition

332. The requirement to be habitually resident in Ireland was introduced as a qualifying condition for certain social assistance schemes and child benefit payments with effect from 1 May 2004. It was introduced in the context of the Government's decision to open the Irish labour market to workers from the 10 new EU Member States without the transitional limitations which were imposed at that time by most of the other Member States. The effect of the condition is that a person whose habitual residence is elsewhere is not paid social welfare payments on arrival in Ireland.

333. Once off payments for exceptional or urgent needs under the Supplementary Welfare Allowance Scheme are not subject to the habitual residence condition.

334. Those who are refused payment because they do not satisfy this condition are mainly persons whose claim to asylum has not yet been decided, others who have not obtained a work permit or persons who have had only a minimal or no attachment to the workforce since coming to Ireland. In the case of families who are in the asylum process, direct provision is available to them ensuring, for example, that the rights of children under the UN Convention on the Rights of the Child are protected.

335. New guidelines for the Habitual Residence Condition were published in July 2008.⁸³

19. Change in Irish law

336. The following factors set down by EU case law to be considered in determining whether a person is habitually resident were incorporated into the relevant Irish legislation⁸⁴ in March 2007:

- (a) The length and continuity of residence in the State or in any other particular country;
- (b) The length and purpose of any absence from the State;
- (c) The nature and pattern of the person's employment;
- (d) The person's main centre of interest;
- (e) The future intention of the person concerned as it appears from all the circumstances.

20. European Code of Social Security

337. The guidelines relating to the application of the Habitual Residence Condition to child benefit claims were amended to put beyond doubt that the operation of the condition was also in compliance with the provisions of Part VII of the European Code of Social

⁸³ <http://www.welfare.ie/EN/OperationalGuidelines/Pages/habres.aspx>.

⁸⁴ <http://www.welfare.ie/EN/OperationalGuidelines/Pages/habres.aspx#leg>.

Security.⁸⁵ The amendment clarified that a person who has been employed in Ireland for at least four weeks or self – employed for at least 6 months and whose family is also resident in Ireland will be taken to be habitually resident.

338. A booklet, “Equal Status Acts 2000 to 2004 and Provision of Health Services”⁸⁶ which was developed jointly by the Health Service Executive, the Department of Health and Children and the Equality Authority seeks to support health service organisations to promote equality.

339. The Statement of Strategy for the Department of Education and Science 2008–2010 has four high level goals, the first of which is “support and improve the quality, relevance and inclusiveness of education for every learner in our schools”.

340. This is supported in several key policies/legislation:

(i) The White Paper on Education: *Charting Our Education Future (1995)* promotes quality, equality, pluralism, partnership and accountability. It recognises the imperative of equality and affirms State commitment to a pluralist society.

(ii) The Education Act, 1998, in particular, Section 15 (e) obliges schools to “have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society”.

(iii) The Equal Status Acts, 2000–2004 prohibit discrimination on nine grounds including race and being a member of the Travelling Community.

341. As noted earlier, in the responses to the concluding remarks in paragraphs 19 and 21 of the report of the follow-up coordinator, the Department of Education and Science is currently developing an Intercultural Education Strategy.

342. As indicated in paragraph 349 of Ireland’s First and Second Reports, Cultural Activities are explicitly within the definition of ‘service’ in section 2 (1) of the Equal Status Acts. Codes relating to standards, practice and prohibitions in advertising, sponsorship and other forms of commercial promotion in broadcasting services have been drawn up and published.

343. In 2005, the Government established a new agency, Culture Ireland,⁸⁷ which has among its objectives the promotion of a deeper mutual understanding between Irish and other cultures and communities through artistic and cultural exchange.

344. Under the National Action Plan Against Racism 2005–2008, a grant was allocated to the Arts Council to carry out research into the development of an intercultural strategy within the arts and to fund a number of initiatives promoting cultural diversity and integration. The research is expected to be completed by the end of 2009.

345. The Office of the Minister for Integration works closely with key sporting bodies to promote the fuller participation of migrants in their organisations. It is recognised that sporting bodies can play an important role in encouraging integration, especially at a local level. The Office has provided funding to the Gaelic (Irish) Athletic Association, the Football Association of Ireland and Basketball Ireland to promote such measures.

⁸⁵ <http://conventions.coe.int/Treaty/en/Treaties/Html/048.htm>.

⁸⁶ <http://www.equality.ie/index.asp?docID=410>.

⁸⁷ <http://www.cultureireland.gov.ie/>.

21. Local Sports Partnerships

346. In September 2006, in association with the Irish Sports Council, the National Action Plan Against Racism made available a fund of up to €357,000 for initiatives that encouraged persons from migrant communities in Ireland to integrate into Irish Society through participation in sporting activities. All Local Sports Partnerships were invited to make an application for funding under this initiative. As a result, 13 Local Sports Partnerships spread across the country received funding.

22. Football Association of Ireland Intercultural Football Plan and Programme (2006–2010)⁸⁸

347. In 2006, the Football Association of Ireland appointed an Intercultural Programme Coordinator.

348. The National Action Plan Against Racism supported the development of the Football Association of Ireland's Intercultural Football Plan which was launched in June 2007. This Intercultural Football Plan was designed to examine how best, in the context of a more diverse society, the Football Association of Ireland could encourage increased participation in football among people from minority ethnic and cultural backgrounds. The Plan also challenges and prevents the spread of 'racism' within the game and thus contributes towards a fully integrated and intercultural society.

349. The Plan was formulated by the Football Association of Ireland in conjunction with its key stakeholders. A Football Intercultural Advisory Group was set up which drew from other organisations who have worked in the field including Show Racism the Red Card, Sport Against Racism, the National Consultative Committee on Racism and Interculturalism and the Department of Justice, Equality and Law Reform which also provided significant funding through the National Action Plan Against Racism.

350. The aim of the plan is "to ensure every individual can feel free to become involved in football on a basis of equality, confident that they will be welcome if they do so, and to contribute thereby to an integrated society at ease with its growing diversity".

351. The four overarching objectives are as follows:

- Combat "Racism" in football
- Promote participation among minority ethnic and multicultural communities
- Develop a culture of football which is dynamic and globally competitive
- Contribute to the wider process of integration

23. Gaelic (Irish) Athletic Association Inclusion and Integration Strategy 2009–2015

352. In April 2009, the Gaelic (Irish) Athletic Association, in conjunction with Ladies Gaelic (Irish) Football and the Camogie Association launched its Inclusion and Integration Strategy 2009 – 2015. The aim of the strategy is to offer an inclusive and welcoming environment for everyone to participate in Irish games and culture. The five year strategy aims to encourage people of all nationalities and religious backgrounds living in Ireland to get involved with the Association. The organisation will develop a communications strategy and will assist in the development of integration modules for schools. A welcome pack including a DVD will be produced giving basic instructions in Gaelic (Irish) games in Polish, Lithuanian, Latvian, Chinese and French.

⁸⁸ http://www.fai.ie/index.php?option=com_content&view=article&id=100036&Itemid=297.

353. The Gaelic (Irish) Athletic Association has also appointed an inclusion officer to promote best practice within the organisation. The initiative is supported by the Camogie Association and the Ladies Gaelic (Irish) Football Association as well as by the Office of the Minister for Integration, which has committed to funding of €80,000 for the strategy this year.

354. The following is an excerpt from Part 1 of the Gaelic (Irish) Athletic Association Official Guide containing the Constitution and Rules of the Gaelic (Irish) Athletic Association:

“1.12 Anti – Sectarian/Anti Racist

The Association is Anti-Sectarian and Anti-Racist. Any conduct by deed, word or gesture of a sectarian or racist nature against any player, official, spectator or anyone else, in the course of activities organised by the Association, shall be deemed to have discredited the Association.”

24. Basketball Ireland

355. It is the policy of Basketball Ireland to actively integrate people of all nationalities into and through the sport and to ensure that this policy is reflected at all levels of the organisation.

356. The Equal Status Acts 2000–2008 cover all goods and services which are available to the public generally or a section of the public whether on payment or not and irrespective of whether provided by the public sector or private sector.

Improving translation and interpreting services for Government Service Providers

357. In conjunction with the Office of Minister for Minister for Integration, the National Consultative Committee on Racism and Interculturalism commissioned research into translating and interpreting services. The study entitled *Developing Quality Cost Effective Interpreting and Translating Services for Government Service Providers* was launched in October 2008.⁸⁹

358. This study highlighted the need for an overall framework through which to develop quality and cost effective interpreting and translating services in Ireland and highlights the gaps and weaknesses in the present system.

