

**United Nations High Commissioner for Refugees**

**Comments**

**Committee on the Elimination of Racial Discrimination**

***100th Session***

**25 November – 13 December 2019**

**IRELAND**

**UNHCR's Recommendations**

We would like the distinguished members of the Committee on the Elimination of Racial Discrimination (the "Committee") to consider the following issues, observations on positive developments and recommendations for further improvements in the Committee's discussions and concluding observations and recommendations on the report submitted by **Ireland**.

The members of the Committee may wish to **commend**:

**Issue 1:** The commencement of new legislation governing the Irish asylum process, which establishes a single protection determination procedure in order to streamline the asylum procedure.

**Issue 2:** The transposition of the recast *Reception Conditions Directive* (2013/33/EU) into national law and the extension of the remit of the Ombudsman and the Ombudsman for Children to include those who are living in asylum-seeker accommodation.

Furthermore, it would be helpful for the fulfilment of UNHCR's mandate, and for the improvement of the situation of its persons of concern, if the Committee made the following **recommendations** to the Government of Ireland:

**Issue 3:** Take concrete measures to improve reception conditions for asylum-seekers, in order to better fulfil its obligations under Article 2 and 5 of the *ICERD* and in light of the Committee's *General Recommendation No. 30*<sup>1</sup> and paragraph 20 of the Committee's previous *Concluding Observations* on Ireland (78th Session, 2011)<sup>2</sup> by, *inter alia*:

- Ensuring full implementation of the *National Standards for Accommodation Offered to People in the Protection Process* and the establishment of an independent inspectorate;
- Establishing a mechanism for the early detection of indicators of vulnerability and/or special reception needs; and

---

<sup>1</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *General Recommendation XXX on Discrimination Against Non-Citizens*, 1 October 2002, available at:

<https://www.refworld.org/docid/45139e084.html>

<sup>2</sup> CERD, *Consideration of reports submitted by State parties under article 9 of the Convention – Ireland*, 4 April 2011, CERD/C/IRL/CO/3-4, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/3-4&Lang=En)

- Establishing sufficient procurement and contingency planning procedures to reduce and ultimately eliminate the use of emergency accommodation.

**Issue 4:** Enhance integration prospects of beneficiaries of international protection, in order to better fulfill its obligations under Article 2 and 5 of the *ICERD* and in light of the Committee's *General Recommendation No. 30* by, *inter alia*:

- Developing integration policy to specifically address the needs of "programme refugees"<sup>3</sup>, beneficiaries of international protection and asylum-seekers in the next *Migrant Integration Strategy*; and
- Continuing the *IRPP Humanitarian Admission Programme* to enable reunification of vulnerable family members and expansion of its scope to enable all beneficiaries, regardless of nationality, to apply under its terms.

**Issue 5:** Protect the rights of stateless persons, by establishing a procedure to determine the status of stateless persons and facilitate their access to rights including through the provision of information and support, in order to better fulfil its obligations under Article 5 of the *ICERD* and in light of the Committee's *General Recommendation No. 30*.

**Issue 6:** Combat racism, discrimination and xenophobia towards beneficiaries of international protection, programme refugees and asylum-seekers, in order to better fulfil its obligations under Articles 2 -5 of the *ICERD* and in light of the Committee's *General Recommendation No. 7*,<sup>4</sup> by, *inter alia*:

- Creating a new *National Action Plan Against Racism* in consultation with affected communities, which includes concrete measures on tackling contemporary forms of racist activity including online xenophobia; and
- Developing infrastructure to monitor and collect relevant data on discrimination and racism experienced by this cohort.

Furthermore, UNHCR would be grateful if the Committee **inquired** into the following:

**Issue 7:** Progress on the review of the *Prohibition of Incitement to Hatred Act 1989* and the expected timeframe for public consultation.

**Issue 8:** Progress on the implementation of the *Department of Justice and Equality Data Strategy 2018-2020* with particular focus on the collection, analysis and dissemination of disaggregated equality data with respect to programme refugees, asylum-seekers, beneficiaries of international protection and stateless persons.

