

**Durban Review Conference  
Preparatory Committee  
First substantive session  
Geneva, 21 April – 2 May 2008**

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**Questionnaire to Member States Prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to Decision PC 1/10 of the Preparatory Committee of the Durban Review Conference at its First Session.**

**Core Questions:**

**1. Can you assess the implementation of the Durban Declaration and Programme of Action in your country?**

In 2001, the Irish Government launched a three year national anti-racism awareness programme entitled “Know Racism” with the aim of stimulating an awareness of racism and respect for cultural diversity. The programmes’ activities included national advertising initiatives, publicity events and support for local anti-racism awareness initiatives, partnership ventures and research. The programme completed its three year term in December 2004 and was followed by a National Action Plan Against Racism.

The National Action Plan Against Racism (NPAR) was launched in January 2005. This can be seen as the most significant Government of Ireland policy development in the anti – racism area to date. The publication of the Plan was in fulfilment of a commitment given at the UN World Conference against Racism in Durban 2001. Ireland is one of the leading States in putting a National Action Plan Against Racism in place.

The Plan provided strategic direction to combating racism and to promoting the development of a more inclusive, intercultural society in Ireland. The development of the Plan was preceded by a 12 month consultation process involving a wide-range of stakeholders, including Government, the social partners and civil society.

A Strategic Monitoring Group was established to oversee the implementation of National Action Plan Against Racism.

The National Action Plan Against Racism ran for the period 2005 – 2008. A final report outlining the main achievements under the plan will be published in 2009. This report also sets out the key challenges for the future and puts forward some recommendations which the National Action Plan Against Racism Strategic Monitoring Group believe should be addressed if the overall objectives of diversity management are to be met.

**2. Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?**

Criminal Justice Research

The Prohibition of Incitement to Hatred Act 1989 is robust; however, there is currently no criminal law provision which defines racist offences. Research into this aspect has been undertaken by the Centre for Criminal Justice, University of Limerick. The findings of the research were published on the 18<sup>th</sup> December, 2008. This research was commissioned under the National Action Plan Against Racism (NPAR).

The report, entitled “Combating Racism and Xenophobia through the Criminal Law” also calls on Judges to impose tougher sentences on those who commit crimes where racism is an aggravating factor.

Other recommendations in the report include:

- Updating the Prohibition of Incitement to Hatred Act 1989 to include racism on the internet
- Promoting the use of the Public Order and Offences against the Person Acts as a means of prosecuting racist incidents
- A series of flanking measures including the publication of an annual Garda Report on the level of racist crime in Ireland

Racist Incidents

Please see below the official statistics recorded by Central Statistics Office (CSO) for racially motivated crime during the period 2003 - 2008.

***Yearly National Reported Racially motivated incidents - 2003 to 2008.***

	Year					
	2003	2004	2005	2006	2007	2008
	N	N	N	N	N	N
Anti-Semitism	.	.	10	.	12	14
Racism	63	68	85	172	205	166
Xenophobia	.	.	5	.	11	.
All	63	68	100	172	228	180

***All incidents are provisional and may be subject to further revision.***

These figures are not disaggregated by gender, age or ethnic background. While the figure for racially motivated crime is increasing, the overall figures are relatively low.

### Other Information and Data.

In the period 2001-2008, a non – governmental organisation called the *National Consultative Committee on Racism and Interculturalism (NCCRI)* recorded incidents related to racism in Ireland. The National Consultative Committee on Racism and Interculturalism periodically reported these incidents to the EU Fundamental Rights Agency.

The following table displays the figures collated by the NCCRI in the period 2005 to 2008.

<b>Reports since 2005</b>	<b>Period covered</b>	<b>Number of incidents</b>
<b>1.</b>	<b>January – December 2005</b>	<b>119</b>
<b>2.</b>	<b>January – December 2006</b>	<b>65</b>
<b>3.</b>	<b>January – December 2007</b>	<b>99</b>
<b>4.</b>	<b>January – December 2008</b>	<b>106</b>
<b>** Please see point 16 re. NCCRI below.</b>		

### The Irish Police force (An Garda Síochána)

The Irish Police Commissioner established a Police Racial and Intercultural Office (GRIO) in April 2000. Staff members of this office coordinate, monitor and advise on all aspects of policing in the area of ethnic and cultural diversity. The Office has a staff of 3 (2 Police Officers and 1 Civilian Administrator). Staff members are available to members of the public and the Police for advice and support.

In January, 2006, the Irish Police Commissioner issued a Directive to every member of the Police Force concerning the development of police strategies and services to meet the needs of a more diverse society. To date, over 500 ethnic liaison officers have been trained and appointed throughout Ireland. In addition, intercultural consultative forums between the police force and members of minority communities are organised locally and nationally. The Police force is also actively recruiting people from minority communities.

**3. Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster effective implementation of the Durban Declaration and Programme of Action.**

The Irish Government's overall policy is set out in a number of key policy statements, including 'Planning for Diversity' – The National Action Plan Against Racism 2005 -2008 (NPAR). The overall objective of the National Action Plan was 'to promote a more inclusive intercultural society in Ireland and to combat racism'.

The plan encompassed five key themes: Protection, Inclusion, Provision, Recognition and Participation:

1. Effective *Protection* and redress against racism, including a focus on discrimination, threatening behaviour and incitement to hatred
2. Economic *Inclusion* and equality of opportunity, including a focus on employment, the workplace and poverty
3. Accommodating diversity in service *Provision*, including a focus on outcomes in education, health, social services and childcare, accommodation and the administration of justice
4. *Recognition* and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism
5. Full *Participation* in Irish society, including a focus on the political level, the policy level and the community level.

A strategic monitoring group, involving representatives of key stakeholders from Government bodies, the social partners and broader civil society, including representatives of minority communities, oversaw implementation of the Plan.

The National Action Plan Against Racism budget was used primarily to make strategic interventions in the implementation of the National Action Plan Against Racism, to pursue specific research or consultancy projects in particular sectors and to undertake public awareness/ information initiatives and grant schemes. The total expenditure over the lifetime of the plan was €4,946,600.

In addition to the National Action Plan Against Racism, there has been a range of key policy and legislative measures introduced by Government including;

- The current Social Partnership Agreement, 'Towards 2016' gives important commitments in relation to integration, migrant and equality.
- Equality legislation 1998 – 2008 which is inclusive of nine grounds including 'race' and membership of the Traveller community and which covers discrimination in employment and the provision of goods and

services. The establishment of Equality bodies (The Equality Authority and the Equality Tribunal) was also part of equality legislation.

- The National Action Plan for Social Inclusion was published by the Office for Social Inclusion in February 2007. One of the high level goals is the integration of migrants into Irish society.
- The National Consultative Committee on Racism and Interculturalism (NCCRI) received funding from the Department of Justice, Equality & Law Reform throughout the past decade and has done valuable work in combating racism and promoting diversity. In June 2007, the Government showed its commitment to promoting integration by appointing the first Minister of State for Integration, Mr. Conor Lenihan, T.D. in conjunction with the establishment of a new Office of the Minister for Integration. The Minister of State has special responsibility for Integration and anti- racism policy at the Department of Community, Rural, and Gaeltacht Affairs, the Department of Education and 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. In 2008, a decision was made by Government to cease funding to the NCCRI in the context of a rationalisation of State bodies and some of its functions were absorbed into the Office of the Minister for Integration to be administered directly by it.

