

## **Submission to Anti Racism Committee July 2021**

# **Irish Network Against Racism**

## **(INAR)**

### **Recommendations for the National Action Plan Against Racism (NAPAR)**



The Irish Network Against Racism (INAR) coordinates a network of over 160 civil society organisations in Ireland to share practices and develop common positions on questions relating to all forms of racism in Ireland. INAR has pioneered the iReport.ie racist incident reporting system since 2013, logging thousands of hate crimes and racist incidents and producing from their data cutting edge reports and policy submissions to national and international reporting bodies, government and media. INAR is an active member of the European Network Against Racism (ENAR), itself a civil society network across 30 European states. INAR makes submissions on racism and discrimination in Ireland to the Government, National Authorities, and the European Union, the OSCE, the Council of Europe and UN bodies. INAR prepared and presented the Irish Civil Society collective Shadow Report to the UN Committee for the Elimination of Racial Discrimination hearing on Ireland in November 2019. INAR has also contributed to the Future of Policing in Ireland report, and numerous other policy submissions.

Our submission to the ARC here on the National Action Plan Against Racism (NAPAR) brings together findings and learnings from our previous consultations and research, including from iReport.ie data, and from consultations with our member organisations and key stakeholders including National Authorities, and our participation in the ENAR NAPAR and EU-Action Plan Against Racism working groups.

The development and implementation of the NAPAR presents Ireland with the opportunity to demonstrate leadership in its best international and domestic tradition of acting for equity and standing in solidarity with oppressed peoples. Ireland has an opportunity to become a

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beacon for equality by becoming Europe's first purposefully anti-racist republic. With this contribution, we hope to inspire members of the Anti-Racism Committee to support the creation of a bold and ambitious NAPAR.

Definition of racism

### [A sophisticated and comprehensive definition of racism](#)

INAR supports the understanding of racism outlined in the Interim Report, which clearly articulates the structural and institutional dimensions of racism which must be addressed in the National Action Plan Against Racism. (Per Durban Declaration Plan of Action ([DDPA](#)) and European Action Plan Against Racism ([EU-APAR](#))) In all areas the NAPAR must address institutional failures to remedy racism, since these failures are what embed structural racism and enable racist discrimination, crimes, hate speech and all forms of racism.

### [Racism and intersectionality](#)

The lives of all racialised minorities are structured by a combination of racial and a full range of other intersecting inequalities. It follows that the understanding of racism adopted should also be informed by general principles of universality, interdependence and indivisibility of human rights as well as relevant EU and Irish legislation underscoring the importance of intersectionality, to facilitate exploring the coexistence of identities and sources of oppression. [A NAPAR needs to target and address the experiences of discrimination against women, disabled people, and socio-economic circumstances, and incorporate intersectional dimensions across all areas.](#)

### [Recognising specific forms of racism](#)

*Anti-Traveller racism, Afrophobia, Islamophobia, Anti-Semitism, Anti-Roma and Anti-migrant racism*

The dynamic evolving nature of racism means that different forms arise in different contexts; In the context of Ireland, Travellers, Roma, Jews, Muslims, Black people, asylum seekers, refugees, people from an immigrant background, second, third generation, and undocumented people, etc. have similar experiences of racism, which suggests a common approach is necessary. At the same time, each form of racism has its specificities which must also be recognised, defined and targeted in the NAPAR.

## The process of the NAPAR

To be effective, the NAPAR requires the development of Process-based indicators, clarifying the processes the State should take to support the implementation of the NAPAR. This will include data collection, ongoing consultation with civil society, links with other government

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agendas and a system of accountability based on specific and determinable goals, outcomes and impacts.

