**CERD 2019 Civil Society Reporting**

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Complete this template and send a copy by email to [support@enarireland.org](mailto:support@enarireland.org) with ‘CERD’ in the title.

You can also use this template to make an individual submission from your organisation. Please provide a copy to us at the same time.

Front page:

Fill in your organisation’s details

Introduction:

About your organisation – max 300 words

Summary of key issues/recommendation – max 500 words

Table of contents

This is an automatic table. Instructions are above it.

You do not have to complete all sections. To delete any section, do not delete it on the table fo contents. Delete the actual content box and then update the table of contents by right-clicking it and selecting ‘update entire table’.

Issues emerging from Concluding Observations 2011

Each of these issues was addressed in the 2011 period and the recommendations are described in the relevant box below the theme title.

Do not edit the title or relevant paragraphs.

Recommendations: Answer the question(s) on the implementation of recommendations in less than 200 words.

Problems: Describe the key problems in this area and refer to any legislation/statistics/other evidence. No more than 600 words.

Recommendations: No more than 100 words.

Issues emerging since 2011

We have identified a number of issues which are particularly significant since 2011.

You can add others by using the template boxes at the end and editing the title. Make sure that the title is formatted as ‘heading 3’ so that it will appear in your Table of Contents.

We have included the link to a short description of the CERD articles so that you can cite the relevant ones.

Alternative Report

on

Racial Discrimination in Ireland

to the Committee on the Elimination of Racial Discrimination (CERD) for its Consideration of the Combined Fifth to Ninth Periodic Reports of Ireland (CERD/C/IRL/5-9), November 2019

submitted by [Organisation name]

Contact: [Organisation name, address and email]

A close up of a logo

Description automatically generated

**Introduction**

About the submitting organisation (300 words max)

Short summary of key issues/recommendations (500 words max)

Table of Contents

To update the page numbers, just click on the table below, and choose ‘update page numbers’. To add items to the table of contents, format the item title as “heading 3” and then choose ‘update entire table’.

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## Issues addressed in the Concluding Observations 2011