**4. How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?**

Ireland is supportive of the Durban Declaration and Programme of Action and the existing follow-up mechanisms. In relation to other UN Mechanisms dealing with the issue of racism, the state is also involved in reporting to the UNCERD committee. The Committee have previously expressed appreciation for the approach of the Irish Government in pursuing very constructive dialogue in reporting and in the follow-up process.

At a national level, the development of the National Action Plan Against Racism arose from the commitment given by States at the World Conference in Durban which was held in 2001. It is unclear how many other States have developed and implemented a National Action Plan against Racism. Ireland's National Action Plan Against Racism (NPAR) has overseen the development of a number of key strategies to foster interculturalism in the Health Sector, Education, Sport and the Arts.

It has been recognised, that dealing with difficult aspects before these become an issue is critically important in addressing the problem of racism and the

challenge of Integration. The Plan promoted positive diversity management programmes.

Since its inception, the National Action Plan Against Racism aimed to present practical solutions in anticipation of major racism, diversity, management and integration problems. A number of strategic programmes have been established by national institutions such as the Police Force (An Garda Síochána), the Health Service Executive, local government and national research. Accommodation of different cultures is done through the medium of Sport and through the Arts and in the development of a intercultural education strategy.

The Irish Government is fully committed to working closely with the United Nations Convention on the Elimination of All Forms of Racial Discrimination (UNCERD) Committee and secretariat on the implementation of the UNCERD Convention and all related issues.

**5. What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination ?**

Ireland signed the United Nations Convention on the Elimination of All Forms of Racial Discrimination in 1968. Following the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000, the Convention was ratified by Ireland in December 2000 and entered into force in January 2001. In ratifying the UN convention, Ireland was one of a small number of countries that opted for Article 14. Article 14 allows a right of individual petition to the United Nations, all local remedies having being exhausted.

The First National Report by Ireland under the UN International Convention on the Elimination of All Forms of Racial Discrimination was published and submitted to the UN in March 2004 and Ireland engaged in a very successful dialogue on this report with the UNCERD Committee in Geneva in March, 2005. Ireland actively engaged with the UNCERD follow-up Co-ordinator on the implementation of the UNCERD Committee's recommendations in the Concluding Observations on Ireland's Report. The Committee expressed its appreciation for the approach of the Irish Government in pursuing a very constructive dialogue with the UNCERD Committee. The UNCERD follow-up Co-ordinator stated that Ireland is seen as a pioneer in the follow-up processes and an example of good practice.

Ireland will submit a Joint Third and Fourth Periodic Report to the UNCERD Committee in 2009.

NGO's and members of the Public were invited to submit relevant comments which will be used to inform the preparation of the Report. A consultation meeting with Civil Society was also undertaken in late 2008. The meeting was chaired by an independent expert and a report of the meeting was drawn up by

an independent rapporteur. Non- governmental organisations will also have an opportunity to submit their “Shadow reports” to the UNCERD Committee.

**6. Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.**

The National Consultative Committee on Racism and Interculturalism (NCCRI) published a major research project on good practice in Ireland, Northern Ireland and Scotland. The research was funded by the Office for First and Deputy Minister in Northern Ireland, the Department of Justice, Equality & Law Reform in Ireland, The British Council and the Rowntree Trust. The research is called ‘Improving Government Provision to Minority Ethnic Groups in Northern Ireland, Ireland and Scotland’. This publication is available on the NCCRI website [www.nccri.ie](http://www.nccri.ie) .

The Police Force (An Garda Síochána), in cooperation with the Irish Council for Civil Liberties, produced a ‘*Short Guide to the European Convention on Human Rights Act 2003*’. A copy of this publication has been issued to every member of the police force and the police reserve. This guide outlines the State’s obligations under the European Convention on Human Rights and directly relates those principles to the operational activities of the Irish Police.

The Office of the Minister for Integration funds the Holocaust Education Trust in Ireland, the organisers of the Holocaust Memorial Day held each year on the Sunday closest to 27 January. The Commemoration serves as a constant reminder of the dangers of racism and to provide lessons from the past that are relevant today. In 2008, the Office of the Minister for Integration also provided a grant to the Holocaust Education Trust in Ireland (HETI) towards the further development of education materials and awareness raising activities.

Some of the achievements under the National Action Plan Against Racism include the development of Diversity Strategies in the Health Service Executive (HSE), the Football Association of Ireland (FAI) and other organisations. Public awareness campaigns and initiatives were also undertaken to highlight the importance of Diversity. Substantial funding was provided to grant schemes enabling sports, arts and community organisations to run events promoting integration.

The Office of the Minister for Integration has assumed responsibility for funding allocated to local authorities and national sporting bodies to encourage integration related activities at a local level.

## Annex

### **Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national level.**

#### **1. What measures have been taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone without distinction, to equal enjoyment of human rights, notably of the rights listed below;**

##### **(a) Equal Treatment before tribunals and all other organs administering justice;**

The right to equal treatment before tribunals and all other organs administering justice is provided for by the Constitution of Ireland. Articles 34 and 35 guarantee the right to have justice administered in public by judges who are independent and Article 38.1 guarantees the right to criminal trial in course of law.

The Constitution emphasises that justice is accessible to all. A right of access to the Courts has also been held to be an unenumerated personal constitutional right under Article 40.3.

##### **(b) Equal rights 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.**

The Government condemns racist violence and, as with other forms of violence, is committed to cracking down on this form of crime.

##### **(c) Equal rights to participate in the political process**

###### **Right to Vote**

All Irish citizens who have reached the age of eighteen years and who are not disqualified by law have the right to vote. If a individual is legally 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 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



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

The right to vote and stand for election:

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.

Generally speaking, Irish citizens have the right to stand for election to the Dáil (House of Representatives), Seanad Éireann (Senate) and the Presidency. Irish citizens have the right to vote in Dáil elections, in Presidential elections and in referenda. Eleven members of the Seanad are nominated by the Taoiseach (Prime Minister) 43 are elected from panels of candidates representing specified vocational interests and the remaining six are elected by universities or institutes of higher education. The right to vote in Dáil elections also belongs to British citizens ordinarily resident in the State and may be extended to citizens (ordinarily resident in Ireland) of other EU Member States which permit Irish citizens to vote in their national elections. This is dealt with in section 2 of the Electoral (Amendment) act 1985. There is no citizenship requirement for voting at local elections. Electoral law provides that a person who has reached the age of 18 years and is resident in the State on the qualifying date, is entitled to be registered and to vote at local authority elections in that constituency. Citizens of Ireland and non – nationals ordinarily resident in the State who have reached the age of 18 years will be eligible for election to local authorities.

Every person who, on the qualifying dates for the annual register of electors, is either an Irish citizen or a national of another EU Member State, has reached the age of 18 years and is ordinarily resident in a constituency, is entitled to be registered and to vote in that constituency at a European Parliament election. Irish citizens and citizens of the European Union ordinarily resident in the State are entitled to stand for election to the European Parliament.