## Background Information

**As general background information**, we would like to note that Ireland acceded to the *1951 Convention relating to the Status of Refugees* in 1956 and its *1967 Protocol*

---

<sup>3</sup> In the Irish context 'programme refugees' are refugees who have been resettled to Ireland under the Irish Refugee Protection Programme. Such persons receive different supports to individuals granted refugee status in Ireland, and so are referred to separately in the document from other beneficiaries of international protection.

<sup>4</sup> CERD, *General Recommendation VII Relating to the Implementation of Article 4 – Legislation to Eradicate Racial Discrimination*, 23 August 1985, A/40/18, available at: <https://www.refworld.org/docid/453882fe22.html>

in 1968 (hereinafter jointly referred to as the *1951 Convention*). Ireland also acceded to the *1954 Convention relating to the Status of Stateless persons* and the *1961 Convention on the Reduction of Statelessness* (the *1954 Convention* and the *1961 Convention* respectively) in 1962 and 1973 respectively.

As of 31 December 2016, the Irish international protection determination procedures are set out in domestic law and are contained primarily in the *International Protection Act 2015*.<sup>5</sup> The Irish asylum process underwent a transition on 31 December 2016 from the *Refugee Act 1996* (as amended) to the *International Protection Act 2015*. The new legislation provides for a single protection determination procedure, encompassing both refugee status and subsidiary protection, as well as discretionary permission to remain.

Ireland has been a member of the European Union (EU) since 1973. A number of protocols to the Maastricht, Amsterdam and Lisbon treaties concern Ireland's participation in relation to legislation in this area; as a consequence Ireland is not bound by European instruments adopted in the area of asylum that it has not specifically "opted into."<sup>6</sup> In relation to the Common European Asylum System recast package, Ireland did not opt into the *recast Asylum Qualification Directive* (2011/95/EU) and the *recast Asylum Procedures Directive* (2013/32/EU). The recast instruments that Ireland has opted into are the *Dublin III Regulation* (604/2013/EU) and the *recast Eurodac Regulation* (603/2013/EU). It continues to participate in the *Qualification Directive* (2004/83/EC) and the *Procedures Directive* (2005/85/EC), but did not opt into the *Reception Conditions Directive* (2003/9/EC). In response to a Supreme Court ruling concerning asylum-seeker's access to the labour market<sup>7</sup> Ireland transposed the recast *Reception Conditions Directive* (2013/33/EU) on 30 June 2018.

As of 31 December 2018 Ireland hosts 7,050 asylum-seekers, and has a population of approximately 5,014 refugees and subsidiary protection beneficiaries, plus well over 1,000 resettled refugees (hereinafter referred to as programme refugees). Additionally, it is estimated that Ireland hosts approximately 100 stateless persons.<sup>8</sup> The top 5 countries of origin for international protection applicants up until 31 July 2019 were: Albania 21.4 per cent, Georgia 13.8 per cent, Zimbabwe 8.7 per cent, South Africa 7 per cent, and Nigeria 6.5 per cent.<sup>9</sup> The top countries of origin of applicants in 2018 were: Albania 12.5 per cent, Georgia 12.3 per cent, Syria 9.1 per cent, Zimbabwe 7.7 per cent, and Nigeria 6.8 per cent.<sup>10</sup>

In September 2015 Ireland pledged to accept 4,000 refugees and asylum-seekers through resettlement and relocation through the establishment of the *Irish Refugee Protection Programme* (IRPP).<sup>11</sup> As of 11 July 2019, Ireland successfully relocated

---

<sup>5</sup>Irish Statute Book, *International Protection Act, 2015*, available at: <http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/pdf>

<sup>6</sup> Protocol No.21 annexed to the Treaty on the Functioning of the European Union.

<sup>7</sup> Supreme Court, *N.H.V. v Minister for Justice and Equality* [2017] IESC 35.

<sup>8</sup> Provisional statistics provided to UNHCR by Department of Justice and Equality of Ireland. The number of stateless persons in Ireland is an approximate UNHCR estimate.

