

# GUIDE for Assisting Reporting Process under CERD

This grid will help respondents to identify the key issues for consideration.

The following guide was developed using:

- The 2011 and 2012 **Concluding Observations** by CERD for Ireland
- The 2018 **report** to CERD by the **Irish Government**
- And the **ENAR Ireland comment** on the draft of that 2018 Government report.

Concluding observation	Government action	Gaps / failures and <b>Recommandations (marked red)</b>	Relevant articles
<p><b>Paragraph 11:</b> Following Durban, statutorily guaranteed and fully independent equality infrastructure should not be shed in response to crisis</p>	<p>The Irish Human Rights and Equality Commission Act 2014 which established the Irish Human Rights and Equality Commission (IHREC) is designed to fully comply with the standards required by EU law and the Paris Principles.</p> <p>An estimated €2 million in additional funding was provided to IHREC in 2014. Its budget rose to €6.522 million in 2017 and again in 2018 to €6.7 million. Staffing levels are also set to rise from the currently approved level of 56 posts to 64 in 2018.</p>	<p><b>ENAR calls for</b> a guaranteed minimum ring-fenced budget for IHREC, to be set at a minimum to the levels of the combined pre-austerity budgets of the Equality and Human Rights Commissions. <b>We call for</b> independent oversight and monitoring of the Commission’s adherence to the Paris Principles in all its functions, including its recruitment processes, to assure public confidence in the body.</p> <p><b>ENAR Ireland calls for</b> the immediate restoration of a statutorily guaranteed and independent National Consultative Committee on Racism and Interculturalism (NCCRI). Among its functions, the NCCRI should develop and monitor the implementation and evaluation across all state and public functions of a Durban Declaration compliant National Action Plan Against Racism.</p> <p><b>ENAR Ireland calls for</b> the restoration of the Combat Poverty Agency</p>	<p>Article 2</p>
<p><b>Paragraph 12:</b> Traveller Ethnicity</p>	<p>The State refers to this paragraph as the “Legal recognition of Travellers” as a distinct ethnic minority in 2017, and that this event was historic and notable for the all-party consensus on the issue.</p>	<p>ENAR shares the concern of its Traveller-led members’ observations that this may amount only to a `symbolic` recognition which has yet to translate into concrete gains for Travellers.</p>	<p>Article 1; Article 5</p>

	<p>The State hopes to foster pride and self-esteem among Travellers and support them in overcoming the legacy of economic marginalisation and discrimination. Travellers now have a new platform for positive engagement and dialogue with Government in seeking sustainable solutions to the issues faced by their community in areas such as health, education, employment and accommodation.</p>	<p>Multiple reports from 2017 and 2018 show, Travellers and Roma still experience high levels of hostility in every aspect of their everyday lives.</p> <p><b>ENAR calls for</b> this recognition to be given statutory footing to give legal effect to Traveller ethnic recognition.</p> <p>To give state agencies the legal mandate to target and improve for example health, education, employment and accommodation outcomes.</p>	
<p><b>Paragraph 13:</b> Traveller Accommodation and NTRIS</p>	<p>Substantial changes have been made to the structures for consultation with and participation by Traveller and Roma communities since 2014 to address Traveller and Roma needs under a single Strategic Framework.</p> <p>The National Traveller and Roma Inclusion Strategy Steering Group was formed in 2015 and is chaired by Mr. David Stanton, T.D., Minister of State with special responsibility for Equality, Immigration, and Integration.</p> <p>A new National Traveller and Roma Inclusion Strategy 2017-2021 (NTRIS) was adopted by Government and published in June 2017. It is broad-ranging with an ambitious set of objectives. Arising from a comprehensive consultation process which included consultations with Traveller groups, written submissions and public meetings, ten themes were identified as central to the success of the Inclusion Strategy: cultural identity, education, employment and the Traveller economy, children and youth, health, gender equality, anti-discrimination and equality, accommodation, Traveller and Roma communities and public services.</p>	<p><b>“The state should also commit</b> to immediately develop a system to ensure allocations for Traveller accommodation are speedily processed, drawn down and spent, while committing itself to the implementation of the outcomes of the review of the Traveller Accommodation Act” (Cork TVG, 2018).</p> <p>ENAR Ireland supports its Traveller-led member organisations position that <b>“The state’s response should</b> include a commitment to return to a ring-fenced budget for Traveller accommodation to the pre-austerity level.” (Cork TVG, 2018)</p>	<p>Article 5 (e)</p>
<p><b>Paragraph 14:</b> Affirmative Action for Travellers in all areas of life</p>	<p>The Department of Justice and Equality continues to provide core funding for Minceirs Whiden, a Traveller organisation which supports Travellers to register to vote, to promote the importance of voting and to engage with politics generally.</p>	<p><b>Ring-fenced funding should be made available</b> to develop and support the capacity of minority leaders to engage minority constituencies and bring their perspectives to the heart of policy development and governance.</p>	<p>Article 5 (c)</p>



