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**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 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 has been followed by the 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. The publication of the Plan was in fulfilment of the 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 provides strategic direction to combat racism and to promote 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.

The Plan is the key policy instrument in the promotion of cultural diversity in Ireland.

**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?**

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 commissioned under the National Action Plan

Against Racism and is being undertaken by the Centre for Criminal Justice, University of Limerick.

Please see attached the official statistics recorded by the An Garda Síochána (National Police Force) for racially motivated crime.

Official Data from the Garda Racial and Intercultural Office (GRIO) of An Garda Síochána.

The following are the Garda recorded figures for Racially Motivated Incidents from the period 2001 - 2006:

|     |    |
|-----|----|
| 200 |    |
| 1   | 72 |
| 200 |    |
| 2   | 48 |
| 200 |    |
| 3   | 10 |
|     | 0  |
| 200 |    |
| 4   | 62 |
| 200 |    |
| 5   | 10 |
|     | 2  |
| 200 |    |
| 6   | 17 |
|     | 4  |

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

Other Information and Data.

Since May 2001, the *National Consultative Committee on Racism and Interculturalism (NCCRI)* has been recording incidents related to racism in Ireland. During 2006 the NCCRI had 65 racist incidents reported by members of the public to its office. The NCCRI recorded 54 reported racist incidents between January and June 2007, and between July and the 11 October 2007 21 racist incidents were reported to the NCCRI. The National Consultative Committee on Racism and Interculturalism periodically reports these incidents to the EU Fundamental Rights Agency.

The following table displays the figures from the NCCRI office since the beginning of 2005.

**NCCRI Racist Incident Recording**

| Date                | Number of incidents reported to NCCRI |
|---------------------|---------------------------------------|
| January – June 2005 | 81                                    |

|                             |           |
|-----------------------------|-----------|
| <b>July – December 2005</b> | <b>38</b> |
| <b>January – June 2006</b>  | <b>25</b> |
| <b>July – December 2006</b> | <b>40</b> |
| <b>January – June 2007</b>  | <b>52</b> |
| <b>June – October 2007</b>  | <b>21</b> |

In January, 2006, the Garda Commissioner (Chief of Irish Police Force) issued a Directive to every member of an Garda Síochána concerning the development of garda 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 gardaí and members of minority communities are organised locally and nationally. An Garda Síochána 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.**

Supporting diversity and tolerance through working to promote greater respect for the person and for the diversity, equality and cultural difference in Ireland is a commitment outlined in the current Programme for Government.

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

The plan encompasses 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 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, oversees the implementation of the Plan.

The National Action Plan Against Racism budget, €1. 046 million in 2008, is 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.

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 to issues such as integration, migrant and equality.
- Equality legislation 1998 – 2007 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 was also part of equality legislation. Equality bodies are the Equality Authority and the Equality Tribunal.
- 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 Government also funds an expert body, the National Consultative Committee on Racism and Interculturalism (NCCRI) which provides advice and develops initiatives consistent with the National Action Plan Against Racism.

**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?**

The 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 promotes positive diversity management programmes.

Since its inception, the NPAR has 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 Garda Síochána (Police), the Health Service Executive, local government and national research. Accommodation of different cultures is done through the medium of Sport and through the Arts.

The Irish Government is fully committed to working closely with the 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 UNCERD 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 early 2008.

NGO's and members of the Public has been invited to submit relevant comments which will be used to inform the preparation of the Report.

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

The NCCRI has 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 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).

An Garda Síochána in cooperation with the Irish Council for Civil Liberties, has 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 Garda 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 Gardaí.

NPAR funds the Holocaust Education Trust in Ireland, the organisers of the Government's 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.

## **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 unremunerated 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.**

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**

Ireland recognises the right of ethnic minorities and other minority groups who are Irish citizens to play a full part in Ireland's political life. There is no discrimination in regard to voting, standing for election or entry into public affairs at any level.

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, Seanad Éireann 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, 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 may be extended to persons ordinarily resident in the State who are nationals of other EU Member States which extend their

right to vote at their national parliament elections to Irish citizens resident in those member states. 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.

