

# Third report on Ireland

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## **Foreword**

*The European Commission against Racism and Intolerance (ECRI) was established by the Council of Europe. It is an independent human rights monitoring body specialised in questions relating to racism and intolerance. It is composed of independent and impartial members, who are appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.*

*One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.*

*The country-by-country approach deals with all member States of the Council of Europe on an equal footing. The work is taking place in 4/5 year cycles, covering 9/10 countries per year. The reports of the first round were completed at the end of 1998 and those of the second round at the end of the year 2002. Work on the third round reports started in January 2003.*

*The third round reports focus on "implementation". They examine if ECRI's main recommendations from previous reports have been followed and implemented, and if so, with what degree of success and effectiveness. The third round reports deal also with "specific issues", chosen according to the different situations in the various countries, and examined in more depth in each report.*

*The working methods for the preparation of the reports involve documentary analyses, a contact visit in the country concerned, and then a confidential dialogue with the national authorities.*

*ECRI's reports are not the result of inquiries or testimonial evidences. They are analyses based on a great deal of information gathered from a wide variety of sources. Documentary studies are based on an important number of national and international written sources. The in situ visit allows for meeting directly the concerned circles (governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to propose, if they consider it necessary, amendments to the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final report of ECRI.*

***The following report was drawn up by ECRI under its own and full responsibility. It covers the situation as of 15 December 2006 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposal made by ECRI.***

### **Executive summary**

Since the publication of ECRI's second report on Ireland on 22 June 2001, progress has been made in a number of the fields highlighted in that report. The European Convention on Human Rights Act was adopted in 2003 to enable persons under Irish jurisdiction to invoke the Convention before the courts. The Irish authorities have adopted the Equal Status Act 2004 which incorporates a number of provisions in the EC Directives on equal treatment. A National Action Plan Against Racism was launched in 2005 as a follow-up to the 2001 United Nations World Conference Against Racism. In 2005, a new Garda (police) Ombudsman Commission which has the power to, *inter alia*, investigate complaints against police officers, including for racial discrimination, was created. Furthermore, a number of recommendations made by the Human Rights Audit on the police force regarding combating racism and racial discrimination are currently being implemented. Some initiatives have been taken to integrate Travellers into society in areas such as education and healthcare. In October 2001, the Irish authorities launched the Anti-Racism Awareness Programme with the aim of raising awareness and combating racism against, *inter alia*, Black and ethnic minorities as well as immigrant communities.

However, a number of recommendations made in ECRI's second report have not been implemented, or have only been partially implemented. Ireland has not yet ratified Protocol No. 12 to the European Convention on Human Rights which contains a general prohibition on discrimination. Although it is currently under review, the criminal legislation has not been amended to include sufficiently strong provisions for combating racist acts which affect in particular visible minorities and Travellers. Further measures are necessary to raise members of minority groups' awareness of existing mechanisms for seeking redress against racism and racial discrimination. There is also still a need for the establishment of policies aimed at integrating asylum seekers and refugees into Irish society. Furthermore, the increase in demand for non-denominational or multi-faith schools should be met. The Employment Permits Act 2006 requires close monitoring in order to ensure that its implementation addresses some of the problems faced by non-Irish workers in the workplace such as racism and discrimination. Measures for integrating Travellers into society need to be reinforced, in particular in the area of employment. National Traveller organisations should further be involved and included in these initiatives.

In this report, ECRI recommends that the Irish authorities take further action in a number of areas. ECRI recommends that Ireland ratify Protocol No. 12 to the European Convention on Human Rights. It recommends that the Irish authorities adopt legislation for combating racist acts and that the scope of the Equal Status Act 2004 be expanded to include governmental actions. ECRI also recommends that the Irish authorities continue to implement the National Action Plan Against Racism and that the necessary funds be allocated to the bodies established to that end. ECRI recommends that the Housing (Miscellaneous) Provisions Act 2002 be reviewed and amended where necessary to prevent Travellers being further disadvantaged with regard to access to adequate housing. ECRI recommends that the implementation of the Immigration Acts 2003 and 2004 be monitored and that any problems of, *inter alia*, racial profiling against visible minorities noted in this regard be addressed. ECRI recommends that the Irish authorities take into consideration submissions made by NGOs and civil society organisations on the Scheme for an Immigration, Residence and Protection Bill and that they continue their consultation process before adopting the final Bill. ECRI also stresses the need for an integration strategy for Black and ethnic minorities, refugees, asylum seekers and migrant workers and recommends that minority-led organisations be involved in the creation and implementation of this strategy.

## I. FOLLOW-UP TO ECRI'S SECOND REPORT ON IRELAND

### International legal instruments

1. In its second report, ECRI recommended that Ireland ratify Protocol No. 12 to the European Convention on Human Rights as soon as possible. ECRI also noted Ireland's intention to ratify the European Charter for Local Self-Government and hoped that it would do so promptly.
2. The Irish authorities have informed ECRI that Ireland has neither signed nor ratified Protocol No. 12 to the European Convention on Human Rights and that the issue is currently under review as the manner in which this instrument correlates with existing equality legislation is being examined. ECRI welcomes Ireland's ratification of the European Charter for Local Self-Government on 12 May 2002. This instrument entered into force on 1 September 2002.
3. In its second report, noting with satisfaction that any legally resident person is entitled to vote and stand in local elections, ECRI encouraged Ireland to sign and ratify the European Convention for the Participation of Foreigners in Public Life at Local Level. ECRI further recommended that Ireland sign and ratify the European Convention on Nationality as soon as possible.
4. The European Convention for the Participation of Foreigners in Public Life at Local Level has not yet been ratified. The Irish authorities have stated that they have no problem in principle in ratifying this instrument and that the issue is currently under review. Ireland has not ratified the European Convention on Nationality.
5. In its second report, ECRI encouraged Ireland to sign and ratify the European Charter for Regional or Minority Languages, the UNESCO Convention against Discrimination in Education and the European Convention on the Legal Status of Migrant Workers.
6. The Irish authorities have informed ECRI that Ireland has not ratified the European Charter for Regional or Minority Languages and that the European Convention on the Legal Status of Migrant Workers will not be ratified in the immediate future. Ireland has further not ratified the UNESCO Convention against Discrimination in Education.
7. Since ECRI's second report on Ireland, the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems entered into force on the 1<sup>st</sup> of March 2006 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also entered into force on the 1<sup>st</sup> of July 2003. Ireland has not yet ratified these instruments.

### **Recommendations:**

8. ECRI reiterates its recommendation that Ireland ratify Protocol No. 12 to the European Convention on Human Rights as soon as possible. ECRI also reiterates its recommendation that Ireland ratify the European Convention for the Participation of Foreigners in Public Life at Local Level, the European Convention on Nationality, the European Charter for Regional or Minority Languages, the

European Convention on the Legal Status of Migrant Workers and the UNESCO Convention against Discrimination in Education.

9. ECRI recommends that Ireland ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.
10. In its second report, ECRI noted that the European Convention on Human Rights Bill 2001 intended to allow those under Irish jurisdiction to rely on and claim the rights guaranteed under the Convention directly before the Irish courts and hoped that the Irish Parliament would adopt this Bill as soon as possible.
11. ECRI welcomes the coming into force of the European Convention on Human Rights Act 2003 on 31<sup>st</sup> December 2003. Section 2 of this Act provides that Irish courts shall interpret the law in a manner compatible with the state's obligations under the Convention while Section 3 places a statutory duty on organs of the state to perform their functions in accordance with the Convention. Section 5 further enables the High Court or Supreme Court to declare *proprio motu* or on application where no other legal remedy is adequate or available, that a statutory provision or rule of law is incompatible with the State's obligations under the Convention. Sections 6 and 7 empower the Irish Human Rights Commission<sup>1</sup> as litigator with regard to this Act. On 23 October 2006, the Law Society of Ireland published a preliminary assessment of the Act's impact since its entry into force. The report notes, *inter alia*, that the majority of registered applications for judicial review brought under this Act concern immigration and asylum issues.<sup>2</sup> It also concludes that the Human Rights Commission "has not been given the resources necessary to realise the full potential of its statutory role as a litigator".<sup>3</sup>

#### **Recommendations:**

12. ECRI recommends that the Irish authorities ensure that members of the judiciary and practitioners receive initial and on-going training on the European Convention on Human Rights Act 2003 as well as on the jurisprudence of the European Court of Human Right and in particular on its case law pertaining to racism and racial discrimination. ECRI further recommends that the Irish authorities examine and take into consideration the recommendations made by the Law Society on the impact of this Act.

#### **Constitutional provisions and other basic provisions**

##### **- *The Constitution***

13. In its second report on Ireland, ECRI noted that the Constitution guarantees in its Article 40 paragraph 1 equality to all citizens before the law. It thus reiterated the recommendation initially made in its first report that the Constitution be expressly

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<sup>1</sup> For further information on the Human Rights Commission, see « Specialised bodies and other institutions» below.

<sup>2</sup> ECHR Act 2003: A Preliminary Assessment of Impact, Donncha O'Connell, Siobhan Cumiskey and Emmer Meenaghan with Paul O'Connell, Dublin Solicitors Bar Association and Law Society of Ireland, 2006, p 77-78.

<sup>3</sup> *Ibid.*, p. 120.

amended to ensure equality and protect the human rights of all individuals under Irish jurisdiction.

14. With regard to the issue of ensuring the protection of the human rights of all persons under Irish jurisdiction, the Constitution remains unchanged. The Irish authorities have informed ECRI that in some cases, the Supreme Court has applied the Constitution to every individual under Irish jurisdiction and in others just to citizens (for example, in immigration related cases). Although the authorities have assured ECRI that statute law, in particular equality law, applies to everyone in Ireland, the inclusion of a provision enshrining the principle of equal treatment in the Constitution still merits consideration.