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<p>including Public and political life.</p>	<p>The new National Traveller and Roma Inclusion Strategy contains actions to support Traveller participation in political processes at local and national level and to facilitate political engagement and leadership in the Traveller community. Specifically, the Department of Housing, Planning and Local Government commits to supporting the work of Traveller and Roma organisations on voter education and voter registration initiatives for the Traveller and Roma communities.</p>	<p><b>The State should reform</b> the capacity of the criminal justice system to combat hate crime, including the introduction of hate crime legislation.</p> <p><b>ENAR Ireland calls</b> for the creation of an electoral college which elects 3 members of Seanad Eireann from ethnic minority backgrounds, at least one of whom must be a Traveller.</p>	
<p><b>Paragraph 15:</b> Comprehensive immigration legislation</p>	<p>In 2014, the Government decided to fast track the 'Protection' elements of the Immigration, Residence and Protection Bill to significantly reform Ireland's international protection system. The International Protection Act 2015 was commenced on December 2016. This legislation provides for a single application procedure, which has replaced the multi-layered and sequential protection application system under the repealed 1996 Refugee Act. The new single application procedure will, in time, significantly streamline the protection determination process and by extension will reduce the length of time spent in State-provided accommodation by those applicants who choose to avail of this accommodation.</p> <p>Legislation prohibiting Female Genital Mutilation was enacted on 2 April 2012. The HSE funds a specialist clinic that offers free medical care and counselling to all women and girls in Ireland who have experienced Female Genital Mutilation.</p> <p>Both the general criminal law and targeted legislation (the Prohibition of Incitement to Hatred Act 1989) have application for the purpose of protection from racist attacks. The Prohibition of Incitement to Hatred Act 1989 addresses the issue of incitement. Under this Act it is an offence to use words, publish or distribute written material, or broadcast any visual images or sounds that are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred. The word "hatred" is defined as "hatred against a group of</p>	<p>The International Protection Act 2015 is not such a piece of legislation, it should be comprehensive one that ensure rights, entitlements, and state's obligations.</p> <p>ENAR Ireland supports the Migrant Rights Centre Ireland's position that the State has not met CERD's recommendations set out in <b>Paragraph 14</b>, noting that "successful integration, including freedom from structural and incidental racism, can only be achieved through comprehensive legislation which addresses rights, entitlements and obligations."</p>	<p>Article 2; Article 4; Article 5; Article 6</p>