359. The overall aims of the report’s recommendations include:

- To enhance service provision through putting in place a national standards and regulatory framework with a light touch approach
- To support Government Service Providers with a small professional advisory unit which would have a policy advisory role to government on interpreting and translation issues
- To ensure Government Service Providers continue to own the service delivery agenda
- To ensure that training and education provision is delivered in line with overall policy and service provision needs and
- To provide for a small central competency pool of expertise in developing an appropriate national response in a key area of the overall policy agenda in relation to integration and interculturalism

⁸⁹ http://www.diversityireland.ie/Publications/upload/File/Quality_Interpreting_Translating_Services_Government_Service_Providers.pdf.

360. The recommendations are being examined by the Office of the Minister for Integration.

25. Practical initiatives

(a) *Intercultural and Anti-Racism Week*

361. An Intercultural and Anti-Racism Week took place in March 2007 with key stakeholders within civil and government groups. The theme of the week was Improving Government Services to Minority Ethnic Groups. The National Consultative Committee on Racism and Interculturalism produced key publications entitled *Useful Terminology for Service Providers* and *Key Considerations for Service Providers*.⁹⁰

362. In 2008, 'Intercultural and Anti-Racism Week' took place from 7–14 April 2008. Over 100 events took place throughout Ireland. The theme in 2008 was Education and an educational toolkit and posters celebrating intercultural dialogue in the classroom were sent to schools nationwide.

(b) *Action Strategy to support Integrated Workplaces*

363. An Action Strategy to support Integrated Workplaces is a social partner initiative organised by representatives of Congress, IBEC, the Small Firms Association, the Construction Industry Federation, Chambers Ireland, the Office of the Minister for Integration and the Equality Authority. Funding for this strategy which was launched in November 2008 has been provided by the Office of the Minister for Integration and the Equality Authority.

364. This Action Strategy includes a range of initiatives to assist employers and trade unions to respond effectively to the potential and challenges of a culturally diverse workforce and to create integrated workplaces by:

- Supporting all employees to operate effectively and without discrimination or harassment within a culturally diverse workforce
- Supporting all migrant workers and minority ethnic workers to adapt to the workplace
- Reviewing and further developing all workplace policies, procedures and practices to ensure that they adequately take into account and adjust for cultural and linguistic diversity within the workplace
- Identifying and promoting models of good practice in workplace integration
- Producing practical training and support materials for employers

365. Some of the initiatives currently being developed include the following.

366. The Integrated Workplace project has given the Irish Congress of Trade Unions the opportunity to manage and support their affiliated unions in developing integrated workplace strategies. Work undertaken as part of the Strategy includes training and seminars which focused on developing the case for being proactive on integrated workplaces within the trade union movement and also with employers. As part of the project, challenge funds were made available to project participants. The aim of these challenge funds was to enable trade unions to implement a practical initiative to increase awareness and competency in the area of diversity and equality and they have offered

⁹⁰ <http://www.nccri.ie/pdf/GovTerminology.pdf>.

individual unions the opportunity to introduce a dedicated workplace strategy for their union, and also for the workplaces they are active in.

367. The Irish Business and Employers Confederation have appointed a diversity project officer as part of the Action Strategy. The diversity project officer is responsible for the administration, organisation, development and delivery of various diversity projects and initiatives. A help-desk was set up in November 2008 to take any queries or deal with any issues arising from employers in the area of diversity. Various initiatives have also been undertaken to communicate and promote the case for diversity including a “Diversity newsletter” circulated to employers. Four networking events were run across Ireland in 2009 which were attended by 130 organisations, both large and small, public and private sector. A Human Resource Management Survey was undertaken in 2008, providing a national benchmark on a wide range of Human Resource practices and was extended to include a number of diversity issues. One of the findings which emerged was that the main challenges accompanying the employment of non-Irish nationals included language difficulties (60%) and cultural integration (54%). A framework for a mentoring process among organisations, mentor guidelines and training for mentors was developed.

368. A best practice guide on diversity management and the integrated workplace is currently being researched and written by the diversity project office in the Irish Business and Employers Confederation. The research is scheduled to be completed by the end of 2009 and will address key topics such as:

- The business case for diversity
- How to create and maintain an integrated workplace
- The customer perspective
- Monitoring, measurement and benchmarks
- Best practice case studies (5 to 6 case studies from a range of organisations)
- Future trends

369. For information on refugees and displaced persons, please see paragraphs 87–88 regarding the asylum system in Ireland. On non-citizens, including immigrants, refugees, asylum-seekers and stateless persons, please see information on article 1. With regard to indigenous peoples, there is no indigenous population in the Irish State. The Roma Community in the Irish State is made up principally of persons of Romanian, Hungarian, Polish and Czech Republic origin, all of whom are EU Citizens and, as such, in terms of immigration controls, are covered by the provisions of the European Communities (Free movement of persons) (No. 2) Regulations 2006. Such persons are not required to register their presence in the State. Caste-based discrimination is not applicable to Ireland. Gender issues were considered in all aspects of the implementation of the National Action Plan Against Racism 2005–2008, in particular, in the delivery of public services. In addition, the Government has published a comprehensive National Action Plan on Women which acknowledges ethnic and cultural diversity. The Government has subsequently published the National Women’s Strategy 2007–2016 (please see paras. 89–91).

26. National Women’s Strategy 2007–2016

370. The National Women’s Strategy is an all of Government strategy which was approved by the Government and launched by the Taoiseach on 18 April 2007. The Strategy has as its vision “an Ireland where all women enjoy equality with men and can achieve their full potential, while enjoying a safe and fulfilling life”. The Strategy, which contains 20 key objectives and over 20 actions, aims to:

- Equalise socio-economic opportunity for women

- Ensure their well-being
- Engage women as equal and active citizens
- It will be reviewed every three years and it is intended that the needs of women experiencing, or at risk of, multiple discrimination will be addressed further in the first review, due to take place in 2010

371. Irish equality legislation provides for the submission and hearing of complaints of discrimination related to any combination of the nine grounds specified, which are gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. Approximately one fifth of cases referred to the Equality Tribunal for investigation under the Employment Equality Acts and the Equal Status Acts relate to complaints on multiple grounds.

372. Under the research function assigned to the Equality Authority under the above Acts, the Authority has commissioned a ‘Research Programme on Equality and Discrimination’,⁹¹ carried out on its behalf by the Economic and Social Research Institute. Recent publications in this series include “Immigrants at Work – Ethnicity and Nationality in the Irish Labour market”⁹² (2008), a systematic baseline study that examines labour market experiences of migrants in Ireland distinguished by ethnicity.

373. The Office of Social Inclusion is the Government office with overall responsibility for co-ordinating and driving the Government’s social inclusion agenda which includes the National Action Plan for Social Inclusion 2007–2016 (NAP inclusion) and the social inclusion elements of the National Social Partnership Agreement Towards 2016 and the National Development Plan 2007–2011.

374. Recent publications relevant to the above includes “A social portrait of Communities in Ireland”⁹³ published in November 2008.

(a) *Migrant’s experience of racism and discrimination in Ireland: ESRI Survey Report (November 2006)*⁹⁴

375. This study reported the results of a survey conducted in 2005 to assess the prevalence and degree of discrimination reported by recent migrants. The survey measured perceived discrimination in a range of different situations – in the workplace, in public places, in shops/restaurants, in commercial transactions and in contact with institutions. The sample covered work permit holders and asylum-seekers, two important groups of recent migrants to Ireland. All of the respondents were non-EU adult migrants, representing a broad range of nationalities from North and South/Central Africa, from Asia and from Eastern Europe.

Some of the key findings were:

- Harassment on the street, in other public places or on public transport was the most common form of discrimination in Ireland: 35% of the migrants’ sample reported experiencing this.

⁹¹ http://www.esri.ie/research/research_areas/equality/research_programme_on_equ/.

⁹² <http://www.equality.ie/index.asp?docID=737>.

⁹³ <http://www.socialinclusion.ie/publications/SocialPortraitforCommunities.html>.

⁹⁴ http://www.esri.ie/news_events/press_releases_archive/2006/migrants_experience_of_ra_2/index.xml.

