**Office of the High Commission for Human Rights**

**Protection of Migrants**

**Submission of Ireland**

**June 2020**

**Protection of Vulnerable Migrants**

*International Protection*

Over recent years there has been on-going reform of Ireland’s International Protection system. The International Protection Act 2015 was signed into law in December 2015 and commenced in December 2016. The Act introduced a single procedure for applications for international protection encompassing an examination and determination of eligibility for international protection (refugee or subsidiary protection) and permission to remain. Under the single procedure, an applicant makes one application only and will have all grounds determined in one process.

The Act has provided for a number of structural reforms including the establishment of the new dedicated International Protection Office in the Department of Justice and Equality which is responsible for examining and processing applications for international protection. The International Protection Appeals Tribunal was also established.

Other key features of the Act include:

* enhanced measures to improve the efficiency of the asylum system;
* specific guarantees for unaccompanied minor applicants;
* the enhancement of the national laws in respect of the EU Directive for giving temporary protection in the event of a mass influx of displaced persons to the territory of the Union;
* permission to remain in the State if international protection is refused in compliance with Articles 3 and 8 of the European Convention on Human Rights.

*International Protection Accommodation Services*

Ireland, like many European countries, provides State accommodation and provision of services for asylum seekers Through the Direct Provision system, asylum seekers are assigned to an accommodation centre with full board accommodation while their applications for international protection are being processed. It includes provision of medical cards, an exemption from prescription charges, access to education for children, a weekly payment, access to Exceptional Needs Payments, when required, and, it ensures that all basic needs are met, such as accommodation and food. International Protection applicants can avail of these supports but it is not mandatory to do so.

Significant efforts have been made to reform this system in recent years. Ireland opted-in to the EU (Recast) Receptions Conditions Directive on 6 July 2018, bringing with it a series of standards and rights for applicants. Since July 2018 those awaiting a decision on an application for international protection can apply for permission to work in the State, subject to certain eligibility requirements. Other significant improvements include access to the services of the Ombudsman and the Ombudsman for Children; agreed National Standards for accommodation providers including specific actions to improve the lives of children in accommodation centres; and the continued roll-out of self-catering facilities for residents.

Currently, around 25% of residents (approximately 2000 people) in the Direct Provision system have own door self-catered accommodation. Families are prioritised when this type of accommodation becomes available.

*Expert Group on the Provision of Support, including Accommodation, to Persons in the International Protection Process (Asylum Seekers)*

In late 2019 the Expert Group on the Provision of Support, including Accommodation, to Persons in the International Protection Process (Asylum Seekers), was established. The group is chaired by Dr Catherine Day, former Secretary General of the European Commission and includes representatives from asylum seekers and NGOs.

The Expert Group has the following role:

* To advise on the development of a long-term approach to the provision of supports including accommodation to persons in the international protection process;
* To identify good practice in European countries in the provision of supports to persons within the international protection process, particularly dealing with variations in demand; and
* To set out a process for achieving the long term approach to support persons in the international protection process.

It follows on from the work of the Working Group to Report to Government on Improvements in the Protection Process, including Direct Provision and Support to Asylum Seekers, which reported in June 2015 and issued substantive recommendations on improvements necessary within the international protection process and the direct provision reception system.

*The Irish Refugee Protection Programme*

The Irish Refugee Protection Programme (IRPP) was established by Government Decision of September 2015 as a key part of Ireland’s response to the global humanitarian migration crisis. It committed Ireland to accept 4,000 persons under various strands, including the EU Relocation Mechanism and UNHCR-led Resettlement ProgrammeAs of 31 December 2019, approximately 3,206 persons have arrived under the IRPP.

In December 2019 Ireland announced that it will welcome up to a further 2,900 refugees between 2020 and 2023 through a combination of resettlement and community sponsorship.

Under the plans, a new phase of the Irish Refugee Protection Programme will see 650 UNHCR resettlements in 2020, 700 in 2021, 750 in 2022 and 800 in 2023. The arrivals for the first two years will largely comprise Syrian refugees resident in Jordan and Lebanon, along with a pilot group of 150 Eritrean refugees resident in Ethiopia.

*Community Sponsorship Ireland Programme*

The Community Sponsorship Ireland Programme was established in November 2019 following a successful pilot programme. It is a complementary refugee resettlement stream to the traditional state-centred model.

The Irish model has been developed in cooperation with the Refugees and Citizenship Canada (IRCC), the UNHCR and civil society organisations including the Irish Red Cross, NASC, the Irish Refugee Council and Amnesty International Ireland.

*The Migrant Integration Strategy 2017-2020*

The Migrant Integration Strategy 2017-2020, provides the framework for action to support migrant integration. The Strategy contains 76 actions to be carried out by Government Departments and Agencies over the four year strategy period.

The strategy requires all public bodies to mainstream integration issues into their work.  It also includes specific actions to tackle racism, from the review of hate speech legislation to requiring local authorities to remove racist graffiti and to ensure that there is migrant representation on Joint Policing Committees.  A Strategy Committee meets quarterly to monitor implementation and includes NGO representatives as well as representatives of Government Departments and agencies.  The NGO representatives have a mandate to question public bodies and to press for more rapid implementation of key actions.