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	<p>persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation".</p> <p>Since 2010 there have been 12 cases prosecuted under the Prohibition on Incitement to Hatred Act 1989 resulting in two sentences of imprisonment. Two further cases are awaiting a trial date.</p> <p>The National Migrant Integration Strategy contains a commitment that the Department of Justice and Equality will review current legislation on racially motivated crime with a view to strengthening the law against hate crime, including in the area of online hate speech.</p>		
<p><b>Paragraphs 16 and 17:</b></p> <p>The incorporation of ICERD into domestic law and the State reservation on Article 4 (Freedom of Speech)</p>	<p><u>Regarding Paragraph 16:</u></p> <p>Ireland's position as outlined in paragraphs 19 to 21 of the addendum to the 3rd and 4th report to the Committee remains unchanged. In essence, because all of the Convention's obligations are provided for in domestic legislation, it is not necessary to incorporate the Convention into domestic law.</p> <p><u>Regarding Paragraph 17:</u></p> <p>Ireland signed the Convention on the Elimination of All Forms of Racial Discrimination in 1968 and ratified it in December 2000 whereupon it became binding on Ireland in international law. At the time of ratification of the Convention, a reservation/interpretative declaration was entered in relation to Article 4 of the Convention.</p> <p>There are no immediate plans to propose withdrawing Ireland's reservation/interpretative declaration on Article 4 of the Convention.</p>	<p>ENAR Ireland notes that Ireland is an outlier among liberal democratic countries in not fully transposing and incorporating the full text of ICERD into domestic law, and that the Reservation on Article 4 is groundless in the context of contemporary legal thinking and jurisprudence on freedom of speech.</p> <p><b>ENAR Ireland calls</b> the state to fully transposing and incorporating the full text of ICERD including the domestic law.</p>	<p>Article 2; Article 4 (Freedom of Speech)</p>
<p><b>Paragraph 18:</b></p> <p>Recommending the prohibition of racial profiling by An Garda Siochana, and policing a multi-ethnic society</p>	<p>The state's official response is that "An Garda Siochana (AGS) does not, as an institution engage in discriminatory profiling"</p> <p>The Migrant Integration Strategy contains commitments by AGS to develop greater contact with marginalised communities and encourage and support victims of racist behaviour to report offences in line with recommendations of the independent policing review body, The Policing Authority of Ireland.</p>	<p>There is a need for reliable ethnic identifiers or data. An Garda Siochana is not in any position to provide any evidence to support this assertion.</p> <p>There is a widespread perception that racial profiling and biased policing are commonplace.</p> <p><b>ENAR calls for</b> a root-and-branch overhaul of all police practice in Ireland that is suited to the needs of</p>	<p>Article 2; Article 3; and Article 6</p>



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	<p>In establishing the Garda Racial and Intercultural Office (GRIDO) in 2001 (now named the Garda National Diversity and Integration Unit 'GNDIU'), AGS demonstrated its capacity to anticipate and respond to the need for appropriate policing initiatives to meet the needs of diverse cultures and religions so as to foster good community relations in a multi-ethnic environment and minimise any potential for illegal racial profiling.</p> <p>The Garda Commissioner approved the appointment of ELOs in 20024 for the purpose of directly engaging with members of ethnic minorities and the Traveller Community in order to facilitate ease of access to Garda services. ELOs work to build trust and confidence between AGS and Ireland's minority communities, thereby eroding the potential for discriminatory profiling. There are currently 247 ELOs appointed throughout the State. All ELOs receive training on intercultural awareness and anti-discrimination from GNDIU.</p> <p>An Garda Síochána prohibits discriminatory racial profiling and is acutely aware that discriminatory ethnic profiling has the potential to undermine the fundamental human rights of individuals and is never acceptable. Furthermore, AGS does not pursue data gathering/data mining based upon discriminatory profiling in respect of race, colour, language, religion, nationality, national or ethnic origin, ethnicity, including The Traveller Community.</p> <p>Anti-profiling is a key theme that is mainstreamed throughout the two-day training programme developed by GNDIU for ELOs. Separately, a specific module within the programme is wholly dedicated to ethnic profiling. GNDIU also delivers training on anti-profiling and anti-discriminatory policing techniques at the request of the Garda College to a wide range of other groups.</p>	<p>guaranteeing equal access to justice and equal protection for all minorities. To do this, a police service must embed human rights and anti-racist practice into every aspect of policing from training, to practice, to appraisal.</p> <p>ENAR fully supports CERD's call for the prohibition of racial profiling. A human-rights based police service needs to integrate transparency, oversight and community accountability into every aspect of its functions.</p>	
<p><b>Paragraph 19:</b> Prohibition of racist organisations</p>	<p>There are no plans to introduce or enact new legislation to declare illegal and prohibit racist organisations. Section 18(d) and (e) of the Offences</p>	<p>ENAR Ireland believes that Ireland is not immune from the effects of this, the single biggest threat to</p>	<p>Article 2; Article 4</p>