- Among those entitled to work, insults or other forms of harassment at work was the second most common form of discrimination, with 32% of work permit holders having reported this.
- Black Africans experienced the most discrimination of all the groups studied. This was true of racism/discrimination in the work domain, in public places, in pubs/restaurants and in public institutions, even after accounting for other factors like education, age and length of stay.
- Non-EU Eastern Europeans generally reported less discrimination than other national groups. This is particularly true of harassment in public places.
- Compared to other national groups, Asians reported the lowest incidence of discrimination in their dealings with Irish institutions. Asylum-seekers were much more likely to report discrimination than work permit holders. This was true for all the domains which are relevant to both groups: public places, shops, restaurants and institutions, even after controlling for national/ethnic origin.
- The immigrants surveyed were most likely to socialise with people from their own country of origin, followed by Irish people. They were less likely to socialise with other ethnic or national groups.

376. This report commented that, in general, levels of reported racism in Ireland tended to be lower than in other countries, particularly Southern European countries. While the reported incidence of racism and discrimination on the street/in public transport and harassment in the workplace were high in most countries, reports of bad treatment by the police and being denied access to housing were much less common among immigrants in Ireland than in most other countries.

(b) *Attitudinal survey on migration to Ireland*

377. In October, 2006, under the National Action Plan Against Racism, the results of an attitudinal survey on migration to Ireland was launched. This survey updated the findings of a similar survey which was carried out in 2003. The research entitled '*Opinions on Racism and Attitudes to Minority Groups*' was commissioned to help determine the focus of anti-racism, to measure the current level of involvement with new communities and to assess opinions on racism and new communities. The results of the survey were extremely encouraging:

- The findings indicated that experiences of racism in Ireland had reduced and there had been a shift in understanding and awareness regarding non-Irish Nationals and their contribution to society since 2003.
- One of the most striking findings of research was the significant increase in the numbers of people who had experiences of new communities – an increase from 36% to 67% from 2003 to 2006 which showed more interaction between different communities and greater integration.
- The general impression of people from new communities in Ireland had increased positively in the period 2003–2006 (nearly 10%) and this trend suggests that the more people are exposed to members of new communities, the more likely they were to be positively disposed toward them.
- In general, people were happy with the decision to come to Ireland. Positive reasons cited included the fact that the people are pleasant and friendly, the economy was strong, the architecture and scenery was remarkable and the fact that there was generous social welfare benefits. Negative issues mentioned included the fact that Ireland was found to be

expensive, the weather was unpredictable, the cities were thought to be dirty by some and the fact that some had experienced isolation and helplessness.

(c) *Flash Eurobarometer Survey – “Intercultural Dialogue in Europe – December 2007”*⁹⁵

378. The main findings of the Flash Eurobarometer Survey published in December 2007 in relation to Ireland included the following:

- 77% of Irish citizens had interaction with people from other groups. Particularly high figures were recorded for interaction with those of a different ethnicity (64%) and for those with non-EU citizens (50%). Both of these figures were also the highest in the EU.
- Irish figures were the highest in the EU in terms of meetings in public spaces (75%), meetings at educational establishments (36%) and whilst travelling (39%). The Irish also recorded the highest intensity of encounters, with 3.1 different types of encounter per person.
- The Irish were the most likely of all EU citizens to agree that their lives were being enhanced by intercultural contact. 90% of those still in the educational system felt this way.
- The Irish were some of the most enthusiastic EU citizens (only behind the Danes and Swedes) in terms of saying intercultural dialogue was beneficial.

(d) *EU Minorities and Discrimination Survey (EU-MIDIS) – April 2009*⁹⁶

379. This Survey was commissioned by the European Union Fundamental Rights Agency and the results were published in April 2009.

380. The two groups interviewed in Ireland were Central and Eastern Europeans and Sub-Saharan Africans. Some of the results show Ireland in a positive light whereas others raise issues of concern:

- For example, 73% of the respondents in the Sub-Saharan African Group think that discrimination based on ethnic or immigrant origin is widespread in Ireland. This places Ireland 14th in a list of 45 groups.
- 76% of respondents in the Ireland Sub-Saharan African group and 63% of Ireland Central and Eastern European groups did not know of any organisation offering support and advice to people who have been discriminated against. This places Ireland 36th and 42nd in a list of 45 countries.

381. The Office of the Minister for Integration welcomed the Report on the EU-MIDIS Survey. The results of this survey illustrated the challenges posed by immigration and indeed, indicated that many countries with a much longer history of immigration than Ireland still face major challenges. However, the Office of the Minister for Integration expressed some concern as the sampling methods used were different in Ireland to most other countries. It seemed that an attempt to use the random sampling method used elsewhere was abandoned in Ireland, apparently because that method did not produce sufficient respondents. A further concern was that the coverage area for interview in Ireland was the Dublin Metropolitan Area only.

⁹⁵ ec.europa.eu/culture/archive/sources_info/.../final_annexes_en.pdf.

⁹⁶ http://fra.europa.eu/fraWebsite/products/publications_reports/pub_eu-midis_en.htm.

(e) *Research on the issues and challenges in the recruitment and selection of immigrant workers in Ireland*⁹⁷

382. This research was part funded by the Office of the Minister for Integration and the Public Appointments Commission. The findings of the research were launched in July 2009. The research highlights the significant barriers facing immigrant job seekers in Ireland and identifies the need for employers to be more aware and proactive in ensuring equality of opportunity particularly in the current labour market.

383. The research report identified some of the key obstacles that immigrants reported in trying to secure employment such as a lack of information in relation to the job search process, a perceived preference amongst employers for Irish experience and references and difficulties in demonstrating equivalence of qualifications. The report also highlighted the different views that immigrant job seekers and employers often had in relation to the selection process and the extent to which it was open and fair.

384. The report provides a useful insight and advice for employers seeking to ensure that their recruitment processes are fair and immigrant friendly. Copies of the report and information on the above initiatives can be found on the publication section of the website of the Office of the Minister for Integration at www.integration.ie or on the Public Appointments Service website at www.publicjobs.ie. For further information on this research please see paragraph 63 of this report.

(f) *Central Statistics Office – Census of population 2006 and related reports*

385. The Government has introduced a number of key policy instruments to assess the extent of cultural and ethnic diversity in Ireland and to provide benchmarks for planning. This has been principally achieved through the Census of Ireland. The Ethnic and Cultural Diversity question was asked for the first time in the 2006 Census. Census 2006 included questions on the following themes:

- Ethnic and cultural diversity
- Nationality
- Place of birth
- Religion

386. As previously stated, the Central Statistics Office published a report in June 2008 entitled '*Census 2006 – Non-Irish Nationals living in Ireland*', presenting a thematic examination of the non-Irish national population living in Ireland at the time of the 2006 Census. The information in the report is sourced entirely from the census and deals with persons who were usually resident in Ireland in April 2006.

387. Non-Irish nationals were identified by their responses to the question 'What is your nationality?' This question was first asked in the 2002 Census.

388. There were a total of 420,000 non-Irish nationals (excluding 'not stated') living in Ireland in April 2006, representing 188 different countries. While the vast majority of these people were from a very small number of countries — 67% from just 10 countries — there was also a remarkable diversity in the range of countries represented.

389. The report, which is in two parts, gives an overview of the total non-Irish population comparing their characteristics with those of the resident Irish population, and follows this

⁹⁷ www.integration.ie/.../Issues%20and%20challenges%20Executive%20Summary.pdf.

with an in depth profile of the ten largest nationality groups (*UK Nationals, Poles, Lithuanians, Nigerians, Latvians, US Nationals, Chinese, Germans, Filipinos and French*).

390. The Central Statistics Office also published a report in November 2007 entitled; “Equality In Ireland 2007”,⁹⁸ which examines the demographic and economic situation of people in Ireland across the nine equality grounds.⁹⁹ The report was prepared to mark the European Year of Equal Opportunities for All 2007.

391. Some of the key findings of the report include that 88.8% of the population were Irish nationals, 2.7% were from the UK, 3.9% were from other EU countries and 3.5% were from outside the EU. 96.5% of the population has a white ethnic background (Irish, British, Polish, etc), with “Other Whites” (excluding Irish and Irish travellers) concentrated mainly in the 25–44 age group (50.5%). People with Black ethnic backgrounds were concentrated in the 0–14 (40.9%) and 15–44 (44.5%) age groups.