#### **Recommendations:**

15. ECRI calls again on the Irish authorities to ensure that, in accordance with its General Policy Recommendation No.7 on national legislation to combat racism and racial discrimination, the Constitution provides for :1) the principle of equal treatment; 2) the State's commitment to promoting equality and, 3) the right of individuals to be free from discrimination on grounds such as race, colour, language, religion, nationality or national or ethnic origin. ECRI further recommends that the authorities ensure that any exceptions to the principle of equal treatment be established by law and that it not constitute discrimination.

#### **- Citizenship legislation**

16. In its second report, ECRI noted with interest that Ireland was one of the few European countries which grants citizenship automatically to any child born on its territory, regardless of the citizenship of the parents. It was of the opinion that such provision may play a positive role in facilitating the integration of immigrant populations into Irish society.
17. On 11 June 2004, a referendum was held to amend the Constitution so that children born in Ireland would no longer be automatically entitled to Irish citizenship. The proposed amendments were approved by nearly 80% of the population. The Nationality and Citizenship Act 2004 which incorporated these amendments came into effect on 1<sup>st</sup> January 2005. Section 6 A) (1) of this Act thus provides that: « A person born on the Island of Ireland shall not be entitled to be an Irish citizen unless a parent of that person has, during the period of 4 years immediately preceding the person's birth, been resident of [...] Ireland for a period of not less than 3 years or periods the aggregate of which is not less than 3 years».
18. Moreover, a 2003 Supreme Court decision<sup>4</sup> held that the non-national parents of Irish children were not necessarily entitled to residence as had previously been the case where the Department of Justice, Equality and Law Reform almost always granted residency in such situations. The Irish authorities have informed ECRI that following this decision, on 1<sup>st</sup> January 2005, a scheme<sup>5</sup> was introduced to examine the situation of non-Irish parents of Irish children born before 1<sup>st</sup> January 2005. ECRI is pleased to note that according to Government statistics, out of the approximately 18,000 people who made applications under this

<sup>4</sup> See, *Lobe and Osayande v. Minister for Justice, Equality and Law Reform*, [2003] IESC 1 (23 January 2003).

<sup>5</sup> IBC/O5 Scheme.

scheme, nearly 17,000 have been granted leave to remain. The remaining cases are being appealed.

19. A number of concerns have however been raised by NGOs and civil society concerning these reforms, namely that the tone of the debate surrounding the referendum was often characterized by rhetoric against asylum seekers, immigrants and refugees by some sectors of the media<sup>6</sup> and some politicians. Furthermore, these new reforms create a situation whereby the right to residence of Irish children of non-Irish parents may be rendered ineffective as their parents are not necessarily entitled to reside in the country. ECRI is also very concerned by reports, confirmed by the authorities, according to which some non-Irish parents of Irish children have been deported from the country.

#### **Recommendations:**

20. ECRI recommends that the Irish authorities ensure that Irish children of non-Irish parents are not in effect precluded from fully enjoying the right to reside in Ireland. ECRI further strongly recommends that the best interests of the child be given due consideration with regard to pending applications for leave to remain in Ireland made by non-Irish parents of Irish children.

#### **Criminal law provisions**

21. In its second report, ECRI noted with interest that the Government had announced its intention to review the Prohibition of Incitement to Hatred Act, 1989 in consultation with ethnic minority groups in order to render it more effective. ECRI thus urged that such a review be carried out as a matter of priority and that it address in particular the issue of facilitating successful prosecutions.
22. The Irish authorities have informed ECRI that the review of the Prohibition of Incitement to Hatred Act 1989 is nearly complete. The following two issues remain: 1) the outcome of the discussions on the draft of the European Union Framework Decision on Combating Racism and Xenophobia and 2) the completion of research currently being carried out on racism and crime. The review's aim is to assess the effectiveness of the Prohibition of Incitement to Hatred Act 1989 and the authorities have informed ECRI that a seminar with NGOs and persons working within the criminal justice system will take place on 21 March 2007 (to coincide with the intercultural week and the United Nations Day Against Racism) to discuss the findings of this review which is expected to be finalised soon thereafter. ECRI welcomes the progress made in the review of the Prohibition of Incitement to Hatred Act 1989 and the Irish authorities' assurances that it will be completed soon. The duration of this review warrants its swift completion as this Act (as well as other relevant criminal legislation) need to be strengthened in order to provide for effective, proportionate and dissuasive sanctions.
23. ECRI is pleased to note that the Irish police keep records of the number of reported racist crimes<sup>7</sup>. According to their statistics, 85 offences with a racist motive were recorded in 2005 and 66 were recorded in 2004. 81 such offences were recorded in 2003 and 102 were noted in 2002. These statistics further

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<sup>6</sup> For more information on the media, see "Media" below.

<sup>7</sup> For more information on the work of the police, see "Conduct of law enforcement officials" below.

indicate that the most common types of offences are criminal damage, public order offences and assault. Since 2000, 18 cases have been brought under the Prohibition of Incitement to Hatred Act 1989 and seven resulted in a conviction. One noteworthy conviction was the sentencing of a man to 20 months' imprisonment for painting swastikas on synagogues in Dublin. The Irish authorities have informed ECRI that as there are problems with the enforcement of the Prohibition of Incitement to Hatred Act 1989, a range of criminal sanctions are used for offences such as intimidation, assault and harassment. Few prosecutions have however been brought under this legislation.

#### **Recommendations:**

24. ECRI recommends that the Irish authorities complete their current review of the Prohibition of Incitement to Hatred Act 1989 as soon as possible. ECRI recommends in this regard that the authorities draw their inspiration from paragraph 18 of its General Policy Recommendation No.7. It further recommends that the authorities not make completion of this review incumbent on a future agreement on the draft European Union Framework Decision on Combating Racism and Xenophobia.
25. ECRI recommends that, pending the review of the Prohibition of Incitement to Hatred Act 1989, the Irish authorities ensure that the existing relevant criminal law provisions are implemented more vigorously against those who commit racially motivated crimes.
26. In its second report on Ireland, ECRI noted that at that time there were no provisions in Irish criminal law defining common offences of a racist or xenophobic nature as specific offences. It thus encouraged the Irish authorities to introduce provisions specifically defining offences of a racist or xenophobic nature as racist acts as well as the possibility for courts to take into account racist motivation as an aggravating circumstance when sentencing.
27. The Irish authorities have informed ECRI that there is no criminal law provision which defines racist offences as specific offences, nor is there one which provides for the racist motivation of a crime to be considered as an aggravating circumstance during the sentencing stage of a trial. Although the courts have the power to take any element, including the racist motive of the perpetrator into consideration, the fact that this power is discretionary has been recognised by the authorities themselves as a problem. They have further informed ECRI that an assessment is currently being carried out to establish whether there is a problem with regard to racist crimes before amending the law. This assessment is part of the research into racism and criminal law mentioned above<sup>8</sup>. ECRI welcomes the Irish authorities' decision to carry out this assessment and hopes that it will be completed soon and lead to the above-mentioned legislative amendments.

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<sup>8</sup> See paragraph 22 above.

### Recommendations:

28. ECRI reiterates its recommendation that the Irish authorities include in the criminal legislation provisions which allow for the racist motivation of a crime to be considered as an aggravating circumstance at sentencing and that they envisage providing that racist offences be defined as specific offences. It recommends that they draw their inspiration from its General Policy Recommendation No.7 when making these amendments.

### Civil and administrative law provisions

29. In its second report on Ireland, noting the planned review of the Employment Equality Act 1998 and the Equal Status Act 2000, ECRI encouraged the Irish authorities to take into consideration the various comments made by interested parties as to possible areas for improvement in the legislation. Attention was drawn to the possibility of using this procedure to bring the legislation into line with the EU Directive on equal treatment between persons irrespective of racial or ethnic origin.
30. ECRI welcomes the Irish authorities' adoption of the Equality Act 2004 which consolidates the Employment Equality Act 1998 and the Equal Status Act 2000 and implements the EU Directives<sup>9</sup> on equal treatment. This Act includes a number of provisions which represent a significant development in Ireland's racial equality legislation. It provides for the sharing of the burden of proof in racial discrimination cases and allows claimants and respondents to choose any person, including an organisation, to represent them at the Equality Tribunal<sup>10</sup>. The Equality Act also provides for the transfer of employment discrimination cases from the Labour Courts to the Equality Tribunal and includes new definitions of indirect discrimination, harassment and victimisation. It expands the definition of persons employed to include those employed in the private home. However, a number of lacunae which the Irish authorities might consider filling in order to further strengthen this Act remain. Although the Equality Act covers the provision of goods and services, its scope does not extend to state functions and activities in areas such as national policy strategies, departmental policies and decisions on the allocation of funding in relation to, for example, health, education and housing. It is noted, however, that persons may seek judicial review of the discriminatory actions of public authorities and, if appropriate, damages under the European Human Rights Act 2003. Furthermore, Section 3 which concerns persons employed in the private home includes protection against discrimination in all areas except recruitment. NGOs have also expressed their concern to ECRI that the maximum compensation awarded to complainants with regard to the provision of goods and services under this Act (approximately €6,000) is not sufficiently effective and dissuasive. ECRI thus welcomes the provisions of section 14 of the Courts and Courts Officer Act 2002 which, when implemented, would have the effect of increasing up to €20,000 the maximum compensation available under the Equal Status Acts.

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<sup>9</sup> Council Directives 2000/43/EC and 2000/78/EC.

<sup>10</sup> For more information on the Equality Tribunal, see "Specialised bodies and other institutions" below.