<sup>9</sup> Department of Justice and Equality, International Protection Office, *Monthly Statistical Report*, July 2019, available at: <http://www.ipo.gov.ie/en/ipo/pages/statistics>

<sup>10</sup> Department of Justice and Equality, International Protection Office, *Monthly Statistical Report*, December 2018, available at: <http://www.ipo.gov.ie/en/ipo/pages/statistics>

<sup>11</sup> According to a parliamentary question response by Minister of State at the Department of Justice and Equality, Deputy David Stanton the Government Decision to accept 4,000 persons did not contain a deadline but the relocation mechanism did carry a time limit of approximately two years to end on 31 December 2017 which was extended to 31 March 2018; Minister of State for Equality, Immigration and

1,022 asylum-seekers from Greece and resettled 1,335 programme refugees from Lebanon. The IRPP programme also includes the *IRPP Humanitarian Admission Programme* (IHAP) under which Irish citizens, programme refugees and beneficiaries of international protection can apply for family members to come to Ireland where those persons are living in the top ten countries of origin for refugees.<sup>12</sup> 530 persons are being admitted to Ireland in 2019 under that programme. Ireland has admitted 21 unaccompanied children from Calais, France, and a total of 58 individuals from Mediterranean search and rescue missions as part of the 4,000 commitment under the IRPP. In total as of 11 July 2019, 2,555 individuals have arrived to Ireland under the IRPP. The outstanding 1,455 are to arrive by the end of the year.

### **Information on Suggested Commendations**

**Concerning Issue 1**, we wish to note that a new single protection procedure came into effect on 31 December 2016 with the commencement of the *International Protection Act 2015*. UNHCR welcomed the introduction of the single procedure to process applications for international protection more efficiently and reduce the amount of time asylum-seekers spend in Direct Provision centres.<sup>13</sup>

**Concerning Issue 2**, we wish to note that, on foot of a Supreme Court hearing declaring unconstitutional the absolute prohibition on asylum-seekers access to the labour market,<sup>14</sup> the Irish government opted into the recast *Reception Conditions Directive 2013/33/EU* which places reception conditions on a legislative footing for the first time.<sup>15</sup> The access granted to the labour market contained limited sectoral limitations and the removal of minimum earning requirements, offering real access to job opportunities for asylum-seekers.<sup>16</sup> In addition, arising from a recommendation of the *McMahon Working Group*,<sup>17</sup> the remit of the Ombudsman and the Ombudsman for Children was extended to cover those who are living in State-provided accommodation with effect from 3 April 2017.<sup>18</sup> This means that the Ombudsman's

---

Integration (Deputy David Stanton) response to a parliamentary question, 11 July 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-11-07-2019-336>

<sup>12</sup> Proposed beneficiaries of IHAP must be nationals of one of the following ten countries: Syrian Arab Republic, Afghanistan, South Sudan, Somalia, Sudan, Democratic Republic of the Congo, Central African Republic, Myanmar, Eritrea and Burundi.

<sup>13</sup> UNHCR, *UNHCR welcomes the roll out of the new 'Single Procedure' to accelerate asylum applications*, 2 January 2018, available at: <http://www.unhcr.org/en-ie/news/editorial/2017/1/58d0fc274/unhcr-welcomes-the-roll-out-of-new-single-procedure-to-accelerate-asylum.html>

<sup>14</sup> Supreme Court, *N.H.V. v Minister for Justice and Equality* [2017] IESC 35.

<sup>15</sup> Department of Justice and Equality, *Statement by the Minister for Justice and Equality on the right to work for asylum seekers*, February 2018, available at: <http://www.justice.ie/en/JELR/Pages/PR18000053>

<sup>16</sup> UNHCR, *UNHCR welcomes Irish decision to grant the right to work to asylum seekers*, 27 June 2018, available at: <https://www.unhcr.org/en-ie/news/press/2018/6/5b33905b4/unhcr-welcomes-irish-decision-to-grant-the-right-to-work-to-asylum-seekers.html>

<sup>17</sup> Working Group to Report to Government on Improvements to the Protection Process, including Direct Provisions and Supports to Asylum Seekers, Final Report, June 2015, (hereinafter *McMahon Working Group Report*) available at: <http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf>

<sup>18</sup> Office of the Ombudsman, *The Ombudsman & Direct Provision: The story so far*, January 2018, available at: <https://www.ombudsman.ie/publications/reports/the-ombudsman-and-direct/Direct-Provision-Commentary.pdf>

office can accept complaints concerning services provided by Direct Provision centres including complaints submitted by or on behalf of children.