#### **(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 is supporting a research on housing policy arising from increased cultural diversity in Ireland. The research will scope key issues

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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".



arising in public and private housing and the implications for planning future housing policy and estate management. The research will be targeted at specific local authority areas.

**(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.

**(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 has 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.

**(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 NPAR, a grant of €200,000 has been allocated to the Arts Council to carry out research into the development of an intercultural strategy within the arts. Individual projects within the arts have also received funding.

**(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 has a role in promoting human rights in Ireland. It was established as part of the Good Friday Agreement that advanced the Peace Process in Northern Ireland.

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. 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.

Further information, including a copy of the National Action Plan Against Racism can be obtained through the 'Diversity Ireland' website – [www.diversityireland.ie](http://www.diversityireland.ie).

A hard copy is attached to this questionnaire.

The main achievements already achieved under the Plan are outlined in Appendix 1 of this response.

- 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 Act 1998 and the Equal Status Act 2000 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 rewarded.

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 particular 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 Statistical Portraits, commissioned by the OSI. The fourth in the series, Communities (including Travellers, migrants and ethnic minorities), will be published during 2008. 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 Act 1998 and the Equal Status Act 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements,

<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)

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.

**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.

The National Action plan Against Racism states that 'A range of family, cultural and institutional factors can sometimes combine to exclude women from the key opportunities that can promote inclusion, such as access to language training and supports and access to mainstream childcare supports.... These barriers can be overcome through the development of proactive policies in the area of employment rights, childcare and tailored language/ literacy programmes'.

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.

#### **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)

The annual MAMA Awards celebrate the contributions of Irish and non- Irish people working in the media who have promoted integration and cross cultural understanding in Ireland, north and south.

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 the Anti – Racist Workplace Week

NPAR, the Equality Authority and the Irish Management Institute have 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 and establish a business case for investment in diversity management. The first paper which explores cultural diversity in the workplace and examines a number of case studies was published in May 2007.

The NPAR also supports the Anti – Racist Workplace Week. This raises awareness of the need to combat racism in organisations and promotes support for the accommodation of diversity in the workplace. The Week is organised by the Equality Authority.

### Attitudinal Survey

At the end of October, 2006, the NPAR 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 are extremely encouraging.

The findings indicate that experiences of racism in Ireland have reduced and there has 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 is the significant increase in the numbers of people who have experiences of new communities – an increase from 36% to 67% from 2003 to 2006, which shows more interaction between different communities and greater integration.

The general impression of people from new communities in Ireland has increased positively 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.

Some 50% of respondents felt that enlargement of the EU has been beneficial to Ireland yet despite this fact, 49 % of the population is either very concerned or somewhat concerned about future levels of immigration. 71% said that a person should be allowed to live in Ireland if they work and pay their taxes while 51 % said that having non-Irish nationals in Ireland make it a more interesting place to live.

In addition to questioning 1,000 adults as part of the quantitative research, in –depth focus groups were also carried out. Some of these were undertaken with immigrants themselves and provide a good indication of the kind of experiences that members of new Irish communities are having in Ireland.

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 is strong, the architecture and scenery is remarkable and the fact that there is generous social welfare. Negative issues mentioned included that fact that Ireland is found to be expensive, the weather is unpredictable, the cities are thought to be dirty by some, and the fact that some have experienced isolation and helplessness.

## **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, and NPAR has focussed on a number of sporting programmes to partner in promoting integration in Ireland.

Initiatives already up and running include the appointment of an International Programme Coordinator at the Football Association of Ireland, a €357,000 fund available to Local Sports Partnerships for intercultural initiatives and support for the Sport Against Racism Ireland (SARI) 10th Annual Soccer fest.

### Local Sports Partnerships

In September 2006, in association with the Irish Sports Council (ISC), the NPAR 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. All Local Sports Partnerships (LSPs) were invited to make an application for funding under this initiative. As a result, 13 LSPs across the country received funding.