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	<p>Against the State Act 1939 provide for the declaration of any organisation as unlawful.</p> <p><i>That racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences:</i></p> <p>As per the Irish Constitution, the judiciary is independent in the matter of sentencing and in other matters concerning the exercise of judicial functions. In accordance with this principle, the Oireachtas (the legislature) enacts criminal laws, which usually provide for maximum penalties in the form of a fine or imprisonment, or both.</p>	<p>public order and existential threat to liberal democratic societies</p> <p>ENAR Ireland urges the state to bring forward legislation providing for the curbing of the organisational capacity and eventual proscribing of violent racist organisations, with due regard to the provisions of the European Convention on Human Rights and the International Bill of Rights.</p>	
<p><b>Paragraph 20:</b> Direct Provision</p>	<p>The commencement of the International Protection Act 2015 on 31 December 2016 represents a fundamental reform of the system for assessing the applications of those seeking international protection in Ireland. The new system requires that all aspects of a person's claim (Asylum, Subsidiary Protection and Permission to Remain) be considered together rather than sequentially, as heretofore. This more streamlined process will reduce the length of time spent in State-provided accommodation by those applicants who choose to avail of this accommodation.</p>	<p>ENAR Ireland notes that the government has not implemented significant parts of the Working Group's limited key recommendations.</p> <p>ENAR Ireland is firmly opposed to the long discredited regime of Direct Provision, a source of grave human rights violations.</p> <p>ENAR Ireland calls for the complete abolition of Direct Provision and the granting of the right to work and state entitlements to people waiting in the asylum process.</p>	<p>Article 2; Article 5; Article 6</p>
<p><b>Paragraphs 21 &amp; 23:</b> Racial discrimination, policing and hate crimes against Persons of African Descent (PAD):</p>	<p><b>Paragraph 21:</b> All members of An Garda Síochána (AGS) are tasked with enforcing all legislation relating to criminal matters, including the relevant provisions relating to racist behaviour. On receipt of any complaint, the matter is the subject of a full investigation by AGS and on completion of such investigation an Investigation File is submitted to the Law Officers who, on being satisfied that there is sufficient evidence available to warrant a prosecution, will direct what charges, if any, and are to be proffered.</p> <p>In 2014, the independent Garda Inspectorate published a wide-ranging Report on Crime Investigation which included recommendations to help</p>	<p>ENAR Ireland notes that its racist incident reporting system consistently shows the highest numbers of reports of racist and discriminatory incidents being directed at Persons of African Descent (PAD).</p> <p>ENAR Ireland notes that the State did not submit any data at all to the OSCE's ODIHR European Hate Crime report for Ireland in 2017. Instead ODIHR relied exclusively on ENAR Ireland and other civil society sources for its Irish hate crime data.</p>	<p><u>Para 21:</u> Article 2 Article 5</p> <p><u>Para 23:</u> Article 2 Article 4</p>