### The need for disaggregated data collection:

Data collection on various aspects of racism and discrimination is crucial to answering relevant questions and evaluating outcomes of policies relating to hate crime, discrimination and other manifestations of racism. The inclusion of current baseline data is critical for measuring future progress. There is an evident need to collect and publish disaggregated data across all state institutions, government departments, public bodies, institutions, and functions, especially around education, employment, health, and housing to monitor policy effects. Ireland is yet to standardise ethnic data collection and incorporate ethnic identifiers across all routine administrative systems and state surveys. The use of ethnic statistics on an ad-hoc basis results in a significant knowledge gap which poses significant challenges for policymakers as they lack comprehensive population data to develop and implement evidence-based policies that meet the needs of the people. CERD recommended that the State collect and provide updated statistics on the ethnic composition of its population based on self-identification. The Committee emphasized that the data should be disaggregated by sex while paying attention to the socio-economic situation, representation in public and political life of minority groups to ensure equal enjoyment of rights under the Convention. This is also recognised in the European Action Plan Against Racism. (EU APAR)

The NAPAR requires that state must ensure that all government departments, and functions are resourced to collect anonymised disaggregated data including an ethnic identifier on all dimensions of racism and racial discrimination. For example with regards the implementation and operationalisation of the of the Public Sector Human Rights and Equality Duty (PSHRED)

INAR believes that the implementation process should include ongoing research at a national level on racism and racial discrimination, with particular regards to emerging trends For example in the past 2 years we have seen the emergence of some far right factions

## Leadership, all-government approach, Comprehensive scope and diverse strategies

The NAPAR's scope must be national and applicable to all branches and spheres of government (executive, parliament and the judiciary), the private sector and society. The NAPAR should apply to all persons under state jurisdiction while paying special attention to perpetrators and those affected by racial discrimination. It should also be context-specific and address the country's actual and potential human rights violations.

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To make a real difference the NAPAR should be led by Government at the highest levels, "owned" by the entire population and must emphasise the key role the public has to play in the implementation of the plan.

Strategies implemented should further raise awareness, assessment of current legislation, the incorporation of intersectionality, as well as acknowledgement of past and current oppressions, and positive action. The EU defines positive action as: "proportional measures which are decided to achieve in practice full and substantive equality for members of groups or groups who are socially disadvantaged or economically or face the consequences of discrimination or current or past disadvantage."

### All-Government approach and cross-linking government agendas

A comprehensive NAPAR cannot tackle racism while isolated; it must be viewed against current laws, policies, programmes and governmental interventions. This will stem from the acknowledgement that discrimination is experienced across all aspects of life. The NAPAR must be led from the highest levels of government and also have sustainable links with other policy initiatives, including the targeted inclusion of minorities in the rebuilding of a post-covid economy, the Resilience and Recovery plan and future zero-carbon sustainable infrastructure plans.

The integration of the NAPAR with existing agendas will provide opportunities for consultation, highlight points of interest, and offer potential members for the NAPAR implementation oversight body.

- Programme for Government
- Women's Equality Strategy
- National Strategy for Women and Girls
- National Traveller and Roma Inclusion Strategy
- Migrant Integration Strategy
- National Digital Strategy

- Better Outcomes Brighter Futures (A national policy framework for children and young people)
- National Anti-Poverty Strategy
- National Disability Inclusion Strategy
- The Second National Strategy on Domestic, Sexual and Gender-based Violence

The NAPAR should outline the key duty bearers at each level, as both State and Non-State members will be responsible for obligations that arise. Private actors also hold a duty to prohibit discrimination and must be held accountable, to ensure that action against racism is mainstreamed.

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### A Just Transition and Resilience and Recovery programmes

A NAPAR must be compatible with a Just Transition, the Resilience and Recovery programmes and all related transitions to a post-covid, zero-carbon economy. In this respect, the NAPAR should give the most marginalised and directly affected communities a central stake in a transition to an environmentally sustainable post-covid economy for all. The process, outcomes and impacts of a NAPAR should be compatible with those of Just Transition and Resilience and Recovery programmes, and vice-versa.

