

Submission to United Nations Committee on the Elimination of Racial Discrimination (CERD) April 2022

Irish Network Against Racism (INAR)



A. Introduction

INAR appreciates the opportunity to submit to UN Committee on the Elimination of Racial Discrimination (CERD) towards its Follow-Up report on Ireland.

B. Positive Aspects

INAR welcomes and acknowledges that some progress has been made in developing policies, programmes and initiatives that aid in combating racism, racial discrimination, xenophobia, and other related intolerances including the following areas:

1. The General Scheme of the Criminal Justice (Hate Crime) Bill 2021 was published on 16 April 2021.
2. The Online Safety and Media Regulation Bill.
3. The Garda National Diversity and Integration Unit (GNDIU)
4. A White Paper to End Direct Provision and to Establish a New International Protection Support Service, 26 February 2021.
5. The National Anti-Racism Committee, established by Government in 2020 to draw up a National Action Plan Against Racism (NAPAR) for Ireland
6. Housing for All - a New Housing Plan for Ireland, September 2021
7. Regularisation Scheme for Undocumented People 31 January 2022

C. Concerns and Recommendations

Data Collection

INAR notes its concern over the lack of updated and comparable disaggregated equality data and the delay by the State in putting in systems to collect such data. INAR acknowledges that the Census is scheduled for the 3rd of April 2022 and forms have already been distributed. INAR welcomes the inclusion of expanded and improved categories for ethnic self-identification in this year's census.

INAR also notes that the collection of standardised comparable disaggregated equality data is key to the implementation of the National Action Plan Against Racism (NAPAR). There is a need to build on the improvements to the census questionnaire, to collect reliable and comparable data for evidence-based policies, initiatives, and interventions, across all government departments and functions. Disaggregated data by racial or ethnic origin is important to reflect the lived realities of ethnic minorities. It is essential to the realisation of human rights, such as the rights to education, health, and participation in public affairs.

Recommendations:

1. Collection of standard reliable and comparable equality data across government functions
2. Any policy development, adaptation and framing should be based on robust and reliable data.
3. Data collection should cover all categories and target all possible grounds of discrimination (in other words must reflect the intersectionality of multiple grounds of oppression) and this must be done in full compliance with data protection rules.
4. Ensure the existence of a Firewall to protect participants from exposing their document status.
5. Decisions concerning data collection on particularly vulnerable or marginalised groups, including, 'legally invisible' groups for instance, should be made in close partnership or consultation with the group concerned to mitigate associated risks.
6. Data should be published regularly in a format that permits identification and analysis of multiple and intersecting disparities and discrimination. Individuals may experience discrimination and inequality along multiple axes (for example, gender and disability).
7. Metadata (data describing the data) and paradata (data about the process by which the data were collected) should be available and standardised, as relevant, across data collectors and data collection instruments. Doing so facilitates accessibility, interpretation, and trust.

Incorporation of the Convention into the domestic legal order

The lack of domestication of the ICERD into Irish national legal order means that people who experience discrimination cannot invoke it. INAR encourages the gov to domestication all international conventions that aid in combating racial discrimination, particularly ICERD.

Recommendation:

1. The Irish Network Against Racism and its members encourage the Irish government to incorporate the International Convention for the Elimination of All forms of Racial Discrimination in its domestic legal order and any other relevant treaties that aid in combating racism and racial discrimination.

Reservation to Article 4 of the Convention

Despite the several recommendations by CSOs, Ireland has still not removed the reservation it has on the Convention. The International Convention on the Elimination of all forms of Racial Discrimination is an essential framework in combating racism and racial discrimination, therefore by removing the reservation the government of Ireland reaffirms its commitment to taking tangible steps to ending racism and create a just and equitable Ireland.

Recommendation:

1. INAR urges the Irish government to remove the reservation it has on the ICERD as a matter of urgency to ensure that people fully enjoy the human rights imperatives enshrined in the Convention.