A progress report on the Migrant Integration Strategy was published in June 2019 and highlighted some positive developments, including the Department of Employment Affairs and Social Protection’s work towards job-activation and inclusion for migrants; Ireland’s Second National Intercultural Health Strategy; the Department of Rural and Community Development’s volunteering and community based sporting programmes and events; and the work of the local Authorities, among others.

In October 2019, it was announced that €4.5 million is being made available over three years under the European Union Asylum, Migration and Integration Fund (AMIF). This funding is targeted at initiatives to promote the integration of non-EU migrants and to combat discrimination and racism by providing a range of practical supports directly to migrants.

*Anti-Racism Committee*

The Migrant Integration Strategy progress report 2019 highlighted that further actions needed to be added to the Strategy focused on combating racism.  In response, an Anti-Racism Committee was established in 2019. The Committee is being independently chaired by Professor Caroline Fennell of University College Cork who is also a Commissioner of the Irish Human Rights and Equality Commission. The members of the Committee are commencing their work and have been specifically mandated to produce a draft anti-racism strategy with recommendations for reform that will be considered by the Government.

*Victims of Trafficking*

Ireland is committed to combatting trafficking in persons, and has a robust legal and institutional framework to tackle this issue. Ireland is fully committed to addressing the challenges of human trafficking under Irish and EU legislation and the principal international conventions.

The Criminal Law (Human Trafficking) Act 2008 and the Criminal Law (Human Trafficking) (Amendment) Act 2013 are the primary pieces of legislation covering human trafficking in Ireland. Under these Acts, courts can impose penalties of up to life imprisonment and unlimited fines on those convicted of trafficking people for labour or sexual exploitation, removing a person’s organs, forced criminality or forced begging.

Domestically, the Second National Action Plan to Prevent and Combat Human Trafficking was launched in 2016. The Action Plan involves a victim-centred and human rights based approach with the ultimate aim of preventing human trafficking, ensuring an effective criminal justice response and delivery of supports to victims.

An Garda Síochána (Ireland’s National Police Service) has also committed significant resources to the investigation and prosecution of human trafficking. A specialised Garda Unit, the Human Trafficking Investigation and Co-ordination Unit (HTICU), has been established to coordinate delivery of the national strategy.

Progress has also been made to improve the access of victims to State supports. Where an individual is identified as a suspected victim of human trafficking by HTICU they are eligible to receive State supports and services, including immigration permission, medical care, accommodation and legal advice, through the National Referral Mechanism to assist their recovery. A number of State bodies also provide care and practical support to victims, including the Health Service Executive, the International Protection Accommodation Service, the Legal Aid Board, the Irish Immigration Service and the Child and Family Agency (Tusla).

Action is also being taken to raise public awareness in Ireland and help members of the public identify the signs of human trafficking. More information is available on the “Blue Blindfold” website [http://www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie/), which is maintained by the Department of Justice and Equality.

In February of 2019, Ireland ratified the ILO Forced Labour Protocol, which reinforces the international legal framework for combating all forms of forced labour, including trafficking in persons. This initiative puts Ireland among the group known as “50 for Freedom”, which stems from an ILO initiative which encouraged member countries to ratify the Protocol by the end of 2019.

***An Garda Síochána (Ireland’s National Police Service) Diversity and Integration Strategy***

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

*Hate Speech and Hate Crime*

The Prohibition of Incitement to Hatred Act 1989 prohibits threatening, abusive or insulting conduct that is intended or likely to stir up hatred against a group of persons on account of their sexual orientation, race, colour, nationality, religion, ethnic or national origins, or membership of the travelling community.  In addition, a hate motive may be considered by sentencing judges as an aggravating factor increasing the sentence imposed, where a person has been found guilty of a crime such as assault. The Department of Justice and Equality is working to update Ireland’s criminal law on both hate speech and hate crime as a priority.

A comprehensive public consultation has been carried out to assist in this process, including a public survey and an opportunity for stakeholders to make formal submissions. This consultation has been carried out to ensure that there is a full understanding of the lived experience of those impacted by hate speech and hate crime as well as the views of professionals and other stakeholders in the field, so that the laws developed are robust, clearly understood and effective in dealing with unacceptable incidents.

*Establishment of Irish Human Rights and Equality Commission*

The Irish Human Rights and Equality Commission, IHREC, was established in 2014.  IHREC is an independent public body that is accountable directly to the Irish Parliament.  It has been given a range of powers to challenge discrimination and to seek legal redress for persons experiencing discrimination.  One of its new functions under the 2014 Act is to encourage the development of a culture of respect for human rights, equality and intercultural understanding in the State.  IHREC’s role of promoting intercultural understanding constitutes an additional mechanism, not only for promoting integration, but also for understanding the factors that can lead to discrimination against ethnic and racial minorities.

*Public Sector Human Rights and Equality Duty*

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