

****CHECK AGAINST DELIVERY****

**Minister of State, David Stanton T.D.,
Opening Statement
Committee on the Elimination of Racial Discrimination
Monday, 2nd Dec, 2019**

Chair, Rapporteur, Members of the CERD Committee, Ladies and Gentlemen,

Introduction

Today's session is an important one for Ireland. I propose to use this opening statement to set out the actions taken by Ireland to promote integration and to combat racism and racial discrimination.

I am joined here today by Deputy Secretary General Oonagh Buckley of the Department of Justice and Equality, who will lead the delegation tomorrow, as I have to return to Ireland to attend to urgent parliamentary business.

I am also joined by Ambassador Michael Gaffey, Jean McDonald, Deputy Permanent Representative, Mr John Hurley, Mr Mark Wilson, Ms Ciara Carberry, Mr Cillian Delaney, Ms Yvonne Phillips and Ms Sarah Mongey of the Department of Justice and Equality, Ms Martina Feeney and Ms Kyra Hild of the Department of Foreign Affairs and Trade, Ms Mary Cregg of the Department of Education and Skills and Mr Neville Kenny who joins the delegation tomorrow, Ms Rosemarie Tobin of the Department of Housing, Planning and Local Government and Ms Caroline Timmons who joins the delegation tomorrow, Mr Hugh Cronin of the Department of Employment Affairs and Social Protection, Ms Dairearca Ni Neill of the Department of Health, Mr Paul Geraghty of the Department of Rural and Community Development and Superintendent Kevin Daly of An Garda Síochána.

We take very seriously our UN obligations. Our membership of the UN has played a major part in our development. We not only support a fair rules-based order in international affairs - we exist, survive and prosper because of it. In peacekeeping, disarmament, sustainable development, climate, nutrition, human rights and

humanitarian assistance we have striven to match our words with actions and funding, supporting multilateral structures. We strongly support the work being done by the Committee on the Elimination of Racial Discrimination to put a spotlight on the crucial effort needed to create a world where all can enjoy opportunities, free of discrimination on the basis of race, ethnicity or nationality. We are proud that an Irishwoman, Anastasia Crickley, so recently chaired the Committee.

Diversity in Ireland

Diversity and inclusion are important for Ireland. Over the past two decades and more, Ireland has welcomed migrants from across the world. The latest Integration Monitor published in November 2018 by the Economic and Social Research Institute (ESRI) confirms the diversity of Ireland's population. 17% of our population has been born outside Ireland. Many have been given the opportunity to acquire Irish citizenship. Ireland is one of 13 EU Member States that provides citizenship if the person has been resident for 5 years and one of 16 EU Member States permitting dual citizenship. Approximately 120,000 people have received Irish citizenship since 2011. So, more than 2.5% of the total population in Ireland are new citizens.

Citizenship Ceremonies

Since Ireland last reported to the Committee in 2011, there have been landmark developments in the recognition of the rights of ethnic minorities. Citizenship ceremonies were first introduced in 2011 to mark the occasion of the granting of citizenship to persons born outside Ireland. The ceremonies constitute a public recognition by the State and by the Government of the commitment being made to Ireland by new citizens. Since they were first introduced, a total of 141 citizenship ceremonies have been held involving people born in over 180 countries.

Traveller Ethnicity

Recognition of rights has not been limited, however, to those born outside Ireland. On the 1st of March 2017, the then Taoiseach or Prime Minister, Enda Kenny T.D., made a statement in Dáil Éireann, the Irish Parliament, recognising members of the Traveller community as an ethnic minority. I personally worked for years, first as

Chair of the Parliamentary Justice Committee, and then as Minister, to secure the recognition of Travellers as an ethnic minority. In the course of this work, I informed politicians across the political spectrum of the importance of this recognition.

The event in Dáil Éireann was truly memorable, with all political parties united in support of the Taoiseach's statement. Recognition of Traveller ethnicity has been a symbolic step forward in the State's acknowledgement of the uniqueness of Traveller identity and culture and is intended to generate mutual understanding and respect between Traveller and non-Traveller communities. Recognition of Travellers as an ethnic minority will not remove overnight all of the obstacles that have prevented them from experiencing full equality within Irish society. However, it has created a strong platform of respectful dialogue and pathway towards equality for Travellers. It demonstrates the commitment of Government and Parliament towards recognising the contribution that Travellers have made to Irish society and culture and removing the barriers that have limited their opportunities.