Legislative framework for the elimination of racial discrimination

While INAR acknowledges that some progress has been made in the development of the legislative framework for the elimination of racial discrimination, for example in the review of the Equal Status Acts and Equality in Employment Acts, and the consultations on the review of the 1989 Prohibition of Incitement to Hatred Act, we however note the following concerns:

- a) The lack of wider and comprehensive consultations with the public particularly with affected groups.
- b) The absence of all prohibited grounds of racial discrimination in conformity with article 1 of the Convention.
- c) The absence of explicit prohibition of multiple or intersectional discrimination.
- d) The lack of an explicit provision allowing victims to bring a claim under multiple grounds of oppression.
- e) The exclusion of socio-economic status as an intersecting ground with racism.
- f) The lack of effective remedies for victims of racism and racial discrimination.

Recommendations:

1. In any policy development the Government of Ireland must ensure that affected groups are major stakeholders and are consulted before, during and after development and in the implementation, monitoring, and evaluation of the policy.
2. The state must go beyond just the development of a legislative framework but must also ensure that the enshrined rights are justiciable.
3. Create legislation augmenting the powers of equality bodies to affirm the right to equality and non-discrimination, including through the enhancement of the enforceability by the Irish Human Rights and Equality Commission of the Public Sector Human Rights and Equality Duty.

The policy and institutional framework for the elimination of racial discrimination National Action Plan Against Racism

INAR welcomes the work of the National Anti-Racism Committee (ARC) established by the Government in 2020, and its current drafting of a National Action Plan Against Racism. INAR is keen that the Government ensures that the NAPAR enjoys leadership and legitimacy across all departments and that robust resourcing, oversight and implementation mechanisms are in place to ensure its effectiveness.

INAR notes:

a) Timelines

The ARC's Terms of Reference require it to produce an Interim Report to Government within three months of convening, and to provide a draft National Action Plan Against Racism ('NAPAR') to Government within one year.¹ The ARC submitted its Interim Report to Government in November 2020,² However INAR notes that the report was not published until April 2021. Moreover, the provisional timeline for the draft NAPAR was pushed back to the end of 2021,³ and is now scheduled for publication sometime in 2022.⁴

INAR makes the following **Recommendations**:

The Government of Ireland must ensure that:

1. The NAPAR is housed in the highest office of the land, Office of the Taoiseach (Prime Minister) to ensure political support and accountability at the highest level in the country
2. Disaggregated ethnic data collection must be standardised across all state functions.
3. Must have both vertical and horizontal application to include businesses as direct duty bearers. Ensure that companies are liable for racism and racial discrimination that their employees face.
4. Ensure that the NAPAR is cross-cutting all departments and functions of administration, and all sectors of activity
5. Oversight, transparency, and accountability to minorities are vital to the success of the NAPAR
6. Cohesion with other government programs and policies to ensure a holistic approach to tackling racism
7. Establishment of an independent oversight body, comprised representatives from minority representative organisations to monitor the implementation of the NAPAR and draw data and lessons for the creation of subsequent increasingly successful iterations of the NAPAR
8. Ensure full resourcing of the NAPAR

¹ The ARC has been mandated to review current evidence and practice and make recommendations to the Government on how best to strengthen its approach to tackling racism, including drawing up a new NAPAR. See Department of Justice, [gov.ie - Action Plan Against Racism for Ireland to be drawn up by new independent Anti-Racism Committee \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/action-plan-against-racism-for-ireland-to-be-drawn-up-by-new-independent-anti-racism-committee/). INAR made submissions to the Anti-Racism Committee in 2021.