### Local dimension and community development

The NAPAR should both have a national view, and a clear understanding of what the impact of both its actions and outcomes will be at the regional and local level to enable: planning, evaluation, and review. The NAPAR should outline the key duty bearers at each level, and develop a system of accountability to hold the institution responsible for its implementation accountable to the rights holders. The NAPAR must have both a horizontal and vertical application, thus targeting the private sector as well.

- The role of Trade Unions and other civil society organisations.
- A clear role for corporations and SMEs.
- Anti-Racism Organisations
- Community development organisations and initiatives.
- Local organisations local Authorities and local authority associated structures including:
  - Community Development Committees (LCDCs), Public Participation Networks (PPNs), strategic policy committees, community safety partnerships, local policing forums.

### Buy in, publicity and Consultation with civil society

Although the government has an indispensable role to play in the development, launching

and implementation of the NAPAR- it belongs to the country. As the UN Guidelines state, NAPARs are a mechanism for the effective pursuit of national goals. It cannot be considered as a truly national undertaking without involving input from all elements of society, in particular from civil society organisations working in the area of human rights protection to combat racism and racial discrimination. These organisations are best placed to be aware of the challenges faced and suggest viable solutions. Civil society plays a key role in the progressive realisation of human rights and the democratization of our society.

The State must establish meaningful partnerships among all important stakeholders including researchers and academics in relevant fields. The complex nature of racism and racial discrimination requires a diversity of expertise that civil society can provide. Adequate resourcing is also required for publicity and the implementation of development initiatives at all levels of government.

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The NAPAR should incorporate a process of ongoing consultation with regards the implementation of the Plan, the monitoring of its progress and the identification and response to new and emerging issues. Civil society partners must play a central role in this ongoing process.

#### Adequate financial resources

The NAPAR must be ambitiously financially resourced for the specific programmes that state departments, national authorities, and non-state organisations are required to undertake, it also means persuading departments, national authorities, and bodies to reallocate resources in line with the Plan. The ministries relevant for budgeting should be involved from the start. This will include establishing an agreed resourcing strategy with each department. At a guaranteed minimum, a ring-fenced budget for a purposefully antiracist NCCRI-type body within which to locate and coordinate the oversight, research, public education and communication with authorities functions of the NAPAR. An ambitious NAPAR's success requires appropriate resourcing as a crucial precondition to success, because of this, how the NAPAR will be implemented should be considered from the inception stage and outlined in the plan.

#### Implementation with clear time frames and goals:

For the effective implementation of the NAPAR, there is a need to set specific goals, objectives, actions, timeframes, and also provide mechanisms for monitoring and evaluating the plan using disaggregated ethnic data. The state must ensure that the process is built and adheres to principles of transparency and accountability, and from the outset have an oversight mechanism for accountability on its implementation composed of civil society groups and members of affected communities. Another important aspect of oversight - is

that it requires leadership from government at the highest level to guarantee it.

## Implementation Plan and Oversight of Implementation Plan

- Specific goals
- Concrete objectives and measurable outcomes.
- Timeframes
- Mechanisms for monitoring and evaluation
- Adequately resourced.

Although efforts have been made to engage with various civil society organisations and affected groups, there is still a need to improve the consultative process to ensure a comprehensive and meaningful engagement with ordinary citizens. The NAPAR should have

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both a top-down and a bottom-up approach. The effective and accountable implementation of the NAPAR is reliant on an effective governance structure and the monitoring and evaluation of the programmes implemented. The State should establish a steering group, drawing its members from key civil society actors, important stakeholders and affected groups from all levels of society. The steering group would be responsible for overseeing an inclusive strategy for the implementation, coordination of implementation and monitoring, and review the progress of implementation of the NAPAR.

## Indicators for benchmarking, targets, and evaluation

Indicators are regarded as playing a vital role in the identification of trends and issues while contributing to the process of priority setting, policy formulation and the evaluation and monitoring of progress. The indicators presented here are not exhaustive, and do not intend to capture every aspect of progress, but rather to signal progress in key areas, and place the focus on outcomes achieved in tackling racism, rather than on actions undertaken.