(g) *Special Eurobarometer Survey (317) – Discrimination in the EU in 2009*

392. The main findings of the Special Barometer survey published in November 2009 in relation to Ireland included the following:

- Citizens in Ireland tended to have a fairly diversified circle of friends and acquaintances. Thus, a majority of respondents in Ireland readily acknowledged that their circle of friends and acquaintances included people whose religion or beliefs were different from theirs, disabled people and homosexuals. The proportions noted in Ireland were 2 to 9 points higher than those recorded at the European level. On the other hand, they mixed less than respondents in the other Member States with people from a different ethnic background. In addition, respondents in Ireland seemed to have very little contact with Roma. In line with the results obtained at the European level, the younger the respondents were, the more likely they were to have friends or acquaintances from a different ethnic background.
- The levels of answers concerning the widespread nature of the six forms of discrimination (ethnic origin, age, disability, sexual orientation, gender, religion or belief) in Ireland were far lower than those noted at the European level (between 15 and 22 percentage points lower).
- A majority of the people polled considered that the diversity of Irish society was adequately represented in the media.
- Responses to the questions about how they would feel about having someone from the various categories in the highest elected political position showed higher levels of acceptance than those obtained at the European level. This was particularly true as regards the case of a woman, a disabled person or someone from a different ethnic background.
- Almost half the Irish (in a lower proportion than the European average) said that they did not know their rights if they were the subject of discrimination or harassment.

⁹⁸ http://www.cso.ie/newsevents/pr_equalityinireland2007.htm.

⁹⁹ The nine grounds of unlawful discrimination named in equality legislation are: Gender, marital status, family status, age, disability, race, sexual orientation, religious belief and membership of the Traveller community.

Article 6

393. As reported in the last State report, the Irish Government is committed to maintaining human rights and to providing effective protection and remedies for violation of those rights.

394. The Employment Equality Act, 1998, covers employees in the public and private sectors as well as applicants for employment and training.

395. The Act outlaws discrimination in work related areas such as pay, vocational training, access to employment, work experience and promotion. Cases involving harassment and victimisation at work are also covered by the Act. The publication of discriminatory advertisements and discrimination by employment agencies, vocational training bodies and employment agencies, e.g. trade unions and employer associations, is outlawed. Collective agreements may be referred to the Director of Equality Investigations for mediation or investigation.

396. Anyone who feels they have been discriminated against may refer a complaint to the Equality Tribunal within 6 months of the occurrence of the act of discrimination (see paras. 163 ff. for more information about the Equality Tribunal). The Director of the Tribunal may extend this to a maximum of 12 months, if the complainant shows that there is reasonable cause to do so.

1. Redress

397. Where the Tribunal Equality Officer finds that there has been discrimination, s/he may require that a particular course of action be undertaken and/or award:

- In an equal pay case: Equal pay and up to three years' arrears of pay from the date of the claim
- In other cases: Equal treatment and compensation for the effects of discrimination of up to a maximum of two years pay or €12,697 where the person was not an employee

2. Appeals

398. Decisions may be appealed to the Labour Court within 42 days from the date of the Decision. If a Decision or Mediated Agreement is not complied with, it may be enforced through the Circuit Court.

399. With regard to measures taken to ensure (a) that victims have adequate information concerning their rights, (b) that they do not fear social censure or reprisals, (c) that victims with limited resources do not fear the cost and complexity of the judicial process, (d) that there is no lack of trust in the police and judicial authorities and (e) that the authorities are sufficiently alert to, or aware of, offences with racial motives, see reply to 6 (1) above.

400. For information on whether national human rights institutions and ombudspersons and other similar institutions are authorized to hear and consider individual complaints of racial discrimination, see paragraphs 394–396 above.

401. For types of reparation and satisfaction, with examples, which are considered adequate in domestic law in case of racial discrimination, see paragraphs 394–396 above. See also the Legal Review Section of the Equality Tribunal website (www.equalitytribunal.ie).

402. For information on the burden of proof in civil proceedings for cases involving racial discrimination, see paragraphs 394–396 above.

403. Ireland has made a declaration pursuant to Article 14 of the Convention, recognising the right of individuals to petition the Committee directly when all local remedies have been exhausted.

Article 7

1. General information on the Irish education system

404. Paragraphs 339–341 detail the guiding principles and key legislation and policies regarding inclusive education in Ireland.

405. School attendance is compulsory from age 6–16 or until students have completed three years of second level education, whichever occurs later.

406. In January 2010, a free pre-school year will be offered to all 3–4 year olds. This represents a major policy change for the Irish Government. It indicates the increased awareness of the importance of early childhood education for all children, especially those at risk of educational disadvantage.

407. Primary schools may accept children from the September after their fourth birthday. Over 90% of all five year olds are enrolled in primary schools. The typical primary school enrolls pupils by age into eight year-groups or classes, and caters for pupils from approximately 4 to approximately 12 years of age. The curriculum followed is a child-centred one and allows for flexibility in timetabling and teaching methods.

408. Almost all pupils transfer to second level school when they have completed their primary education – generally at about 12 or 13 years of age. The second level education sector comprises secondary, vocational, community and comprehensive schools, and they all follow the same prescribed curriculum in preparation for the taking of the same standardised State examinations.

409. Second level schools offer a five or six year cycle. The junior cycle lasts three years, culminating in the State Junior Certificate Examination. The senior cycle can include a Transition Year programme of one year, followed by a two year programme culminating in students sitting the State Leaving Certificate examination. Entry to third level education is, for the most part, linked to the results achieved in the Leaving Certificate examination.

410. The portfolio of the Minister for Integration sits partly in the area of education. The Minister is responsible for inter alia:

- Ensuring that the range of education policies across different areas of the Department of Education and Science and the bodies under its aegis take account of the need to integrate immigrants and their families
- Co-ordinating the work of the Department on the integration of newcomers with the related work of other relevant Departments and State agencies

411. The principles of education for equality, respect and diversity underpin both pre-service training and continuing professional development. Ireland is fully committed to the promotion of, and support for, these principles.

2. Initial teacher education – Primary level

412. Trainee primary teachers follow similar but not identical training programmes in the different colleges of education. In several colleges, training in relation to Education for equality, respect and diversity forms part of electives. General training for the teaching of the primary curriculum is based on the importance of respect, diversity and tolerance. Teaching methodologies focus on support for the inclusive classroom. Training is therefore

implemented in a cross – curricular manner and also in the context of training for the teaching of particular subject areas of the curriculum such as Social, Personal and Health Education where respect, diversity and tolerance are addressed in greater depth.

3. Initial teacher training – Post-primary level

413. Trainee post-primary teachers study teaching methodologies focussing on support for the inclusive classroom. Training for the teaching of particular subjects such as Civic, Social and Political Education and Social, Personal and Health Education address the key related principles in greater depth.

4. Continuing professional development

414. There are a number of initiatives to support continuing professional development for teachers, as noted in the response to paragraph 19 of the report of the coordinator on follow-up in part I.

415. Continuing professional development is provided to school leaders and teachers to support them in creating inclusive schools. Support programmes offered to school leaders and those responsible for school planning refer to the issues of equality, respect and diversity generally and also assist schools to devise policies supporting the creation of inclusive schools, as required by legislation.

416. There are separate professional support and development services for primary and post-primary levels, reflecting the differences between schools at both levels. This ensures that specialised support is provided, tailored to schools' specific needs.

417. General curriculum-related continuing professional development promotes the concept of an inclusive school, whilst subject-specific continuing professional development deals with these issues in greater detail.

418. A programme of summer courses for primary teachers is provided nationally through the education centre network.

419. The Government is anxious to promote inclusive school environments that reflect value and affirm linguistic, ethnic and cultural diversity. The Department's Inspectorate publications *Looking at Our School: An Aid to School Self-Evaluation in Primary Schools* and *Looking at Our School: An Aid to School Self-Evaluation in Second-Level Schools*¹⁰⁰ specifically refer to the principles that should underpin provision and support for students from minority groups. These principles are addressed by the professional support and development services at both primary and post-primary levels.

420. The National Council for Curriculum and Assessment (www.ncca.ie) is the statutory body responsible for advising the Minister for Education and Science on issues concerning the curriculum and assessment at primary and post primary level.

421. In the Irish education system, Education for equality, respect and diversity is not a separate or discrete area of the curriculum and is not solely associated with one programme or subject in the curriculum. It is viewed as cross-curricular and is provided for in an integrated manner across many subject areas. It is also embedded in the practices contributing towards the classroom and school climate. The National Council for Curriculum and Assessment intercultural guidelines (as detailed in the response to para. 19 of the report of the coordinator on follow-up in part I) outline the rationale for this approach:

¹⁰⁰ <http://www.education.ie/home/home.jsp?pcategory=32818&ecategory=35653&language=EN>.