² See Anti Racism Committee, Interim Report to the Minister for Children, Equality, Disability, Integration and Youth (2020). [ed3f39e2-4aa1-4991-aa06-52beae8310db.pdf \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/interim-report-of-independent-anti-racism-committee/)

³ See Department of Children, Equality, Disability, Integration and Youth, Minister O'Gorman publishes Interim Report of Independent Anti-Racism Committee and welcomes the launch of the Committee's Public Consultation (2021). [gov.ie - Minister O'Gorman publishes Interim Report of Independent Anti-Racism Committee and welcomes the launch of the Committee's Public Consultation \(www.gov.ie\)](https://www.gov.ie/en/publications-and-resources/publication/minister-ogorman-publishes-interim-report-of-independent-anti-racism-committee-and-welcomes-the-launch-of-the-committees-public-consultation/)

⁴ Committee on the Elimination of Racial Discrimination, Information received from Ireland on follow-up to the concluding observations on its combined fifth to ninth periodic reports (2022) UN Doc. CERD/C/IRL/FCO/5-9 para 24. [Treaty bodies Download \(ohchr.org\)](https://www.ohchr.org/en/treaty-bodies)

9. Measures to ensure compliance with NAPAR obligations, such as an independent complaints mechanism, and sanctions for non-compliance.
10. Government leadership to ensure that tackling racism is taken to be a shared responsibility, fostering cooperation and partnership among stakeholders
11. Alignment with regional and international human rights treaties

Racial profiling

INAR notes with great concern the continuation of reports of racial profiling, particularly over the last two years of the pandemic, targeting mostly people of African descent and other ethnic minority groups.

INAR also notes that the Garda Diversity and Integration Strategy 2019-2021 was not fully implemented, a missed opportunity as this might have seen an improvement in trust among minority communities of the national policing service.

Recommendations:

1. Legislate for the explicit prohibition of racial profiling by An Garda Síochána.
2. Put in place an independent complaints mechanisms dealing with incidents of racial profiling, poor service towards minorities and racial victimisation
3. Ensure the proper recording of cases of racial profiling by the police, prosecution and provide effective remedies for victims of racial, through legislation.

Mother and baby homes

INAR notes that the Commission on Mother and Baby Homes submitted its final report of findings and recommendations regarding human rights abuses in these institutions, after some delays, and amid significant levels of criticism of its findings and conclusions from a range of human rights groups. INAR notes with regret that the Report ignored evidence of racism it had itself recorded and paradoxically found “no evidence of racial discrimination”, to the dismay of ethnic minority survivors of these institutions, who contest this finding in the strongest terms.

Hate Crime and Hate speech:

Hate Crime legislation

The Irish Network Against Racism welcome the advancement of the timetable for Hate Crime Legislation, however INAR has concerns that while it was promoted in the Programme for Government 2020 that the legislation would be enacted, “within 12 months of the formation of the government”, after over 24 months it is still not on the statute books.

Process

INAR notes that the process for bringing forward Hate Crime Legislation was arrived at following its Public Consultation and conclusion of the 20 year Review of the 1989 Prohibition of Incitement to Hatred Act, leading to some confusion through the conflation of hate crime and hate speech. INAR welcomes the fact that, while public consultation did take place, and INAR and its members made submissions and took part in town hall consultations, this consultation process was focused on a review of the 1989 Prohibition of Incitement to Hatred Act, and future provisions for combating *hate speech*. Provisions for *hate crime*, including questions regarding the use of aggravated sentencing, the test for

motivation etc, were explicitly not included in this process. An anticipated public consultation process, inclusive of key stakeholders, that was focused on *hate crime* provisions, did not take place.

The drafting of the Online Safety and Media Regulation Bill

This is very welcome. INAR favours media and social media regulation, rather than criminal law legislation, as instruments for curbing hate speech

INAR recommends that the state ensures that the development of the Online Safety and Media Regulation Bill is done in consultation with affected groups and must be in line with international human rights standards and must prioritise its enactment.