- Data on hate crime, hate speech, or other cases of discrimination.
- Successful hate crime prosecutions.
- Accountability of politicians for using hate speech, slurs, and inciting hatred through misinformation.
- Monitor Garda interactions with minorities
- Reports of racial profiling, mistreatment, and abuse from Gardaí.
- Labour market inclusion, in public and private sectors
- Representation of minorities in the media.
- Educational attainment of minority groups. As well as the diversity of schools compared to the local population.

- Minorities in social housing as compared to private rentals.
  - Traveller and Roma integration in housing (including data on 'legal' evictions), employment, education, and quality of health.
  - Reports of domestic violence and abuse against minority ethnic women. ●
- Intersectional data on inclusion of minority women, and minority disabled, and LGBTQI people
- Direct Provision (DP) centres quality, standards, and services, and other indicators in the transition away from the system of DP
  - Asylum Seekers time in processing, quality of health, the general quality of life, accountability of private owners.
  - Public attitudes and opinion on ethnic minorities, asylum seekers, refugees, and people of migrant background.
  - Presence of far-right organisations, their actions, and associated crimes

## Key Areas of work with Recommendations

The National Action Plan Against Racism should include specific, implementable and measurable actions that must be monitored as part of the oversight and implementation function in the following areas:

### **1. Improve the efficacy of anti-discrimination legislation and practice.**

Recommendations:

- i. Review the effectiveness of Equal Status and Equality in Employment Acts and access to justice using them, moving rapidly to restore a body equivalent to Equality Tribunal with support to ensure equitable access to ensure effective uptake, use and outcomes of the Equality acts on race and related grounds, and complaints about licensed premises and other related breaches of the Equal Status Act.
- ii. Public sector bodies to develop and publish strategic plans which demonstrate how they will meet their Public Sector Human Rights and Equality Duty obligations
- iii. Publication of disaggregated data relevant to antidiscrimination and anti-racism from public bodies
- iv. Restore independent body with functions of NCCRI as a home for anti-racism work by the State



- v. Provide for regular monitoring of infringements of anti-discrimination laws.
- vi. Enhance IHREC's enforcement role vis-a-vis implementing the Public Sector Duty.
- vii. Integrate NAPAR with key initiatives including the Roadmap on Social Inclusion, the Women's Strategy and the upcoming Children's Guarantee.
- viii. Raise awareness of anti-discrimination legislation in public and key groups incl. asylum seekers
- ix. Guidance and mandatory training standards on anti-racism for professionals, e.g., social workers, gardai, Legal professionals, frontline public servants
- x. Government targets e.g., appointments in public services

## **2. Improve measures for tackling Hate Speech Online.**

### Recommendations

- i. Implement the Online Safety and Media Regulation Bill to be in line with international human rights standards.
- ii. Put in place measures to tackle hateful behaviours, organising and other uses of online platforms by the far-right

## **3. Explicit measures to tackle General Hate Speech**

### Recommendations

- i. Implement new hate Crime and incitement to hatred legislation, paying due regard to the test of the incitement element
- ii. Effectively investigate and, as appropriate, prosecute and punish acts of speech that incite hatred
- iii. Support the Electoral Commission, once established, to address the prohibition of racist hate speech in line with EU protocol
- iv. Inform and sensitize the public about racist hate speech.
- v. Conduct a targeted coordinated information campaign about the rights and resolutions available.

## **4. Improve the efficacy of Hate Crime and Incitement legislation and practice.**

### Recommendations

- i. Implement and enforce legislative provisions for penalty enhancement in crimes committed because of racial bias.
- ii. Ensure that hate crime is properly recorded.
- iii. Ensure that cases of racist hate crime are thoroughly investigated and prosecuted.
- iv. Provide training for the police, prosecutors, and judges.
- v. Monitor racist incidents and anti-racism training.
- vi. Consider gender and other identities in consultation platforms.