“The integration of knowledge and understanding, skills and capacities, and attitudes and values across all subject areas provides the learner with a more coherent and richer learning experience ... appropriate attitudes and values will be developed by young people if they are integrated across subject areas and within the whole life of the school ... Intercultural education therefore, should be central to all aspects of school life.”

422. While diversity, human rights education and combating racism can feature in a range of contexts across the curriculum, the strongest emphasis is in social, personal and health education and civic, social and political education.

5. Primary education

423. The revised Primary School Curriculum (1999) is designed to nurture the child in all dimensions of their life. The curriculum provides a suitable framework for the development of education for equality, respect and diversity, as it emphasises the entire area of respect, fair play, anti-discrimination, acceptance and understanding of other peoples and cultures.

424. Social, personal and health education is a mandatory part of the curriculum and is divided into a number of strands, dealing with individual development on a personal, community and wider world level. Some of the key skills it seeks to develop are care and respect for oneself, conflict resolution, empathy, co-operation with others, a sense of social responsibility, active citizenship, appreciation for diversity, and the interdependence of local, national and global communities.

425. In Geography, the curriculum includes a focus on respecting the diversity of lifestyles, trade and development issues, an awareness of the inequalities between the developed and developing worlds and the work of international development agencies.

6. Post-primary education

426. The post-primary curriculum builds on the work carried out in primary school.

427. In Junior Cycle, the Junior Certificate Programme contributes to the moral and spiritual development of the young person, so that they develop respect for the values and beliefs of others. It aims to prepare the young person for the responsibilities of citizenship in national, European and global contexts.

428. This is echoed in the senior cycle education, which aims to enable and prepare people to live lives to the fullest potential within a democratic society.

429. Social, personal and health education has been a mandatory programme at junior cycle since 2003. At this level, the key emphasis is on promoting self esteem and physical and mental/emotional well-being, and responsible decision making. Self management and communication are covered. The programme focuses on promoting self esteem and developing positive relationships with others. Respect, rights and responsibilities are specifically featured.

430. Civic, social and political education is a junior cycle course in active citizenship, based on human rights and social responsibilities, and is compulsory for all students. The Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child are two key documents underpinning the course. It aims to develop critical awareness skills, ethical decision making and participatory citizenship, based on the understanding of diversity, human rights and social responsibilities. The concepts of democracy, rights and responsibilities, human dignity, interdependence are all inter-related in the programme. Learning is set out in the context of individuals, communities, Ireland and the wider world, and there is a Junior Certificate exam in the subject.

431. Part of the Leaving Certificate Applied Programme address issues such as those covered in civic, social and political education. Within senior cycle, programmes in social, personal and health education and Politics and Society are currently being developed by the National Council for Curriculum and Assessment.

432. The Transition Year programme is a one year optional programme which some schools offer. Its aim is to promote the personal, social, educational and vocational development of students and prepare them for autonomous participation in society. It allows many opportunities to promote diversity and integration and to tackle issues such as stereotyping, racism, discrimination etc within the programme.

7. Guidelines on intercultural education

433. As noted in the response to the recommendation contained in paragraph 19 of the report of the coordinator on follow-up in part I, the National Council for Curriculum and Assessment has produced guidelines on intercultural education. These identify ways in which intercultural education can be integrated into the curriculum in schools and contribute to the development of Ireland as an intercultural society based on a shared sense that language, culture and ethnic diversity are valuable. They provide practical supports for teachers, school management and staff in promoting an inclusive school environment. The guidelines deal with issues such as school development planning, how the curriculum can be taught in an intercultural context, selection of appropriate resources, assessment, and creating supportive environments for second language learning.

8. Youth

434. The National Youth Council published a Report and Recommendations for an Intercultural Strategy for Youth Work 2008–2011¹⁰¹ in 2008.

9. Third level

435. In relation to the third level sector, the National Office of Equity of Access to Higher Education within the Higher Education Authority is also exploring ways to progress an 'intercultural campus'. In its National Plan for Equity of Access to Higher Education 2008 – 2013,¹⁰² it notes that special regard must be given to the needs of recent immigrants.

436. Please see paragraphs 97 ff. and Appendix II for details of training for law enforcement officials.

437. Through the work of the Arts Council and the Department of Arts, Sports and Tourism, measures are being taken to develop intercultural approaches to the Arts in Ireland.

438. In 2005, the Government established a new agency, Culture Ireland,¹⁰³ which has among its objectives the promotion of deeper mutual understanding between Irish and other cultures and communities through artistic and cultural exchange and understanding in a global context.

439. With the creation of Culture Ireland, the Government has established a new capacity and priority at the national level to develop intercultural dialogue, exchange and understanding in a global context.

¹⁰¹ www.intercultural.ie/node/23.

¹⁰² [www.heae.ie/files/.../National_Access_Plan_2008-2013_\(English\).pdf](http://www.heae.ie/files/.../National_Access_Plan_2008-2013_(English).pdf).

¹⁰³ <http://www.cultureireland.gov.ie/>.

440. One of Culture Ireland's stated priorities for the period 2007–2010 is to support artistic and cultural exchanges with the countries of origin of new communities resident in Ireland, for example China and Poland, with the aim of promoting deeper intercultural understanding within Ireland and between Ireland and other countries.

10. Cultural Diversity and the Arts (2008)

441. The Arts Council received funding under the National Action Plan Against Racism to carry out a significant research project to inform the development of a cultural diversity policy for the arts and an Action Plan to support culturally diverse practice into the future. The Arts Council engaged Create, the national development agency for collaborative arts, to manage the extensive research and consultation phases which will inform policy. The research is completed and has been submitted to the Board of the Arts Council where it is under active consideration.

442. The area of Cultural Diversity is managed by the Arts Council Participation Team. Participation is understood to include a broad range of practice where people collaborate with skilled artists to make or interpret art, with the purpose of developing creative communities and individuals. In this way, culturally diverse work in the arts fields fits within a wider framework of inclusiveness that aims to engage people of all ages, cultures and socio-economic backgrounds.

443. The Arts Council is committed to equality of opportunity and to eliminating any forms of discrimination, particularly those which are defined under the terms of the Employment Equality Act, 1998.

444. The Arts Council is committed to implementing equal opportunities in all its employment policies, practices and procedures, without discrimination on any grounds specifically the nine grounds covered by the above legislation, which include race (colour, nationality, ethnic or national origin).

445. The Arts Council funds festival such as The Festival of World Cultures¹⁰⁴ and the St. Patrick's Festival, which engage with a broad range of cultures and communities in the production of their work and companies such as the Irish Modern Dance Theatre, which explore the complexities of contemporary identity in a changing Ireland.

446. The strategy for the European Year of Intercultural Dialogue 2008¹⁰⁵ emphasised the importance of dialogue as one of the key components in building an intercultural society in Ireland which values diversity, equality and interaction but which also values a shared sense of place and cohesion. It focused on six key programmes Arts and Culture, Community Participation and Sports, Business and Trade Union, Service Providers (in particular Education) and four Cross Cutting Themes (Young People, Women, North-South co-operation and an EU and International Focus). The Strategy was launched by the President of Ireland in an event at the Mansion House, Dublin on 24 January 2008.

11. Africa Day

447. The White Paper on Irish Aid¹⁰⁶ has made a commitment that Irish Aid would support events in Ireland that promote a more comprehensive understanding of Africa, in particular through the funding of events to make Africa Day¹⁰⁷ (25 May). These events highlight many positive aspects of the continent in terms of diversity, history, culture and

¹⁰⁴ <http://www.festivalofworldcultures.com/>.

¹⁰⁵ http://ec.europa.eu/culture/portal/sites/members/irland_en.htm.

¹⁰⁶ <http://www.irishaid.gov.ie/whitepaper/>.

¹⁰⁷ <http://africaday.irishaid.org/home.aspx>.

art, as well as economic and political success stories. The events also highlight Ireland's commitment to African development through the Irish Aid programme.

12. Chinese New Year

448. The Chinese New Year Festival has become an annual event in Dublin City's calendar. Dublin Chinese New Year Festival in conjunction with Dublin City Council presents a vibrant and diverse programme of events to celebrate the Chinese New Year. Highlights of the 2009 festival include the organisation of a Carnival with interactive workshops and arts and crafts workshops.