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	<p>improve the way racist crime is recorded and to support victims of such crimes. The Inspectorate recommended, inter-alia, that AGS implement a victim-centred policy and good investigative practices in racial, homophobic and other similar crimes to encourage victims to report offences.</p> <p>Several steps have been taken to address these recommendations. Improvements to the PULSE (police crime information and recording) system in 2015 will help in addressing them.</p> <p>Important steps already taken include the establishment on 16 March 2015 of Garda Victim Service Offices in each Garda Division. These Offices aim to enhance the Garda service being provided to victims of crime and traumatic events by placing victims at the centre of the Garda service and providing a respectful, reassuring, responsive and reliable service addressing the needs and expectations of all victims who require an individual response.</p> <p>Following the publication of the Garda Síochána Inspectorate Report on Crime Investigation in 2014, the Central Statistics Office (CSO) agreed to carry out a detailed analysis of certain issues raised by the Inspectorate in relation to the recording, classification and reclassification of crime, to see whether and to what extent there might be implications for the crime statistics which that Office produces. The CSO published its first Quality report on 30 June 2015 and the second on 28 September 2016.</p> <p><b>Paragraph 23:</b></p> <p>Ireland is firmly committed to ensuring that all instances of crime are properly investigated and that perpetrators are convicted and the appropriate sentence is handed down. Ireland is unaware of any basis for the suggestion that there is a specific problem of stabbings involving people from Sub-Saharan Africa. AGS's Policing Plan for 2018, in relation to the implementation of the EU Victims Directive, sets targets for a definition of hate crime and procedures to record hate crime (end Q.2 2018). AGS further aims to complete a nationwide campaign to</p>	<p><b>ENAR Ireland calls for</b> a root-and-branch overhaul of all police practice in Ireland, that suited to the needs of guaranteeing equal access to justice and equal protection for all minorities. To do this, a police service must embed human rights and anti-racist practice into every aspect of policing from training, to practice, to appraisal.</p>	
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	encourage members of minority groups to come forward and report hate crime by the end of Q.3 2018.		
<b>Paragraph 22:</b>	<p>Section 14 of The International Protection Act 2015 provides that, where it appears to an officer of the Minister that a person seeking to make an application for international protection has not attained the age of 18 years and is not accompanied by an adult who is taking responsibility for the care and protection of the person, the officer shall, as soon as practicable, notify TUSLA, the Child and Family Agency, of that fact. After that notification, it shall be presumed that the person concerned is a child and the Child Care Acts 1991 to 2013 relating to the care and welfare of persons who have not attained the age of 18 years shall apply accordingly.</p> <p>The Social Work Team for Separated Children Seeking Asylum is the specialist unit within TUSLA Child and Family Agency with responsibility for managing the care of unaccompanied minors. The team develops individualised aftercare plans for unaccompanied minors who age out of statutory care when they reach 18 years of age, based on need, eligibility, vulnerability and voluntary participation of the young person.</p>		Article 2 Article 5
<b>Paragraph 24:</b> Mainstreaming of Human Rights practice into An Garda Siochana and the Civil service:	<p>The Irish Human Rights and Equality Commission Act 2014 was signed in 2014. All provisions have been commenced and IHREC came officially into being on November 2014.</p> <p>The Act imposes a positive legal duty on public bodies to have due regard to the need to eliminate discrimination, promote equality, and protect human rights, in their daily work. This requires public bodies to take pro-active steps to address the equality and human rights issues that affect the people who use their services, people affected by their policies and people employed in the organisation. This duty has the potential to embed equality and human rights in the centre of policymaking, service provision and employment within the public service.</p>	<p>ENAR Ireland welcomes the IHREC Act and S42 on the Positive Public duty in particular, as presenting opportunities for potential significant advances in creating a human rights and equality based culture in our institutions. However S42 is not in itself a programme of Human Rights and equality reform for the Police, and It remains to be seen whether these aspirations translate into reality. Revising the functions of IHREC and the provisions of S42 to give them more 'teeth' would help.</p> <p><b>ENAR Ireland calls for</b> a root-and-branch overhaul of all police practice in Ireland, the establishment of a</p>	Article 6 Article 7



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		<p>police service, rather than a force, suited to the needs of guaranteeing equal access to justice and equal protection for all minorities. To do this, a police service must embed human rights and anti-racist practice into every aspect of policing from training, to practice, to appraisal.</p> <p><b>As part of our call for</b> a National Action Plan Against Racism, ENAR Ireland advocates the mainstreaming of human rights and anti-racist practice in training, practice and appraisal throughout Irish state institutions, including the civil service.</p>	
<p><b>Paragraph 25:</b> Refugees, International Protection and Family Reunification</p>	<p>The legal framework for family reunification for beneficiaries of international protection is set out in Sections 56 and 57 of the International Protection Act 2015.</p> <p>In November 2017 the Government announced a new Family Reunification Humanitarian Admission Programme (FRHAP) that will address the issue of family reunification for some immediate family members coming from established conflict zones who are outside the scope of the International Protection Act 2015. The proposed FRHAP now restyled as the Irish Humanitarian Admissions Programme (IHAP) will form part of the Irish Refugee Protection Programme (IRPP) for 350 people approximately over 2 years.. The IHAP will be operational from mid-May 2018 when the first open call for proposals for family members of refugees, subsidiary protection beneficiaries or Irish citizens to be considered by the Minister for the admission programme will be made.</p> <p>For those outside the protection system, Ireland published, in the interests of transparency, a set of detailed administrative guidelines for family reunification cases on 31 December 2013 and these have been updated in December 2016 to take into account the introduction of new legislation. The guidelines set out the appropriate balance between the rights of the families and those of society in general, particularly as regards the economic considerations that apply. While these guidelines</p>	<p>The State's response does not address the Committee's concerns with regards international protection and family reunification.</p> <p>ENAR Ireland endorses of the position of the Migrants Rights Centre Ireland that: "the principles, rights and obligations related to family reunification are best dealt in the context of comprehensive immigration legislation. It is important <b>that the State outlines its timeline for the introduction of such legislation</b>. In the meantime, it is important that applications for family reunification incorporate an independent appeals mechanism. While the introduction of guidelines has been welcomed as a temporary measure, we believe that legislation is required as a matter of urgency".</p>	<p>Article 2, para. 2; Article 5 (d) (iv); and Article 6</p>