Electoral law provides that the Clerk of the Dáil shall be the Register of Political Parties and requires him/her to register any party applying for registration which is, in his/her opinion, a genuine political party organised to contest elections in the State. A party cannot be registered if its name is unduly long or does not clearly distinguish the party from other registered political parties. There is provision for appeal against the Registrar’s proposed ruling on an application to an appeal board chaired by a High Court Judge.

Promoting voter registration among immigrants was one of the purposes covered by OMI funding in 2008

**(d) Equal Rights to freedom of religion and belief**

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 Constitution.

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.

#### **(e) Equal Rights to remuneration for work of equal value**

It is one of the objectives of the Employment Equality Acts 1998 to 2008 to ensure equal remuneration between persons or group of persons for 'like work'. Like work is defined as the same, similar work of equal value. Employees must be employed by the same employer, or an associated employer where an associated employer would include different plants within the same group and subsidiary or associated companies controlled directly or indirectly by the same corporate body. It is a term of all contracts of employment that there is an entitlement to equal pay. Equal pay claims may be taken on any of the nine distinct grounds of discrimination covered by the Employment Equality Acts, including the ground of race, colour, nationality or ethnic or national origins.

#### **(f) Equal rights to adequate housing**

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

The Government's approach to achieving this policy aim is that those who can afford to do so should provide for 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.

In addition, the Governments strategy on Housing Policy, Delivering Homes, and Sustaining Communities emphasises the importance of developing sustainable communities.<sup>1</sup>

The National Action Plan Against Racism (NPAR) 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' was published in October 2008 and is an

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<sup>1</sup> It specifically refers to the fact that "the growth of immigration has led to increased cultural diversity. Sustainable neighborhoods provide a means for newcomers to integrate and participate fully in Irish Society. The recent NESC study on Migration suggests three broad goals which should inform our policies in this area – economic and social development, the rule of law and integration. The report noted that the emergence of distinct migrant communities is a common feature of migration around the world and acknowledged the richness and diversity that such communities are already bringing to parts of our cities".

exploratory piece of research on the possible implications of greater ethnic and cultural diversity for housing.

The Housing Policy Statement *Delivering Homes: Sustaining Communities* (Department of the Environment, Heritage and Local Government, 2007) acknowledged the need for attention to the housing implications of increasing ethnic and cultural in Ireland but specific details on how housing policy and practice should adapt are limited. It is hoped that this study will help in the further development of an intercultural dimension to housing policy and practice and in making connections between housing policy and other social and economic policy areas. The study was part-funded by the Department of the Environment, Heritage and Local Government, the Department of Justice, Equality & Law Reform, and local authorities.

**(g) Equal rights to highest attainable standard of physical and mental health. Equal rights to quality public health, medical care, social security and social services.**

The Health Service Executive (HSE) has developed a National Intercultural Health Strategy titled *Addressing the Health and Support Needs of Persons from Ethnic Minorities*. This strategy which is consistent with the requirements contained in the National Action Plan against Racism, will build on 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 and members of minority ethnic communities. The launch of the strategy took place in February 2008 as part of the European Year of Intercultural Dialogue in Ireland.

A booklet, "Equal Status Acts 2000 to 2004 and Provision of Health Services" 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.

With regard to social security, there are no nationality clauses in the legislation governing social insurance or social assistance provisions. Nevertheless, the Department of Social and Family Affairs commissioned a review of this legislation to examine its compatibility with the Equal Status Acts, to identify instances or potential instances of direct or indirect discrimination. The report of this review is expected shortly.

**(h) Equal rights to all levels of quality education and training**

The Irish education system is premised on a certain number of key principles which were clearly enunciated in the Government White Paper on Education: *Charting Our Education Future (1995)*. These principles are: the promotion of quality, equality, pluralism, partnership and accountability. All are promoted within a framework which requires the State to protect and promote fundamental human and civil rights, to promote the holistic development of individual students and to empower their full participation in society and the economy. The White Paper clearly recognised the imperative of equality and has affirmed State commitment to the creation of a pluralist society.

These principles have since been enshrined in a number of key pieces of education-related legislation. The Education Act 1998 refers to these issues in a number of Sections: Sections 6; 9; 15 (e) and 21. Section 15 (e) refers to the duty of 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”.

This commitment is also reflected in other pieces of legislation, such as The Equal Status Act 2000, which prohibits discrimination on nine grounds including those of race; the Education Welfare Act 2000; and the Education for Persons with Special Needs Act 2004.

The Statement of Strategy for the Department of Education and Science, 2008- 2010 has 4 high level goals the first of which is "support and improve the quality, relevance and inclusiveness of education for every learner in our schools".

The principle of inclusion continues to be key for education in Ireland

The Office of the Minister for Integration provided funding for the development of a National Intercultural Education Strategy. This Strategy is now being developed by the Department of Education and Science. The Strategy, which is due to be completed by the end of 2009, will take on board the findings from national and international research and also the views expressed at the consultation meetings along with written submissions received.

The overarching aim of the Strategy will be to ensure a high quality education and the best possible outcomes for all participants in the Irish education system, both host and migrant populations.

#### **(i) Equal participation in cultural life**

In 2005, the Government established a new agency, Culture Ireland, with the objective of promoting deeper mutual understanding between Irish and other cultures and communities through artistic and cultural exchange.

Under the National Action Plan Against Racism, 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. Individual projects within the arts have also received funding. The research is expected to be completed in the first quarter of 2009.

#### **(j) Equal rights of access to places or services**

The Equal Status Act 2000 covers 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.

**Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance**

- 2. Has your Government adopted and implemented or strengthened any national legislation and/or administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all sphere of public life, in accordance with their obligations under the International Convention on the Elimination of All forms of Racial Discrimination, ensuring that their reservations are not contrary to the objective and purpose of the Convention and/or amended national legislation and administrative provisions that may give rise to such forms of discrimination?**

See response to Core question 5.

**Equal participation in political, economic, social and cultural decision making.**

- 3. Please indicate measures taken to ensure that your Government's political and legal systems reflect the multicultural diversity within your society and improve democratic institutions so that they are fully participatory**

See response to question 1(c) above regarding participation in the political process.

Ireland now has in place a broad based anti-discrimination regime in the area of (1) employment and (2) the provision of goods and services whether by the private or public sector including provision of education and accommodation and in the employment area. The Employment Equality Act, 1998 and the Equal Status Act, 2000 guarantee those seeking access to employment, those participating in vocational training, and those seeking goods and services, protection from discrimination on nine grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the Traveller community. Both Acts also outlaw victimisation i.e. discriminating against an individual because they are taking a case or giving evidence under the equality legislation.

The 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. This legislation also transposed two further anti-discrimination measures, Directives 2000/78/EC and 2002/73/EC, into national law. This legislation only made minor changes to existing equality legislation which is very comprehensive.

**Establishment and reinforcement of independent specialized national institutions and mediation**

- 4. Has your Government established, strengthened, reviewed and/or reinforced the effectiveness of independent national human right**

**institutions working on the issues of racism, racial discrimination, xenophobia and related intolerance? Has your Government provided them with the competence and capacity for investigation, research, education and public awareness activities to combat these phenomena? Please specify their mandates**

The Irish Human Rights Commission (HRC) has a role in promoting human rights in Ireland. It was established in 2001, as part of the Good Friday Agreement.

