

Consideration of the third and fourth periodic report of Ireland by the Committee on the Elimination of Racial Discrimination

Geneva, Tuesday, 22 February 2011

Opening Statement by Ireland

Mr Chairman
Distinguished members of the Committee
Ladies and Gentlemen

My name is Diarmuid Cole and I'm Director General in the Department of Community, Equality and Gaeltacht Affairs assigned to the Office of the Minister for Integration, Equality and Human Rights.

As Members will be aware, a delegation from Ireland to this Committee would normally be led by a Government Minister but a General Election is currently in progress in Ireland, with voting to take place on Friday, so, on this occasion, regrettably Ministerial attendance is not possible. Nevertheless, I would like to take this opportunity to express Ireland's commitment to the Convention and to the CERD process.

I know that the Committee has had similar experiences with countries in election campaign situations and that you appreciate the limits placed on Civil Servants in these circumstances. My authorities appreciate the consideration given to our request for a postponement and understand why it was not possible for the Committee to accede to the request.

Without straying into the political arena, I am sure that the Committee will wish to be aware that none of the Irish political parties has sought to make immigration a negative issue in the election campaign.

I would like to introduce you to the other members of the delegation:

- Ambassador Gerard Corr, Permanent Representative of Ireland to the United Nations in Geneva
- Mr Colin Wrafter, Human Rights Unit, Department of Foreign Affairs
- Mr Mícheál Tierney, Deputy Permanent Representative, permanent Mission of Ireland to the UN, Geneva
- Ms Caroline Sweeney, Human Rights Officer, Permanent Mission of Ireland to the UN, Geneva
- Mr Noel Dowling, Department of Justice and Law Reform
- Ms Joanne Kirk, Department of Justice and Law Reform
- Ms Breda Naughton, Department of Education and Skills
- Ms Linda Grealy, Department of Community, Equality and Gaeltacht Affairs

- Ms Anne O' Gorman, Department of Community, Equality and Gaeltacht Affairs
- Ms Janet Lacey, Department of Community, Equality and Gaeltacht Affairs
- Ms Bernadette Phelan, Department of Community, Equality and Gaeltacht Affairs

If I may, Mr Chairman, I would like to take this opportunity to congratulate Ms Anastasia Crickley on her election to the CERD Committee. Anastasia has wide experience in the areas of interest to this Committee, in Ireland and elsewhere, both in the academic and practical spheres.

In this Statement, I intend to provide an update on the position in Ireland since the Report was submitted and to respond to issues raised in the theme paper.

In preparing the Report and this Statement, the most striking thing has been the change in the migration patterns over the period – initially very large inward migration latterly a steep decline in inward migration and the resumption of emigration – due to economic circumstances.

As an example, in 2007, new social security numbers were issued to 79,816 Polish people. In 2010, the number dropped to 8,742.

A national population census will take place in Ireland on 10th April this year and, until the data from this census becomes available next year, we can only estimate the number of non Irish nationals now living in Ireland.

In that regard the Central Statistics Office indicated that in the third quarter of 2010, there were 393,700 non Irish nationals aged over 15 living in Ireland. As the Committee will be aware, population statistics such as these can be regarded as broadly indicative measures only.

Other official information available shows that there were about 190,000 non Irish children (under the age of 18) in Ireland in January this year.

While most immigration to Ireland has been from those countries which joined the EU in May 2004, we now have people from over 188 different countries living in Ireland with a wide range of cultural identities and religious beliefs.

Clearly all of those who came to Ireland have not stayed but it is equally clear that a very significant number have remained.

Looking at the numbers of non Irish nationals on the Live Register, 76,645 as at the end of December, this figure has registered a drop of just 845 in the last year, a further indication that significant numbers remain.

I draw the attention of the Committee to these figures in order that the Committee will have available to it the most recent data, in order to better inform this dialogue.

Mr Chairman, I will now briefly outline some of the developments that have occurred in Ireland since our Report was submitted to the Committee in December 2009.

- The National Office for the Prevention of Domestic, Sexual and Gender-based Violence developed a National Strategy on Domestic, Sexual and Gender-based Violence for the five-year period from 2010 to 2014.