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	<p>are not legally binding, they are referenced increasingly by the courts in determining matters relating to family reunification. Family reunification is also subject to judicial oversight, in particular, as regards ensuring that Ireland fulfils its obligations under the European Convention on Human Rights which has legal effect in Ireland.</p>		
<p><b>Paragraph 26:</b> Schools</p>	<p><u><i>Diversity of Patronage:</i></u> Ireland is continuing to make progress in the area of pluralism and diversity in education. Arrangements were introduced in 2011 whereby whenever a new school is needed, the Department of Education and Skills runs a separate patronage process to decide who will operate that school. It is open to all patrons and prospective patrons to apply for patronage of the new school under this process and the level of parental preference for each patron, along with parental preference for either Irish-medium or English-medium provision, are key to decisions in relation to the outcome of the process.</p> <p><u><i>Forum on Patronage and Pluralism in the Primary Sector:</i></u> The lack of diversity of patronage in the primary sector is also being addressed through the implementation of the recommendations of the Forum on Patronage and Pluralism, established in 2011 and a Programme for Government commitment. The Forum was tasked to develop recommendations on steps to be taken to ensure that the education system at primary level could provide a sufficiently diverse number and range of primary schools to cater for children of all religions and none.</p> <p><u><i>Issues Underpinning Diversity in all Schools:</i></u> The Forum recognised that outside urban areas, there is unlikely to be sufficient population to warrant the opening of more than one school in a given geographic area. Therefore, the existing school has to cater for the full range of traditions, religions and beliefs in the community. It produced a paper in 2014, following public consultation, entitled "Forum on Patronage and Pluralism in the Primary Sector: Progress to Date and</p>	<p>ENAR Ireland believes the state should commit itself to mainstreaming the Irish Traveller Movement's Yellow Flag multicultural schools diversity programme, which is held up as an example of best practice internationally. The Yellow Flag programme could be a flagship project of a National Action Plan Against Racism.</p>	<p>Article 2; Article 5 (d) (vii) and (e) (v)</p>