School Admissions

Over this period, the Irish Government has worked actively to strengthen rights in key areas such as that of education. Legislation has been enacted to ensure that children, whatever their religion or none, have equal access to primary education. The Education (Admission to Schools) Act 2018 was enacted in July 2018. It removes the existing provision in the Equal Status Act 2000, which permitted primary schools to use religion as a selection criterion in school admissions. The reform ensures that non-denominational families will be treated the same as other families in primary school admissions to the majority of primary schools. A corresponding protection has been included, in relation to the remaining primary schools, to ensure that a child of a minority faith can still access a school of his or her faith. This important reform will help to ensure that all children, regardless of religion, are able to access education while continuing to protect the rights of those of minority faiths.

Public Sector Human Rights and Equality Duty

Ireland has also undertaken legislative change in support of equality and human rights. The Irish Human Rights and Equality Commission Act 2014 introduced a new

equality and human rights positive duty. Public bodies have a duty under section 42 of the 2014 Act to have regard to the need to eliminate discrimination, to promote equality of opportunity and to protect the human rights of service users and of staff. Public bodies must set out in their statements of strategy how they intend to fulfil this duty. As such, the legislation provides structural underpinning for action by public bodies on equality, human rights and the combatting of discrimination. These powers build on the foundation of our equality legislation, which prohibits discrimination on nine equality grounds, including race, ethnicity and nationality. The Employment Equality Acts, which prohibit discrimination in employment, have been in place since 1998. The Equal Status Acts, which prohibit discrimination in access to public and private services, to goods and accommodation, were first introduced in 2000, in preparation for the ratification of CERD in December of that year.

Establishment of Irish Human Rights and Equality Commission

Ireland's rights infrastructure has been strengthened over the past five years. The Irish Human Rights and Equality Commission – IHREC - was established in 2014 through the merging of the Equality Authority and the Irish Human Rights Commission. IHREC is an independent public body that is accountable directly to the Irish Parliament rather than to the Government. IHREC's independence and powers have been recognised internationally. It holds an 'A' status as an independent human rights body, conforms to the Paris Principles and is internationally recognised as a leading human rights and equality body. It has been given a range of powers to challenge discrimination and to seek legal redress for persons experiencing discrimination. One of its new functions under the 2014 Act is to encourage the development of a culture of respect for human rights, equality and intercultural understanding in the State. IHREC's role of promoting intercultural understanding constitutes an additional mechanism, not only for promoting integration, but also for understanding the factors that can lead to discrimination against ethnic and racial minorities.

Workplace Relations Commission

The legal architecture governing employment cases has also been substantially reformed in the intervening period. The Workplace Relations Act 2015 provided the

legal basis for the Workplace Relations Commission, which is the primary body to which complaints can be made by those who experience discrimination in employment or in access to goods and services. The Workplace Relations Commission provides information on employment rights and operates an inspections regime under which inspectors have the powers to inspect workplaces to ensure that employers are complying with employment rights legislation. Individual cases can be taken to the Workplace Relations Commission and the 2015 Act simplified the procedures in this regard. 292 referrals were made to the Workplace Relations Commission in 2018 of cases alleging discrimination in access to goods and services on the race ground, while 124 referrals related to allegations of discrimination in access to goods and services on the Traveller community ground. 213 referrals were made of cases alleging discrimination in employment on the race ground, and a further 6 cases in relation to employment on the Traveller community ground.

Migrant Integration Strategy

Over this period, the Irish Government has worked actively to improve opportunities for minorities. To ensure a whole of Government approach to delivery, it has adopted a strategic approach to policy on migrants, Travellers and Roma. We now have 5 such strategies to deliver inclusion for all in Irish society – I launched the LGBTI+ Inclusion Strategy last week. While all five are important and overlap, I want to speak to two key strategies here today, which relate to the integration of migrants and inclusion of Travellers and Roma.