The strategy recognises that the violence concerned may be perpetrated against members of ethnic minorities and, although it takes a mainstream approach, its implementation will consider the specific needs of particular groups. A Strategy Oversight Committee has been established to monitor implementation of the strategy and to assist in identifying solutions to any high level difficulties or delays.

- Work on the National Women's Strategy 2007 – 2016 is progressing. The National Women's Strategy applies to all women equally. A triennial review on the implementation of the Strategy is currently underway and the issue of Traveller women and migrant women will be considered during this review. The Review is due to be completed in mid 2011. The Gender Equality team has been actively engaged in work on migrant women at the Council of Europe.
- In September 2010, the Department of Education and Skills published the National Intercultural Education Strategy. The Intercultural Education Strategy is guided by the Department's high level goal which aims to "support and improve the quality, relevance and inclusiveness of education for every learner in our schools". The Strategy is inclusive of all education sectors, from preschool to higher education.

The Strategy was informed by an extensive consultation process which was carried out with all stakeholders. This process included the hosting of several conferences, seven sectoral meetings as well as receiving over fifty written submissions. Representatives from the Traveller community were also involved in the consultations from the outset.

- Since January 2010, a free pre-school year is offered to all young children who are 3 years and 3 months to 4 and a half years old. This is an indication of the increased awareness of the importance of early childhood education for all children, especially those at risk of educational disadvantage. This scheme is accessible to all children living in Ireland including Traveller and immigrant children.
- The National Intercultural Health Strategy continues to be implemented on a phased, prioritised basis, within current human resource and financial constraints. Support has been provided on an ongoing basis towards the translation of prioritised information for use by service users and staff. Examples of translated information include general information about accessing and using the health services, information for families around addiction issues and information for women around accessing help in situations of abuse.

- A Government Bill entitled the Criminal Justice (Female Genital Mutilation) Bill 2011 was published on 20 January 2011. The main purpose of the Bill is to restate in a modern statute that the practice of female genital mutilation is a criminal offence in Ireland and to give our courts extra territorial jurisdiction. As the Dáil (House of Representatives) has been dissolved, that Bill has lapsed.
- The Garda (Police) Strategy Statement 2010 - 2012 was launched at the beginning of 2010. This document sets out An Garda Síochána's commitments for the three year lifetime of the Strategy. Within the Strategy, a key goal entitled '*Working with Communities*' commits An Garda Síochána to deliver a policing service that recognises the diverse needs and priorities of all the people and communities in Ireland. One of the objectives is to '*Continue to build trust and confidence with diverse communities through the implementation of the Garda Diversity Strategy*'.

A Diversity Management Unit has been established whose function is to progress the Diversity Policy internally within the organisation. A Diversity champion (the Chief Administration Officer who reports directly to the Commissioner) was appointed and he chairs a Diversity Strategy Board whose remit is to oversee the implementation of the Garda Diversity Strategy Implementation Plan. There is ongoing evaluation of the initiative with meetings occurring bi-monthly to evaluate progress and monitor developments.

- A Diversity Strategy for the Arts Sector was launched in September 2010 along with a Pamphlet 'Cultural Diversity and the Arts: Language and Meaning'. This strategy and pamphlet are useful and practical resources for those working in the arts sector and also for those engaging with it.
- Ireland ratified the UN Convention on Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, both of which it signed in Palermo in 2000, on the 17th June 2010, following the enactment of relevant legislation. In accordance with Irish practice in this area, national legislation has been introduced or amended to enable ratification rather than incorporating the Convention and Protocol themselves into national law.

Funding totalling €261,500 was also provided by the Department of Justice and Law Reform to two Non-Governmental Organisations in 2010 - Ruhama which assists victims of sexual exploitation and the Migrant Rights Centre of Ireland which assists victims of labour exploitation.

- The Irish Human Rights Commission (IHCR) initiated a Human Rights Education & Training Project in March 2010 which provides training in human rights tailored to the needs of individual Departments and Services of the Irish Civil and Public Service. The first phase of the project will run until July 2011 (with a view to expanding the project in the future) and includes awareness training on the

Convention on the Elimination of Racial Discrimination. In September 2010, the Irish Human Rights Commission also officially launched a Human Rights Guide for the Civil & Public Service.