31. Concerning the implementation of the Employment Equality Act (1998) and the Equal Status Act (2000) as consolidated by the Equal Status Act 2004, this continues to be within the purview of the Equality Authority and the Equality Tribunal mechanisms as will be discussed below.<sup>11</sup>
32. According to data gathered by the Central Statistics Office<sup>12</sup>, a substantial number of members of ethnic minority groups have experienced racial discrimination, but only a few of them take action and a large percentage (42.1%) report that they have no understanding of their rights under Irish equality legislation.<sup>13</sup>

#### **Recommendations:**

33. ECRI recommends that the Irish authorities expand the scope of the Equality Act to include governmental actions such as national policy strategies, departmental policies and decisions on the allocation of funding in relation to areas such as health, education and housing. ECRI also recommends that the Irish authorities consider extending the anti-discrimination provision concerning persons employed in the home to the recruitment process. It recommends in this respect that the authorities draw their inspiration from paragraphs 4-17 of its General Policy Recommendation No.7.
34. ECRI strongly recommends that the Irish authorities take measures to raise awareness among ethnic minority groups of the anti-discrimination legislation and the mechanisms for invoking it. It recommends that the Irish authorities involve NGOs, lawyers and other interested parties such as employers and employment agencies in this process.
35. ECRI recommends that the Irish authorities ensure that the remedies available under the equality legislation are effective and sufficiently dissuasive. It recommends in this regard that the maximum compensation awarded under the Equal Status Acts be substantially increased.

#### **- National Action Plan Against Racism**

36. In January 2005, the Irish authorities launched a National Action Plan Against Racism as a follow-up to the United Nations World Conference Against Racism held in South Africa in 2001. The Action Plan which is a commendable step in the fight against racism and will extend until 2008, has the following five objectives: 1) protection, 2) inclusion, 3) provision, 4) recognition and 5) participation. The inclusion aspect of the plan covers issues such as employment rights, responsibilities and workplace policy as well as public service modernisation. The Action Plan is supported by the Department of Justice, Equality and Law Reform, and a Steering Committee has been established to oversee its implementation. NGOs have indicated to ECRI that some positive steps have been taken to implement this plan. For example, in the health sector, an inter-cultural strategy is currently being conducted and ethnic minorities have been consulted. NGOs have also expressed their satisfaction with the objectives set out in the plan, but they wish to see them implemented more vigorously.

<sup>11</sup> See, "Specialised bodies and other institutions" below.

<sup>12</sup> See, Quarterly National Household Survey, Equality, Quarter 4 2004, 4 August 2004.

<sup>13</sup> Ibid. pp. 1 & 3.

They have further indicated that more funding should be provided to the implementing bodies and that a monitoring system needs to be established.

#### **Recommendations:**

37. ECRI encourages the Irish authorities to continue implementing the National Action Plan Against Racism. In this regard, it recommends that they provide sufficient funding to the bodies whose task is to implement the objectives set out therein and that a monitoring and evaluation system be established.

#### **Specialised bodies and other institutions**

##### **- *Equality Authority***

38. In its second report on Ireland, ECRI welcomed the creation of the Equality Authority and many initiatives taken by this body to raise awareness of issues of racism and discrimination. It noted that there had been a rapid rise in the number of enquiries to the Authority since its creation, which seemed to indicate that there was a growing awareness of the possibilities for redress.
39. ECRI is pleased to note that the Equality Authority continues to be a key player in the implementation and dissemination of information on equality legislation. One of its main functions is to assist complainants in bringing cases to the Equality Tribunal. In its 2005 Annual Report, it indicated that there were 359 case files dealt by it under the Employment Equality Acts, with the ground of race remaining the most often invoked (32%).<sup>14</sup> The Equality Authority has informed ECRI that many of these cases concern migrant workers facing serious discrimination in areas such as access to employment, dismissal, equal pay, harassment, etc.<sup>15</sup> Concerning case files under the Equal Status Acts, the Equality Authority noted that the Traveller community<sup>16</sup> ground remains the largest category of such files, with 104 such cases received.<sup>17</sup> It has informed ECRI that these cases mainly concern issues such as education, accommodation and access to shops. The Equality Authority has noted an increase in awareness and confidence in bringing cases. However, in the light of the previously mentioned Central Statistics Office's survey<sup>18</sup>, more efforts appear to be necessary in this area.
40. A telephone public information centre has been established by the Equality Authority and this body disseminates information through local libraries and citizen information centres. However, more funding and staff appear to be increasingly necessary to enable it to establish a presence in local authorities and to expand its work. Furthermore, the Equality Authority's future relocation from Dublin to Roscrea as part of a governmental decentralisation drive may pose a problem in terms of minority access and staff retention. Most ethnic minority groups live in Dublin and many have no access to private transportation. There is also fear that the decision to relocate will result in the Equality Authority being removed from its key partners such as NGOs, trade unions, Government bodies and the business sector.

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<sup>14</sup> See, The Equality Authority Annual Report 2005, pp.21 and 23.

<sup>15</sup> For more information on this question, see "Employment" below.

<sup>16</sup> For more information on the situation of the Traveller community, see « Vulnerable groups » below.

<sup>17</sup> The Equality Authority Annual Report 2005, p.37

<sup>18</sup> See « Civil and administrative law provisions » above.

### Recommendations:

41. ECRI recommends that the Irish authorities continue to support the work of the Equality Authority by providing it with the necessary human and financial resources to carry out its current workload, to provide information about its work to members of ethnic minority groups and to expand where necessary.
42. ECRI further recommends that the Irish authorities ensure that the decision to relocate the Equality Authority outside Dublin does not result in members of minority groups having difficulties in accessing this body and in the loss of valuable institutional knowledge. ECRI further recommends that the authorities consider opening local offices in order to enable as many members of minority groups as possible to have access to the Equality Authority.

#### - **Equality Tribunal**

43. In its second report, ECRI welcomed the establishment of the then Office of the Director of Equality Investigations and believed that this process may be less intimidating and thus more accessible than the formal court system.
44. Under the Equality Act 2004, the Office of the Director of Equality Investigations became the Equality Tribunal. The functions of the Tribunal have however not fundamentally changed as it is still an independent quasi-judicial body. Its Equality Officers also still have the power to render decisions or reach mediated settlements which are legally binding. A noteworthy positive development in the Tribunal's work is the broadening of its jurisdiction under the Equality Act 2004 and the Pensions Act 2004 to include discriminatory dismissals (which were formerly within the Labour Court's purview) as well as discrimination on the grounds of, *inter alia*, race, belonging to the Traveller community and religion in relation to occupational pensions (formerly this jurisdiction covered only gender and was shared with the Pension Board).
45. The main challenge currently facing the Equality Tribunal is the backlog in cases primarily as a result of a staffing shortage. There is a two-year backlog with regard to cases brought under the Equal Status Acts and an 18 month delay in decisions being rendered under the Employment Equality Acts. The Tribunal has informed ECRI that it has requested more Equality Officers and clerical staff. Statistics covering the period from 2005 until June 2006 demonstrate that the race ground is the most cited ground under the Employment Equality Acts and the Traveller community ground is the most invoked under the Equal Status Acts. Furthermore, the majority of cases examined by the Tribunal under the Equal Status Acts concern issues such as education, accommodation and health. The fact that most cases brought before the Equality Tribunal concern the race and Traveller community grounds appears to highlight an existing problem of racial discrimination which warrants further investigation. A system of ethnic data collection therefore appears necessary to that end.<sup>19</sup> The Tribunal is also due to be relocated to Portarlinton which gives rise to the concerns mentioned above with regard to the Equality Authority.

<sup>19</sup> For more information on ethnic data collection, see « Monitoring the situation » below.

46. The Equality Tribunal has indicated that under the Intoxicating Liquor Act 2003<sup>20</sup>, the jurisdiction of the Equality Tribunal to hear discrimination cases against licensed premises was transferred to the District Court. Prior to that, most of the cases brought by Travellers before the Equality Tribunal were for discrimination in access to pubs. This change in jurisdiction has resulted in fewer discrimination complaints being made against licensed premises as the procedures currently operating in the District Court are relatively complicated, the hearings are adversarial and public and there is the risk of costs being incurred.<sup>21</sup>

#### **Recommendations:**

47. ECRI urges the Irish authorities to ensure that the Equality Tribunal is adequately staffed in order to enable it to clear the current backlog of cases and render its decisions or mediate settlements in a timely manner. ECRI further recommends that the authorities ensure that members of minority groups are represented in the Tribunal's staff.
48. ECRI recommends that the Irish authorities ensure that the decision to relocate the Equality Tribunal in Portllington does not result in members of minority groups having difficulties in accessing this body. ECRI further recommends that measures be taken to ensure that the relocation does not lead to the loss of a valuable institutional memory and that the authorities consider the possibility of offering special incentives to that end. ECRI also recommends that the authorities examine the possibility of keeping an effective presence in Dublin to facilitate access to the Equality Tribunal for minority groups who live in that area.

#### **- Human Rights Commission**

49. In its second report on Ireland, ECRI expressed the hope that the Commission would play an important role in speaking out against manifestations of racism and intolerance and encouraged the authorities to ensure that the Human Rights Commission receive, on an on-going basis, the necessary resources to develop its action fully and independently.
50. ECRI is pleased to note that the Human Rights Commission has continued to devote a substantial part of its work to issues concerning racism and racial discrimination. In November 2001, a Joint Committee comprising representatives of the Human Rights Commission and the Northern Ireland Human Rights Commission was established to enable both these bodies to consider cross-border issues such as racism and migration. In April 2004, the Commission released in conjunction with the National Consultative Committee on Racism and Interculturalism (NCCRI)<sup>22</sup>, a publication on "Safeguarding the Rights of Migrant Workers and their Families" with the aim of assessing immigration policy and informing future policy development in this area. In September 2006, the Government sent the Scheme for an Immigration, Residence and Protection Bill<sup>23</sup> to the Human Rights Commission for its comments. The Commission was also granted leave to appear as *amicus curiae* before the High Court in a case<sup>24</sup>

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<sup>20</sup> See, Section 19 (2) of the Act.