Firstly, the Migrant Integration Strategy 2017-2020, which I launched in February 2017, provides the framework for action to support migrant integration. It commits public bodies to take action on employment, education, access to public services, political participation and immigration. In fact, the Taoiseach, Ireland's Prime Minister, recently announced his support for the Civil Service to recruit more people from migrant communities including our police and defence forces. To that, I welcome the development of the Public Appointments Service Equality Diversity and Inclusion Strategy.

It requires all public bodies to mainstream integration issues into their work. It includes specific actions to tackle racism, from the review of hate speech legislation

to requiring local authorities to remove racist graffiti and to ensure that there is migrant representation on Joint Policing Committees. I chair the Strategy Committee which meets quarterly to monitor implementation of the Strategy. Reflecting our commitment to the active inclusion of civil society in monitoring key initiatives, the Strategy Committee includes NGO representatives as well as representatives of Government Departments and agencies. The NGO representatives have a mandate to question public bodies and to press for more rapid implementation of key actions. They have an active voice in this process.

Establishment of New Anti-Racism Committee

The mid-term review of the Migrant Integration Strategy coincided with the consultations for Ireland's report to CERD. The feedback given during the CERD consultation sessions fed into our overall assessment of progress thus far on the Strategy. There was a strong message that further actions needed to be added to the Strategy focused on combating racism. In response, the Government has committed to strengthening its approach to combating racism, building on the actions already being carried out within the Strategy. An Anti-Racism Committee is being established, and I am delighted to announce that Professor Caroline Fennell of University College Cork and a Commissioner of the Irish Human Rights and Equality Commission will chair this Committee. They will have a mandate to review current evidence and practice, and make recommendations to Government on how best to strengthen its approach to tackling racism.

The Committee will be a broad-based partnership of State and non-State actors, including employers and unions, religious and community groups, and media organisations. Its purpose is to develop an understanding of the nature and prevalence of racism in Ireland and to work towards achieving a social consensus on actions required, by the member organisations and others. The Committee will convene early in the New Year and will produce its initial report to Government within three months. I am very much looking forward to the outcomes of this initiative.

International Decade for People of African Descent

We are also working with our NGO partners and stakeholders representing Ireland's African communities to develop a programme of action to mark the International Decade for People of African Descent. In April of this year, I hosted a consultation event at the Department of Justice and Equality for our African communities and other stakeholders. We spoke about how best to leverage the opportunities represented by the Decade to celebrate the contribution of People of African Descent to Ireland's society and economy and to address the problems of discrimination and exclusion they still face. We are working with the Steering Committee established by African Descent stakeholder organisations to advance the Decade in Ireland and have provided grant funding to support the development of a programme of action.

National Traveller and Roma Inclusion Strategy

The Government has also adopted a strategic approach to Traveller and Roma issues in its National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021, which I launched in June 2017. NTRIS is a whole of government strategy aimed at improving the lives of the Traveller and Roma communities in Ireland. It was developed and is being implemented in a partnership approach with Traveller and Roma organisations so that their concerns are considered when national policy is being developed and so that collaborative responses can be put in place to address the challenges which remain to be addressed. Traveller and Roma representatives are directly involved in the process of developing solutions on key policy areas such as employment and education. The employment sub-committee, for instance, is chaired by a representative from a Traveller organisation. NTRIS has focused in particular on education, recognising the linkage between educational attainment and life opportunities.

Traveller Inclusion - Education

A two-year pilot project has been established to target attendance, participation and school completion in specific Traveller and Roma communities regionally. Partners in the project include Tusla (Child and Family Agency), Education Support Services, the Departments of Education and Skills, Justice and Equality and Children and Youth Affairs, and Traveller and Roma representative bodies and communities in pilot areas. Four pilot areas – Galway, Dublin, Wexford and Cork – were identified using data on

areas with large Traveller and Roma populations and on school attendance rates of children from Traveller and Roma communities.

Each pilot area is being provided with specialist staff who work together with parents, children and young people, their schools, the wider Traveller and Roma communities and other service providers to remove the barriers affecting Traveller and Roma children's attendance, participation and retention in education.