The Commission has a wide ranging jurisdiction and powers in the area of human rights and fundamental freedoms. Its principal function is to keep under review the adequacy and effectiveness of law and practice in Ireland relating to the protection of human rights. The IHRC has carried out research on Ireland's compliance with the International Convention on the Protection of the Rights of All Migrant Workers and their Families.

It also has legal powers to offer advice and take legal proceedings in addition to its consultatory / advisory role in advising the Government with regard to possible human rights implications of legislative proposals.

**Action – oriented policies and action plans, including affirmative action to ensure non- discrimination**

- 5. Has your Government established and/or implemented a national action plan to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all? Please provide the High Commissioner for Human Rights with such action plan and other relevant materials on the measures undertaken in order to implement the provisions of the Durban Declaration and Programme of Action or any other action considered.**

Please see response to core question 5.

- 6. Has your Government established national programmes, including affirmative or positive measures, to promote equal access of individuals and groups of individuals who are or may be victims of discrimination to social services, employment, housing, employment, housing, education, health care etc ?**

There are two independent bodies with statutory roles under equality legislation: The Equality Authority and the Equality Tribunal.

The Equality Authority is an independent body set up under the Employment Equality Act 1998. It was established on 18 October 1999. The Equality Authority replaced the Employment Equality Agency and has a greatly expanded role and functions. The Employment Equality Acts 1998 – 2008 and the Equal Status Acts 2000-2004 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds.

The Equality Authority, which has the role of working towards the elimination of discrimination, provides information and advice to any person who feels that he or she has been discriminated against on any of the grounds covered in the Equality Legislation, whether in an employment or non employment area.

The Equality Tribunal (formerly known as the Office of the Director of Equality Investigations) is an impartial body set up by law to decide or mediate complaints under equality legislation.

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 equality legislation. Where a complaint of discrimination is upheld, redress must be awarded.

The Tribunal may also investigate complaints of discrimination on the grounds of gender 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.

The Tribunal has jurisdiction in all areas covered by the equality legislation with the exception of service in licensed premises (claims here are dealt with by the District Court).

**7. Has your Government adopted or strengthened national programmes for eradicating poverty, underdevelopment, marginalization, social exclusion and economic disparities taking into account the needs of victims of racism, racial discrimination, xenophobia and related intolerance?**

**National Action Plan for Social Inclusion**

A key target in the National Action Plan for Social Inclusion 2007-2016 (NAPinclusion) 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 particularly vulnerable groups (including Travellers, migrants and members of ethnic minority groups) in the pursuit of this objective.

**Traveller Community**

The overall objective in the NAPinclusion in relation to Travellers is to improve the life experience of Travellers through the provision of appropriate education, health and housing services and to remove any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country. The NAPinclusion contain a range of targets/actions in relation to Travellers.

**Ethnic Minorities**

A key goal in the NAPinclusion is to develop a strategy aimed at achieving the integration of migrants and minority ethnic groups in our society. The objective is to ensure that their basic needs are met through enhanced and better co-ordinated State support services and, in that regard, the NAPinclusion contains a range of relevant targets/actions.

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 2006/2007<sup>2</sup> and will continue to be monitored and reported.

#### Data Strategy

A lack of adequate sectoral data in some areas 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 for Social Inclusion (OSI) 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 (ESRI) is producing a series of Social Portraits, commissioned by the OSI. The fourth in the series, Communities (including Travellers, migrants and ethnic minorities), was published in the first quarter of 2009. Measuring benefits and outcomes can be difficult, due to the nature of the intervention, the many factors which impact on poverty and social inclusion, and the fact that the impact may not be experienced in the short term.

While progress towards a reduction in poverty has been significant, there is a need to improve skills and reporting so as to ensure that the development of future policy and future decisions are based on informed and valid information. Poverty Impact Assessment is one way of developing a better understanding of these issues. While poverty proofing has been carried out by Government Departments since 1999, new, more comprehensive, Poverty Impact Assessment guidelines have been developed and the process of implementing these has commenced.

#### **8. What steps have been taken to tackle multiple discrimination on the ground of race, colour, descent or national or ethnic origin as well as on other related grounds such as sex, language, religion or other opinion, social origin, property, birth or other status?**

The Employment Equality Acts 1998 - 2008 and the Equal Status Acts 2000 -2004 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access on nine distinct grounds. These grounds are; gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller Community.

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<sup>2</sup> [http://www.socialinclusion.ie/publications/Annual\\_Social\\_Inclusion\\_Report\\_final.pdf](http://www.socialinclusion.ie/publications/Annual_Social_Inclusion_Report_final.pdf)



**9. What measures have been taken to combat racial discrimination against women and girls and to ensure the incorporation of race and gender analysis in the implementation of all aspects of the Programme of Action and your national plan of action?**

**The National Action Plan Against Racism**

The National Action Plan Against Racism seeks to be inclusive of all aspects of equality, including the nine grounds identified in Irish equality legislation: gender, age, marital status, family status, disability, race, religion, sexual orientation and membership of the Traveller community. Gender issues are considered in all aspects of the implementation, in particular in the delivery of public services.

In addition, the Government has recently published a comprehensive National Action Plan on Women which acknowledges ethnic and cultural diversity in Ireland.

**National Women's Strategy 2007 – 2016 – Traveller Women and Ethnic Minorities**

The National Women's Strategy recognises that there are a number of groups of women who may have special requirements or who may experience multiple discrimination. It notes that some such groups have already been targeted in specific Government policy initiatives. It recommends that, in monitoring progress under the National Women's Strategy, special cognisance be taken of the needs of such women.

The National Women's Strategy, covering a ten year period, aims to provide a framework within which the outstanding gaps in the position of women in Irish society will be addressed.

The key themes of the Strategy are

- Equalising socio-economic opportunity for women
- Ensuring their well-being and
- Engaging women as equal and active citizens.

It was developed in consultation with senior officials representing all Government Departments and its objectives will be achieved through the implementation of the Strategy's recommendations and actions by Government Departments, their Agencies, the social partners and external partners.

The Strategy aims to be comprehensive rather than exhaustive, strategic rather than detailed, concise rather than extensive.

In this regard, whilst the Strategy makes reference to Traveller women as well as ethnic minorities, it is designed to ensure that it has a resonance across the broad spectrum of the lives of Irish women and, as such, its objectives and actions are broadly focussed and designed to impact upon as many women as possible. As outlined above, monitoring progress on the Strategy will recognise the special needs

of particular groups of women including Traveller women and those from ethnic minorities. These issues will also be looked at in more detail by those sections of Government Departments with a particular competence in relation to Travellers and ethnic minorities.

Implementation of the National Women's Strategy is being overseen by an Inter-Departmental Committee and the process is also being assisted by a cross-sectoral consultative committee which includes representatives of the Social Partners. A review of the National Women's Strategy is planned for 2010.

### **Date collection and desegregation, research and study**

**10. Does your Government collect and analyse statistical data at the national level on the situation of victims of racism, racial discrimination, xenophobia and related intolerance broken down by economic and social indicators, in order to monitor the situation of marginalized groups, evaluate legislation and elaborate development policies?**

Please see response to core question 2.