- A Ministerial Council on Migrant Integration was established in 2010 to directly advise the Minister for Integration, Equality and Human Rights on issues faced by migrants in Ireland. Just under five hundred valid applications for appointment – from seventy six nationalities - to the Ministerial Council were received. Members of the Council were selected by the Minister and appointed for a period of five years. In making these appointments, the Minister took into account factors such as the need to have a balance between countries of origin, places of residence in Ireland and the desirability of having an appropriate gender balance. The Council meets in four regional formations and consists of 15 to 20 members in each region. In total, there are 74 members (37 male, 37 female, 35 of whom are from the EU and 39 from Non-EU countries). There are 36 countries represented. Each region held its inaugural meeting in the last quarter of 2010.

Two of the Council members, Jipe Kelly and Mika Hennessey, have travelled to Geneva for Ireland's dialogue with the CERD Committee, although not in their capacity as members of the Council.

- The CERD follow up Coordinator, who visited Ireland in 2006, expressed some concern as to the protection of large numbers of domestic workers residing in Ireland. In this regard, I am happy to report that, in 2010, the National Employment Rights Authority engaged in a pilot education and awareness campaign aimed specifically at workers in the domestic sector. This campaign was developed by the National Employment Rights Agency with the active involvement of relevant NGOs. This campaign is being followed up in February 2011 by the Labour Inspectorate of the Agency with a programme of inspections designed to check compliance with employment rights issues for domestic workers.
- Mr Chairman, in 2006, the CERD Coordinator on Follow up to Ireland, encouraged an assessment of the direct provision system. I would therefore like to take this opportunity to briefly update the Committee in this regard.

In order to meet its international obligations in the area of asylum, the Government has allocated significant resources over the years to our asylum determination structures, to reception arrangements and to the provision of services to asylum seekers. In the past five years, the total amount spent across the whole of Government on asylum seekers was in the order of €1.275 billion of which €424.43 million was spent on the direct provision system.

A Value for Money Review, in 2010, examined expenditure on the provision of full board ("Direct Provision") accommodation services for asylum seekers.

The Review had a number of purposes. It had to examine (with particular concentration on the period 2005 to 2008) the aims and objectives of the Programme and determine if those aims and objectives remained relevant and warranted the continued allocation of public funds; to determine whether the Programme was providing value for money; to make recommendations as to how the value for money of the Programme could be improved; to examine alternatives to the Programme and to determine whether these alternatives would provide better value for money.

The Review found that the aims and objectives of the accommodation programme run by the Reception and Integration Agency remain relevant and continue to warrant the allocation of public funds. The accommodation programme was found to be effective in that it has provided for the accommodation needs of all asylum seekers that require accommodation and it has dispersed accommodation centres around the country to ensure that, as far as possible, the additional demand on local services, for example, in health and education, is not an undue burden in any one location.

Direct provision, as operated by the Reception and Integration Agency, allows the State to ensure that a suitable standard of accommodation, food and ancillary services are provided to asylum seekers resident in the State. Not all new applicants choose to avail of the Reception and Integration Agency accommodation. Some source private accommodation through their own resources and some stay with friends and relatives.

Asylum seekers under the age of 18 can access full-time primary and secondary level education in the same way as any other person resident in the State. The Reception and Integration Agency coordinates the placement of children in schools local to each of the accommodation centres. Adult asylum seekers can avail of adult literacy and English language tuition.

The Reception and Integration Agency, accommodation centre contractors, State service providers (including schools, community welfare services, public health and social work services) and NGOs work to provide levels of integration through activities, support services and other community initiatives.

Children benefit from interaction with their communities in particular through their primary and secondary level schools both through in-school and extra curricular activities, including sports. In addition, in the year prior to commencement of primary education, State-funded pre-school services are available to all children in the State under the Early Childhood Care and Education Scheme.

The Government remains satisfied that the mix of targeted State provision of services in tandem with mainstreamed services such as health and education provide the most efficient and effective means of supporting asylum seekers while they await a decision on their application.

The system also supports people whose claim for asylum has been rejected and who are awaiting a decision from the Minister on applications for what is known as

subsidiary protection and/or leave to remain relating to, for example, humanitarian grounds.

Mr Chairman, I would now like to address the issues mentioned in the theme document.