449. Please see the response to paragraph 21 of the report of the coordinator on follow-up in part II for information on the linguistic policies adopted and implemented by the State party.

450. Currently the Department of Education and Science are spending approximately 120 million euros per annum on language support in primary and second level schools and 10 million euros on language tuition for adults. There are approximately 12,500 places available on the adult courses. Private language schools in Ireland offer courses which range from basic tuition to courses leading to internationally recognised qualifications.

451. The *Advisory Council for English Language Schools*¹⁰⁸ (ACELS) oversees private English language schools in Ireland. The Advisory Council for English Language's remit, under the Department of Education and Science, is to promote the highest standards in the quality of educational services and to ensure that these standards are maintained.

452. The thirty three *Vocational Educational Committees* (or VECs) throughout Ireland have a key role to play in the provision of English language classes. Some of these classes are free, some charge a small fee.

453. In summer of 2008, the Government announced that it was transferring responsibility for the provision of English language programmes for refugees from Integrate Ireland Training (IILT) to the Vocational Educational Committee (VEC) sector.

454. In addition to the above, there are a number of non-governmental organisations (NGOs) and voluntary organisations in Ireland who offer English language classes. Many of these classes are free of charge.

13. Broadcasting Act 2009

455. The Broadcasting Act 2009 consolidates the corpus of broadcasting legislation in Ireland and revises the law relating to broadcasting services and content generally.

456. The Broadcasting Act 2009 provides *inter alia* for the continuation of independent regulation via the Broadcasting Authority of Ireland the continuation and preparation of Broadcasting Codes and Rules by the Broadcasting Authority Ireland, and provides for a right of reply.

14. Broadcasting Authority of Ireland – Broadcasting Codes and Rules

457. The Broadcasting Act, 2009 revises the law relating to broadcasting services and content generally. The Act established a new broadcasting content regulator to be known as the Broadcasting Authority of Ireland. The Broadcasting Authority of Ireland will perform the existing functions of the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission.

¹⁰⁸ <http://www.acels.ie/>.

458. The Broadcasting Authority of Ireland has a range of Codes governing programme and advertising content on radio and television. The principal Codes are:

- (i) The Code of Programme Standards (10 April 2007);
- (ii) The Children's Advertising Code (1 January 2005); and
- (iii) The Advertising Code (10 April 2007).

459. These codes provide inter alia that "Programme material shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race or religion" and that "Commercial communications shall not support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller Community, family status, sexual orientation, disability, race or religion" and that "Children's advertising shall not reflect a range of values which are inconsistent with the moral or ethical standards or diversity of contemporary Irish society. It shall respect human dignity and not discriminate on grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. Nor shall it be offensive to religious or political beliefs or encourage behaviour which is damaging to the environment. It shall respect the principle of equality and avoid sex stereotyping and any exploitation or demeaning of men, women or children."

15. Broadcasting Authority of Ireland – Broadcasting Funding Scheme

460. The Broadcasting Funding Scheme aims to encourage both private and public broadcasters to include additional programming of a particular character in their programme schedules. The Scheme can be used to support the development of additional programmes on Irish culture, heritage and experience, programmes aimed at improving adult literacy and programmes in the Irish language. It promotes programming at both a community and national level for a range of topics from programmes aimed at teaching English to non-nationals to documentaries aimed at developing a greater understanding of minority cultures, including programmes on the Islamic communities in Ireland, documentaries on the history of immigration to Ireland, programmes relating to the stories of immigrants to Ireland, programmes focussing on the experience of female immigrants and programmes on the experience of Irish emigrants returning to Ireland.

461. The Scheme is open to broadcaster and independent producers. While the present Scheme expires at the end of 2009, approval of the European Commission to operate the Scheme for a further period has been sought and a formal decision by the Commission is expected before the end of 2009.

16. Public Service Broadcasting Charter

462. As part of a package of measures agreed in December, 2002 in the context of a decision to increase the level of the television licence fee, it was agreed that Radio Teilifís Éireann (RTE), the national public service broadcaster, would operate under a Public Service Broadcasting Charter. The Charter outlines the obligations placed on RTE by national and EU legislation and sets out the commitments made by the broadcaster, in terms of provision of services and accountability. A review of the Public Service Broadcasting Charter is due to be completed before the end of 2009.

463. Many of the initiatives with which the Department of Communications, Energy and Natural Resources is engaged at the European level are aimed at fostering an active European citizenship which is open to the world, is respectful of cultural diversity and is based on common values. Such initiatives include the EU Audiovisual Media Services

Directive,¹⁰⁹ the designation of events of major importance, the protection of minors and provision for the right of reply.

464. As part of the EU Year of Intercultural Dialogue 2008 RTE marked the Intercultural and Anti-racism Week 2008 (April 7-14) with a wide range of programmes highlighting and promoting interculturalism within Irish society on television, radio and their website www.rte.ie. Programmes included, television documentaries entitled, 'West of Mecca', 'Here to Stay' and 'Welcome to Europe' which looked at different aspects of migration and cultural diversity.

17. **Metro Éireann Media and Multicultural Awards (MAMA)**¹¹⁰

465. The annual MAMA Awards celebrate the contributions of Irish and non-Irish people who have promoted integration and cross cultural understanding in Ireland, North and South.

466. The Awards are open to individuals, public and private sector organisations, and non-profit organisations on the island of Ireland. The Office of the Minister for Integration has provided funding towards the event.

467. For information on action taken to encourage awareness among professionals of all media of their particular responsibility not to encourage prejudice and to avoid reporting incidents involving individual members of groups protected under the Convention in a way which blames such groups as a whole, please see reply to the recommendation contained in paragraph 7 of the report of the coordinator on follow-up in paragraphs 54 ff. of part I of this report.

468. For action taken to encourage methods of self-monitoring by the media, through a code of conduct for media organisations, in order to avoid racial, discriminatory or biased language, please see reply to the recommendation contained in paragraph 7 of the report of the coordinator on follow-up in paragraphs 54 ff. of part I of this report.

18. **Media campaigns**

469. A major national awareness media campaign emphasising the benefits of diversity took place in March and April 2006. The underlying theme of the campaign was to reflect the new multicultural Ireland in which we now live and to place inclusion and diversity in its proper modern context as an everyday reality. The campaign consisted of a series of 5–40 second commercials and ran for a six week period across all national and local radio stations.

(a) *Public awareness campaign*

470. In February 2007, the National Action Plan Against Racism launched a major public awareness campaign to highlight the important contribution made by members of minority ethnic groups to Irish society. This campaign used real-life case studies to communicate a trend in Irish Society, showing new Irish citizens working in key areas of Irish life.

(b) *Corporate sector*

471. The National Action Plan Against Racism, the Equality Authority and the Irish Management Institute established a research BIZLAB model to promote the business case

¹⁰⁹ <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007L0065:EN:NOT>.

¹¹⁰ <http://www.mamaawards.com/>.

for diversity in the workplace through research to explore and identify the primary issues in the management of cultural diversity.

472. An output of this BIZLAB model was the development of a diversity toolkit¹¹¹ which provides an important practical support to organisations to adapt their workplace policies, procedures and practices to address the challenges posed by a culturally diverse workforce and to actualise the potential for business success that is inherent in this diversity.

473. Please also see paragraphs 363 ff. regarding “An Action Strategy to Support Integrated Workplaces”.

(c) *Measures undertaken by the Department of Defence*

474. The Defence Forces UN School conducts International Human Rights and Civil and Military Cooperation courses for both Defence Forces and other government agencies. This leads personnel to have greater understanding of human rights issues, which ensures a greater knowledge and tolerance of racial and ethnic groups.

475. The Defence Forces has participated in a number of Anti-Racist and Diversity awareness initiatives in conjunction with the Equality Authority. The focus of these initiatives is to raise awareness through the media and public opinion. Such awareness programmes, in conjunction with briefings at Unit level and before personnel depart on overseas service, engender mutual respect, contribute to greater understanding of racism and interculturalism.

IV. Consultation

A. Consultation meeting with the non-governmental sector on the joint third and fourth reports of Ireland under the United Nations Convention for the Elimination of All Forms of Racial Discrimination on 25 November 2008

476. Recognising the important role that the Non-Government Organisation (NGO) sector plays in human rights matters, the Department of Justice, Equality and Law Reform, in the drafting of this report, consulted formally and informally with a representative cross-section of the NGO sector. A complete list of the NGOs consulted appears at the end of this section.