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| ■ Issues and relevant recommendations in the previous cycle Transfer of functions from closed human rights bodies to new institutions CERD/C/IRL/CO/3-4 paragraph 11 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 24-26 |
| ■ Implementation of the recommendations  To what extent has State ensured that the functions of the bodies that have been closed are fully transferred and subsumed by the existing or new institutions? |
| ■ Problems  e.g. Closure of the NCCRI has not resulted in its functions being fully subsumed by any other body  e.g. discrimination and violence recording functions not adequately subsumed, including publication of statistics on both |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Self-identification of people as an ethnic minority group CERD/C/IRL/CO/3-4 paragraph 12 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 28 |
| ■ Implementation of the recommendations  To what extent has State ensured self-identification as factor in identification and conceptualization of ethnic groups? |
| ■ Problems  e.g. Ethnic identifiers used in census and other forms of data collection |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Measures to improve the livelihoods of the Traveller community CERD/C/IRL/CO/3-4 paragraph 13 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 29-55 |
| ■ Implementation of the recommendations  To what extent have the State ensured that concrete measures are undertaken to improve the livelihoods of the Traveller community by focusing on improving students’ enrolment and retention in schools, employment and access to health care, housing and transient sites? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Participation of the Traveller community in public affairs and political institutions CERD/C/IRL/CO/3-4 paragraph 14 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 56 |
| ■ Implementation of the recommendations  To what extent have the State adopted affirmative action programmes that seek to improve the representation of Travellers in political institutions and adopted measures aimed at encouraging the Traveller community to participate in the conduct of public affairs? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Protection from racial discrimination through legislation CERD/C/IRL/CO/3-4 paragraph 15 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 57-70 |
| ■ Implementation of the recommendations  To what extent have the State strengthened the protection of all people from racial discrimination through legislation? Did the State improve the Immigration and Residence Protection Bill 2010 to provide for (a) the right of migrants to judicial review against administrative actions and prescribe reasonable periods within which to do so; and (b) the right of migrant women in abusive relationships to legal protection by providing them with separate residence permits?  Was adequate progress made on the Criminal Justice (Female Genital Mutilation) Bill 2011 and update to the Prohibition of Incitement to Hatred Act 1989? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Incorporation of the Convention on the Elimination of Racial Discrimination into Irish law CERD/C/IRL/CO/3-4 paragraph 16 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 71 |
| ■ Implementation of the recommendations  What efforts have the State made to incorporate the Convention into the Irish legal system to ensure its application before Irish Courts? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle State’s reservation on incitement to hatred and prohibition of organisations promoting discrimination CERD/C/IRL/CO/3-4 paragraph 17 and 18 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 72-74 on the reservation  CERD/C/IRL/5-9 paragraph 93-94 on the prohibition of organisations promoting discrimination |
| ■ Implementation of the recommendations  Has the State provided compelling reasons for maintaining the reservation/interpretative declaration on article 4 of the Convention?  Article 4 requires states parties to outlaw incitement to racial discrimination or violence, or  the propagation of ideas of racial superiority, and to prohibit organisations that promote or  incite discrimination. |
| ■ Problems  e.g. organisations that promote or incite discrimination emerging in Ireland today?  e.g. increased response to incitement by high profile individuals |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Racial profiling by police and other law enforcement personnel CERD/C/IRL/CO/3-4 paragraph 18 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 75-92 |
| ■ Implementation of the recommendations  Has the State adopted legislation since 2011 that prohibits any form of racial profiling by Gardaí and other law enforcement?  Has the the State strengthened its efforts to promote the humane treatment of migrants and people of non-Irish origin by the Garda Síochána (Police) and other law enforcement personnel in accordance with international human rights law?  Has the State established appropriate mechanisms to encourage the reporting of racist incidents and crimes? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Sentencing racist motivations to crime CERD/C/IRL/CO/3-4 paragraph 19 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 93-97 |
| ■ Implementation of the recommendations  Has the State passed legislation to  (a) declare illegal and prohibit racist organizations;  (b) ensure that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences;  and (c) ensure that programmes of professional training and development sensitize the judiciary to the racial dimensions of crime? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Processing asylum applications CERD/C/IRL/CO/3-4 paragraph 20 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 98-99 |
| ■ Implementation of the recommendations  Has the State taken take all necessary steps with a view to expediting the processing of asylum applications so that asylum-seekers do not spend unreasonable periods of time in asylum centres which might have negative consequences on their health and general welfare? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Direct Provision for asylum seekers CERD/C/IRL/CO/3-4 paragraph 20 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 100-110 |
| ■ Implementation of the recommendations  Has the State taken all necessary measures to improve the living conditions of asylum-seekers by providing them with adequate food, medical care and other social amenities including also a review of the direct provision system? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Separated and unaccompanied children seeking asylum CERD/C/IRL/CO/3-4 paragraph 22 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 123-125 |
| ■ Implementation of the recommendations  Has the State enacted legislation that adequately protects the rights and welfare of separated and unaccompanied children seeking asylum in line with the standards set by international law?  Has the State adopted immediate measures to ensure that a guardian ad litem or advisor be appointed for all separated and unaccompanied children irrespective of whether they have made a protection application or not? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Family reunification CERD/C/IRL/CO/3-4 paragraph 25 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 131-134 |
| ■ Implementation of the recommendations  How has the State addressed the absence of a legal framework for family reunification?  Has the State reviewed the narrow meaning ascribed to the word ‘family’ for purposes of family reunification as in 2011?  Has the State adopted legislation that would elaborate the principles, rights and obligations governing family reunification?  Has the State assigned the responsibility of dealing with applications for family reunification to an independent authority that would follow due process, and develop a system that would provide an appellate procedure to challenge its decisions? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Disaggregated data on racial discrimination CERD/C/IRL/CO/3-4 paragraph 21 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 111-122 |
| ■ Implementation of the recommendations  Has the State taken measures to provide disaggregated statistical data on incidents of racial discrimination?  Has the State compiled disaggregated statistical data on reported incidents of racial discrimination against persons of African origin? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Racist violence against persons of African origin CERD/C/IRL/CO/3-4 paragraph 23 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 126 |
| ■ Implementation of the recommendations  Has the State taken measures to ensure investigate and prosecute reported violence against persons of African origin, and where convicted to ensure appropriate penalties?  Has the State provided disaggregated statistical data on such incidents in the present report? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Mainstreaming human rights training in the civil service CERD/C/IRL/CO/3-4 paragraph 24 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 127-130 |
| ■ Implementation of the recommendations  Has the State strengthened its efforts to sensitize relevant civil servants on human rights issues particularly against racism and intolerance by ensuring that human rights training is mainstreamed in the civil service?  Has the State developed a coordinated work plan with the Irish Human Rights Commission (IHRC) that allows the IHRC to raise awareness and provide human rights training to all civil servants including the Garda Síochána (Police) and the judiciary? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Non/multi-denominational education CERD/C/IRL/CO/3-4 paragraph 26 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 135-157 |
| ■ Implementation of the recommendations  How has the State accelerated its efforts to establish alternative non-denominational or multi-denominational schools and to amend the existing legislation that inhibits students from enrolling into a school because of their faith or belief?  How has the State encouraged diversity and tolerance of other faiths and beliefs in the education system by monitoring incidents of discrimination on the basis of belief? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Migrant and minority women including Traveller women CERD/C/IRL/CO/3-4 paragraph 27 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 158-160 |
| ■ Implementation of the recommendations  Has the State taken all necessary measures to ensure that, following the review, migrant and minority women continue to be the focus of the target actions and objectives of the National Women’s Strategy? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Rights of Migrant Workers and Members of Their Families CERD/C/IRL/CO/3-4 paragraph 28 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 161-162 |
| ■ Implementation of the recommendations  How has the State developed action plans and other measures to implement the Durban Declaration and Programme of Action at the national level?  <https://www.un.org/en/durbanreview2009/ddpa.shtml> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Implementing the Durban Declaration and Programme of Action CERD/C/IRL/CO/3-4 paragraph 29 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 163-165 |
| ■ Implementation of the recommendations  How has the State developed action plans and other measures to implement the Durban Declaration and Programme of Action at the national level?  <https://www.un.org/en/durbanreview2009/ddpa.shtml> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle International Decade for People of African Descent CERD/C/IRL/CO/3-4 paragraph 30 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 166-168 |
| ■ Implementation of the recommendations  Has the State undertaken and publicized adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent? [The UN subsequently expanded this to the International Decade for People of African Descent under resolution 68/237]  Has the State undertaken and publicized adequately an appropriate programme of activities to commemorate the International Decade for People of African Descent? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle Consultation with NGOs CERD/C/IRL/CO/3-4 paragraph 31 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 169-171 |
| ■ Implementation of the recommendations  Has the State continued consulting and expanding its dialogue with organizations of civil society working in the area of human rights protection, in particular in combating racial discrimination? |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues and relevant recommendations in the previous cycle International Decade for People of African Descent CERD/C/IRL/CO/3-4 paragraph 30 |
| ■ Relevant paragraphs in the State party’s report  CERD/C/IRL/5-9 paragraph 166-168 |
| ■ Implementation of the recommendations  Has the State undertaken and publicized adequately an appropriate programme of activities to commemorate 2011 as the International Year for People of African Descent? [The UN subsequently expanded this to the International Decade for People of African Descent under resolution 68/237]  Has the State undertaken and publicized adequately an appropriate programme of activities to commemorate the International Decade for People of African Descent? |
| ■ Problems |
| ■ Recommendations |