The Convention in domestic law and legislative and policy framework for its implementation

(a). The need to incorporate the International Convention on the elimination of all forms of racial discrimination (ICERD) into domestic law in order to supplement existing legislation with a view to afford citizens and non-citizens more protection against racial discrimination. (CERD/C/IRL/3-4 para.49; and CERD/C/IRL/CO2/Add.1. Para. 19).

As the Committee is aware, Ireland signed the Convention in 1968 and ratified it in January 2001.

Ratification took place after the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000. Ireland has chosen to fulfill the international obligations arising out of the Convention through domestic legislation which deals specifically with all the forms of racial discrimination prohibited by the Convention.

The outgoing Government did not propose to incorporate the Convention into domestic law.

(b). Update on efforts to withdraw the State party's declaration on article 4 of ICERD following the research commissioned by the Department of Justice, Equality and Law Reform to assess the effective use of current domestic law to combat racially motivated crime (CERD/ C/IRL/CO2/Add.1para.21 and 22).

In response to Mr Amir's request for an update on efforts to withdraw Ireland's reservation/interpretive declaration on Article 4 and also referring to a previous concluding observation of the Committee on this issue, the outgoing Government had no plans to withdraw this reservation/interpretative declaration. The purpose of the reservation is to ensure that the right to freedom of expression and the right of peaceful assembly and association are not put in jeopardy. These rights are laid down in the Universal Declaration of Human Rights and are protected in the Irish Constitution.

I should say that Ireland has strong legislation prohibiting incitement to racial hatred. It also has robust equality legislation supported by an institutional infrastructure to promote equality and provide redress where discrimination, including discrimination on grounds of race, religion and membership of the Traveller community, occurs.

I will deal later with the use of domestic law.

(c). Lack of legislation proscribing racial profiling by the Gardaí and other law enforcement personnel. Grounds for requiring foreign nationals only to carry identity cards at all time and produce them when stopped by the Gardaí , which requirement does not apply to Irish citizens (CERD/C/IRL/3-4 para. 228).

Racial profiling is not carried by the Garda Síochána or any law enforcement agency.

The Garda Racial, Intercultural and Diversity Office proffers advice to all members of An Garda Síochána on anti-profiling measures to adopt in professional policing of the community. This advice focuses on the need to carry out powers in accordance with law i.e. reasonable suspicion/ grounds to carry out searches and or arrests and in a strictly non discriminatory manner.

In the case of identity cards, the now lapsed Immigration, Residence and Protection Bill 2010 contained proposals in this regard, which reflected the current legal position.

As with the earlier proposed legislation dealing with female genital mutilation, this Bill has lapsed following the dissolution of Dáil Éireann.

(1). Update on the review of the Prohibition of Incitement to Hatred Act 1989 in lights of research findings by the Centre for Criminal Research Justice, University of Limerick. Measures taken to ensure that Judges take into account racist motive as an aggravating factor during sentencing (CERD/C/IRL/3-4 paras. 51, 52 and 53).

Mr Chairman, in relation to providing an update on the measure suggested in the Review of the Prohibition to Incitement Act (Report – Combating Racism through the Criminal Law) to ensure that judges take into account racist motive as an aggravating factor during sentencing, I wish to advise that this is a complex issue but I will attempt to clarify the position for you.

In Ireland, the legislature enacts criminal laws which usually provide for maximum penalties in the form of a fine or imprisonment or both. Within our Constitutional framework, the determination of penalty in any individual case is a matter for the trial Judge. This allows the Courts to take all the circumstances of the offence and all the relevant aggravating and mitigating factors into account.

The University of Limerick Report in its Preface and Main Conclusions concluded that:

“Judges should be guided to consider racism as an aggravating factor deserving a tougher sentence. Judges may decide after full consideration that racism was not an aggravating factor in a particular case and this position is to be fully respected. However, on existing evidence, this Report is concerned that many judges are at present *not* considering racism as an aggravated factor and indeed some feel it *cannot* be considered as an aggravating factor under present law”.

In Chapter 9 of the Report (Conclusions and Recommendations), the authors weighed the arguments for and against introducing aggravated sentencing provisions and recommended a provision, taking section 11(4) of the Criminal Justice Act 1984 as a guide, that judges must consider racism as an aggravating factor which increases the seriousness of the offence when determining sentence.