<sup>21</sup> See, The Equality Authority Annual Report 2005, pp.44-45.

<sup>22</sup> The work of the NCCRI will be discussed further below.

<sup>23</sup> For an in-depth discussion of this Bill, see "Specific issues" below.

<sup>24</sup> *Lawrence and others v. Ballina Town Council and others*

involving the examination of provisions of the Housing (Miscellaneous) Provisions Act, 2002.<sup>25</sup> The case raises important issues concerning Traveller access to accommodation. On the question of the Commission's resources, ECRI has received reports that the most important problem which the Commission is currently facing is lack of adequate funding.

#### Recommendations:

51. ECRI recommends that the Irish authorities allocate sufficient human and financial resources to the Human Rights Commission in order to enable it to, *inter alia*, continue providing its input on issues pertaining to racism and racial discrimination. ECRI also recommends that the authorities ensure that members of minority groups are included among this body's staff.

#### - **National Consultative Committee on Racism and Interculturalism (NCCRI)**

52. In its second report on Ireland, ECRI noted the establishment of the NCCRI and considered that the Irish authorities should ensure as a priority that the general public was aware of this body's existence and of the legislation underpinning its work.

53. ECRI welcomes the fact that the NCCRI recently established a regional office as this is an important step in ensuring greater dissemination of its work. This body which has informed ECRI of its wish to establish more offices in local areas, has been involved in a number of activities which have contributed to raising its profile. It has, for example, provided an input into the above-mentioned National Action Plan Against Racism<sup>26</sup> and established an informal and voluntary racist incidents reporting system. The NCCRI has informed ECRI that it receives between 80-100 reports of racist incidents per year. The NCCRI has also held meetings with representatives of the Traveller and Muslim communities to discuss and support them in their responses to some media reporting concerning their communities.<sup>27</sup> The NCCRI made a submission to the Government concerning the Scheme for an Immigration, Residence and Protection Bill. ECRI welcomes its assurances that the Government generally takes into account its recommendations concerning integration and anti-racism issues. However, it appears that its submission regarding this Scheme has not been taken into consideration.<sup>28</sup>

#### Recommendations:

54. ECRI recommends that the Irish authorities provide more funding to the NCCRI to enable it to open more local offices. ECRI also encourages the Irish authorities to continue taking into account the NCCRI's recommendations on issues pertaining to racism and racial discrimination and recommends that they take into consideration its submission regarding the Scheme for an Immigration, Residence and Protection Bill.

<sup>25</sup> For more information on this Act, see « Vulnerable groups » below.

<sup>26</sup> See « Civil and administrative law provisions » above.

<sup>27</sup> For more information on this subject, see "Media" below.

<sup>28</sup> For a more in-depth discussion of this Scheme, see "Specific issues" below.

## Education and awareness-raising

55. In its second report on Ireland, ECRI encouraged the Irish authorities to ensure that all teachers are provided with a thorough and on-going training in delivering human rights education. ECRI further recommended that more be done to ensure that the culture and background of children from minority groups is reflected in material across the curriculum.
56. The Irish authorities have informed ECRI that there is a component in teachers' pre-service training on human rights teaching and teaching in a multicultural environment. They have further indicated that in schools with a large number of ethnic minorities, teachers receive continuous training on these matters. They have however stated that interculturalism is not compulsory in secondary level teacher training. A number of actions have been taken to address the need to include issues pertaining to ethnic minorities in the educational *modus operandi*. The National Action Plan Against Racism contains objectives on, *inter alia*, developing a national intercultural education strategy and accommodating school diversity within the curricula. In 2005, the Government published a paper entitled *Intercultural Education in the Primary School – Guidelines for School*. NGOs have however stressed the need to support schools in training in the Guidelines and in their implementation and noted that these guidelines are not compulsory or mainstreamed into the formal curriculum. The issue of religious diversity is moreover not raised in the Guidelines<sup>29</sup>.

### Recommendations:

57. ECRI recommends that the authorities ensure the inclusion of human rights and anti-racism in the teacher training curriculum at all levels. ECRI further recommends that they ensure the implementation of the education component of the National Action Plan Against Racism as well as the Guidelines on Intercultural Education. ECRI further encourages the authorities in their development of a National Intercultural Strategy on Education and recommends that suggestions by NGOs and other interested parties be included in the objectives established therein.

## Reception and status of non-citizens

### - *Immigration*

58. At the time of ECRI's second report on Ireland, an Immigration and Residence Bill was under preparation and ECRI welcomed the Irish authorities' intention to enshrine the principle of non-discrimination in this Bill. It also urged the Irish authorities to consider and address concerns raised with regard to the proposed carrier liability legislation as well as the practice of immigration officials boarding vessels.
59. Since ECRI's second report, new immigration legislation (the Immigration Act 2003 and Immigration Act 2004) has been adopted. As previously mentioned, a Scheme for an Immigration, Residence and Protection Bill which will supersede these two Acts is currently being prepared.<sup>30</sup> Until the Bill is adopted, the above Acts will continue to apply and a number of concerns have been raised regarding

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<sup>29</sup> For more information on this issue, see « Access to public services » below.

<sup>30</sup> See, « Specific issues » below.

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some provisions contained therein which the authorities should take into consideration, particularly in the light of the new Bill. The Immigration Act 2003 introduced a €3,000 fine for carrier liability and the Immigration Act 2004 empowers an immigration officer or medical inspector to board any vessel and to detain and examine non-nationals. The Act requires non-nationals to register with the police and allows members of the Gardaí (the police) to require that non-nationals produce on demand their personal identity documents. ECRI is not aware of any research having been carried out on the effect of the implementation of these Acts on Black and ethnic minorities, but NGOs have voiced their concerns about racial profiling, particularly at points of entry into the country.

60. Ireland has seen a rapid demographic change since ECRI's second report. There has been an increase in immigration from both outside the European Union, and since May 2004, from the 10 new EU Member States, primarily to fill a labour shortage.<sup>31</sup> Recent figures indicate that there are currently approximately 200,000 workers from the new EU States, and the largest groups come from Poland, Lithuania and Latvia. New EU nationals represent approximately 31% of the foreign work force in Ireland. Members of these communities face a number of problems, the most important of which will be discussed below<sup>32</sup>. The Social Welfare (Miscellaneous Provisions) Act, 2004 which introduced the Habitual Residence Condition in May 2004 in the context of the EU enlargement is one issue of concern. The Irish authorities have informed ECRI that this Act provides that a person must be habitually resident in Ireland in order to be entitled to certain social assistance payments and that where a person has been present in Ireland or another part of the Common Travel Area for less than two years, it will be presumed that he/she does not satisfy the condition unless the contrary is shown. NGOs have noted the negative impact this system is having on a broad range of migrants including those from new EU Member States. Migrant workers who through no fault of their own (for example, after being unfairly dismissed) lose their job before the two-year residency requirement are thus placed in a difficult situation. It has also been noted that the system is not always applied in a consistent manner with service providers enjoying a high level of discretion. ECRI notes in this regard that some adjustments were made in the implementation of this system to address some of these problems. Thus, as of November 2005, EU nationals who have worked in Ireland for three months have access to emergency accommodation. The Irish authorities have indicated that the Habitual Residence Condition is not applied to One Parent Family Payment, Guardian's Payment (Non-Contributory) and Child Benefit claims made by EEA nationals who are employed or self employed in the State and subject to the Irish Pay Related Insurance system. EEA nationals who are, or were, employed in the State can have access to Supplementary Welfare Allowance under the same conditions as Irish nationals. The NCCRI is currently carrying out research on the Habitual Residence Condition and this study should enable the Irish authorities to assess its effect on all migrant communities and address the problems they face in this regard.

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<sup>31</sup> For more on the situation of migrant workers, see "Employment" below.

<sup>32</sup> See, "Employment" and "Specific issues" below.

**Recommendations:**

61. ECRI strongly recommends that the Irish authorities monitor the implementation of the Immigration Acts 2003 and 2004 to establish whether any problems of human rights violations, including racial profiling, exist. It recommends in this regard that the necessary measures be taken to address any problems and that the results of this monitoring be taken into consideration when drafting the Immigration, Residence and Protection Bill.
62. ECRI recommends that the Irish authorities review the impact of the Habitual Residence Condition on all groups of migrants and envisage introducing the necessary amendments to ensure that it does not place members of these communities in a precarious situation.

- ***Refugees and Asylum Seekers***

63. In its second report, ECRI stressed the importance of ensuring that all persons dealing with asylum applications are provided with thorough training in the area of human rights, cultural sensitivity and issues of racism and discrimination. ECRI recommended that measures be taken to ensure that due sensitivity is paid to the various cultural backgrounds and experiences of asylum seekers.
64. Some laudable initiatives have been taken by the Irish authorities to provide training to officers and lawyers working with asylum seekers. For example, throughout 2003 and 2004, staff at the Office of the Refugee Applications Commissioner (the first instance status determination body), the Refugee Appeals Tribunal (the second instance body) and lawyers working at the Refugee Legal Service (which gives free legal advice to asylum seekers) received one-on-one training from a Refugee Law Training Consultant with funding from the Department of Justice, Equality and Law Reform. It has been noted that the training has improved the quality of service provided by these bodies. The authorities may thus consider making this measure permanent.