### **Information on Suggested Recommendations**

**Concerning Issue 3**, UNHCR encourages the Government to continue in its efforts to improve reception conditions for asylum-seekers. While noting there has been significant progress made in the implementation of the *McMahon Working Group Report* recommendations UNHCR encourages the Government to implement outstanding recommendations in the report. On foot of a *McMahon Working Group Report* recommendation, national standards for Direct Provision centres were published in August 2019.<sup>19</sup> UNHCR welcomed the publication of these new standards as an opportunity to significantly improve the accommodation system and ensure consistency in the provision of services to people living in Direct Provision centres.<sup>20</sup> It is hoped this may also create the impetus for the establishment of best practice models in the reception of asylum-seekers. The standards will become fully binding nationally in January 2021. During this transitional period, UNHCR recommends that concrete steps are taken by accommodation providers to ensure their full implementation. In order to ensure that the standards are effective, it is imperative that they are bolstered by the establishment of an independent inspectorate which is given the authority to inspect and monitor all Direct Provision centres,<sup>21</sup> as recommended by the *McMahon Working Group* report.<sup>22</sup>

UNHCR notes that the recast *Reception Conditions Directive* (2013/33/EU) obliges Member States to establish mechanisms for identifying special reception needs. The early identification of asylum-seekers with vulnerabilities is key to ensuring the provision of reception services appropriate to their needs. In light of this obligation, the existing Health Service Executive (HSE) health screening service for asylum-seekers upon arrival in the first reception centre should be reviewed and strengthened so as to facilitate a multidisciplinary needs assessment at an early stage. Furthermore, there should be a procedure to identify vulnerabilities which may arise in Direct Provision centres at a later stage following dispersal. Such mechanisms should include an onward referral system for more in-depth assessments and provision of special assistance where required.<sup>23</sup> UNHCR also encourages the Government to explore ways in which such vulnerability assessments can assist in identifying special procedural needs within the protection determination system.

Since September 2018 capacity pressures have emerged in the Direct Provision system due to shortages in available housing for beneficiaries of international protection leading to delays in exiting Direct Provision and an increase in

---

<sup>19</sup> *National Standards for accommodation offered to people in the protection process* (hereinafter *National Standards*), 15 August 2019, available at: <http://www.justice.ie/en/JELR/Pages/PR19000215>

<sup>20</sup> UNHCR, *New Standards are an opportunity to significantly enhance accommodation system*, 16 August 2018, available at: <https://www.unhcr.org/en-ie/news/press/2018/8/5b7584844/new-standards-are-an-opportunity-to-significantly-enhance-accommodation.html>

<sup>21</sup> The remit of the Independent Inspectorate could also cover Emergency Reception and Orientation Centres (EROCs) which accommodate programme refugees and any other form of reception facilities including emergency accommodation where appropriate.

<sup>22</sup> *McMahon Working Group Report* recommendation 4.226 p.199.

<sup>23</sup> UNHCR, *UNHCR Annotated Comments to Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*, April 2015, available at: <https://www.refworld.org/docid/5541d4f24.html>