However, the report's Executive Summary states that:

“Where an offence is carried out with a racist motivation, or where the offence is racially aggravated, the trial judge can take this into account in the sentencing stage.”

I can say that this does happen and I am aware of specific cases where Judges have imposed stiffer penalties where, for example, verbal racist abuse is used in a public order offence situation.

The aggravated sentencing provision in the 1984 Act (consecutive sentences) was introduced to deal with a very specific problem, i.e., persons before the courts on criminal charges committing offences - often multiple offences - while on bail.

The introduction of specific legislation to require racially aggravated sentencing cannot be divorced from wider questions of sentencing policy.

However, sentencing policy generally is being examined in the context of the development of a White Paper on Crime which had been promised by the outgoing Government.

Whether an incoming Government will proceed with the proposed White Paper is not something I can speculate about.

(e). Measures taken to ensure that the current budget cuts to institutions such as the Irish Human Rights Commission (32%), Equality Authority (43%) and the National Consultative Committee on Racism and Interculturalism (100%) do not stifle the monitoring of the implementation of the State party's obligations under ICERD (CERD/C/IRL/3-4 para. 190).

In common with all parts of the public sector, the Equality Bodies and the Human Rights Commission have been subject to expenditure reductions in recent years.

However, they continue to operate and carry out their statutory functions.

As members of the Committee will know from their own experience, decisions on expenditure are inherently political matters and, as these issues have featured in the current election campaign, I am unable to enter into discussion on the matter.

The position of the NCCRI is somewhat different as it ceased to operate at the end of 2008.

The history of the NCCRI is that it was created following the end of the European Year Against Racism in 1997. There was recognition at the time that a consultative body was necessary, given the population changes which had taken place in the previous decade.

The decision was that the body would be completely separate from Government, a private limited company, with no Government directors, for example and a non civil service staff.

The NCCRI and its staff, particularly the Director, made a valuable contribution when it was established, especially in the preparation and implementation of the National Plan against Racism, which ran from 2005 up to the end of 2008.

It is instructive that at the time of the launch of that plan its foreword was published in English, Irish, French, Spanish, Portuguese, Russian, Arabic, and Chinese.

It was not thought necessary to provide translations into, for example, Polish, as it was not felt that there would be enough Polish people living in Ireland to warrant translation.

In 2006, as the scale of inward migration became increasingly evident, the Government established an interdepartmental committee to examine the position and following consideration of a report from that group ultimately decided that a Minister should take responsibility for integration, with a view to developing a policy in the matter.

That policy statement titled “Migration Nation” was published on 1 May 2008.

Copies of the statement have been supplied to Members of the Committee.

In the statement, decisions taken about new forms of engagement between the Government and members of the migrant community were set out.

The new arrangements include new forms of consultation procedures with migrants and the extension of the remit of the Cabinet Committee, chaired by the Taoiseach (Prime Minister), on Social questions to include migrants. The title of the Committee was amended to the Cabinet Committee on Social Inclusion, Children and Integration. In so far as Governmental structures are concerned, the effect of this decision is that issues around integration are routinely on the agenda both at a political level and, through the work of the group of senior officials who support the work of the Cabinet Committee, also at official level.

As part of the process of considering what arrangements should be in place, the position of the NCCRI was considered and Migration Nation included a reference to “Hitherto this role has been fulfilled by the NCCRI...”.

By the time the Government came to frame its Budget in 2008, the overall state of the public finances led the Government to take the decisions that affected the bodies both those with statutory functions and the body which did not have a statutory role.

(f). Lack of legislative clarity to elaborate grounds for refusal of leave to land, and the non- existence of appellate or review procedures to challenge such immigration decisions (CERD/C/IRL/CO/2/Add.1 para. 94). Update on the status of the Immigration and Residence Bill (CERD/C/IRL/CO/2/Add.1 para. 206).

As already mentioned, the Immigration, Residence and Protection , 2010 has lapsed.

I can say for the information of the Committee that 3,031 people were refused entry to the State in 2010, of whom 321 were then permitted to enter to pursue an application for asylum made at the time.

**Integration, combating racial prejudices and the situation of non-citizens
(migrant workers, asylum seekers and refugees) (arts. 2, 5 and 6).**

(a). Measures taken to halt the harassment and ill-treatment of migrants on the street and other public places and to encourage reporting of racist incidents. (CERD/C/IRL/3-4 paras. 375 and 507).