**Recommendations:**

65. ECRI encourages the Irish authorities to continue providing training to persons working with asylum seekers. It recommends in this regard that a permanent mechanism offering them initial and on-going training on refugee law and issues pertaining to racism, racial discrimination, cultural diversity and gender awareness be established.
66. In its second report on Ireland, ECRI encouraged the authorities to keep the procedures and practical application of the deportation process for asylum seekers whose applications have been rejected under close scrutiny and to consider the timeliness of introducing special training for police officers involved in this area.
67. Between 2002 and the end of March 2006, a total of 28,808 asylum applications were submitted in Ireland. Most claims for asylum have been submitted by Nigerian (21%), Romanian (8%) and Sudanese (8%) nationals. On the question of the asylum application procedure, some concerns have been raised with regard to the transparency and accountability of the refugee appeals process. The High Court has found in this regard that the Refugee Appeals Tribunal should transmit its decisions to the parties. Concern has also been expressed at

the fact that under the Illegal Immigrants (Trafficking) Act 2000, the period granted to asylum seekers to apply for judicial review of a negative decision rendered by the Refugee Appeals Tribunal has been reduced from the six months afforded in other cases to 14 days. On this matter, asylum seekers who are refused leave to remain in Ireland can apply for humanitarian status.

68. ECRI welcomes the Irish authorities' decision to reduce the length of the asylum process the duration of which is, on average, four years. Care should however been taken to ensure that all the legal safeguards remain in place. Concerning deportations, the Irish authorities maintain statistics on the number of deportations orders issued and the number of people deported.<sup>33</sup> NGOs have called for the independent review and monitoring of the deportation or removal process and the establishment of codes of conduct to reinforce standards of treatment.
69. Although the above-mentioned Scheme for an Immigration, Residence and Protection Bill includes some positive points such as the establishment of a single process for examining asylum claims, ECRI notes with great concern that some of the Heads of the Bill<sup>34</sup> dealing with the asylum process propose, *inter alia*, stronger up-front detention measures and that the appeal of a negative decision on an asylum application not be suspensive. The Heads of the Bill also provide for more possibilities for the withdrawal of refugee status, for example, where a person has committed a crime.

#### **Recommendations:**

70. ECRI strongly recommends that the Irish authorities reduce the length of the asylum process and that all current procedural guarantees continue to be respected. ECRI also recommends that the appeal procedure concerning asylum claims be reformed to improve the transparency and accountability of the process.
71. ECRI reiterates its recommendation that the Irish authorities establish a system for monitoring the deportation procedure of failed asylum seekers. It further recommends that officers involved in this process receive initial and on-going training on matters relating to racism and racial discrimination.
72. ECRI strongly recommends that the Irish authorities ensure that proposals made by NGOs and civil society concerning the Heads of the Scheme for an Immigration, Residence and Protection Bill dealing with asylum seekers and refugees are taken into consideration.
73. In its second report on Ireland, ECRI noted that there was a need for more co-ordination and monitoring of the accommodation provided to asylum seekers and a general reconsideration of the long-term strategies for providing for asylum seekers. ECRI further requested the Irish authorities to reconsider their ban on

<sup>33</sup> In 2002, 2,195 deportation orders were signed and 542 people were deported, left the country voluntarily or were transferred to another jurisdiction. In 2003, 2,250 deportation orders were signed, with 498 being either deported, leaving Ireland or being transferred to another jurisdiction and in 2004, 2,723 orders were issued and 384 were deported, left or transferred to another country. In 2005, the numbers dropped to 967 deportation orders and 92 people being deported, leaving or being transferred to another jurisdiction. See, Comptroller and Auditor General, Annual Report 2004, pp. 42-43.

<sup>34</sup> The Heads are the headings under which the proposed Articles of the future Bill are outlined.

asylum seekers engaging in employment and to introduce integration strategies for them.

74. The Reception and Integration Agency was established to manage the operation of the direct provision and dispersal of asylum seekers. Under this system, approximately 6,000 asylum seekers are currently living in 41 accommodation centres spread across 24 counties. A number of concerns have been expressed about the direct provision and dispersal system, in particular with regard to the fact that asylum seekers are prohibited from engaging in paid employment. Moreover, the €19.10 per week provided to asylum seekers for personal expenses has remained unchanged since 2001. Discrepancies have further been noted in the manner in which the various accommodation centres are operated by the private companies hired by the Reception and Integration Agency and there have also been allegations of failings in the complaints system. ECRI therefore welcomes the Reception and Integration Agency's decision to harmonize the management of these accommodation centres and review the complaints procedure.
75. ECRI notes with approval that children of asylum seekers attend mainstream schools and that adults are provided with some training in, for example, computer skills. The Reception and Integration Agency carries out integration measures for recognised refugees and ECRI welcomes the Government's pledge in November 2005, to allocate € 5 million for the integration<sup>35</sup> of, *inter alia*, refugees. However, concerns that measures taken to integrate refugees require better coordination and recommendations that initiatives to integrate asylum seekers be taken merit consideration.

#### **Recommendations:**

76. ECRI reiterates its recommendation that the Irish authorities consider enabling asylum seekers to engage in paid employment and recommends that the allowance provided to asylum seekers be equality and poverty proofed. ECRI also encourages the authorities in their harmonisation of the management of the direct provision system and their review of the complaints procedure. ECRI recommends that this process take into account concerns expressed about its current operation and that alternatives to the direct provision system be considered. ECRI further recommends that training on anti-racism and interculturalism be provided to personnel working in accommodation centres for asylum seekers.
77. ECRI recommends that the Irish authorities provide for integration measures aimed at asylum seekers in order to prepare them for their possible new life in Ireland. It recommends in this regard that the authorities consider providing the Immigration Integration Unit with this task.

#### **Employment**

78. In its second report on Ireland, ECRI considered that the growing number of non-Irish workers in all areas of the labour market called for particular attention to be paid to workplace-related racism and discrimination. ECRI also felt that awareness-raising measures concerning the contribution made by non-Irish workers to the Irish economy and society were crucial.

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<sup>35</sup> For more information on the issue of integration see « Specific issues » below.

79. As previously mentioned<sup>36</sup>, Ireland's workforce has become increasingly diversified. It is estimated that there are 165 nationalities in the Irish labour force, from as wide a range of countries as The Philippines, India, South Africa, Brazil, the United States, Romania and Malaysia<sup>37</sup>. A number of important initiatives have been taken by the Irish authorities to raise awareness of the need for a more inclusive work place and to combat racism and racial discrimination in this area. The Anti-Racist Workplace Week which has taken place in November each year since 1999 is one of them. Irish trade unions, business associations as well as the National Action Plan Against Racism take part in this initiative. In 2004, the Department of Justice, Equality and Law Reform produced a publication entitled "Promoting Equality in Intercultural Workplaces" which sets out a framework of action to be taken by businesses and organisations in areas such as diversity training and policies and procedures for dealing with, *inter alia*, racial discrimination. Some trade unions, such as the SIPTU (Services, Industrial and Technical Union), have also launched some initiatives in this area.
80. A number of problems remain however, in particular with regard to the working conditions of lower skilled migrant workers. There are reports that migrant workers face a number of problems which contribute to isolating and marginalising them, including lack of information, inadequate access to legal measures, social segregation and differential treatment in some public services.<sup>38</sup> Irish trade unions are increasingly becoming aware of these problems and promoting measures to assist migrant workers and raise public awareness. The Employment Permits Act 2006 addresses to a certain extent concerns raised with regard to the situation of migrant workers and in particular concerning the work permit system which has been criticized for having to some degree facilitated some unscrupulous employers' exploitation of migrant workers. The Act thus provides that the work permit will be issued to the employee (whilst it was previously provided to the employer) on application either by the employee or employer. The permit will contain a statement of the rights and entitlements of the employee, including their remuneration and their right to change employer. Some clarity as to the manner in which the new system will change present practice is however necessary as the current understanding is that employees will only be allowed to apply for their own permits when they need to change from one employer to another. Calls have also been made for more labour inspectors and ECRI welcomes the authorities' pledge to progressively increase their number from the current 31 to 90 by the end of 2007. There is also a need for disaggregated data on the situation of ethnic minorities and migrant workers, especially as labour inspectors do not collect this type of data on complaints received.

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<sup>36</sup> See "Reception and status of non-citizens" above.

<sup>37</sup> In 2002, 40,321 work permits were issued and there were such permits 47,551 in 2003. In 2004, 34,067 permits were issued and in 2005, 27,000 work permits were provided.

<sup>38</sup> See, CISC Working Paper No. 22 December 2005, Labour Relations and Migrant Workers in Ireland, Maria-Alejandra Gonzalez-Perez, Terrence McDonough, Tony Dundon, Centre for Innovation and Structural Change, p. 8.

### Recommendations:

81. ECRI encourages the Irish authorities to continue raising awareness of the necessity of combating racism and racial discrimination in the work place. It recommends in this regard that migrant workers and ethnic minorities be provided with information on their rights and the avenues for redress such as the Equality Tribunal, the Labour Court and the Employment Appeals Tribunal. ECRI also recommends that minority and migrant-led organisations be consulted and included in any awareness-raising initiatives.
82. ECRI recommends that the implementation of the new Employment Permits Act be monitored to ensure that employee mobility is respected and to combat any abuse and/or discrimination against migrant and ethnic minority workers. On this matter, ECRI encourages the authorities in their endeavour to increase the number of labour inspectors and recommends that they be given the necessary training and logistical support to carry out their task and enforce the necessary penalties against rogue employers. ECRI further recommends that labour inspectors collect disaggregated data by, *inter alia*, ethnicity, nationality and work permit status on complaints received.
83. ECRI recommends that measures be taken to provide the necessary tools to assist migrants in their integration into the labour market and society, by for example ensuring that they receive free language lessons and that their prior qualifications, skills and experience are taken into consideration by employers.