477. The purpose of the consultation was three-fold:

- To ensure Ireland’s Third and Fourth periodic report provided an accurate update on the current status in Ireland of the measures being adopted to give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination
- To identify the main concerns of the NGO sector and to afford them a meaningful opportunity to present to Government officials their ideas on how Ireland could achieve fuller implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

¹¹¹ <http://www.integration.ie/website/omi/omiwebv6.nsf/page/B9FDAC8BBEC669B980257576003EA33C>.

- To explore the implementation by Ireland of the International Convention on the Elimination of All Forms of Racial Discrimination from an alternative perspective and to record this in a specific chapter in this report

478. The participating NGOs were furnished with the draft report on a confidential basis before the meeting. The meeting did not set out to achieve consensus or agreement but rather to allow for a constructive exchange of views on the report.

479. An independent Chair and Rapporteur were engaged to chair the meeting and to prepare a report detailing the main points raised.

480. The participating NGOs presented their views on the four main focus areas: Human Rights, Equality and Anti-Racism Groups; Traveller Community Groups; Migrant Rights Groups and Refugee and Asylum-seeker Groups.

481. Some of the main concerns of the NGO sector are outlined under the four main focus groups in the following paragraphs. This is not an exhaustive analysis of all the issues raised but it illustrates some of the main areas discussed.

482. It was agreed to include in the final report revisions to facts and statistics in the draft report which were either outdated or inaccurate. Several omissions were also to be rectified. It was also agreed that the most appropriate procedure would be to supplement the final report with a chapter recounting the principal points raised in the course of the consultation process.

483. On some issues, a concern was raised by several groups. However, to avoid undue repetition, the point is articulated only once.

B. General comments

484. Many groups commented that insufficient notice had been given of the consultation meeting and that, as a result, some groups had been unable to send a representative. Concern was also expressed that the draft report had not been circulated in sufficient time to allow for an in-depth analysis before the consultation meeting.

485. It was suggested that racism was on the increase in Ireland with incidents of racism (both individuals and communities) increasing since 2004. While it was accepted that Ireland had a better record than many EU countries, there had been a hardening of attitudes as a result of the economic downturn.

486. It was noted that progress had been made since the joint First and Second National Report to CERD. The work of the National Consultative Committee on Racism and Interculturalism and the initiatives progressed under the National Action Plan Against Racism were acknowledged.

487. In the Budget Statement of October 2008, a decision had been taken to cease funding the National Consultative Committee on Racism and Interculturalism and there were cuts in funding to the Equality Authority and the Human Rights Commission. The Strategic Monitoring Group overseeing the implementation of the National Action Plan Against Racism also completed its remit at the end of 2008. The Non-Governmental Organisations expressed great concern about these budgetary cuts and the resulting loss of expertise especially in the case of the National Consultative Committee on Racism and Interculturalism. Clarification was sought as to what functions of the National Consultative Committee on Racism and Interculturalism would be absorbed by the Office of the Minister for Integration. It was considered that there had been an over-reliance on funding from philanthropic sources and a shrinkage of NGO activity was envisaged. Philanthropic

funding for NGOs was expected to run out in the current economic climate and it was commented that policy on funding for NGOs should reflect this.

488. Greater promotion and awareness of CERD in the public sector and for the public in general was requested.

1. Human rights, equality and anti-racism

489. Human Rights groups asserted that the State did not adequately try to incorporate CERD into Irish domestic law. It was their view that this could easily be done at the constitutional level or at the sub-constitutional level of legislation such as had happened in the case of the European Convention on Human Rights Act 2003.

490. Human Rights groups believed that the State's reservation on its Declaration on Article 4 of CERD was unnecessary and questioned what efforts had been made to examine and review this reservation.

491. While noting the UNHCR training provided to immigration officials, Human Rights groups recommended that statistics on refusal of leave to land based on nationality be provided in the report.

492. Ireland's Third and Fourth CERD report should also include information on any proposals to eliminate discrimination in admissions to schools with reference to the denominational nature of the Irish education system as well as providing statistics on admission to schools.

493. There should be further information in the report on measures to cater for the special needs of minority and other vulnerable groups such as Traveller women, migrants, refugees and asylum-seekers in order to address the multiple discriminations experienced by these groups.

494. Concern was expressed at the ongoing and significant delays in the appointment of equality officers, the scheduling of hearings and the delivery of recommendations in the Equality Tribunal. It was also suggested that the current financial ceilings in relation to maximum compensation can mean that remedies are neither effective nor dissuasive.

495. It was commented that there were high levels of allegations of discrimination against public entities.

496. With regard to the embedding of Equality and Integration – it was suggested that any new policies should adhere to the Equal Status Act explicitly and include State functions. For example, new immigration legislation should expand the definition of services to include the functions of the State so as to bring immigration control and police powers within the ambit of the Equal Status Acts.

2. Traveller community

497. The Traveller groups acknowledged that progress had been made since the joint First and Second reports especially in relation to accommodation and education. However, despite improvements, the level of progress was not commensurate with the level of resources inputted.

498. It was stated that there had been an increase in racism experienced by the Traveller community.

499. Traveller groups also asserted that there was a need for the recognition of Travellers as an ethnic group. They stated that there had been no steps or concrete measures undertaken in this regard and that the debate to date had not been comprehensive.

500. It was acknowledged that, while substantial resources were allocated to Traveller Education, the outcomes, despite some improvements, remained extremely low. Traveller groups called for the Advisory Committee on Traveller Education to be reconvened to ensure the implementation of the Traveller Education Strategy.

501. In addition, Travellers groups expressed concern that the Office of the Minister for Integration did not include Travellers within its remit with regard to anti-racism measures.¹¹²

502. While the draft Report states that there was no racial segregation/apartheid in Ireland, Traveller groups suggested that this did exist in practice, manifested especially in relation to separate social welfare offices, separate training centres and separate provision of services for Travellers.

503. Traveller groups asserted that the Housing (Miscellaneous Provisions) Act 2002, commonly referred to as the Anti-Trespass Law, criminalised nomadism whereas beforehand it had been a civil offence.

504. It was stated that the Anti-Trespass Legislation needed to be closely monitored. Unless one defied an order to move on, its use would not be registered. While Travellers would like the Anti-Trespass Law to be overturned, in the meantime, they called for the provision of more transient accommodation.

505. The omission of any reference to the Roma Community in the draft report was viewed as a glaring omission. It was suggested that there was a significant community — approximately 5,000 Roma with status in Ireland — with many problems, for example, in relation to access to housing and healthcare etc.

506. The information on Travellers, which appears in a separate Appendix, should be integrated into the main body of the report.

3. Migrant rights

507. It was commented that many people were fearful of reporting incidents of racism for fear that it would affect their status and also because they felt ashamed. Therefore, more needed to be done to encourage reporting of racist incidents.

508. In relation to progress made since the 2006 follow-up report, it was felt that there had been progress on policy but little on implementation.

509. There were calls for the Government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families as well as the International Labour Organization Convention No. 97, Convention on Migration for Employment (Revised).

510. While the draft report made reference to the *Fitzpatrick Associates Report: A Conceptual Framework and Principles to Guide Core Funding for Organisations Representing the New Communities in Ireland*, there was no information on how the recommendations set out in the Fitzpatrick report would affect policy or implementation.

511. Government funding for ethnic minority led groups through the Office of the Minister for Integration was now channelled through local authorities. It was the view of many in the NGO sector that this hindered the development of ethnic led organisations.

¹¹² However, this is not the case. While the Minister for Integration does not have responsibility in relation to Travellers, the Office is the national focal point for anti-racism and related measures. The work of the Office in relation to anti-racism is inclusive of Travellers.

512. The question was raised as to what 'protection' in the Immigration, Residence and Protection Bill (2008) meant and on what it was based. Concerns were expressed that the draft legislation did not protect all workers. All workers should be protected, both documented and undocumented.

513. In reference to the CERD follow-up coordinator's report (the concluding remark in paragraph 10), in 2006, it was noted that the new Employment Bill which aimed to provide mobility provides, in practice, very little mobility. Migrant groups recommended an amendment to the Bill to allow permits for sectors so people could move employment within a given sector.

514. It was stated that there was no independent appeals mechanism under the Immigration, Residence and Protection Bill. It was stressed that there was an urgent need for an independent appeals process especially in cases of long-term residency.

515. Migrant rights groups expressed serious concerns in relation to summary deportation measures in the Bill. These were a setback on existing legislation. People had limited access to services while in the State.