The programme seeks to develop relationships with local Traveller and Roma communities. It works with schools to identify and address in-school barriers to attendance and participation and with parents to support their children's participation in school. It is supporting children and young people to make the transitions through all stages of the education process. Crucially, it is seeking to harvest the learning from this project to inform future policy.

An additional €500,000 was provided to my Department in Budget 2019 to support this vital initiative, bringing total expenditure for the pilot to approximately €2 million. Representatives from the Traveller community have been involved at all stages of the development of the project.

Traveller – Accommodation

Accommodation for Travellers is provided across a wide range of options, including standard local authority housing, private housing assisted by local authority or voluntary bodies and private rented accommodation, as well as Traveller-specific accommodation. Issues in the delivery of Traveller accommodation have been widely acknowledged by Government, by local authorities, by the EU and the UN, and indeed by Traveller representatives themselves.

In line with the commitment in Rebuilding Ireland, and reflecting the disappointing level of overall funding drawdown in recent years, the Housing Agency, in 2017, commissioned a review of funding for Traveller-specific accommodation.

Following consideration of that report an independent Expert Group was established to review the effectiveness, implementation and operation of relevant legislation and to put forward proposals to improve delivery of Traveller accommodation nationally. The Expert Group submitted its report in July 2019. The completion of this review and the delivery of this report is a significant step in identifying the best ways to address these challenges.

The Department of Housing is currently considering the report and recommendations of the Expert Group, with a view to implementing appropriate actions and policies that will improve the delivery of Traveller accommodation nationally. The priority is to ensure that full use is made of the increasing level of funding available for investment in Traveller accommodation.

Traveller - Employment

The Department of Employment Affairs and Social Protection's is committed to Travellers/Roma employment-related actions as set out in the National Traveller and Roma Inclusion Strategy.

All clients of the Public Employment Service who are in receipt of jobseeker payments, including those from the Traveller Community, have access to the full range of activation measures and employment supports.

Further, those who are not currently in receipt of a Jobseeker's payment and those considering changing jobs can, on a voluntary and walk-in basis, also avail of employment support services via the support of a dedicated Case Officer.

To further promote access to the Public Employment Service to the Traveller and Roma communities, targeted videos were produced in collaboration with Traveller and Roma representative groups to be shared on the Public Employment Service website, via social media, and by the Traveller and Roma representative groups.

Under its Community Employment Programme, DEASP funds community development projects. A wide range of projects are supported, including some whose specific objective is to support the progression of Travellers. The Community

Employment entry criteria for Traveller and Roma candidates are more flexible than the general population eligibility criteria.

In Budget 2020, a provision of €2.5 million has been committed to develop targeted pre-employment support programmes for those most distant from the labour market. Traveller and Roma are one of five named disadvantaged groups for prioritisation.

A National Traveller and Roma Inclusion Strategy sub-group on Employment for Travellers and Roma was also established in 2018. The members of the sub-Group are representatives from Government Departments and Agencies, Civil Society and from Traveller Groups. A member from a Traveller representative group was nominated as Chair. The sub-group will support Travellers to access training and employment.

Traveller Inclusion - Culture

There has been an increased focus on promoting and celebrating Traveller culture. The Department of Justice and Equality works to support, strengthen and expand Traveller and Roma Pride Week and to increase national awareness of the event. 15 organisations received funding for individual projects or events to mark Traveller Pride Week in 2018. In addition, funding was provided for a centrally organised Traveller Pride Awards and Traveller Pride Concert in 2019, which offers an important showcase for Traveller culture. The Department of Justice and Equality also directly funds Traveller organisations to undertake projects to promote and celebrate Traveller culture.

The Department of Justice and Equality also funded a major event on the 15th of March 2018 to celebrate the first anniversary of the recognition of Travellers as an ethnic minority. The celebratory event, held at the historic Royal Hospital Kilmainham in Dublin, was open to Travellers and non-Travellers and drew on essential elements of Travellers' rich culture and heritage, including music, craft traditions and language.