Some examples of the proposals that received funding are:

- Kerry Local Sports Partnership received €39,000 to run two initiatives  
1) The deployment of amateurs with Sports development Skills (i.e. Migrant Sports Development Officers) and 2) Volleyball Development in Kerry to encourage people to integrate through volleyball.
- Offaly Local Sports Partnership received €69,000 to help fund the County Offaly international "Olympics". This is concerned with the integration of people from migrant communities into sporting organisations around the country.
- Basketball Ireland received €60,000 to assist in the appointment of an intercultural co-ordinator combined with the development of a specific event – Street Ball Ireland, which was launched at the American Embassy on the 17<sup>th</sup> August 2007 in cooperation with the University of Delaware and the Washington Wizards.

### FAI Intercultural Strategy

The Department of Justice, Equality and Law Reform has been actively involved in supporting the development of an intercultural strategy for soccer with the Football Association of Ireland (FAI). The 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), the National Consultative Committee on Racism and Interculturalism and the Department of Justice, Equality and Law Reform which provided significant funding through the National Action Plan Against Racism (NPAR).

Two other sporting national governing bodies are also at an advanced stage of committing to developments in this area.

**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 HSE and Intercultural Health Strategy:

The HSE has developed a National intercultural Health Strategy titled ‘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.

#### **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 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. The pack included a Lesson Plan, Training methodological

approach, Trainer notes, PowerPoint Presentation and exercises. It also includes handouts on Discrimination, Definition of key terms, legislative Acts and the role of the media.

Additional material includes articles and information on NCCRI Guidelines on Anti – Racism and Intercultural Training, CSO Statistics, Migrant Workers, Immigration, Asylum & Citizenship Division documentation, Statistics, Translation Sheets in various languages, Cultural Awareness, The Irish Traveller Community, Refugees by Numbers (UNHCR), a Positive Working Environment and information on Different Faith Communities.

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

A clear example of the Government's approach in this area is training in the Department of Social and Family Affairs which has a significant contact with the public. As a result, the Department has developed a comprehensive range of training and awareness raising programmes to support its 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 national customers were published in early 2002

A detailed anti-discrimination training and awareness training course has been developed with the assistance of the National Consultative Committee on Racism and Interculturalism (NCCRI)

- The Department 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. The Department has also developed a course entitled “Dealing with non- native speakers of English” for front –line 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
- Technology to provide a successful translation service has been installed in 30 Local Offices in the Department which are open to the public. Following a review to ascertain demand fro this service and due to positive feedback, it has been decided to extend availability to 60 Offices in 2008.

### **Measures undertaken by the Garda Síochána:**

The Garda 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 Garda Report, the Garda Commissioner has approved and implemented policy, as follows:

- (1). Consultation with new and ethnic communities living and working in Garda divisions and districts. The consultation forum is designed to exchange information between An Garda Síochána and ethnic communities and provides a platform for ethnic groups to raise and discuss policing issues and is a mechanism for 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 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). 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 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 and the Policing Plan for 2007 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 being undertaken at present on the effectiveness of present legislation in Ireland to deal with crime motivated by racism.

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

**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 NCCRI was established in 1998 by John O' Donoghue TD, the then Minister for Justice.

#### **Purpose of the NCCRI**

The NCCRI is the Government's expert body charged with developing strategies to combat racism and promote a common sense approach to Interculturalism. It has a role in informing policy development in this area and in training and information provision. It provides assistance and a forum for community groups active in the

intercultural area and has a considerable commitment at EU and wider international level contributing to bodies such as Council of Europe, OSCE and UN.

The NCCRI, in partnership with the Equality Authority, is designated as the Irish national Focal Point (NFP) for the EU Fundamental Rights Agency (EUFRA) in Vienna. A function of the NFP is the preparation of reports for the European Information Network on Racism and Xenophobia (RAXEN). The role of the RAXEN Network is to collect, comment, review, and submit data on racism to the EUFRA in key areas, for example education, employment, housing, legislation and racial violence.

The NCCRI is a key partner in the implementation of the National Action Plan Against Racism. The NCCRI has a critical role in providing an interface between Government and NGOs.

**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 is 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 a key 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.

#### **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 of 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.

## **Migrants**

**22. 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 in January this year 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.