### **Education and awareness training**

**11. Please indicate ways your Government has taken to increase the level of awareness about the scourges of racism and promote the values of acceptance, tolerance and cultural diversity. In this connection, how effective are the measures, in the fields of teaching, anti-racism education, including programmes addressed to young people, culture and information, media campaigns and sports which have been undertaken to combat racism, racial discrimination, xenophobia and all manifestations of related intolerance?**

#### Media Campaign

A major national awareness media campaign took place in March and April 2006, emphasising the benefits of diversity. 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 five 40-second radio commercials and ran for a six week period across all national and local radio stations.

#### Public Awareness Campaign

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. Recent figures have shown that many people from different ethnic groups are an integrated part of Irish society and its success. The 2006 Census returns

recorded some 400,000 persons born outside of Ireland, comprising 10% of the population.

Almost 20,000 people from around the world work in the Irish Health Services, caring for thousands of patients every day.

There are almost 6,000 people from all over the world assisting in the education of a new generation of students in Ireland.

Nearly 30,000 people from different parts of the world are working in the hospitality industry – these people are providing the traditional Irish welcome in our restaurants and hotels around the country.

#### Metro Éireann and Media and Multicultural Awards (MAMA)

MAMA recognise the people, groups, events, companies and institutions that embrace and celebrate cultural diversity in Ireland.

The awards are open to individuals, public and private sector organisations, and not – for profit organisations on the island of Ireland.

#### **Measures undertaken by the Department of Defence**

The Defence Forces UN School (UNTSI) conducts International Human Rights and CIMIC (Civil and Military Cooperation) courses for both the 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.

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 an educational 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 therefore ensure that military personnel are well placed to recognise such activities and address them correctly.

#### Corporate Sector and An Action Strategy to Support Integrated Workplaces

The National Action Plan Against Racism, the Equality Authority and the Irish Management Institute established a research BIZLAB model to promote the business case for diversity in the workplace through research to explore and identify the primary issues in management of cultural diversity.

An output of this Bizlab model was the development of a diversity toolkit which will provide 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.

An Action Strategy to support Integrated Workplaces is a social partnership initiative organised by representatives of the Office of the Minister for Integration, ICTU, IBEC, the Small Firms Association, the Construction Industry Federation, Chambers Ireland and the Equality Authority.

The 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.

The Strategy was launched by Mr. Conor Lenihan, T.D, Minister for Integration on the 12 November 2008. Funding for the Strategy has been provided in part by the Office of the Minister for Integration.

### Attitudinal Survey

At the end of October, 2006, the National Action Plan Against Racism Strategic Monitoring Group launched the results of an attitudinal survey on migration to Ireland updating the findings of a similar survey 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 have 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 the 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, by nearly 10% and this trend suggests that the more people are exposed to members of new communities the more likely they are 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 is remarkable and the fact that there was generous social welfare. Negative issues mentioned included that fact that Ireland was found to be expensive, the weather was unpredictable, the cities are thought to be dirty by some, and the fact that some have experienced isolation and helplessness.

### **Flash Eurobarometer survey – “Intercultural dialogue in Europe – December 2007**

Some of 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.

## **Sports area:**

### Initiatives in Sports:

Sport has been identified as a significant driver in integrating communities and in providing a common area of enjoyment and shared interest. Racism within sport has also emerged as an issue throughout Europe. The National Action Plan Against Racism focussed on a number of sporting programmes to partner in promoting integration in Ireland.

### Local Sports Partnerships

In September 2006, in association with the Irish Sports Council (ISC), the National Action Plan Against Racism made available a fund of up to €357, 000 for initiatives that encourage persons from migrant communities in Ireland to integrate into Irish Society through participation in sporting organisations.

### Football Association of Ireland (FAI) Intercultural Strategy

The Football Association of Ireland (FAI) Intercultural strategy – Many Voices One Goal – was launched by former senior international, Paul McGrath in June 2008. This Intercultural Football Plan is designed to examine how best, in the context of a more diverse society, the FAI can 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. The FAI has appointed a full – time national co-ordinator to oversee this important initiative. The Plan focuses on four overarching objectives:

- To combat racism in football
- To promote participation among ethnic and multicultural communities
- To develop a culture of football that is dynamic and globally competitive.
- To contribute to the wider process of integration.

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 in Ireland (SARI) and the Department of Justice, Equality and Law Reform which provided significant funding through the National Action Plan Against Racism (NPAR). The Office of the Minister for Integration is now supporting this Strategy.

As part of his strategy to promote integration, the Minister for Integration has committed himself to providing multi-annual funding to major national sporting bodies subject to ongoing review and the availability of resources. In 2008, €505,000 was provided for this purpose.

**12. Please indicate the measures taken to strengthen anti – racist and gender – sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, judicial, correctional, prison and security officials, as well as among health –care, school, immigration and border officials.**

**Health Service Executive**

The Health Service Executive (HSE) and Intercultural Health Strategy:

The Health Service Executive (HSE) has developed a National Intercultural Health Strategy entitled ‘Addressing the Health and Support Needs of Persons from Ethnic Minorities. This strategy encompasses the requirements to ensure a responsive, culturally sensitive approach to service provision in relation to the unique healthcare and support needs of asylum seekers, refugees, migrant workers, Travellers and other members of minority ethnic communities. The launch of the strategy took place in February 2008 during European Year of Intercultural Dialogue in Ireland.

One priority of the strategy is provision of support to staff in ensuring delivery of responsive services to people of a range of ethnic and cultural backgrounds. In this regard, an Intercultural project is being implemented across a range of health settings on a phased basis.

**Prison Service**

Issues of equality and intercultural awareness are addressed extensively during Recruit Induction (RPO) training and in the module Intercultural Awareness and Racism provided to prison staff.

The aim of this module is to create awareness of diversity, issues of intercultural interest and racism. The session covers both the legal requirements under equality legislation and activities to raise awareness in relation to prejudices, power and discrimination, understanding prejudice, catering for diversity, the refugee experience and other aspects.

### **Anti – Racism Awareness Training – Department of Social and Family Affairs**

A clear example of the Irish Government's approach in this area is training in the Department of Social and Family Affairs which has a significant contact with the public. The Department has developed a comprehensive range of training and awareness raising programmes to support staff who deal with the public, including:

- Anti-discrimination awareness training has been part of the Department's integrated customer service training since 1998.
- Internal Guidelines for staff when dealing with non-Irish customers were published in early 2002.
- A detailed anti-discrimination training and awareness training course was developed with the assistance of the National Consultative Committee on Racism and Interculturalism (NCCRI).

### **Diversity Awareness**

- The Department of Social and Family Affairs developed a one-day modular diversity awareness training course targeted particularly, but not exclusively, at front line staff. Since 2002, five hundred staff have received this training. The main modules covered are race awareness, Traveller awareness and disability awareness.
- In 2005, the Department commissioned a diversity awareness trainer who has to date provided training to six hundred staff.
- In addition, in 2007 specialised diversity awareness training was provided for Medical Assessors in the Department who carry out medical assessments in relation to disability payments
- A total of 71 Services Officers/Attendants have received a session on ethnic/diversity awareness as part of their training programme.
- In 2008, 27 staff received training on Diversity Awareness from the Civil Service Training and Development Centre. The course was called 'Living and Working in a Diverse Ireland'.
- the Department's Staff Development Unit is currently designing its own Diversity Awareness course for delivery in 2009.