The National Museum of Ireland hosted **Travellers' Journey**, an exhibition exploring the culture, tradition and crafts of the Traveller community –at its Country Life Museum in Castlebar, County Mayo, from July 2018 until May 2019. This exhibition provided an opportunity to raise awareness among the general public of the richness of Traveller culture, with accompanying events in schools in the region. The Traveller craft of tin-smithing has also been added to Ireland's National Inventory of Intangible Cultural Heritage, the purpose of which is to acknowledge, safeguard and promote Ireland's living culture through official State recognition.

Garda Síochána Diversity and Integration Strategy

In the reporting period, major reforms have been undertaken in An Garda Síochána, Ireland's police force. These reforms have included the strengthening of the Gardaí's capacity to respond to the needs of minorities. In October 2019, I launched the Garda Síochána Diversity and Integration Strategy 2019-2021, jointly with Commissioner Drew Harris. The Strategy's themes are focused on protecting the community, developing robust data systems, upskilling the police force to understand the needs of diverse communities and to respond to crimes perpetrated against them. The Strategy includes a definition of hate crime, in line with international best practice, aimed at enhancing positive engagement with persons from minority groups and diverse backgrounds. The Garda National Diversity and Integration Unit (GNDIU) is monitoring the reporting and recording of all forms of hate crime on PULSE, the Garda recording system. An Garda Síochána has recently decided that, in order to encourage candidates from minority communities, its policy on its uniform is being updated to take account of religious and ethnic requirements subject to operational, and health and safety obligations. An Garda Síochána is allowing the wearing of the turban for members of the Sikh community and the hijab for members of the Muslim community.

Government Funding for Migrant Integration and Traveller and Roma Inclusion

Over the reporting period, funding opportunities have increased for initiatives involving Travellers, Roma and other ethnic minorities. Since 2017, €11m has been

made available by the Department of Justice and Equality for initiatives under the Migrant Integration Strategy. Travellers and migrants are designated target communities for the SICAP programme which is the primary national programme to support action by community groups and NGOs. I believe strongly in supporting the capacity of the community to promote integration. To this end, I launched the Communities Integration Fund in 2017 which supports local initiatives by migrant and non-migrant groups to promote integration. 124 organisations received funding from this initiative in 2019. Government –wide funding support for integration and inclusion is also being promoted through Ireland’s new equality budgeting initiative which is currently being piloted by a number of Government Departments. This approach will in time require all Government Departments and Agencies to screen spending and policy programmes for their equality impact, and to monitor the equality impacts of what they do. This will allow us to effectively mobilise resources in pursuit of our equality and inclusion objectives across all public policy areas.

Irish Refugee Protection Programme

Ireland has also looked outwards with regard to its international obligations towards those fleeing conflict and persecution. Ireland responded to the humanitarian crisis resulting from the conflict in Syria by establishing an Irish Refugee Protection Programme in 2015 which committed to bringing 4,000 people to Ireland. The programme substantially increased the number of refugees resettled in Ireland. Since 2015, we have worked with the UNHCR to resettle Syrian refugees from the refugee centres in Jordan and Lebanon. We have relocated asylum seekers from Syria who were temporarily living in camps in Greece. We have developed family reunification initiatives to enable families and communities to bring to Ireland relatives living in areas of conflict. I have striven to develop new mechanisms which draw on the goodwill of the Irish public while seeking to ensure the best integration outcomes for the refugees. I was inspired by the community sponsorship model developed in Canada whereby local communities sponsor refugee families to settle in their areas. I saw at first hand when I visited similar projects in the UK how the integration outcomes could be improved for refugees when the communities and neighbours with whom they were to be resettled took part in the resettlement process. Following a

successful pilot programme, the Refugee Community Sponsorship Ireland was formally launched on the 15th of November this year.

Reform of Direct Provision System

I acknowledge that there are areas of which the Committee will be critical. Many of the shadow reports submitted to the Committee are critical of the Direct Provision system which is our whole of Government mechanism for providing support to asylum seekers who seek international protection in Ireland. Once a claim for international protection is made, a legal process begins. While that process is underway, we offer a range of State services to applicants without means, including accommodation, food, health services, utilities, educational provision for children. In general, these services are offered in centres which allows for the swift provision of services to applicants. Applicants are given access to mainstream health services. Children have access to mainstream education provision. I want to make clear that there is no obligation to enter or remain in direct provision and there is no restriction on an applicant's freedom of movement throughout the State.