## Issues emerging since 2011

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| ■ Issues Recruitment to public bodies |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Accommodation and Housing |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Language and Access to interpreters |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Immigration controls and border policing |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Implementation of the Public Sector Equality and Human Rights Duty |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Data collection using ethnic identifiers |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems  Need to collect and publish disaggregated ethnicity data across public bodies, institutions and functions |
| ■ Recommendations |

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| ■ Issues Habitual Residence Condition |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Ethnic minority and migrant health and access to healthcare |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems  Access to GP and hospital services, level of care evident, discrimination in health services.  also including women’s healthcare, access to contraception and abortion |
| ■ Recommendations |

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| ■ Issues Labour exploitation and right to work |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |

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| ■ Issues Citizenship |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems  Deportation of children born in Ireland without citizenship affected by the 2004 referendum decision and subsequent legislation  Evidence of public attitude change warrants review of the referendum and legislation |
| ■ Recommendations |

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| ■ Issues Online hate speech |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems  Rise in online hate speech evident since 2011 and link to racist violence and discrimination |
| ■ Recommendations |

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| ■ Issues Protection of victims of human trafficking |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems  How are victims of human trafficking protected by the State? What efforts are there to investigate and prosecute perpetrators of human trafficking? |
| ■ Recommendations |

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| ■ Issues What’s the issue? |
| ■ Relevant CERD article  See the IHREC guide to CERD articles at <https://www.ihrec.ie/app/uploads/download/pdf/guide_to_cerd.pdf> |
| ■ Problems |
| ■ Recommendations |