- vii. Adopt ethnic identifiers across government and public bodies,
- viii. Provide information and legal advice on immigration to children and those supporting them.

## **5. Explicit measures to tackle racism in the Policing and Criminal Justice System, and equitable access to justice**

Recommendations:

- i. Outlaw and report racial profiling.
- ii. Invoke the Prohibition of the Incitement to Hatred Act(1989) and any replacing legislation
- iii. The government must introduce the concept of “firewall protection”, providing a clear separation between the provision of public services and immigration enforcement to ensure that migrants are guaranteed equal access to justice and basic rights should they fall victim or witness a crime.
- iv. Develop anti-discrimination plans for the police.
- v. Strengthen human rights and equality training.
- vi. Extend access to Legal Aid.
- vii. Promote a culture of Human Rights, Diversity, Equality and Interculturalism.
- viii. Provide training to be equipped to deal with the intersectional nature of domestic violence and sexual and gender-based violence.

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- ix. Review policy, practices and training of An Garda Síochána to establish mandatory minimum standards throughout the Force.
- x. Collect disaggregated data on racial profiling and regularly publish it xi. Ensure that an effective remedy is available for discrimination that has a legislative basis.
- xii. Develop expertise appropriate for policing a highly diverse and integrated society.
- xiii. Provide clear, simple, well communicated and accessible reporting procedures
- xiv. Establish partnerships with civil society organisations working in human rights protection to ensure the development of high quality, well-informed policies and intelligence.
- xv. Provide training for front-line staff investigating racist incidents. xvi. Ensure full implementation of the new Garda Diversity and Integration Strategy.
- xvii. Promote diversity and inclusion by recruiting ethnic minorities in the force
- xviii. Professionalise, test, and monitor interpreting services in Ireland. xix. Take measures to identify and protect victims of trafficking.
- xx. Ensure the effective implementation and monitoring of a dedicated helpline and website accessible by all to report incidents and find support.
- xxi. Resource and implement human rights and anti-racist work within the force.

## **6. Labour and economic participation**

Recommendations

- i. Strengthen access to the labour market.
- ii. Investigate labour market stratification.
- iii. Regularise undocumented migrants.
- iv. Address exploitation.
- v. Develop training schemes for migrants.
- vi. Improve employment among Travellers and Roma & other minorities
- vii. Address human rights abuses in all companies in Ireland or under its jurisdiction.
- viii. Remove additional barriers to Asylum seekers in obtaining a job.
- ix. Implement recommendations of the Day report and White paper on Direct Provision.
- x. Combat hate and harassment in the workplace.
- xi. Educate migrants and employers of workplace rights.

## **7. Immigration & Citizenship**

### Recommendations

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- i. The state must establish a centralised service centre for migrants and minorities to ensure open access to everyone and improved coordination. The idea of a one stop shop is to make available a wide range of government and support services to immigrants under one roof, synchronised in time and content and made available in several languages.
- ii. Review, resourcing, targets and accountability of Migrant Integration Strategy 2017-2020.
- iii. Review constitutional provision on citizenship.
- iv. Review Citizenship residency requirements.
- v. Ensure that migrant women, who are victims of domestic violence, sexual and gender-based violence and female genital mutilation, are guaranteed a legal stay.
- vi. Identify asylum seekers with special needs.
- vii. The determination of statelessness.
- viii. Provide legal aid and translation during the asylum process.
- ix. Replace the current system of Direct Provision.
- x. Regularise undocumented migrants in Ireland.
- xi. Recognise overseas qualifications and prior experience.

## **8. Education:**

### Recommendations

- i. The Yellow Flag all-school community based anti-racism programme, now

recognised as an Example of international best practice, to be adopted and mainstreamed by the Dept. of Education.