### **Effective communication with speakers of other languages**

- The Department has also developed a course entitled “Dealing with non-native speakers of English” for front-line staff. In 2007, the name was changed to “Effective communication with speakers of other languages”. 119 Social Welfare Local Office (SWLO) staff received this training in 2008.
- Technology to provide a successful translation service has been installed in 81 Local Offices in the Department which are open to the public. Following a review to ascertain demand for this service and due to positive feedback, it has been decided to extend availability to all Local/Branch Offices in 2009.

### **Measures undertaken by the National Training and Employment Authority – (FÁS)**

The FÁS Equality for its Customers Policy’ aims to articulate the FÁS approach to its customers clearly and succinctly. An accompanying document, FÁS Equality for its Customers Guidelines’ provides practical guidance for customer – facing staff. The two documents bring together all of FÁS experience and expertise in the area of ensuring equality for customers and shapes it into one coherent approach.

The Office of the Minister for Integration has recently met with senior officials from FÁS to discuss inter alia, the possibility of including diversity training in the organisations training modules.

### **Measures undertaken by An Garda Síochána (the Police Force):**

The Irish Police Force (An Garda Síochána) Corporate Strategy 2007- 2009 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 the initial and second Police (Garda) Reports, the Police (Garda) Commissioner has approved and implemented policy, as follows:

- (1). Consultation with new and ethnic communities living and working in Police (Garda) divisions and districts. The consultation forum is designed to exchange information between the Police Force (An Garda Síochána) and ethnic communities and provides a platform for ethnic groups to raise and discuss policing issues and is a mechanism for police (Garda) accountability to the ethnic community. The Divisional Forum takes place 4 times each year.
- (2). The specially established Garda Racial and Intercultural Office (GRIO) monitors the implementation of the policy.
- (3). There continues to be an increase in the number of Gardaí (police) trained and appointed as Ethnic Liaison Officers (now 500).
- (4). In the Dublin Metropolitan Region, Human Rights training with a focus on community participation have taken place in North & South Central Garda Divisions. The training included a module on ethnic & gender diversity.



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

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

(7). The Garda Síochána Corporate Strategy 2007- 2009 includes the goal of monitoring racially motivated incidents occurring in each district and division.

### **Information, communication and the media, including new technologies**

**13. While taking all necessary measures to guarantee the right to freedom of opinion and expression, what steps have been taken to declare an offence punishable by law all acts of racial violence or incitement to such acts as well as the dissemination of ideas based upon racial superiority or hatred and, particularly through new information and communications technologies, including the Internet ?**

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.

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

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.

Any activity that incites racial hatred is a criminal offence. 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.

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.

**Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination**

**14. If your country is not yet party to the International Convention on the Elimination of All Forms of Racial Discrimination and to any other International instrument listed in paragraphs 77 and 78 of the Durban Declaration and Programme of Action, please indicate:**

**(a) What are the considerations which may have prevented its ratification or its accession to the instruments?**

**(b) What steps have been taken or are being planned with a view to ratification of or accession to the instruments?**

N/A

**15. If your country has not yet made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, please indicate what are the considerations which may have prevented making the declaration.**

14 & 15 Response: Ireland has already ratified the UN Convention on the Elimination of All Forms of Racial Discrimination and made the declaration under Article 14.

**Strengthen partnerships with civil society**

**16. What steps have been taken to strengthen cooperation and develop partnerships with non-governmental organisations and other civil society actors to harness their experience and expertise combating racism, racial discrimination, xenophobia and related intolerance?**

**The National Consultative Committee on Racism and Interculturalism (NCCRI)**

One of the main recommendations from the report on the European Year Against Racism (1997) in relation to Ireland was that a body would be established based on the model of the national committee that coordinated the European Year here.

Arising from this, the National Consultative Committee on Racism and Interculturalism was established in 1998 by John O' Donoghue TD, the then Minister for Justice Equality and Law Reform.

The NCCRI was the Government's expert body charged with developing strategies to combat racism and promote a common sense approach to Interculturalism. It had a role in informing policy development in this area and in training and information provision.

The Government decided as part of a rationalisation of State agencies in the context of Budget 2009, that funding to the NCCRI would cease at the end of 2008. Relevant functions of the NCCRI are being absorbed by the recently established Office of the Minister for Integration.

**One of the core themes of the National Action Plan Against Racism is that minority ethnic groups are a positive and integral part of Irish society.**

The Plan was an affirming one for minority ethnic groups. It celebrates the fact that minority ethnic groups are now and have been an integral part of Irish society and affirm, acknowledge and celebrate their own ethnic identity.

**Fitzpatrick Report- A Conceptual Framework and Principles to Guide Core Funding for Organisation Representing the New Communities in Ireland**

This report was concluded in May 2007 and represents the final output of an extensive research study undertaken to develop a framework and principles to guide core funding for organisations representing new communities. The study was progressed as an initiative of the National Action Plan Against Racism.

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

In the context of the First and Second Report and Follow-Up Reports to the UNCERD Committee, the Committee welcomed the wide –ranging consultation with civil society groups in the preparation of Ireland's national Report and noted the positive working relations that exist between Government, independent national bodies established in the human rights and anti –discrimination areas and civil society groups. The Committee remarked positively that Ireland's national Report included a section outlining the views of NGO's on the National Report.

The Joint Third and Fourth Report to the UN CERD Committee is currently being drafted and is scheduled to be submitted to the Committee in 2009.

**Provision of effective remedies, recourse, and other measures at the national level**

**17. What measures exist to investigate and prosecute unlawful acts of racism and racial discrimination and to combat impunity for crimes with a racist or xenophobia motivation?**

See reply to question 10 above.

**18. What judicial and other remedies exist for persons against any acts of racial discrimination which violate their human rights and what evidence is there to consider that these remedies are effective and adequate?**

See reply to question 1 above.

**19. Has your Government taken any measures to eliminate “ racial profiling” understood as the practice or police and other law enforcement officer relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity?**

Presently there is no specific legislation in this jurisdiction which prohibits racial profiling, neither is there evidence to suggest that An Garda Síochána engages in this practice.

The European Commission against Racism and Intolerance (ECRI) defines racial profiling as *‘the use by police, with no objective and reasonable justification, of grounds such as race, colour, language, nationality or national or ethnic origin in control, surveillance or investigation activities’*

The United Nations Questionnaire on Racism defines it as *‘the practice of police and other law enforcement officers relying, to a degree on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity’*

These two definitions would lead to very different policing practices. There is no clearly defined policy in the area, the formation of a working party to draft an effective working definition and policy in this area is under consideration. The working party would consider the development of an internal control to address the issue of racial profiling, independent of the Garda Síochána Ombudsman Commission. Training elements on racial profiling could be incorporated into pre-existing Garda training programmes e.g. An Garda Síochána Diversity Works, Diversity Works for Managers and the Garda National Immigration Bureau Human Rights and Diversity courses. Since 2006, the Ethnic Liaison Officers training incorporates a component on racial profiling.