Racist hate crime (Coalition Against Hate Crime)

Racist incitement to hatred and hate crime

1. In April 2021 the Government published the General Scheme of the Criminal Justice (Hate Crime) Bill 2021⁵. We welcome the publication of the Bill which is aimed at reviewing provisions on incitement to hatred contained in the Prohibition of Incitement to Hatred Act 1989⁶ and introducing hate crime legislation. We however note with disappointment that the original schedule of 12 months contained in the 2020 Programme for Government has run over by a further year, with the text of the legislation foreseen to be published in Summer 2022.
2. We acknowledge the 2019 public consultation on incitement to hatred⁷ and the outcome report published in 2020⁸. However, we note with disappointment that a further consultation on hate crime has not been advanced as promised. We call on the government to carry out further consultations with affected groups and other stakeholders on the experience of hate crime in Ireland.
3. INAR is a member of the Coalition against Hate Crime Ireland together with 17 other civil society organisations representing commonly targeted groups. As a Coalition, we submitted matters to the pre-legislative scrutiny stage on the General Scheme of the Criminal Justice (Hate Crime) Bill 2021⁹. The following concerns on the legislation have been raised:
 - a. some of the groups that experience hate crime are subject to over policing, therefore care must be taken in drafting to ensure that the groups that most require the protection this legislation affords should not be disproportionately targeted as suspects;
 - b. While there is an argument for the inclusion of incitement to hatred and hate crime offences in the same legislation, we consider that it would be better

⁵[https://justice.ie/en/JELR/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf?msclid=18df701cb1c111ec9434e05ec2a9ae4e](https://justice.ie/en/JELR/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf?msclid=18df701cb1c111ec9434e05ec2a9ae4e)

⁶<https://www.irishstatutebook.ie/eli/1989/act/19/enacted/en/html?msclid=30ca7049b1c111ec8e48391013cb2e45>

⁷https://www.justice.ie/en/JELR/Pages/Hate_Speech_Public_Consultation#:~:text=This%20consultation%20forms%20part%20of%20the%20review%20of,individuals%20who%20experience%20the%20impacts%20of%20hate%20speech.?msclid=54bb394eb1c111ec9c8024172d1bc99b

⁸https://www.justice.ie/en/JELR/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf/Files/Legislating_for_Hate_Speech_and_Hate_Crime_in_Ireland_Web.pdf?msclid=7573bcc5b1c111ec95e2e371c8027dc7

⁹ <https://www.iccl.ie/wp-content/uploads/2021/11/Coalition-Against-Hate-Crime-submission-on-Hate-Crime-Bill.pdf>

from a clarity perspective if these distinct types of offences were separated. If they remain in the same Bill, the distinction between the types of offences should be made clearer;

- c. provisions must be drafted in a clear and precise manner to ensure that all legal persons understand where the threshold is between criminal and non-criminal speech and behaviour. Any offence criminalising speech must reach a sufficient threshold, in line with international human rights principles on freedom of expression;
- d. As currently drafted, the defences provided for in the legislation – including political discourse and academic discourse - are overly broad, as to potentially permit dissemination of incitement to hatred in inappropriate circumstances. We note for example that anti-Traveller, anti-migrant and anti-Roma incitement to hatred can happen in the political sphere and that migrants have been the subject of incitement to hatred masked as academic discussion;
- e. the rationale and decision-making framework for the inclusion and exclusion of “protected characteristics” and offences to be considered aggravated offences should be clarified. Legislation should cover not only actual but also perceived membership or association with a protected characteristic;
- f. individuals and groups may be targeted based on multiple protected characteristics. As drafted, the legislation does not ensure that prosecutors can identify more than one protected characteristic when seeking a conviction. The Coalition calls for an intersectional approach to be adopted at every opportunity, including reporting mechanisms;
- g. The list of aggravated offences should include the offences which are most commonly committed against the protected individuals, groups and communities identified with the protected characteristics. This requires further research;
- h. The choice of legal test should be informed and based on an evaluation of the implications for all stakeholders involved, including victims, affected communities, accused and society as a whole. The principle that criminal law should be used as a last resort should underpin this decision and all aspects of the legislation;
- i. More clarity is needed regarding the general provision on aggravating sentencing as to whether it applies to a limited number of offences or all offences that do not have aggravated forms;
- j. the bill introduces a new offence of denial and gross trivialisation of crimes of genocide but does not include the key element of incitement to violence or hatred against a member of a protected group or a group;
- k. the bill currently does not contain a requirement for a comprehensive review of the legislation – such as 3 years as suggested by the Coalition – as well as consultative monitoring of its implementation;
- l. Relevant Sentencing principles and sentencing guidelines are needed to ensure transparency and proportionality. Restorative justice and community sentencing options should be made available as part of the legislative response.