Measures taken to encourage the media to disseminate messages to combat racial prejudice, xenophobia stereotyping and promote cultural diversity (CERD/C/IRL/CO2/Add.1 para. 28)

In so far as integration measures are concerned, the Office of the Minister for Integration, Equality and Human Rights continues to support local authorities in promoting integration and developing anti racism plans for their areas. In addition financial support continues to be made available to national sporting bodies for this purpose as well as support to other organisations active in the field. The total amount expended for the period 2008 to the 2010 (inclusive) amounts to just under 5.5m euro.

Information has been requested on measures taken to halt harassment and ill-treatment of migrants on the street and other public places and to encourage reporting of racist incidents.

In this regard, the staff at the Garda Racial Intercultural and Diversity Office through national and local consultation meetings with minority communities – urge representatives present to bring to the attention of the Garda Síochána, any act or attempted act of racism.

The Garda Racial, Intercultural and Diversity Office oversees the appointment and training of Ethnic Liaison Officers on behalf of the Garda Commissioner. There are currently 349 Ethnic Liaison Officers appointed to liaise with and reassure minority communities of the Garda Service available. Local Ethnic Liaison Officers engage

regularly with minority communities in the course of their duty and, likewise, encourage minority members within their sub-district to come forward and report racist crime.

Furthermore, victims of racist crime are encouraged to report offences to their local Garda Station as a first point of contact. It must be borne in mind that Ethnic Liaison Officers are now situated in most Garda Stations nationwide and can be contacted if a victim requires a more sensitive service. To this end, through national and local consultation processes with An Garda Síochána, representatives of minority groups are encouraged to 'spread the word' and urge victims to report racism to their local Gardaí.

The Garda Racial, Intercultural and Diversity Office affords interviews to the media in the course of which clear messages are conveyed to encourage the dissemination of statements to combat racial prejudice, xenophobia, stereotyping and to cultivate the promotion of cultural diversity. Successive Ministers have also used the media to condemn racism.

Media and raising awareness

Several large scale national media campaigns were carried out under the National Action Plan Against Racism during the years 2005 to 2007 and details of these can be found in our Report. These campaigns are extremely expensive and, as a result of budget constraints over the last 2 years, more focused and targeted awareness raising initiatives have been pursued.

In 2010, Dublin City Council's Office for Integration launched the ***One City One People*** Transport campaign. This initiative, which was funded by the Office of the Minister for Integration, used a variety of mediums to promote the message that Dublin is an open city, a city which respects and embraces difference, is accessible, safe and equal and does not accept racism and discrimination. In 2011, Dublin City Council intend to build on this successful message and will develop materials for communication and promotion of anti-racism awareness at local level through schools and libraries in the city.

The Office of the Minister for Integration provides substantial funding to Local Authorities around the country and to the National Sporting Bodies to develop integration and antiracism strategies and to support initiatives to promote integration and inclusiveness.

The Irish Government also provides support for the Annual Holocaust Memorial Day Commemoration. The Holocaust provides a platform from which every form of discrimination and prejudice can be studied. The experience of the Holocaust remains relevant in today's society and is significant in our efforts to combat racism and prejudice at all levels. The Office of the Minister for Integration has also provided additional funds to the Holocaust Educational Trust in Ireland towards the further development of educational materials and awareness raising activities around the dangers of discrimination and racism and the importance of tolerance, integration and respect for all.

As indicated in the State Report, an independent Press Council and Press Ombudsman's Office has also been established, funded by the press industry. Their new complaints mechanism provide the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and periodicals that breach the Code of Practice.

A scheme to sponsor the employment of immigrants as interns in local and regional newspapers has been established. It is considered that sponsoring the employment of interns for 6 months will among other things, expose the wider readership of a newspaper to the experience of this new group in Irish society and, in this way, integration would be enhanced.

Applications were received from 13 persons with 10 newspapers associated with the applications. A decision on the successful applicants is pending. This initiative is being funded by the Office of the Minister for Integration.