### Access to public services

#### - **Access to education**

84. In its second report, ECRI was of the opinion that the issue of providing alternative religious education or a form of religious education which embraces all faiths needed to be considered. ECRI further encouraged the Irish authorities to consider ways of developing the provision of mother tongue teaching for children from other minority groups and of recruiting teachers or teaching auxiliaries from these communities.
85. The majority of primary schools in Ireland (98%) are mainly Catholic schools. Families can request that children not take part in religious rites, but the implementation of this practice has been criticised in some cases as leading children to feel singled-out. The Irish authorities have informed ECRI that they are currently examining new models of school provision. This is a welcome decision as the growing diversity of Irish society has seen an increase in demand for multi-denominational or non-denominational schools that the current practical and legislative infrastructure is unable to meet, in particular as schools have the power to refuse admission in order to preserve their "ethos".
86. The Irish authorities have informed ECRI that a pilot Sunday school at the Latvian Embassy for mother-tongue education is currently being run. The Polish Embassy has also established a Sunday school in Dublin. The authorities have indicated to ECRI that they are examining whether these initiatives should be extended. Concerning the general education of minority pupils, consistent data collection in this area is necessary as a clear picture of their performance needs to be established. As previously indicated, the National Action Plan Against

Racism<sup>39</sup> contains objectives in this field. The active recruitment of teachers from minority communities should moreover be considered as the authorities have indicated that no special measures are currently being taken in this area. On this point, minority access to the teaching profession may further be hampered by the requirement that trainees have passed their higher qualification in Ireland.

#### **Recommendations:**

87. ECRI urges the Irish authorities to promote the establishment of multi-denominational or non-denominational schools and adopt the necessary legislation to that end. The authorities should also ensure that the current opt-out system in denominational schools is implemented in a manner which does not make pupils feel singled out.
88. ECRI recommends that the authorities establish a consistent system of data collection to assess minority pupils' performance in education and establish the necessary policies in this area. It further reiterates its recommendation that the authorities take measures to encourage members of minority groups to enter the teaching profession.

#### **Vulnerable groups**

##### **- Travellers**

89. In its second report on Ireland, ECRI encouraged the Irish authorities to continue paying particular attention and providing resources to the education for Traveller children in close collaboration with representatives of the community itself. ECRI further felt that more efforts should be made to include material on the Traveller community as an integral part of Irish society in all school textbooks and other teaching material. ECRI also urged the Irish authorities to identify ways of promoting access to the teaching profession for members of the Traveller community and to consider as a short-term solution the possibility of recruiting members of the Traveller community as auxiliary teachers.
90. ECRI is pleased to note that the authorities have taken a number of important steps to address the problems Travellers continue to face in the education system. In early 2006, the Inspectorate of the Department of Education and Science published a Survey of Traveller Education Provision in which a number of conclusions were reached and recommendations made.<sup>40</sup> Another important measure taken by the Irish authorities in the area of Traveller education is the publication of a Traveller Education Strategy on 21 November 2006. The aim of the Strategy is to ensure Traveller equality in terms of access, participation and outcomes. Traveller organisations have also informed ECRI that within the framework of the Action Plan for the Equality of Access to Higher Education, some educational institutions have undertaken a number of measures to increase Traveller access to higher education. They have moreover expressed their satisfaction with the consultation and involvement in the process concerning both the Joint Working Group relating to the Strategy and the Action Plan. Traveller organisations have however indicated to ECRI their desire for a greater role in the future implementation of the Traveller Education Strategy.

<sup>39</sup> See, "Education and awareness-raising" above.

<sup>40</sup> See, Survey of Traveller Education Provision in Irish Schools, Inspectorate of the Department of Education and Science, © Department of Education and Science, 2005, pp. 78-84.

91. Although real progress has been made with regard to the enrolment of Traveller children in school, some major challenges remain. The Irish authorities have informed ECRI that 58% of Traveller children are in post-primary education, but that their achievement with regard to entering the secondary level and completing it is substantially below the national average. The NCCRI has identified some key factors inhibiting educational achievement in the Traveller community which include failure to acknowledge and accommodate Traveller culture and in some cases institutional discrimination.<sup>41</sup> Traveller organisations have acknowledged that there is a certain level of commitment to the goal of ensuring interculturalism in schools, but they would like to see measures taken by some individual schools to include Travellers issues in school books and material implemented on a national level. Traveller organisations have further indicated that there are currently 2 Traveller women in outreach programmes and that the Traveller Education Strategy provides for the recruitment of Traveller teachers. They have however noted that current improvements in Traveller education are not followed through by better integration in the job market.<sup>42</sup>

#### **Recommendations:**

92. ECRI encourages the Irish authorities in the publication of the Traveller Education Strategy and recommends that the objectives set therein be implemented with the full involvement of national Traveller organisations. ECRI further recommends that current measures undertaken to ensure better integration and higher Traveller achievement in the education system be continued and strengthened and that the necessary human and financial resources be provided to that end.
93. In its second report on Ireland, ECRI urged the Irish authorities to take steps to implement measures in the field of Traveller employment without delay and to take positive measures to promote employment and income generation among the Traveller community. ECRI also recommended that a system for collecting information and carrying out research be established to analyse the problem of unemployment within this community.
94. The 2002 census indicated that 73% of Traveller men are unemployed and that this figure is 60% for women. ECRI is thus pleased to note that €1 million have been assigned to providing Travellers with the necessary skills to enter the job market. The Department of Enterprise, Trade and Employment has further informed ECRI that a special group within this Department comprising representatives from other Departments and national employment agencies is addressing the problem of Travellers in the labour market. Pilot measures have been undertaken in four local areas where many Travellers live and although the Department has noted that progress is not significant in numerical terms, there have been very important changes in attitudes. However, Traveller organisations have indicated to ECRI that employment is the one area where more efforts are required. They have mentioned ad hoc initiatives such as the one taken in South County Dublin where the local authority has worked with the local Traveller group to promote employment within this community. They have stressed the need for measures in the area of employment to be implemented on a national level and highlighted the importance of taking an integrated approach where the wider

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<sup>41</sup> See, Education Disadvantage Committee to assist development of a Traveller Education Strategy, The Traveller Education Strategy – as part of an intercultural education strategy in Ireland, January 2004, p. 3.

<sup>42</sup> For more information on this issue, see below.

context of disadvantages in other areas such as education, health and accommodation is taken into account.

#### **Recommendations:**

95. ECRI recommends that the Irish authorities continue implementing current measures for including Travellers in the employment sector and that new initiatives be taken in this regard in consultation with Traveller organisations. ECRI also recommends that any policies established to improve Traveller access to the employment sector include anti-discrimination measures, gender-proofing and that they take into account the wider context of disadvantage faced by members of this community in other areas.
96. In its second report on Ireland, ECRI recommended that the provision of accommodation to Travellers be closely monitored and measures taken, as necessary, to improve the implementation of the Housing (Traveller Accommodation) Act 1998. ECRI stressed that the powers afforded to local authorities to effect evictions from authorised campsites should be kept under close review in order to ensure that such powers were not misused.
97. Concerning the implementation of the Housing (Traveller Accommodation) Act 1998, ECRI is pleased to note that local authorities are required to prepare and adopt Traveller accommodation programmes. The first such programme was adopted from 2000-2004 and the second covers the period 2005-2008. These programmes have resulted in important improvements as according to the Irish authorities, the number of Travellers living in unauthorised sites and on the roadside had diminished from 1207 families to 601 families by the end of the first programme. However, there are concerns that the implementation of these programmes has not been adequate in some local areas. In this regard, a report by the National Travellers' Accommodation Consultative Committee has made a number of recommendations regarding transient accommodation and developing modules of consultation with Travellers. ECRI welcomes the fact that the Minister concerned with these matters has agreed with these recommendations. However, the authorities should undertake a more proactive policy in this area. On this matter, ECRI notes the Irish authorities' information according to which Traveller accommodation programmes covering the period 2005-2008 are being monitored through a revised system of formal returns which seeks to measure the provision of accommodation through local authorities, privately rented accommodation and Traveller-specific accommodation. The Irish authorities have also informed ECRI that this monitoring system was initiated by the second National Traveller Accommodation Consultative Committee (NTACC) and that it is expected that early in its term of office the third NTACC, in operation since January 2007, will complete arrangements for seminars to, *inter alia*, improve the operation of Local Traveller Accommodation Consultative Committees.
98. Since ECRI's second report, the Housing (Miscellaneous Provisions) Act 2002 was adopted. This Act turned entering private or public land which was a civil offence into a criminal offence and gives the police wide-ranging powers. ECRI notes with concern that the implementation of this Act has for example, led to disruption in some Traveller children's schooling. Exploring all avenues for providing adequate alternative accommodation to Travellers should therefore be the overriding priority.