4. As a Coalition we expressed regret for the limited consultation with civil society organisations and impacted communities by the Joint Committee on Justice at the pre-legislative scrutiny.¹⁰
5. We stress that proper implementation measures to ensure legislation is effective must be in place. This includes ensuring there is a proper firewall for individual reporting to gardaí so that individuals can be assured that their immigration status will not be investigated by An Garda Síochána if they report a hate crime or cooperate in an investigation.
6. Aside from legislative actions, robust policy commitments must be made and should include a national action plan against hate speech and hate crime (online and offline), awareness campaigns, education and training for public sector actors, including An Garda Síochána and the DPP. Policy responses should be designed as an instrument to tackle all forms of hate speech, including those which do not reach the threshold of criminality.
7. We also note with disappointment that to date, no meaningful official disaggregated data on hate crime reporting is available.¹¹ The only available data – produced by INAR through the iReport system – shows that confidence in the police among minorities [has decreased in the last period](#).

The Garda National Diversity and Integration Unit (GNDIU) and the Garda Diversity Strategy

The work of the GNDIU, is impressive and its achievements a reflection of the professionalism and commitment of its few staff members. Unfortunately, few of the intended changes because of the Garda Diversity Strategy (2019-22) have at this time borne fruit in terms of a perceptible shift in practice or culture of The Garda Síochána as an institution. The delays in approval at an executive level of key elements of the Strategy are symptomatic of what INAR perceives to be a culture of resistance to change, and lack of an openness to feedback or any form of accountability to minority communities.

INAR notes that:

- a. That the GNDIU are under-resourced and understaffed, and do not have the authority to drive through the needed changes, is symptomatic of the structural impediments to change within AGS.
- b. That the network of Garda Diversity Officers (GDOs) is insufficiently resourced in terms of training, resourcing, and prioritisation within the functions of the policing service.
- c. Confidence in AGS from across all minoritized groups, including ethnic minorities, disabled and LGBTIQ+ groups, is [currently even lower than it has been in previous years](#). This is due to several seriously mishandled cases of police treatment of minorities, including the fatal shooting by Gardai of a young black man George Nkencho on 30 Dec 2020, and the subsequent garda investigation into it.

¹⁰<https://www.iccl.ie/wp-content/uploads/2022/01/211215-Coalition-Against-Hate-Crime-letter-Criminal-JusticeHate-Crime-Bill-2021.pdf>

¹¹ <https://hatecrime.osce.org/ireland>

Recommendations:

The state must expedite the enactment of Hate Crime Legislation to ensure that victims of racist violence and crime are protected and have access to effective legal remedies.

Make Diversity a core pillar of policing - with its own dedicated Assistant Commissioner with the sole remit for Diversity. Increase resourcing and mandate of Garda National Diversity and Inclusion Unit, to monitor the entire service's Diversity function and drive through policy changes and make policy recommendations.

People of African descent

INAR notes its disappointment with the government for its failure to utilise the United Nations International Decade for People of Africa Descent 2015-2024. The Decade is almost coming to an end and Ireland has not yet adopted a programme of action for the Implementation of the International Decade for People of African Descent.

IDPAD has not yielded results for the people of African descent as intended and coming to an end in 2014 and there is no plan as to how the government of Ireland will ensure that people of African descent are not discriminated against particularly in employment, education, health, and housing.