international protection applications.<sup>24</sup> In response, the Reception and Integration Agency (RIA) sought emergency accommodation to accommodate new asylum-seekers. 1,200 asylum-seekers out of the 7,241 in the Direct Provision system are currently residing in 31 emergency accommodation centres throughout Ireland.<sup>25</sup> Those living in emergency accommodation can sometimes struggle to access basic services including timely access to medical services and information on their rights. While the new standards for Direct Provision centres establish benchmarks for contingency planning and emergency preparedness for Direct Provision centre managers,<sup>26</sup> there is no corresponding preparedness framework for RIA. The recently published Spending Review on Direct Provision focuses only on a formal early warning system from the perspective of budgetary pressures and anticipation of emergency expenditure.<sup>27</sup> In order to ensure that the Government can respond effectively to capacity pressures, periodic fluctuations and increases in the number of asylum applications received, a contingency planning framework should be developed.<sup>28</sup> The High Level Interdepartmental Committee and soon to be established Consultative Group may be the appropriate fora in which to develop this emergency preparedness planning framework with a view to reducing and ultimately eliminating the use of emergency accommodation. Such a framework will benefit both asylum-seekers and the Government by improving equal access to services for asylum-seekers while reducing financial expenditure on emergency accommodation.<sup>29</sup>

**Concerning Issue 4**, UNHCR wishes to note that refugees and asylum-seekers frequently face specific barriers to integration requiring targeted responses to their needs.<sup>30</sup> Although programme refugees benefit from additional support and integration measures a participatory assessment conducted by UNHCR with the Syrian resettled community indicated a number of practical obstacles to effective integration including poor language training outcomes.<sup>31</sup> Recent Economic and Social Research Institute (ESRI) research also shows that at present there is no quantitative data specifically collected on refugee outcomes in Ireland for monitoring and evaluation purposes.<sup>32</sup>

In 2017 a *Migrant Integration Strategy* was launched which will run until 2020.<sup>33</sup> Despite inputs provided by UNHCR and others in the development of the Strategy, it

---

<sup>24</sup> Minister of State at the Department of Justice and Equality (Deputy David Stanton), response to a parliamentary question, 6 September 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-06-09-2019-668>

<sup>25</sup> Ibid.

<sup>26</sup> *National Standards*, Theme 3: Contingency Planning and Emergency Preparedness, p.30.

<sup>27</sup> Department of Justice and Equality, *Spending Review 2019 - Direct Provision: Overview of current accommodation expenditure*, IGEES Unit, August 2019, p. 59, available at: [http://www.justice.ie/en/JELR/Spending\\_Review.pdf/Files/Spending\\_Review.pdf](http://www.justice.ie/en/JELR/Spending_Review.pdf/Files/Spending_Review.pdf)

<sup>28</sup> UNHCR, *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016, p.8-9, available at: [www.refworld.org/docid/58385d4e4.html](http://www.refworld.org/docid/58385d4e4.html)

<sup>29</sup> For more on financial expenditure see Department of Justice and Equality, *Spending Review 2019 - Direct Provision: Overview of current accommodation expenditure*, IGEES Unit, August 2019, available at: [http://www.justice.ie/en/JELR/Spending\\_Review.pdf/Files/Spending\\_Review.pdf](http://www.justice.ie/en/JELR/Spending_Review.pdf/Files/Spending_Review.pdf)

<sup>30</sup> UNHCR, *Towards a New Beginning: Refugee Integration in Ireland*, May 2014, available at: <https://www.refworld.org/docid/52ca8a6d4.html>

<sup>31</sup> UNHCR, *Report of UNHCR's Participatory Assessments with Syrian Refugees*, December 2016, available at: <https://www.unhcr.org/en-ie/publications/brochures/5d7f63734/report-of-unhcrs-participatory-assessments-with-syrian-refugees.html>

<sup>32</sup> Economic and Social Research Institute (ESRI), *Data for monitoring integration: Gaps, challenges and opportunities*, 14 March 2019, available at: <https://www.esri.ie/publications/data-for-monitoring-integration-gaps-challenges-and-opportunities>

<sup>33</sup> Department of Justice and Equality, *The Migrant Integration Strategy – A Blueprint for the Future*, 2017, available at:

does little to address the specific situation of beneficiaries of international protection, including refugees, as distinct groups requiring differentiated policy responses.<sup>34</sup> Additionally, asylum-seekers are explicitly excluded from the scope of the strategy which means there is no governmental policy addressing their integration. UNHCR is of the view that integration is a continuum and that a good reception policy during the asylum procedure is vital for future positive integration outcomes.<sup>35</sup> A new Community Integration Fund under the Government's *Migrant Integration Strategy* demonstrates a practical way for local communities and NGOs to proactively support refugees and migrants coming to Ireland but UNHCR considers the lack of specific action points to promote refugee integration a missed opportunity.<sup>36</sup>