### Recommendations:

99. ECRI recommends that the Irish authorities continue ensuring better Traveller access to adequate accommodation. To that end, it calls on the authorities to continue implementing the recommendations made by the National Travellers' Accommodation Consultative Committee regarding all issues pertaining to Traveller accommodation.
100. ECRI strongly recommends that the implementation of the Housing (Miscellaneous Provisions) Act 2002 be closely monitored to ensure that Travellers and especially vulnerable members of this group such as women and children are not placed in a difficult situation. It further recommends that measures be taken to ensure that this piece of legislation is reviewed and amended where necessary to ensure its conformity with international human rights standards.
101. In its second report on Ireland, ECRI encouraged the authorities to publish and implement as soon as possible a Traveller Health Strategy, in close cooperation with representatives of the Traveller Community. ECRI also recommended that a system of data collection and research into the problems faced by Travellers in the area of health be established.
102. ECRI is pleased to note that the health services are striving to recruit Travellers to give primary health care and advice and that a number of them are completing the first phase of their training. A National Traveller Health Strategy 2002-2005 was also established and the authorities have informed ECRI that approximately €11 million were allocated to this Strategy up to 2005/2006 and that on-going funds are being provided to Traveller health units and projects. Traveller organisations have indicated to ECRI that some actions within the National Traveller Health Strategy have been implemented and others have not. They have expressed their wish for ethnic data collection on health issues within the Traveller community throughout the country. In this regard, two pilot schemes are being carried out and ECRI hopes that this measure will be spread to the rest of the country. A study on the health situation with regard to Travellers is due to commence and the authorities estimate that it will last approximately two years. They have also indicated that information gathered from this study will be used to judge performance in the future.
103. In its second report on Ireland ECRI recommended that the Irish authorities take measures to increase Traveller participation in public life and that they monitor the efficiency of these measures.
104. Traveller organisations have indicated that they have put a lot of effort into capacity-building and Traveller participation and have engaged with the State with some success. However, there are currently no Travellers in Parliament and only one or two in local authorities. The High Level Group on Traveller Issues whose main task is to promote public policies concerning Traveller matters is composed of civil servants. It is however regrettable that there are no Travellers in this Group and that Traveller involvement in its work has been limited. On another point, the Irish authorities have informed ECRI that an independent chairperson has been appointed to the National Traveller Monitoring and

Advisory Committee<sup>43</sup> and that this is the first time this Committee has had an independent chair. The authorities have further indicated that the Committee's membership was expanded. ECRI has however no information regarding the level of Traveller inclusion in these new changes.

#### **Recommendations:**

105. ECRI recommends that a preliminary assessment of the impact of the National Traveller Health Strategy be carried out and the conclusions reached therein be taken into account during the All-Ireland National Health Study. ECRI further recommends that the authorities ensure that the study being carried out regarding Traveller health needs closely involve Traveller organisations and include the gender dimension.
106. ECRI strongly recommends that the Irish authorities ensure that Traveller organisations are key partners in all aspects of the work of the High Level Group on Traveller Issues and that members of the Traveller community are represented in this Group.

#### **- Visible minorities**

107. In its second report on Ireland, ECRI recommended that the legislation in force be used to combat the discrimination and racism faced by visible minorities. It also recommended more awareness-raising among the general public.
108. As indicated in other parts of the report, some measures have been taken to combat racism and discrimination against ethnic minorities. A number of concerns remain however with regard to, for example, the media's portrayal of, amongst others, Africans, Muslims and Travellers<sup>44</sup>. Instances where the nationality of a person who is accused of committing a crime is mentioned or generalisations about Muslims are made have been noted in some sectors of the media<sup>45</sup>. In 2004, the National Anti-Racism Awareness Programme (also known as the Know Racism Programme) published its findings on a study of opinions and attitudes towards minority groups in Ireland. This survey both highlighted a number of areas of concern as well as some positive trends. It was, for example noted that 1 in 5 of the general public had witnessed a racist incident and that 67% of the respondents were open to socialising with someone from an ethnic minority background. The poll also showed a strong link between negative perceptions of minorities and non-interaction with them. These results thus indicate areas where the authorities should through, *inter alia*, the Anti-Racism Awareness Programme continue and consolidate their action with regard to, amongst others, combating racist crimes<sup>46</sup> and raising awareness of visible minorities' contribution to Irish society. These specifically targeted measures should be carried out in conjunction with minority-led organisations.

<sup>43</sup> This Committee replaced the Traveller Monitoring Committee which was wound up in December 2005. The Traveller Monitoring Committee was established in 1998 and was chaired by, amongst others, officials from the Department of Justice, Equality and Law Reform, representatives of national Traveller organisations and relevant government departments.

<sup>44</sup> The 2002 census indicated that there were 30,000 Africans and 19,147 Muslims in Ireland; most members of these communities live in Dublin. The results of the 2006 census will provide more recent figures.

<sup>45</sup> For more on the media, see "Media" below.

<sup>46</sup> For more on racist crimes, see "Conduct of law enforcement officials" below.

#### Recommendations:

109. ECRI encourages the Irish authorities to continue their anti-racism awareness measures and recommends that minority-led organisations be consistently involved in these initiatives from inception to implementation.

#### Media

110. In its second report, ECRI recommended that media professions apply codes of self-regulation.
111. The NCCRI has indicated to ECRI that it monitors media reporting concerning ethnic minorities and has published on its website guidelines for journalists. ECRI is pleased to note that these guidelines were endorsed by the Union for Journalists. These measures are important as it has been drawn to ECRI's attention that some media portray asylum seekers, refugees, migrant workers, Travellers and Black and ethnic minorities in a negative light<sup>47</sup>. ECRI has however also been informed that some others do play a positive role, for example, by highlighting problems in the asylum system. The media should therefore be further encouraged to address more often issues pertaining to minority communities in a fair and constructive manner and ECRI is pleased to note in this regard that the authorities are currently trying to identify the role of the Press Council whilst taking into account issues pertaining to minorities.

#### Recommendations:

112. ECRI recommends that, while fully respecting the principle of freedom of expression and editorial independence, the authorities encourage fairness when issues pertaining to ethnic minority groups, asylum seekers, refugees and immigrant communities are discussed by the media.

#### Conduct of law enforcement officials

113. In its second report on Ireland, ECRI recommended the establishment of an investigation mechanism entirely independent from the Garda Síochána (police) and noted that at the time of writing a number of proposals to address this issue were being examined.
114. ECRI welcomes the adoption of the Garda Síochána Act 2005 which provides for the creation of a new Garda Ombudsman Commission. This Commission which was appointed on 10 February 2006 will have the power to directly and independently investigate complaints against police officers and carry out investigations *proprio motu*. The Commission is currently staffed by seconded personnel from the Department of Justice pending the appointment of its own team. The authorities have informed ECRI that in 2006, €10 million were provided for this Commission and that it is expected to start fully functioning beginning 2007.
115. In its second report on Ireland, ECRI considered that, as members of the Garda are also responsible for border control and deportations, officers working in this field should be provided with additional training on their area of responsibility. ECRI further encouraged the recruitment of police officers among minority groups

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<sup>47</sup> See, "Visible Minorities" above.

and noted that the removal of barriers in the entrance requirements was being considered.

116. A Human Rights Audit on the Irish police force (the Garda Human Rights Audit) which was launched in March 2005 identified problems of racism and racial discrimination within the police force. ECRI is thus pleased to note that the authorities have begun to address some of these problems. In January 2006, the police Commissioner issued a Directive to every member of the force concerning the development of a number of strategies to meet the needs of a more diverse society. These include responding to victims of racially motivated incidents, consulting with ethnic minority communities and recording racist incidents. Concerning relations between the police and minority groups, members of Travellers have indicated that there has been some change with regard to police at local level, but that they want to continue building better relationships. In February 2001, the Garda Racial and Intercultural Office was established to improve communication and consultation with ethnic minorities. NGOs point out that staffing levels within this body have only been increased to four persons. The authorities further informed ECRI that 145 ethnic liaison officers have been appointed to improve communication with ethnic minorities and that a new internal police Directive intends to remove immigration officers from the position of ethnic liaison officers because of the potential for conflict. They have indicated that police officers have been appointed as ethnic liaison officers.
117. ECRI welcomes the decision by the Irish authorities to change the recruitment criteria for police officers. The police force is now open to EU and EEA or Swiss nationals as well as nationals of any other State who have been lawfully resident in Ireland for five years. Moreover, the requirement to hold a qualification in both Irish and English was replaced with a requirement to be fluent in two languages, at least one of which must be Irish or English. Police officers will further be provided with Irish language lessons during their training. Although there are currently only 2 Travellers in the police force, representatives of the Traveller community and the police have informed ECRI that some measures are being taken to encourage them, together with members of other minority groups, to join the police in the Government's current drive to recruit more police officers. This is an important step as reports indicate a fraught relationship between the police and some minority groups including for example, Travellers and Nigerians.

#### **Recommendations:**

118. ECRI encourages the Irish authorities in their establishment of a Garda Ombudsman Commission and recommends that they continue to provide it with the necessary financial resources to enable it to function to its full capacity. ECRI further recommends that the authorities ensure that staff at the Commission receive training on issues pertaining to racism and racial discrimination.
119. ECRI encourages the Irish authorities to continue striving to implement the recommendations contained in the Garda Human Rights Audit and recommends in this regard, that representatives of minority groups be consulted and involved in this process.
120. ECRI recommends that the authorities continue to support the work of the Garda Racial and Intercultural Office by providing it with the necessary resources to carry out its tasks. ECRI further recommends that ethnic liaison officers be also recruited from outside the police service and that efforts be made to hire members of minority groups in these positions.

## Monitoring the situation

121. In its second report on Ireland, ECRI encouraged the Irish authorities to establish a reliable and extensive system of data collection concerning the situation of minority groups in all fields of life, including education, employment, accommodation and health.
122. As mentioned in other parts of the report, the collection of disaggregated data based on, *inter alia*, race, nationality or ethnicity in areas such as employment, education and health is not yet a consistent practice. The Data Protection Act 2003 provides for the processing of ethnic data with the informed consent of the person concerned. A Data Protection Commissioner has been established to give effect to this law and he has informed ECRI that his office has received no complaints regarding the collection of ethnic data. The Commissioner also carries out awareness-raising measures, but they are not at present specifically aimed at ethnic minority groups or immigrant communities. ECRI notes that the Data Protection Office intends to produce versions in the main minority languages of a basic guide to rights under data protection law, which will be available in booklet form and online.
123. The census carried out in September 2006 included questions on nationality, ethnicity, religion and on whether the person spoke Irish. ECRI is pleased to note that the main text of the household form was made available in Arabic, French, Polish, Russian, Czech, Latvian, Portuguese, Spanish, Chinese, Lithuanian and Romanian.