Recommendations:

1. Beyond IDPAD the state must make tangible steps to promote and celebrate the contribution people of African descent make in Ireland.
2. Adopt a programme of activities for the implementation of the International Decade for People of African Descent.

Participation in political and public life

INAR welcomes the focus on the thematic area of participation and inclusion in political and public life, particularly in the development of the National Action Plan Against Racism.

INAR is concerned about the following:

- a) Participation and inclusion have yet to be developed as fully inclusive of the hardest to reach communities
- b) Representation of minority ethnic communities is limited in the political and public life and remains unreflective of the full diversity that exists in the Irish community.

Recommendations:

1. The Irish government should adopt specific measures to avoid or compensate for disadvantages linked to discrimination on grounds of racial or ethnic origins, as formal equality measure may not address the needs of specific groups of people. For instance, the need for special measures including quota systems in the public service sector in employment service.
2. The State must take positive measures to rectify racial discrimination and imbalances resulting from past practices and policies i.e., via special measures including quota systems, and in legislating for or implementing statutory duties.

Direct Provision System

The Irish Network Against Racism notes with great concern the treatment of refugees and migrants in the Direct Provision System.

Recommendations:

1. The Irish government must accelerate the abolition of the discredited system of “direct provision” and immediately establish a new system that complies with human rights standards and ensure the dignity of all people in the asylum system.
2. Ensure the proper resourcing of the international protection system to reduce processing times for applications and appeals.
3. Commit to ending the privatisation of refugees and migrant protection centres.
4. Allow independent inspection of direct provision centres until the new system is established.
5. Provide an independent complaints mechanism for people in direct provision centres experiencing racism, racial discrimination, and other related intolerances.
6. Carry out care assessments and provide specialised psycho-social support and medical support to those affected.
7. Ensure that residents of direct provision can work, this will lessen the pressure on state resources.
8. Relocate centres close to the other communities to ensure proper integration of refugees and migrants into Irish society.
9. Provide facilities for leisure to ensure that children and young people in the centres have a normal childhood.
10. Ensure that children in the centres have access to education.

Review of Equality Legislation

The ongoing Review of the Equality Acts is the first review of its kind since the legislation was introduced over twenty years ago. The comprehensive nature of the review is to be welcomed, as is the broad public consultation) undertaken by the Department of Children, Equality, Disability, Integration and Youth (and which concluded in December 2021).

It should be noted that the details published in respect of the review did not limit the legislation under consideration to the Employment Equality Acts 1998-2015 and the Equal Status Acts 2000-2018. The public consultation webpage published by the Department on the Review noted that the list of “legislation under consideration” provided by the Department “should not be considered exhaustive”.¹² Some important pieces of equality legislation were absent from that list and should be considered in the context of the review. This includes the Workplace Relations Act 2015 (which provides the legal basis for the operation of the Workplace Relations Commission, the tribunal that hears most discrimination complaints) and the Intoxicating Liquor Act 2003 (which deals with certain discrimination complaints against licenced premises). It also includes the Irish Human Rights and Equality Commission Act 2014 (which provides for the Public Sector Equality and Human Rights Duty, as well as for the powers and functions of the Irish Human Rights and Equality Commission). It should also be noted that the Department’s statement announcing the review stated that “the review

¹² Department of Children, Equality, Disability, Integration and Youth, Consultation Webpage (2021), *Consultation on the Review of the Equality Acts*. Available at: <https://www.gov.ie/en/consultation/066b6-review-of-the-equality-acts/>

will also examine issues, which have been raised by IHREC, or raised in the context of reporting to international treaty bodies”.¹³

Recommendations:

1. The Review must implement the various recommendations of international national treaty bodies to Ireland in relation to the national equality code. This includes the recommendations of UNCERD.
2. Further, the Review should seek to comprehensively incorporate the various obligations in relation to equality which arise from Ireland’s international human rights obligations into the national legislative framework. The Review should also ensure full compliance with EU law (including the EU Race Equality Directive, the other Equality Directives, and the Charter of Fundamental Rights of the European Union).
3. Access to justice for victims of discrimination should be a core consideration of the Review. This includes access to legal advice and representation and promoting awareness of legal rights, legal services, and redress mechanisms. This must also involve identifying and removing procedural issues in the national equality legislation and framework which operate as barriers to justice.