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

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

Ireland's asylum determination system compares well 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 (in an Irish Times interview) 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'.

Council Directive 2004/83/EC was given full effect in Irish Law in the European Communities Eligibility for Protection Regulations, 2006 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.

## **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.

The Department of Justice, Equality and Law Reform provides funding under the National Action Plan Against Racism, for the Holocaust Education Trust in Ireland (HETI) which arranges the annual Holocaust Memorial Day Commemoration in memory of six million Jews and over five million others who were victims because of their nationality, ethnicity, sexual orientation, disability, religious beliefs or political affiliations. The Committee considers that the inclusion of all victim groups is essential to the commemoration which highlights the importance of education about Anti - Semitism and all forms of intolerance. The annual Holocaust Memorial Day commemoration reflects the Government's commitment to the Declaration of Stockholm, 2000.

**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?**

**Proposed legislation**

### The Criminal Law (Human Trafficking) Bill 2007:

The Criminal Law (Human Trafficking) Bill 2007 is currently before the Oireachtas (Irish Parliament). The proposed legislation 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. Enactment of this legislation will bring 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 Immigration, Residency and Protection Bill was published on 29 January 2008 and will provide for a victim of trafficking to be afforded an immediate period of recovery and reflection in the State and also, in certain circumstances, a further period of residence to enable him or her to assist in the investigation and/or prosecution of the trafficker. In the event of any delay in the enactment of the proposed Bill an administrative framework to provide for the period of recovery and reflection in the State during the interim period between the enactment of the Criminal Law (Human Trafficking) Bill 2007 and the enactment of the provisions of the Immigration, Residency and protection Bill is being considered.

### **Other Measures**

As well as the legislation on the criminalisation and reflection periods, there are other provisions to combat trafficking in human beings that will be implemented administratively. A new Interdepartmental High level Group 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. The group is co-chaired by the Director General of the Irish Naturalisation and Immigration Service (INIS) and the Assistant Secretary in the Department of Justice, Equality and Law Reform dealing with crime and includes representatives from;

- Department of Justice, Equality and Law Reform,
- INIS
- An Garda Síochána
- Executive Director of new Anti – Human Trafficking Unit in the Department of Justice, Equality and Law Reform
- The Office of the Minister for Children
- Department of Enterprise, Trade and Employment
- Department of Health
- Health Service Executive

The High Level Group will bring on board as appropriate new members from other offices and agencies that have a contribution to make to ensure that the response of

the State is coordinated, comprehensive and more holistic than it has been to date. The NGO community will have an important role to play, particularly in relation to service provision for victims.

An Anti-Human Trafficking Unit has recently been established in the Department of Justice, Equality and Law Reform under the stewardship of an Executive Director. The Executive Director will play a pivotal role in ensuring that the State response to trafficking in human beings 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.

This National Action Plan will have a strong focus on preventing trafficking becoming a major issue in Ireland. Addressing victim protection issues and demand reduction will be important parts of the Plan. It is envisaged that the National Action Plan will be developed under four main headings;

- Prevention and awareness raising
- Prosecution of Traffickers
- Protection of Victims
- Child trafficking

Coinciding with the International Anti – Trafficking Day on 18<sup>th</sup> of October 2007, the general public and concerned groups were canvassed through the national newspapers and the multicultural newspaper Metro on what should be contained in the National Action Plan. At the end of 2007 the Department of Justice, Equality and Law Reform had received over twenty submissions from interested parties. The National Action Plan to Prevent and Tackle Trafficking in Human Beings will be drafted in 2008.

#### Funding

The Department of Justice, Equality and Law Reform, through the Probation Service, provides funding to Ruhama, an NGO engaged in providing support to victims of sexual exploitation. In 2007, Ruhama received current funding to the amount of €275,000 from the Department. It received a similar amount in 2006. In addition, Ruhama received €50,000 in 2007 from the Department towards the provision of a court accompaniment service scheme and direct victims support which included an element of salary costs for a trafficking coordinator to enable Ruhama to make contact and provide support to women who are trafficked into Ireland.

Diversity and Equality Law Division  
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