(2b). Following the report by the Garda Human Rights Audit that was launched in March 2005, which identified the shortcomings of the police especially with regard to their discriminatory treatment of foreigners, concrete measures taken to
(a) sensitise police officer against discriminatory treatment, and
(b) investigate and prosecute those alleged to have committed crimes through the Garda Ombudsman Commission established under the Garda Síochána (Police) Act of 2005 (CERD/ C/IRL/3-4 para. 75-79, & 376; and CERD/ C/IRL/CO/2/Add.1 para. 118-122, and 139).

In 2006, the CERD Co-ordinator on Follow-up welcomed the Garda Human Rights Audit which had resulted in a number of new structures and priorities for the Gardaí. He also recommended human rights training for all Gardaí. An Garda Síochána has a comprehensive education, training and information system for the professional development of all members. This development programme incorporates human rights training. This applies both to Garda students and to supervisory and managerial development courses. Details of the Human Rights inputs on the training programmes provided by the Garda Training College are set out in Appendix II of our 3rd and 4th Report.

As already mentioned, the Garda Racial, Intercultural and Diversity Office oversees the appointment and training of Ethnic Liaison Officers and there are currently 349 Ethnic Liaison Officers appointed around the country.

Staff of the Garda Racial, Intercultural and Diversity Office provide specialised training in the area of Human Rights and Anti Discriminatory Policing Techniques to Ethnic Liaison Officer, Specialist Interviewers and Senior Investigating Officer courses.

The Garda Ombudsman Commission, on occasion receives complaints which contain, in terms of alleged misbehaviour, allegations of discrimination by members of the Garda Síochána. These allegations are examined to establish whether they amount to breaches of discipline (i.e. misconduct amounting to breaches of discipline as set out under Schedule 5 of the Garda Síochána Act 2005). Should the allegations, contained in the complaint, be determined on examination to be admissible, in the context of the admissibility criteria set down in the Act, the matter will be resolved or otherwise investigated in accordance with the Act.

The Garda Ombudsman Commission has identified 111 complaints entailing an account that suggests discriminatory behaviour by a Police officer on grounds of race and/or religion in the period 9 May 2007 to 31 December 2010.

Breakdown by year of complaints

Year	2007	2008	2009	2010	Total
Count	39	23	24	25	111

Breakdown on Outcome of Complaints

Complaint Outcome	Sanction	No breach found	Withdrawn	Inadmissible	Still open	Total
Count	4	54	6	29	18	111

(c). Information on the reasons for government’s decision announced on 17 December 2008 to restrict access to the Irish labour market from nationals of Bulgaria and Romania starting from 1 January 2009. (CERD/C/IRL/3-4 para. 297).

Ireland was one of only three countries to open its labour market to the first wave of accession in 2004.

The Committee will be aware that, as part of the negotiations for the accession of Romania and Bulgaria to the European Union, Ireland (and other Member States of the European Union) concluded a treaty on 25 April 2005. This laid down the rules which would apply once Romania and Bulgaria joined the European Union, including adjustments to some of the treaties governing the European Union. Further rules were laid down in the Act of Accession annexed to the above treaty. As regards the free movement of workers, Annex VII to the Act of Accession allowed existing Member States (including Ireland) to lay down certain restrictions on the rights of Romanian and Bulgarian nationals to work on their territory, subject to reviewing the situation periodically.

In October 2006, the Government decided that Ireland would exercise the right defined by the Act of Accession and continue to restrict access to the Irish labour market for citizens of Romania and Bulgaria after 1 January 2007 when those countries joined the European Union. This decision was taken in the light of employment conditions. Romanian and Bulgarian citizens require an employment permit to take up employment

in Ireland and the employer has to attempt to fill the vacancy by offering it to Irish citizens or those from other nationalities who do not require an employment permit. There was an exception for Romanian and Bulgarian citizens who had been working lawfully in the State for a period of 12 months.

In December 2008, the Government decided it would continue to restrict access to the Irish labour market from 1 January 2009 and that the situation would be reviewed by the end of 2011. The requirement for an employment permit only applies for the first twelve months of continuous employment in the State. At the end of the twelve-month period, a Romanian or Bulgarian citizen is entitled to work without requiring a work permit.

It should be noted that Romanian and Bulgarian citizens are free to live in the State without needing an employment permit if they are self-employed, or (under certain conditions) as students, or as spouses or dependents of persons lawfully working in the State.