**Victims of racism, racial discrimination, xenophobia and related intolerance**

**People of African Descent**

**20. What measures has your Government taken to facilitate the participation of people of African descent in all political, social and cultural society and in the development of the society? & 21 What measures has your Government taken to provide additional investments in the health care system, education on public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives for people of African descent?**

Article 40 of the Irish Constitution provides an overall guarantee of equality before the law. All Irish Government measures are equally applied to members of minority groups.

The Health Service Executive strives to ensure that all services users access health services on the basis of need. The Intercultural Health Strategy recognises that certain targeted services should be supported to promote such equal access and in this regard, measures such as provision of interpretation and translation services continue to be enhanced. At the same time, efforts are underway to apply use of Ethnic Identifier to enable evidence based planning around the health care and support needs of specific groups.

### **Indigenous peoples**

**22. What constitutional, administrative, legislative and other measures has your Government taken, to guarantee and full exercise of human rights and fundamental freedoms of indigenous peoples and/ or amended national Constitutional, laws, legal systems and policies to be in conformity with relevant international human rights instruments, norms and standards?**

**23. Has your Government taken any measure to ensure consultation with indigenous representatives in the process of decision-making concerning policies and measures that directly affect them?**

Questions 22 & 23 are not applicable to Ireland.

### **Migrants**

**24. Has your Government reviewed and, where necessary, revised its immigration laws, policies and practices which may be inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants?**

Immigration laws, policies and practices are subject to ongoing review having regard to the necessity to constantly update and develop the immigration system while at the same time providing transparency and ensuring fair treatment of migrants. In this regard, a key development in recent times has been the publication of the Immigration, Residence and Protection Bill 2008. The Bill proposes to replace all present immigration legislation, some of which dates back to 1935, with a single unified code. In developing this legislative framework one of the key objectives and principles to be met is the protection of human rights having regard to Ireland's constitutional and international obligations and to ensure fair treatment of migrants. The Bill is currently before the Houses of the Oireachtas (Irish Parliament).

## **Refugee, asylum and displaced persons**

### **25. What measures has your Government taken to comply with their obligations under international human rights, refugees and humanitarian law relating to refugee, asylum – seekers and displaced persons?**

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. This fact was acknowledged by a former UNHCR Representative to Ireland who is quoted as stating that Ireland is now a model for the new member States of the European Union and that 'we now have a system which, in many respects, is one of the best in Europe'.

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 Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT).

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, which incorporates the provisions of the EU Council Directive 2004/83/EC '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.

The Immigration, Residence and Protection Bill 2008 (published in January 2008) comprehensively reforms and simplifies the current system through the introduction of a single procedure for the investigation of all grounds including protection grounds put forward by applicants for protection. This reform of the processing framework will lead to the removal of the existing multi-layered and sequential process which considers refugee matters first and then as part of a whole new process, issues associated with leave to remain in the State. This new integrated process will result in the functions currently carried out by the Office of the Refugee Applications Commissioner (ORAC) (the first instance asylum determination agency) being subsumed into the Irish Naturalisation and Immigration Service (INIS). The introduction of the single procedure will bring the State into line with processes in other EU States. The legislation will maintain the current independent appeal process for asylum claimants with the establishment of the Protection Review Tribunal which will replace the Refugee Appeals Tribunal. This new body will have an expanded remit to consider, in addition to appeals against decisions not to grant refugee status, appeals against decisions not to grant subsidiary protection as defined in the EU Qualification Directive.

## **Other Victims**

**26. What steps have been taken to guarantee the rights of persons belonging to minorities including Roma/ Gypsy/ Sinti, to enjoy their own culture, to profess or practice their own religion, to use their own language and to participate effectively in the culture, social, economic, and political life in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance they are or may be subjected to?**

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. All the protection afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments, such as the Equality Acts, the Unfair Dismissals Acts and the Prohibition of Incitement to Hatred Act, explicitly protect Travellers.

In a range of legislative, administrative and institutional provisions, the Government has recognised the special position of Ireland's Traveller community, in order to protect their rights and improve their situation.

The Government 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 separate identification of Travellers in equality legislation guarantees that they are explicitly protected.

**27. Have measures been taken to counter Anti-Semitism, anti-Arabism and Islamophobia and the emergence of movements based on racism and discriminatory ideas concerning these communities?**

The process of structured dialogue between the Government and the churches, faith communities and non-confessional organisation is organised to include bilateral discussions with the Government and occasional gatherings of all participants in the process. This process of structured dialogue involves both the Prime Minister (Taoiseach) in addition to other senior Ministers.

The Holocaust Memorial Day (HMD) commemoration demonstrates the Irish Government's commitment to the Declaration of the Stockholm International Forum on the Holocaust. Holocaust Memorial Day has been marked in Ireland since 2003, on the evening of the Sunday nearest the 27<sup>th</sup> January.

The Minister for Integration gave a grant of €90,000 to the Holocaust Education Trust in 2008 to fund the cost of research and materials for its work in schools. This includes: having Holocaust survivors visit schools so students can get an awareness of what happened and understand the importance of tolerance and integration; the planting of crocus bulbs by children in memory of the Jewish and other children who

died in the Holocaust and encouraging children to learn more of the ethnic background of fellow pupils and gain an understanding and respect for difference; a Holocaust Timeline, which is a tool for teachers giving a complete overview of the Holocaust; and the production of a booklet on the Holocaust for inclusion in Civic, Social and Personal Education.

### **International Cooperation on Holocaust Education, Remembrance and Research (ITF)**

Ireland became an Observer Country of the Task Force on International Cooperation on Holocaust Education, Remembrance and Research (ITF) in December 2007. The ITF, which was established at the initiative of the Swedish Prime Minister, Goran Persson, 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.

Membership of the ITF involves a 3-stage process and preparations are underway for Ireland to progress to the next level, Liaison Country status, with a view to eventually becoming a full Member Country of the ITF as soon as the required arrangements can be put in place.

### **28. Has your Government devised, enforced and strengthened measures to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls?**

#### **Enacted legislation**

##### The Child Trafficking and Pornography Act 1998

This Act creates an offence for any person who organises or knowingly facilitates the entry into, transit through or exit from the State of a child (under 17 years) for the purpose of his or her sexual exploitation, or provides accommodation for a child for such a purpose while in the State. A convicted person will be liable on conviction on indictment to imprisonment for life.

The Child Trafficking and Pornography Act, 1998 also provides that any person who takes, detains or restricts the personal liberty of a child for the purpose of his or her sexual exploitation, uses a child for such purpose or organises or knowingly facilitates such taking, detaining restricting or use, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding 14 years.

##### The Criminal Law (Human Trafficking) Act 2008:

This legislation which came into effect on 7 June 2008 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 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.

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 in private. Any person who accept or agrees to accept any kind of payment in exchange for the prostitution of the trafficked person will also commit an offence. Fines of up to €5000 and 12 months imprisonment apply if a person is convicted on indictment and an unlimited fine and up to 5 years imprisonment 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.

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

- I. EU Framework Decision on Combating Trafficking in Human beings.
- II. Council of European Convention on Action against Trafficking in Human Beings.
- III. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.

The Act amends the definition of 'child' in the Child Trafficking and Pornography Act, 1998 to mean a person under 18 years of age. Section 2 of the Act creates the offence of trafficking in children for the purpose of their labour exploitation and the removal of their organs and the selling or purchasing of a child for any purpose. Section 3 of the Act creates the offence of trafficking in children for the purpose of sexual exploitation (by means of substitution into the Child Trafficking and Pornography Act 1998).