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	<p>Future Directions". The paper outlined good practice and options for promoting diversity in schools.</p> <p><u>Education about Religion and Beliefs and Ethics:</u> The Forum on Patronage and Pluralism in the Primary Sector recommended that the State has a responsibility to ensure that all children have the right to receive Education about Religion and Beliefs (ERB) and Ethics. This would ensure in particular that children whose parents have chosen to withdraw them from religious instruction classes in denominational schools would have the opportunity to learn about religions and beliefs in school.</p> <p><u>Patronage Divesting Process:</u> From September 2013, ten multi-denominational schools have opened under the patronage divesting process. In parallel with the Schools Reconfiguration for Diversity process below, work will continue on delivering multi-denominational schools in the remaining areas under the patronage divesting process.</p> <p><u>Schools Reconfiguration for Diversity Process:</u> The Programme for Government reflects the Government's objective of strengthening parental choice and further expanding diversity in our school system. The desire of parents for diversity in education is being pursued primarily by increasing the number of nondenominational and multi-denominational schools with a view to reaching 400 by 2030.</p> <p><u>School Admissions:</u> The Education (Admission to Schools) Act 2018 introduces a number of important changes to make enrolment policies fairer and more transparent for parents and students. The Act create a more parent-friendly, equitable and consistent approach to how school admissions policy should operate for all primary and post-primary schools.</p>		
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<p><b>Paragraph 27:</b> National Women's Strategy</p>	<p>A new National Strategy for Women and Girls 2017-2020 was adopted by Government and published in 2017. The Strategy has as its overall goal "to change attitudes and practices preventing women's and girls' full participation in education, employment and public life, at all levels, and to improve services for women and girls, with priority given to the needs of those experiencing or at risk of experiencing, the poorest outcomes".</p> <p>Migrant and minority women will benefit from the implementation of these actions and are the specific focus of several planned outcomes.</p> <p>The Government supports a range of positive action programmes, several of which have migrant and minority women as their focus, including a two-year €1,000,000 programme to provide labour market pre-activation supports to female refugees and the female family members of refugees; and a three-year € 280,000 programme to support entrepreneurship among migrant women.</p>	<p><b>ENAR Ireland urges</b> the mainstreaming of minority ethnic women's perspectives in all aspects of the National Women's Strategy, and the taking of affirmative action measures to assure minority women's representation and experiential expertise in all aspects of the development, implementation and monitoring of outcomes in the National Women's Strategy</p>	<p>Article 2 and Article 5</p>
<p><b>Paragraph 28:</b> Protection of Migrant workers</p>	<p>The employment protections envisaged in the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are already extensively incorporated into Irish employment law:</p> <ul style="list-style-type: none"> <li>• The procedural framework set in place in respect of consideration of Employment Permit applications, a prerequisite for non-EEA nationals entering the Irish workforce, is completely non-discriminatory and the availability of Workplace Relations Commission inspectors in their capacity as Authorised Officers represents an additional protection for migrant workers;</li> <li>• Non-EEA nationals are afforded the same protection as their Irish national counterparts in the workplace in terms of enforcement of employment rights. All legally employed workers in Ireland share the same legal protections, whether they are indigenous or migrant workers;</li> <li>• Non-EEA nationals in particular also have recourse to treatment of grievances under the terms of the Employment Equality Acts.</li> </ul>	<p>The State's response does not adequately address the Committee's concerns with regards the protection of migrant workers and their families.</p> <p>It is incorrect that the non-EEA nationals are offered the same employment protections as guaranteed by the Conventions</p> <p><b>ENAR Ireland endorses</b> of the position of the Migrants Rights Centre Ireland that: "the scope of the Convention is not limited to employment issues but addresses other fundamental rights which are present in the International Bill of Rights and other international conventions which Ireland is part of. Secondly, one of the key features of the convention is the protection, including in employment law, of migrants irrespective of their legal status. Currently, it is unclear whether</p>	<p>1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</p> <p>And other international human</p>



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		<p>undocumented migrants can access compensation for breaches of employment law through the Labour Court and the State has failed to clarify this; and while the Employment Permits (Amendment) Act 2014 has introduced a provision for irregular migrants to seek compensation through the civil courts, it is only limited to breaches under the National Minimum Wage Act and only when it has been demonstrated that the applicant has taken all steps available to them in order to regain legal status. These restrictions do not represent an effective complaints mechanism for victims of labour exploitation, which as a matter of employment law should be addressed in employment courts and fall short of the protections guaranteed by the UN Convention". (MRCI 2018)</p>	<p>rights treaties that has a direct bearing on the subject of racial discrimination, such as</p>
<p><b>Paragraph 29:</b> The Durban Declaration and a National Action Plan Against Racism</p>	<p>Combating Racism and Xenophobia is a specific theme within Ireland's National Strategy for Migrant Integration 2017-2020. Under this theme, public authorities have committed to implement a range of actions aimed at combating racial discrimination.</p> <p>Funding for a wide range of anti-racism projects and initiatives is provided by Government Departments, Agencies and Local Authorities.</p>	<p>ENAR Ireland notes that the Department of Justice's Integration Strategy is a far cry from a National Action Plan Against Racism, and share the Committee's concerns that Ireland is not compliant with the Durban recommendations in this respect.</p> <p><b>ENAR Ireland calls</b> for the immediate restoration of a statutorily guaranteed and independent National Consultative Committee on Racism and Interculturalism (NCCRI). Among its functions, the NCCRI should develop and monitor the implementation and evaluation across all state and public functions of a Durban Declaration compliant National Action Plan Against Racism.</p> <p>The state should provide ringfenced funding for such a body to drive a human-rights and anti-racist mainstreaming overhaul of all state and public</p>	<p>Article 5</p>