Since the introduction of Direct Provision in 1999, over 65,000 people have been accommodated in the system. Before the system was introduced, asylum seekers experienced homelessness and vulnerability, including to human traffickers. While many people have called for the abolition of Direct Provision, I am not aware of anyone who has proposed a workable alternative for service provision. Any credible alternative put forward to replace the system must be capable of providing the wrap-around services that applicants need on arrival. They are seeking protection in a strange country where they may not know the language, customs or law.

The Government and its predecessor have focused systematically on addressing the flaws in the Direct Provision system to ensure that we provide the best possible services to applicants in the best possible way.

Last year, our reception system was placed on a statutory footing when Ireland opted in to the EU (recast) Reception Conditions Directive. This Directive brings with it a series of standards and rights for applicants, which we are now legally obliged to

deliver. I am pleased that in Ireland we can now be confident that our services are on a par with other EU countries. Opting in to the Directive built on a very concerted effort to tackle many of the shortcomings in Direct Provision through a working group chaired by Mr. Justice Bryan McMahon on which a number of NGOs participated.

The report of that group provided the blueprint for the reforms undertaken since 2015. Significant improvements have been introduced into the system since 2015, such as the roll out of independent living where applicants can cook for themselves and private living spaces for families. Residents also now have access to the services of the Ombudsman and the Ombudsman for Children.

In line with the EU Directive, access to the labour market is provided for applicants who are waiting nine months or more on a first instance decision on their protection application. This means that applicants can become economically independent, giving them more options regarding their accommodation and living arrangements. To date, more than 3,400 labour market access permissions have been granted to eligible applicants and further applications are being approved every day.

The International Protection Act 2015 introduced a single application procedure for the first time. This involves all elements of a person's protection claim (refugee status, subsidiary protection status and permission to remain) being considered together rather than sequentially as before. The aim of the single procedure is to help to reduce waiting times significantly and to ensure that we are identifying at the earliest stage possible those who need our protection and those who can safely return to their home country. We will soon begin to see the benefits of the new system with a reduction in processing times. The benefits of the streamlined procedure were delayed because of the need to process a series of legacy cases that had begun under the old system. We have also had to manage a 60% increase in applications this year.

As part of our continued commitment to improving the lives of asylum seekers in the State, national standards for accommodation centres were published earlier this year. These standards were developed in cooperation with NGOs. We have also established two groups to review the Direct Provision system and to continue to improve conditions.

An Interdepartmental Group chaired by my Department, has been established to ensure that all Departments are proactively delivering on their responsibilities. The Group is reviewing the management of applicants for international protection and considering the short-to-medium term options which could be implemented to improve the system.

The second group is a consultative group chaired by Dr. Catherine Day, the former Secretary General of the European Commission. This group, which is currently being established, is looking at longer term solutions and identifying good practice in other European countries in providing for the needs of applicants for international protection.

Hate Crime Legislation

Another area on which further action is needed is that of strengthening the legislative mechanisms to tackle hate speech and hate crime. The Department of Justice and Equality is working to develop and improve Ireland's legislation on hate crime and hate speech as a priority. The Department opened a public consultation on incitement to hatred in October 2019. Workshops are being conducted across Ireland to ensure that communities living with the impact of hate speech have the opportunity to participate. The first of these took place on the 26th of November. Research is also being finalised on international best practice on hate crime legislation, and this is due to be published shortly. Once that is complete, proposals will be brought forward for new hate crime legislation and will be published in Spring 2020. Ireland will revisit this reservation on Article 4 after that has passed.

Conclusion

Ireland is making sustained efforts to improve the protections available to its minorities, to tackle obstacles where they arise and to strengthen the capacity of its systems to respond to their needs. While the Committee will undoubtedly identify areas on which further action needs to be taken, I hope that you will acknowledge the commitment that has been demonstrated over the years since 2011 to improving our legislation, policy and systems.

Thank you very much.