### Recommendations:

124. ECRI reiterates its recommendation that the Irish authorities establish and implement a system of ethnic data collection to assess and redress any racial discrimination that may exist in the country, in full compliance with all the relevant national laws as well as European and international regulations and recommendations on data protection and the protection of privacy, as stated in ECRI's General Policy Recommendation No.1 on combating racism, xenophobia, antisemitism and intolerance.
125. The Irish authorities should ensure that data collection is carried out in full compliance with the Data Protection Act 2003. In this regard, ECRI recommends that the Irish authorities continue taking measures to raise minority groups' awareness of the existence and work of the Data Commissioner. Furthermore, the data collection system on racism and racial discrimination should take into consideration the gender dimension, particularly from the viewpoint of possible double or multiple discrimination.
126. ECRI recommends that the Irish authorities use data gathered in the 2006 census to garner information on the situation of ethnic minorities and non-nationals in various areas and identify possible problems of racial discrimination that may require further investigation.

## II. SPECIFIC ISSUES

### The Scheme for an Immigration, Residence and Protection Bill

127. As previously mentioned, the Scheme for an Immigration, Residence and Protection Bill, which is a set of instructions to Parliament to draft the text of the Bill in question was published in September 2006. The Heads of the Scheme cover issues such as visas, entry into Ireland, residence permits and registration requirements, removal from the State and protection. As also previously mentioned, 125 submissions were made by NGOs and civil society organisations who have expressed concern at the fact that these submissions have not been made public as was the case, for example, with regard to the National Action Plan Against Racism. Their submissions contain many comments and proposals which warrant serious consideration when the final Bill is adopted as they raise important issues. ECRI thus welcomes the Irish authorities' assurances that they will be taken into consideration. Regarding the Scheme in general, care should be taken not to place too much emphasis on matters such as control, security, maintaining public order, the return of non-nationals. Attention should also be paid to establishing an integration policy for Black and minority ethnic groups and non-nationals.<sup>48</sup>
128. The Scheme proposes some interesting changes such as establishing a single procedure for examining asylum claims. However, some of the Heads merit further examination to consolidate the protection aspect of the Bill and to include an anti-discrimination element. For example, Head 4 which places the onus on a person to prove that he/she is not a foreign national has raised concerns about racial profiling. The authorities have been commended for putting the issuing of residence permits on a legislative footing in Head 25. This Head provides that the permit entitles the holder to, *inter alia*, enter employment, carry on business, trade or profession and have access to education, training, medical care and social protection. The authorities may however wish to consider the possibility of providing for permanent residency in this Bill. Some of the eligibility conditions laid out for acquiring a residence permit such as that of making "reasonable efforts to integrate into Irish society" also merit further discussion. In this regard, the fact that integration<sup>49</sup> is a process which concerns society as a whole should be borne in mind. Head 39 provides the police with wide-ranging powers including the power to remove without notice a non-national who is unlawfully in the country. Head 67 also contains some provisions which warrant further examination as it provides that a non-national shall notify the Minister for Justice, Equality and Law Reform of his/her intention to marry in Ireland. Moreover, a foreign national's marriage to an Irish citizen does not necessarily confer a right to enter or reside in Ireland.
129. A number of other concerns worth considering have been raised in the above-mentioned NGO submissions. In this regard, there are numerous references in the Scheme to Immigration Policy Statements by which the Minister for Justice, Equality and Law Reform will be given extensive powers in some cases to make or modify policies regarding immigration to Ireland. NGOs consider that some restrictions should be placed on these powers. The inclusion of the right to family reunification for persons other than refugees should also be considered as the

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<sup>48</sup> See, "The need for an integration strategy" below.

<sup>49</sup> For more on integration issues, see "The need for an integration strategy" below.

Scheme only proposes that family reunification be provided by secondary legislation or other means.<sup>50</sup> The right to interpretation can also be strengthened by ensuring that it is consistently provided where necessary rather than where “necessary and possible” as stated in some Heads.

#### **Recommendations:**

130. ECRI recommends that the Irish authorities take into consideration the various comments and suggestions made by NGOs and civil society organisations regarding the Scheme for an Immigration, Residence and Protection Bill and continue the consultative process on this Bill.
131. ECRI strongly recommends that the authorities ensure that the subsequent Bill takes into consideration existing international standards and include provisions against discrimination based on, *inter alia*, race, colour, language, religion, nationality or national or ethnic origin.

#### **The need for an integration strategy**

132. As previously mentioned, Ireland has experienced an increasing level of diversity in recent years as a result of the country’s economic expansion. This change has presented a number of challenges and opportunities and the authorities are increasingly taking cognizance of the need to address them. This awareness is reflected in the previously mentioned National Action Plan Against Racism, the Minister of Justice’s pledge to provide €5 million to the integration of refugees and of the non-national parents of Irish children as well as the creation of an Immigration Integration Unit within the Department of Justice’s Naturalisation and Immigration Department. ECRI considers in this regard, that an integration strategy could, for example be legislated in the future Immigration, Residence and Protection Bill. Data collection on the situation of minority communities in areas such as employment, education, health and housing is a necessary starting point in assessing their needs and designing integration policies.<sup>51</sup>
133. The National Action Plan Against Racism contains important goals which may serve to draw out a long-term integration strategy. Objective Two (Inclusion) and Objective Three (Provision) touch upon some of the key areas in which Black and ethnic minorities including Travellers<sup>52</sup>, as well as migrant workers, refugees and asylum seekers encounter problems. More flexibility should be considered in the implementation of the criteria for family reunification as migrant workers in general and those in low income employment in particular face some difficulties in this regard. Another area which merits consideration is the recognition of refugees’ professional qualifications as it has been noted that refugees are often unable to find work that is commensurate with their qualifications and experience. As a result, their full integration has been impeded and valuable skills and experience which can contribute to the Irish economy are being left unused or underused. The need for cultural diversity in service provision is another problem that has been identified and warrants further investigation by the authorities. The National Action Plan Against Poverty which is to be implemented from 2007-2009 is one initiative by which the needs of the various groups in Ireland can be assessed and addressed. Lessons should be drawn from the previous 2003-

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<sup>50</sup> For more discussion on this matter, see « The need for an integration strategy » below.

<sup>51</sup> For more on ethnic data collection, see « Monitoring the situation” above.

<sup>52</sup> For more on the situation of Travellers, see « Vulnerable groups » above.

2005 National Action Plan Against Poverty and Social Exclusion which sets out methods for developing inclusive services for minority groups and taking positive measures.<sup>53</sup>

134. Minority participation in decision-making is another crucial aspect of their integration into society. On this question, minority-led NGOs have expressed the need for adequate funding to enable them to function to their full capacity and they wish to be more actively involved in the establishment and implementation of measures taken regarding their communities. ECRI therefore welcomes these NGOs' assurances that the Department of Justice is trying to make more funding available to them. On this matter, special attention should be paid to the gender dimension to ensure that women from minority groups are also fully involved. On a broader level, minority groups should be better represented in the political process. The National Action Plan Against Racism contains important commitments in this regard which if fully implemented will serve to significantly increase minority participation in the full spectrum of political life.
135. Combating racism and racial discrimination is crucial to any integration strategy and by establishing the National Action Plan Against Racism the Irish authorities have demonstrated their awareness of the need to tackle this problem. The Plan identifies the various groups who are the potential victims of these phenomena, including Travellers, recent migrants, visible minority groups, Muslims and Jewish people and proposes measures for combating racism and racial discrimination. The inter-dependence of the various facets of integration requires the newly created Immigration Integration Unit to play a leading role in this matter. This Unit was set up to promote and co-ordinate social and organisational measures across the spectrum of Government for the acceptance of legally resident immigrants into Irish economic and cultural life. As well as directing and coordinating any future integration strategy with all relevant government departments, the Immigration Integration Unit should work closely with NGOs and in particular minority-led organisations as well as bodies established to implement the National Action Plans Against Racism and Poverty. This Unit's primary role currently appears to be ensuring security and immigration control. It is therefore important that the integration aspect of its work be more actively promoted and separated from its other tasks.

#### **Recommendations:**

136. ECRI urges the Irish authorities to establish and implement an integration strategy aimed at ensuring the full and equal participation of the various minority communities living in Ireland into all areas of Irish life, including education, employment, access to public services and participation in the political life. It recommends in this respect that combating racism and racial discrimination form the backbone of this strategy and that the authorities provide the necessary funds to that end. ECRI further recommends that the objectives set out in the National Action Plans Against Racism and Poverty also be included in this strategy and that they be more actively implemented.
137. ECRI strongly recommends that minority groups be involved throughout the process leading to the establishment and implementation of any future integration strategy. They should in this regard be provided with sufficient funding to enable their active participation in this process. ECRI also recommends that Immigration

<sup>53</sup> For more on this question, see « Access to public services» above.

Integration Unit which could be a possible central point for the implementation and coordination of the strategy be provided with sufficient human and financial resources to do so. The Unit's staff should further receive training on issues pertaining to racism and racial discrimination as well as on interculturalism. ECRI recommends on this point that efforts be made to recruit members of minority groups among its staff.

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