Legal aid

Legal aid is both a right and an essential precondition for the exercise and enjoyment of several human rights, including the rights to a fair trial and to an effective remedy.¹⁴ The lack of legal representation represents an additional barrier for minority ethnic groups in accessing the justice system particularly in the Work Relations Commission.

Recommendation:

1. The state must ensure that legal aid does not only include the right to free legal assistance in criminal proceedings, but also the provision of effective legal assistance in any judicial or extrajudicial procedure aimed at determining rights and obligations.
2. The right to legal aid must be legally guaranteed in national legal systems at the highest possible level and must be as broad as possible.

Irish Human Rights and Equality Commission

INAR acknowledges the importance of equality bodies, the contribution they make in our society in fighting discrimination.

Recommendations:

1. The Irish state has a responsibility to ensure the independence of the IHREC and functionality of the Workplace Relations Commission.
2. Create legislation augmenting the powers of equality bodies to affirm the right to non-discrimination

¹³ Department of Children, Equality, Disability, Integration and Youth, Press Release (22 June 2021), *Minister O’Gorman announces review of the Equality Acts*. Available at:

<https://www.gov.ie/en/press-release/24864-minister-ogorman-announces-review-of-the-equality-acts/>

¹⁴ <https://newsarchive.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13382&LangID=E>

3. Ensure the effective implementation of the Public Sector Duty
4. Ensure the functionality of equality bodies in the following ways:
 - Take complaints from victims of discrimination
 - Provide legal assistance to victims of discrimination
 - Collect data on equality
 - Conduct research on equality in society
 - Make recommendations to policy makers and legislators
 - Raise awareness and communicate about equality and rights
 - Work with employers, service providers, and other public bodies and civil society organisations to help them put in place good quality plans and practices.
 - Monitor the implementation of international conventions that aid in the elimination of racism and all forms of discrimination.
 - Must bring the law to the people to ensure that affected groups are well informed about their rights.

Overall Recommendations

INAR notes that there has been some movement by the Irish Government in advancing policy and legislative reform, however many initiatives appear as aspirational only in the lived experiences of people from minority ethnic backgrounds.

For effective implementation of policies, the Irish government must ensure:

- the full resourcing for the implementation of a Durban-compliant NAPAR, by setting aside funds at the national budgeting.
- Develop national standards and resourcing for monitoring and evaluation mechanisms in partnership with the affected groups
- put in place accountability mechanisms for non-compliance
- ensure that the imperatives are justiciable by providing effective remedies for victims of racism, racial discrimination, and other related intolerances.
- Use of an intersectional lens in the development and implementation of policies including the ground of social-economic status.
- Put in place reporting obligations to the people particularly the affected groups by the responsible implementing group.
- Policies are in line with international set human rights benchmarks and best practices.
- Ensure cohesion of all policies, programmes and initiatives aimed at eradicating racism and racial discrimination and must be aligned to EU and international human rights framework.
- Policies must reaffirm Ireland's commitment to Agenda 2030 and Sustainable Development Goals.
- Ensure that the Public Sector Duty is implemented by all public institutions and put in place sanctions for non-compliance.
- Lead by example by taking steps to significantly improve representation through measures targeting recruitment and selection
- Invite and encourage other institutions to put policies and initiatives in place to foster diversity and inclusion in their workplace.
- Hold organisations, schools, and society accountable for racism and discrimination.

- The government of Ireland must take immediate steps to ratify the outstanding human rights instruments, particularly **International Convention on the Protection of the Rights of All Migrant Workers and their Families**

Thank you for the invitation to make this submission; we are at your disposal for any further questions.

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INAR, Irish Network Against Racism
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INAR and its members



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