516. Migrant groups welcomed the extension of the numbers of days for reflection allowed in the Bill for a victim of trafficking from 45 to 60 days. While this was good for victims, if the prosecution did not go ahead, they would not be able to stay in the State. This provision should be incorporated formally into legislation.

517. Victims of trafficking needed protection and support. In the case of habitual residents, non-EU migrants had no access to social provision. It was argued that currently, there was no support for those most vulnerable to trafficking, domestic violence and sexual exploitation.

518. It was stated that opportunities for learning English were limited. It was the view of the migrant groups that English language should not be a barrier to citizenship in future.

519. Migrant groups welcomed the increase in compliance inspectors for the National Employment Rights Authority but argued that this was not enough.

520. It was the view of some Migrant Rights Groups that the role of the National Employment Rights Agency was dual and contradictory in that the Agency must ensure both workplace compliance and worker rights.

521. It was suggested that exploited workers were not encouraged to come forward and that they had limited or no access to social protection. Undocumented workers needed access to legal redress or legal support to challenge exploitation.

522. It was argued that the recent reform of the work permit programme offered limited mobility to migrant workers and therefore kept workers in exploitative situations. It also caused them to become undocumented.

523. A positive aspect omitted in the draft report was the fact that illegal immigrants now had access to a system to reissue documents. However, people would have to pay for this service which created a barrier.

524. It was suggested that the new Garda Ombudsman should govern Immigration Officers as well as An Garda Síochána (Irish Police Force).

525. It was noted that many ethnic women were trapped in poverty with no family network to offer support and that the cost of childcare was prohibitive.

526. Many vulnerable groups were mentioned but the report should also include undocumented, trafficked persons, Roma, nationals from Romania and Bulgaria and immigrants in exploitative situations.

527. The opinion was voiced that the authors of the report were afraid to mention or discuss racism explicitly. Rather it was hidden under the label of integration.

4. Refugee and asylum-seekers

528. It was the view of Refugee and Asylum-seekers groups that, while some progress had been achieved since the last report, a lot of the progress has been via single, ad hoc measures. There was a lack of an overall vision or strategy and an imperative existed to achieve the targets as set out by CERD and for the State to abide by the CERD Convention.

529. It was stated that there were currently huge problems with the process of family reunification, for example, long delays.

530. It was argued that a very narrow definition of family was employed. For example, one could not apply to bring in a partner. An unaccompanied minor had no rights to apply for the admission of siblings – they must show dependency. Single parents and unaccompanied minors were especially vulnerable.

531. It was suggested that there were increasingly more refusals with no access to remedies and appeals. The Department could review a decision but it was not a right in law and the applicant would need to go to a solicitor.

532. With regard to the right to work, the view was expressed that no genuine assessment process existed on the basis of either rights or economics.

533. The Direct Provision payment of €19.10 was considered inadequate and it was commented that it had not been increased over the past eight years whereas other State payments had increased.

534. It was never intended that people would remain for long periods in the Direct Provision system. People can be in the system for up to five years. The impact on children in direct provision was of particular concern. Children could become institutionalised and could also be vulnerable to discrimination.

535. It was commented that the CERD follow-up coordinator and many observers were brought to Mosney but that Mosney was not representative at all of facilities provided under Direct Provision and that, while Mosney was the best and an ideal standard, other centres were extremely poor. The Co-ordinator should also have seen other Direct Provision Centres.

536. It was suggested that many people remained in Direct Provision for a long time. This causes them to become de-skilled. They had no opportunity for State funded courses or training, including English language training. As a consequence, this often meant that they were not in position to work after leaving Direct Provision. They were more likely to be unemployed and hence experience even more difficulty integrating.

537. It was stated that Direct Provision and dispersal were crucial issues for refugees and asylum-seekers. The CERD follow-up coordinator's report had encouraged an assessment of the system of direct provision (rather than direct access to the labour market) and the impact it had on the integration of persons when they are recognised as residents or granted asylum in Ireland. It was questioned whether this assessment had ever taken place. If not, was it planned, how would it take place and how meaningful would the assessment be. There was a need for a full consultation with users of Direct Provision services and NGOs etc.

538. It was stated that, while healthcare officials had training, this had not been available for the staff of Direct Provision Centres. It was suggested that training in conflict resolution was needed.

539. Concern was expressed for all migrant women regardless of status but female asylum-seekers in direct provision were considered to be at serious risk of discrimination. It was stated that women were more likely to be refused asylum even if they were victims of gender based violence.

540. In relation to Female Genital Mutilation, there was a need for both legislation and greater awareness raising among health professionals.

541. The question on ethnicity in the Census 2006 only referred to the colour of one's skin. Also, the report referred to the census figures but it was believed that these figures underestimated the actual number of minority ethnic and migrant groups.

542. It was felt that there was a lack of data in the report, especially in relation to people detained during the asylum process and awaiting decisions – how many, how long, gender etc.

543. It was also suggested that there was a resistance to the monitoring of prisons and detention centres and a need for more openness and information was voiced.

544. The following organisations were involved in the consultation process:

- (1) Pavee Point
- (2) UNHCR
- (3) Irish Traveller Movement
- (4) NGO Alliance Against Racism
- (5) Immigrant Rights Council
- (6) SARI
- (7) Migrant Rights Centre
- (8) National Women's Council of Ireland
- (9) Cumann Lúthchleas Gael
- (10) Irish Council For Civil Liberties
- (11) National Traveller Women's Forum
- (12) Irish Human Rights Commission
- (13) The Equality Authority
- (14) NASC Ireland
- (15) Refugee Information Service
- (16) LIR
- (17) iMeasc
- (18) Galway Refugee Support Group
- (19) Children's Rights Alliance
- (20) NCCRI.

545. Submissions were received from the following:

- (1) Family Support Agency
- (2) The Irish Human Rights Commission
- (3) The Irish Traveller Movement

- (4) The Dominican Justice Office
- (5) The Irish Council for Civil Liberties
- (6) Mercy Refugee Network
- (7) Amnesty International
- (8) Migrant Rights Centre Ireland
- (9) The Equality Authority

Bibliography

1. Combating Racism and Xenophobia through Criminal Law
2. The National Women's Strategy 2007–2016
3. Towards 2016
4. A Time for Change (2007–2009)
5. A Toolkit for Diversity in Primary Schools – Together Towards Inclusion
6. Guidelines on Traveller Education in Primary Schools and Guidelines on Traveller Education in Second Level Schools
7. The Report and Recommendations for a Traveller Education Strategy
8. National Development Plan (2007–2013)
9. Survey of Traveller Education Provision in Irish Schools (STEP, 2006)
10. Planning for Diversity
11. CERD First National Report by Ireland
12. National Action Plan for Social Inclusion 2007–2016
13. Migration Nation
14. Codes of Standards of Behaviour and the Customer Charter produced by the information office of the Courts Service
15. Information booklet on Cultural Diversity
16. Equality in Ireland 2007. Central Statistics Office
17. Non Irish Nationals living in Ireland. Central Statistics Office
18. Building Integrated Neighbourhoods Part 1, authors David Silke, Dr. Michelle Norris, Fiona Kane and Brian Partly
19. Building Integrated Neighbourhoods Part 2, author Philip Watt
20. The Health Service Executive National Intercultural Health Strategy 2007–2012
21. Your social security rights in Ireland. Information Services, Department of Social and Family Affairs
22. Equal Status Acts 2000 to 2004
23. Government of Ireland. *Charting Our Education Future: White Paper on Education*. Dublin: The Stationery Office, 1995
24. Developing Quality Cost Effective Interpreting and Translating Services for Government Service Providers. Published by the National Consultative Committee on Racism and Interculturalism
25. Improving Government Services to Minority Ethnic Groups by the National Consultative Committee on Racism and Interculturalism
26. Immigrants at Work – Ethnicity and Nationality in the Irish Labour Market by Philip J. O'Connell and Frances McGinnity. Published by the ESRI and the Equality Authority

27. Issues and Challenges in the Recruitment and Selection of Immigrant Workers in Ireland, prepared for the Employers Diversity Network of the Public Appointments Service
 28. Looking at our school an Aid to school evaluation in Primary Schools and Looking at our school an aid to self evaluation in second level schools prepared by the Evaluation Support and Research Unit (ESRU) of the Department of Education and Science Inspectorate
 29. An Action Strategy to support Integrated Workplaces
-