Another way of supporting integration is through ensuring family unity. Family reunification aids integration and can also be a key route to safety for the family members of refugees. The *International Protection Act 2015* introduced a more restrictive regime for family reunification for international protection beneficiaries including by introducing time limits for reunification applications and removing the possibility to reunify with dependent family members. However, the establishment of the *IRPP Humanitarian Admission Programme (IHAP)* in May 2018 provided a pathway for some beneficiaries of international protection to unite with their families, albeit utilising discretionary powers and restricted to proposed beneficiaries from the top ten countries of origin for refugees globally. UNHCR welcomed IHAP for creating an opportunity to reunite vulnerable family members. At a time of increasing forced displacement<sup>37</sup> coupled with few safe and legal pathways, UNHCR recommends that this humanitarian programme is continued while removing the restriction to the top ten source countries. UNHCR thus encourages the Government to extend the humanitarian admission programme to enable all beneficiaries to avail of it without discrimination.

**Concerning Issue 5**, we wish to note that Ireland acceded to the *1954 Convention* in 1962 and the *1961 Convention* in 1973. The Irish *Nationality and Citizenship Act 1956* (as amended) provides safeguards against statelessness at birth and upon loss, deprivation or renunciation of nationality that are in line with the *1961 Convention*. However, there is currently no formal procedure for the determination of statelessness in Ireland. As a result, obstacles remain in identifying cases of statelessness in various procedures, including naturalisation<sup>38</sup> and such persons may be unable to access effective assistance in the absence of free legal assistance.

---

[http://www.justice.ie/en/JELR/Migrant Integration Strategy English.pdf/Files/Migrant Integration Strategy English.pdf](http://www.justice.ie/en/JELR/Migrant%20Integration%20Strategy%20English.pdf/Files/Migrant%20Integration%20Strategy%20English.pdf)

<sup>34</sup> UNHCR, *UNHCR welcomes new Integration Strategy and Fund*, 8 February 2017, available at: <https://www.unhcr.org/en-ie/news/press/2017/2/5ac77b3d4/unhcr-welcomes-new-integration-strategy-and-fund.html>

<sup>35</sup> UNHCR, *The Integration of Refugees: A Discussion Paper*, July 2014, available at: [https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/02/integration\\_discussion\\_paper\\_July\\_2014\\_EN.pdf](https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/02/integration_discussion_paper_July_2014_EN.pdf)

<sup>36</sup> Department of Justice and Equality, *Communities Integration Fund*, 2019, available at: <http://www.integration.ie/en/ISEC/Pages/WP19000006>

<sup>37</sup> UNHCR, *Global Trends: Forced Displacement in 2018*, 19 June 2019, available at: <https://www.unhcr.org/en-ie/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html>

<sup>38</sup> In the absence of a formal statelessness determination procedure, potentially stateless persons have, in certain circumstances, been granted "leave to remain" on a humanitarian basis. This process typically provides neither a declaration of statelessness, nor access to any particular rights associated with such a status. Accordingly, such persons may continue to experience difficulties in seeking to avail of their right, for instance, to a travel document for stateless persons.

Furthermore, there is an absence of data on statelessness in Ireland, which hampers the full understanding of problems related to statelessness.<sup>39</sup>

**Concerning Issue 6**, UNHCR notes recent research which indicates the online presence of a small number of online anti-refugee groups stoking up hatred towards refugees and asylum-seekers through falsified stories and the use of racist and supremacist language on Irish social media.<sup>40</sup> Of equal concern are two incidents of suspected arson attacks on proposed Direct Provision centres for asylum-seekers which has had a noticeable chilling effect on the procurement of new reception centres. In addition, the recent European Commission against Racism and Intolerance (ECRI) report on Ireland found that there is an undercurrent of low-level racist violence in Ireland.<sup>41</sup> Against this background, UNHCR welcomes the soon to be established *Anti-Racism Committee* and looks forward to learning more about its proposed objectives.<sup>42</sup> Furthermore, the new statutory duty on all public bodies to promote equality, human rights and anti-discrimination creates opportunities to address this issue within public administration.<sup>43</sup>