## **Proposed Legislation**

### Immigration, Residence and Protection Bill 2008:

This Bill is currently before the Oireachtas. Section 127 of the Bill, provides for a period of recovery and reflection of 45 days (to be increased to 60 days at the Report Stage of the Bill in Dáil Éireann) in the State for alleged victims of trafficking and also, in circumstances where the person trafficked wishes to assist the Gardaí in any investigation or prosecution in relation to the alleged trafficking, a further six months period of residence, renewable, to enable him or her to do so. An administrative framework, reflecting the provisions in the Bill, was introduced on 7 June 2008 to provide for the period of recovery, reflection and residency in the State during the period between the full enactment of the provisions of the Immigration, Residence and Protection Bill. These arrangements have recently been amended to provide for a 60 day recovery and reflection period. The Administrative Arrangements provide that where a person is under the age of 18 years, the best interests of the child will always be considered in the granting and revocation of a temporary residence permission.

## **Other Measures**

As well as the legislation on the criminalisation and reflection periods, there are other measures to combat human trafficking being implemented on an administrative basis. An Interdepartmental High level Group comprising of representatives from key Government Departments has been established to recommend the most appropriate and effective responses to trafficking in human beings to the Minister for Justice, Equality and Law Reform.

An Anti Human Trafficking Unit was established in February 2008 within the Department of Justice, Equality and Law Reform to ensure the State's response to human trafficking is coordinated, comprehensive and holistic. A key element of this strategy will be the development of a National Action Plan to Prevent and Tackle Trafficking in Human Beings to be approved by the High Level Group for submission to the Minister. The National Action Plan will have a strong focus on preventing trafficking becoming a major issue in Ireland. The National Action Plan is being developed under four main headings: Child Trafficking, Prevention and Awareness Raising, Prosecution of Traffickers and Protection of Victims. The National Action Plan will set out the structures which will facilitate ratification of the *Council of Europe Convention on Action Against Trafficking in Human Beings* and the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

Representatives from the High Level Group and Anti Human Trafficking Unit engage with NGOs and International organisations in the manner of roundtable discussions which are held about every four months. In addition, 5 interdisciplinary Working groups have been established comprising representatives from the relevant Government Agencies, NGOs and International Organisations to progress matters in relation to the development of a National Referral Mechanism to assist victims, Awareness Raising & Training, Child Trafficking, Labour Exploitation issues, and Sexual Exploitation issues. In total, 34 different Governmental, international, non-governmental organisations are involved in the Roundtable forum and working groups which in turn report to the High Level Group.

## **European G6 Initiative against Human Trafficking**

The G6 initiative is a coordinated international campaign to tackle the trafficking of human beings. Ireland, UK, The Netherlands, Poland, Italy and Spain are participating in the initiative which is being supported by Europol, Interpol and Eurojust. The initiative is a multi-strand operation marrying strategic policy development with a period of operational enforcement activity. The strands of the initiative are intelligence-gathering, awareness raising, law enforcement activity and victim protection. The awareness raising strand of this initiative is led by Ireland. Each of the countries participating in the initiative has agreed to run awareness raising campaigns. The Irish "Blue Blindfold" awareness raising campaign was launched by the Minister and the Garda Commissioner under the European G6 initiative on 21 October 2008 which was aimed at both the public and public sector personnel. The key theme of the campaign is "Don't close your eyes to human trafficking" and the

blue blindfold represents the risk of people having their eyes closed and being unaware of the crime that may be going on around them.

The campaign had the following components:

- Newspaper Advertisements at the start and end of the campaign in eight newspapers
- Newspaper Advertisements in Foinse on 17<sup>th</sup> October, 2008 and in Metro Éireann on 19<sup>th</sup> October, 2008.
- A total of 1,250 packs containing 3 posters, 1,000 leaflets and 200 business cards were produced and issued to the following organisations:
  - 50 Packs - Airports/Ports/Train Stations/Bus Stations
  - 725 Packs - Garda Síochána<sup>3</sup>
  - 22 Packs - NGOs
  - 125 Packs - Reception and Integration Agency (RIA) Accommodation Centres
  - 32 Packs - Local Health Offices
  - 87 Packs - Health Centres
  - 14 Packs - Hospitals
  - 73 Packs - Citizen Information Centres
  - 90 Packs - Libraries
  - 12 Packs - Other Organisations (including educational organisations)
- Stripline and Column ads on the two Luas (public transport in Dublin) lines for 3 weeks.
- A skyscraper advertisement on the RTE (national television and radio service) website for 3 weeks.
- Advertisements placed in the Match Programmes for three rugby internationals.
- Advertisement placed in the In Touch magazine - which circulated with the Irish Independent - on 3<sup>rd</sup> November, 2008.
- Dedicated website [www.blueblindfold.gov](http://www.blueblindfold.gov) established which, inter alia, sets out the indicators of trafficking.

### **Awareness Raising Training**

The International Organisation for Migration, UK Human Trafficking Centre and NGOs such as Ruhama and Migrants Rights Centre Ireland are assisting in delivering training in recognition and investigation of trafficking in persons to front line Gardaí and PSNI officers in joint training courses in the Police (Garda) Training College. Training includes victim identification through recognising indicators of trafficking in human beings. 250 members of the Police Service (An Garda Síochána) have been provided with this training course and 520 Probationer Police Officers (Gardaí) have received awareness training as part of their final phase of training. Police Officers (An Garda Síochána) also regularly participate in courses organised by CEPOL, the European Police College, related to human trafficking. These courses are targeted at senior police officers who are responsible for prosecution services countering trafficking cases or organised crime cases, members of lecturing staff in national police training colleges, Chiefs of Police and Government officials from relevant Ministries dealing with issues around human trafficking.

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<sup>3</sup> One to each District Headquarters which was then delivered to businesses in the county.

Personnel attached to the Police (Garda) Training College and Garda National Immigration Bureau (GNIB) attended a course provided by the International Organisation for Migration titled “The Training of Border Guards, Border Police and Customs Officials in identifying of and providing assistance to the victims of trafficking”. This course was sponsored by the Belgian and Hungarian Governments in co-operation with the European Commission.

Awareness Raising Training has also been provided between July 2008 and February 2009, to in excess of 130 persons as an introduction to human trafficking and setting out the indicators of human trafficking. The training has been provided by the International Organisation for Migration (IOM) with input from NGOs/HSE, the Garda National Immigration Bureau and the Anti-Human Trafficking Unit. Among those provided with the training are members of staff from the following organisations:

- Labour Inspectors from the National Employment Rights Authority,
- Health Services Executive,
- Irish Naturalisation and Immigration Service (INIS),
- Office of the Refugee Applications Commissioner (ORAC),
- the Victim’s Support Helpline,
- the Victim of Crime Office,
- the Department of Enterprise, Trade and Employment,
- Youth Detention Schools,
- the Probation Service,
- the Anti-Human Trafficking Unit,
- Inspectors from the Private Security Authority,
- Social Welfare Inspectors from the Department of Social and Family Affairs.

Office of the Minister for Integration  
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