- ii. Schools' curricula to reflect Ireland's historical and current realities.
- iii. Teach Irish history in the context and framework of comparative emancipatory and anticolonial histories
- iv. Anti-racism and equality to be mainstreamed in all subjects in the curriculum
- v. Monitor school admissions, compliance, and incidents of discrimination
- vi. Enhance knowledge of discrimination directed at children and young people.
- vii. Literacy among migrants of all ages.
- viii. Traveller and Roma education
- ix. Support schools and training for teachers.
- x. Guarantee the right to Freedom of Conscience, religion, and belief in education.
- xi. Establish minimum standards for anti-racist human rights training in the civil and public service.
- xii. Combat stereotypes.

## **9. Accommodation:**

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### Recommendations

- i. Provide affordable housing.
- ii. Monitor impact of housing policies.
- iii. Living conditions in direct provision, and the length of stay in centres.
- iv. Accountability in cases of breach of standards.
- v. A contingency planning framework for Direct Provision.
- vi. Tackle impacts of the current housing crisis on Travellers and Roma.
- vii. Improve access to social housing.
- viii. Address discrimination in the private rental sector.
- ix. Monitor anti-social behaviour and racism in social housing.
- x. Provide accessible and culturally appropriate accommodation.
- xi. Housing conditions and living standards.
- xii. The practice of moving aged-out unaccompanied minors into Direct Provision.
- xiii. Address the isolation of female asylum seekers.
- xiv. Support victims of trafficking.

## **10. Health and Wellbeing:**

### Recommendations

- i. Provide asylum seekers with access to appropriate health care.
- ii. Childcare services for migrants.
- iii. Develop cultural awareness training.

- iv. Address the health of Traveller and Roma.
- v. Access to primary care, sexual and reproductive healthcare, and mental health services.
- vi. Translation services in primary care and to all health providers.
- vii. Accessibility of specialised services for applicants and refugees.
- viii. Accommodate broader health needs of asylum seekers and refugees.
- ix. Improve access to information and support for survivors of FGM and their communities.
- x. Provide sexual assault victims with necessary assistance and services.
- xi. Address the consequences for survivors of racism in Mother and Baby Homes and industrial schools and county homes.

## **11. Measures to tackle institutional and structural discrimination.**

### Recommendations

- i. Resourcing of measures to ensure participation and representation by Irish Travellers, Roma and other underrepresented minority ethnic groups in economic, political and public life.
- ii. Recognise the historical presence of mixed-race Irish people in Ireland.

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- iii. Support the development of networks of Traveller and Roma-led community development organisations.
- iv. Collect and report data on refugees, beneficiaries of international protection, asylum seekers and stateless persons.
- v. Develop national standards for interpreters including cultural awareness training.
- vi. Interpretation access and costs.
- vii. Measures to ensure equitable access to the provision of social services to ethnic minority children and families.

## **12. Broadcast and Print media**

### Recommendations

- i. Reporting standards, diversity in staff, intercultural content
- ii. History of colonialism & racism, histories of different peoples.
- iii. Awareness of Traveller heritage and culture.
- iv. File complaints about discrimination.

## **13. Ensuring Meaningful participation and accountability**

### Recommendations

- i. Direct funding and support to Anti-racism organisations & local and national Community Development initiatives with an explicit anti-racism frame and objectives
- ii. Data compiled and submitted to intergovernmental organisations and agencies.
- iii. Transparency around deaths in Direct Provision.
- iv. Disaggregated data should be collected on education, health, employment, and crime.
- v. Design effective partnership-based consultation processes.
- vi. Historic institutional racism.
- vii. Dialogue with civil society organizations working in human rights.

#### **14. Social and cultural engagement**

- i. Community development initiatives

#### **15. The Far right**

- i. Resource community initiatives to ensure robustness against exploitation by far right of grievances

#### **16. Rights Awareness**

- i. Know your rights and other initiatives for active citizenship and participation

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