Despite the *Migrant Integration Strategy* containing some beneficial components on anti-racism initiatives, UNHCR is concerned that there has been no update to the *National Action Plan against Racism* since 2008.<sup>44</sup> In addition, under-reporting of hate crimes remains a challenge which hinders understanding of the extent of discrimination and xenophobia towards these communities. It is UNHCR's understanding that disaggregated statistical data on incidents of racial discrimination towards asylum-seekers and beneficiaries of international protection is not currently compiled and the structures are not in place to capture this data in an effective manner.

Any signs of rising xenophobia and intolerance needs to be detected as early as possible to dispel myths and/or misinformation before they take root in general public discourse; a systematic and coordinated approach to reporting and monitoring is required.<sup>45</sup> In this regard, UNHCR recalls the Committee's emphasis on monitoring procedures being of the utmost importance in combating racist hate speech in line with *General Recommendation 35*.<sup>46</sup>

### **Information on Suggested Inquiries**

**Concerning Issue 7**, the Committee may wish to note that the Government has previously indicated that it is undertaking a legislative review of the law relating to

---

<sup>39</sup> UNHCR also notes the Committee's revised reporting guidelines CERD/C/2007/1 para D 3) on reporting action taken to reduce statelessness: CERD, *Guidelines for the CERD-Specific Document to be Submitted by State Parties under Article 9, Paragraph 1, of the Convention*, 13 June 2008, CERD/C/2007/1, available at: <https://digitallibrary.un.org/record/630532?ln=en>

<sup>40</sup> Dublin City University: *Hate Track: Tracking and Monitoring Racist Speech Online*, November 2018, available at: <https://www.ihrec.ie/app/uploads/2018/11/HateTrack-Tracking-and-Monitoring-Racist-Hate-Speech-Online.pdf>

<sup>41</sup> European Commission against Racism and Intolerance (ECRI). *ECRI Report on Ireland (fifth monitoring cycle)*, 4 June 2019, available at: <https://rm.coe.int/fifth-report-on-ireland/168094c575>

<sup>42</sup> Department of Justice and Equality, *Minister Stanton announces new Anti-Racism Committee*, 28 June 2019, available at: <http://www.justice.ie/en/JELR/Pages/PR19000174>

<sup>43</sup> Irish Statute Book, *Irish Human Rights and Equality Commission Act 2014*, s.42, available at: <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

<sup>44</sup> Department of Justice, Equality and Law Reform, *Planning for Diversity: The National Action Plan Against Racism, 2005-2008*, available at: <http://www.justice.ie/en/JELR/NPAREn.pdf/Files/NPAREn.pdf>

<sup>45</sup> UNHCR, *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*, December 2009, available at: <https://www.refworld.org/docid/4b30931d2.html>

<sup>46</sup> CERD, *General recommendation No. 35 : Combating racist hate speech*, 26 September 2013, CERD/C/GC/35, available at: <https://www.refworld.org/docid/53f457db4.html>



hate crime with an anticipated completion date of end of 2018.<sup>47</sup> The State has also announced that there will be a public consultation on the *Prohibition of Incitement to Hatred Act 1989*.<sup>48</sup> Commentators have noted that this piece of legislation in its current form is ineffectual in combating online hate speech.<sup>49</sup> It is UNHCR's understanding that there is no updated timeframe for the announcement of this legislative review and consultation.