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		functions from training, to practice, to appraisal and monitoring.	
<b>Paragraph 30:</b> International Year for People of African Descent (IYPAD)	<p>Irish Aid in the Department of Foreign Affairs and Trade has supported Africa Day celebrations in Ireland since 2006. The celebrations provide an opportunity to highlight the diversity and potential of the African continent and its people. This support has enabled a range of cultural, community and family events to take place across the country.</p> <p>The connection between Ireland and Africa is highlighted at these events by the presence of nongovernmental organisations working in Africa or with the African diaspora in Ireland and African embassies in Ireland.</p> <p>The state is currently in dialogue with civil society organisations to develop a comprehensive programme for the UN Decade of African Descent.</p>	<p>ENAR Ireland notes that International Year and Decade for People of African Descent are about European residents who are of African descent, to celebrate their contribution to European society and examine the barriers and challenges they face, and that Africa Day is a different thing that is about International development and a focus on the African continent.</p> <p><b>ENAR Ireland calls</b> on the State to work with African associations and representatives and anti-racist organisations to design and implement activities under the aegis of IYPAD.</p>	General Assembly Resolution 64/169 (18 December 2009)
<b>Paragraph 31:</b> To improve dialogue with Civil Society Organisations and cooperate to work on racism, discrimination and hate crime	<p><u>Consultation with Non-Governmental Organisations:</u> The preparation of this report has been informed by extensive consultation with civil society organisations.</p> <p>Dialogue with civil society organisations is an inherent part of the Government's approach to policy development and implementation in the area of human rights in general and efforts to combat racism and xenophobia in particular. The National Migrant Integration Strategy was developed using a consultative process that included civil society organisations working with migrants and minorities. The importance of dialogue is explicitly recognized in the Strategy through a number of specific commitments.</p>	<p>ENAR Ireland notes that these have not happened to any significant degree in this reporting period and look forward to new opportunities for engagement.</p> <p>ENAR Ireland welcomes any opportunity for improved dialogue with the State with regards to improving our capacity to guarantee equality for all, by protecting against and mitigating racist violence, and other racist and discriminatory practices.</p> <p>We welcome new opportunities for dialogue around policing in a multicultural society, hate crime under reporting and data gaps, and the mainstreaming of anti-racism and human rights practices in Irish society.</p>	
<b>Paragraph 32-35</b>	<p><u>Paragraph 32:</u> The report will as usual be made available to the public. A draft has already been the subject of a public consultation as described above. This report will be published on the official website of the OPMI. The</p>	<b>The State should</b> provide resources to support programmes for making the CERD and other human rights reporting processes accessible and accountable to communities most affected by racism.	<u>Paragraph 33:</u> fifth inter-Committee



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	<p>concluding observations of the Committee will similarly be published when available.</p> <p><u>Paragraph 33:</u> Ireland's updated common core document (HRI/CORE/IRL/2014) was received by the Office of the High Commissioner for Human Rights on 7 February 2014. The Common Core Document will be updated in the coming months, with a view to submitting the revised version to the OHCHR in 2018.</p> <p><u>Paragraph 34:</u> Information on follow-up to recommendations 11, 12, 15, and 16 was submitted to the Committee by Ireland in the addendum to the 3rd and 4th periodic report dated 3 July 2012 (CERD/C/IRL/CO/3-4/Add.1).</p> <p><u>Paragraph 35:</u> Information on concrete measures taken by Ireland to implement recommendations 18, 19, 25 and 27 was submitted to the Committee by Ireland in the addendum to the 3rd and 4th periodic report dated 3 July 2012 (CERD/C/IRL/CO/3-4/Add.1).</p>	<p><b>ENAR Ireland urges</b> the State to make available in the public domain all reports relating to racism and discrimination, human rights and hate crime, including regular progress updates on the CERD reporting requirements.</p> <p>Full transparency is needed to help empower communities to interrogate practices and hold institutions to account. Programmes for greater transparency and accountability should include the publication in order to facilitate the examination of all reports on information held by An Garda Síochána relating to human rights, diversity and anti-racism training, hate crime data, records of interactions with persons from minority backgrounds, human rights and diversity policies, monitoring reports and all policy related information relevant to policing in a multi-ethnic society.</p>	<p>meeting of the human rights treaty bodies (June 2006) (HRI/MC/2006/3).</p> <p><u>Paragraph 34:</u> Article 9, paragraph 1; and Rule 65 of its amended rules of procedure</p>
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