**Concerning Issue 8**, the Committee may wish to note that the Department of Justice and Equality has committed to developing a Justice and Equality Data Hub as outlined in the *Data and Research Strategy 2018-2020*,<sup>50</sup> which plans actions to strengthen the evidence base in the Immigration and Asylum area.<sup>51</sup> Furthermore, the strategy promotes a whole of Government approach using data analysis and evaluation to inform policy and practice development. To date, there has been no progress report published on the implementation of this strategy. The collection, use and dissemination of disaggregated equality data with respect to stateless persons, asylum-seekers, programme refugees and beneficiaries of international protection is limited and absent in places. With the creation of a new Transparency Unit as part of the Department of Justice and Equality Transformation Programme<sup>52</sup> there is an opportunity to adopt a coordinated and systematic approach to data collection, analysis and dissemination to help monitor impact, measure progress and inform policy developments.<sup>53</sup> Guidance on improving the collection and use of equality data can be sought from the EU High Level Group on Non-discrimination, Equality and Diversity Guidelines.<sup>54</sup>

## UNHCR October 2019

---

<sup>47</sup>Department of Justice and Equality, *The Migrant Integration Strategy – A Blueprint for the Future*, 2017, pp. 33 available at: [http://www.justice.ie/en/JELR/Migrant\\_Integration\\_Strategy\\_English.pdf/Files/Migrant\\_Integration\\_Strategy\\_English.pdf](http://www.justice.ie/en/JELR/Migrant_Integration_Strategy_English.pdf/Files/Migrant_Integration_Strategy_English.pdf); CERD, *Consideration of reports submitted by State parties under article 9 of the Convention – Ireland*, 4 April 2011, CERD/C/IRL/CO/3-4, pp. 68-69 available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/3-4&Lang=En)

<sup>48</sup> Minister for Justice and Equality (Deputy Charles Flanagan), response to parliamentary question, 23 July 2019, available at: <http://www.justice.ie/en/JELR/Pages/PQ-23-07-2019-729>

<sup>49</sup> A. Haynes and J. Schweppe, *Lifecycle of a Hate Crime: Country Report for Ireland*, ICCL 2017, available at: <https://www.iccl.ie/wp-content/uploads/2018/05/Hate-Crime-Report-LR-WEB.pdf>

<sup>50</sup> Department of Justice and Equality, *Data & Research Strategy 2018-2020: Supporting delivery of “A safe, fair and inclusive Ireland”*, available at: [http://www.justice.ie/en/JELR/Department\\_of\\_Justice\\_and\\_Equality\\_Data\\_and\\_Research%20Strategy\\_2018-2021.pdf/Files/Department\\_of\\_Justice\\_and\\_Equality\\_Data\\_and\\_Research%20Strategy\\_2018-2021.pdf](http://www.justice.ie/en/JELR/Department_of_Justice_and_Equality_Data_and_Research%20Strategy_2018-2021.pdf/Files/Department_of_Justice_and_Equality_Data_and_Research%20Strategy_2018-2021.pdf)

<sup>51</sup> The State is also committed to improving its evidence base through the use of data as contained in the Department of Justice and Equality, *Strategy Statement 2016-2019, A Safe, Fair and Inclusive Ireland*, available at: <http://www.justice.ie/en/JELR/Department%20of%20Justice%20and%20Equality%20Strategy%20Statement%202016-2019.pdf/Files/Department%20of%20Justice%20and%20Equality%20Strategy%20Statement%202016-2019.pdf>

<sup>52</sup> Department of Justice and Equality, Reform and Transformation, available at: <http://www.justice.ie/en/JELR/Pages/WP15000153>

<sup>53</sup> Dissemination of equality data would be in line with the Irish government's Open Data Strategy for 2017-2022: Department of Public Expenditure and Reform, *Open Data Strategy 2017-2022*, July 2017, available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/6572/91c623e548a448ab883c9971bad125a0.Open%20Data%20Strategy%202017-2022#page=1>

<sup>54</sup> EU, High Level Group on Non-Discrimination, Equality and Diversity, *Guidelines on improving the collection and use of equality data*, 2018, available at: [https://ec.europa.eu/info/sites/info/files/final\\_guidelines\\_4-10-18\\_without\\_date\\_july.pdf](https://ec.europa.eu/info/sites/info/files/final_guidelines_4-10-18_without_date_july.pdf)