The restriction will have to be reviewed this year and the Committee will be aware that all restrictions for workers from Bulgaria and Romania must be lifted by 31 December 2013.

(d). Update on the recruitment of people of other national origin into the Garda following the revision of qualification requirements including language proficiency (CERD/C/IRL/3-4 paras. 263-264). CERD /C/IRL/CO/2/Add/1 para. 126-128, and 138).

With regard to the recruitment of people of other national origins to An Garda Síochána, I can report that there are currently 46 Non-Irish Nationals serving as members of An Garda Síochána consisting of 17 males and 29 females. There are currently 64 Non-Irish nationals serving as members of the Garda Reserve.

We can circulate further details on the residency and educational requirements for recruitment into An Garda Síochána for the information of the Committee members if required.

It must be noted that the moratorium on public sector recruitment and appointments continues to apply to An Garda Síochána. Early last year, the then Minister for Justice and Law Reform announced the organising of a new Garda recruitment campaign. However, since that announcement was made, the National Recovery Plan 2011- 2014 was developed and published. The plan proposes a reduction in the number of members of An Garda Síochána to 13,000 by the end of 2014. This reduction, and the rate at which it is achieved through retirements, will be taken into account in determining when recruitment will commence.

(e). Measures taken to review the definition of family to ensure that family reunification is not unduly restrictive (CERD/C/IRL/3-4 para. 530).

I refer to my earlier remarks regarding the Immigration, Residence and Protection Bill 2010.

(f). In light of the fact that the detention of asylum seekers is not carried out on a systematic basis, (CERD/C/IRL/CO2/Add.1. para.96), concrete measures taken to ensure that asylum seekers, who are neither suspected of having committed a crime nor convicted of a crime, are not detained in prisons and police stations but in special asylum seekers' holding facilities (CERD/ C/ IRL/CO2/Add.1. paras. 91 -94 and 96).

There is no policy of systematic detention of adults or children seeking asylum in Ireland.

Section 9 of the Refugee Act 1996 (as amended) does make provision for the detention of asylum seekers for stated reasons. Equally, it also makes clear that such provision does not apply to persons who are under the age of 18 years.

The Refugee Act 1996 also makes extensive provision for detained asylum seekers to be brought before a judge of the District Court for their detention to be reviewed.

Asylum seekers who are detained pursuant to Section 9 of the Refugee Act in specified places of detention (such as prisons or Garda Stations) have their conditions of detention together with other entitlements governed by the Refugee Act 1996 (Places and Conditions of Detention) Regulations 2000.

The general proposition in relation to the detention of minors under current law is that minors are not to be detained. In relation to removal, such detention will only arise as a last resort. This is in line with Article 17 of the EU Removals Directive.

Persons served with a Deportation Order, and, as such, are awaiting deportation, are only detained in circumstances where they seek to 'evade' their deportation. In such cases, detention is only for the period until such time as deportation arrangements are made.

It should be borne in mind that persons served with a Deportation Order who comply with the reporting requirements placed on them by the Garda National Immigration Bureau are not detained so such detention is entirely avoidable.

Ethnic minority issues and the situation of Traveller communities (arts. 2, 3, 5)

(a). Update on the implementation of the recommendations made by the High Level Group on Traveller Issues approved by the government on 21 March 2006, which, among other things, recommended the need to have meaningful consultations with Travellers (CERD/C/IRL/Co/2/Add.1 para. 163).

As requested, I will update the Committee on the implementation of the recommendations made by the High Level Group on Traveller Issues. To help address the situation a High Level Group on Traveller Issues was established in December 2003 under the aegis of the Cabinet Committee on Social Inclusion. Its remit is to ensure that the statutory agencies involved in providing the full range of services to Travellers, focus on improving the integrated practical delivery of such services. The Committee had its most recent meeting in December 2010. I will provide some concrete examples on the measures taken to improve the life experience for Travellers later on in this Statement.

Continuing developments should be viewed in the context of the National Action Plan on Social Inclusion 2007-2016. The overall objective of the Plan in relation to Travellers is to improve the life experience of Travellers through the provision of appropriate education, health and housing services and to remove any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country. The 2006 national partnership agreement, Towards 2016, includes the following commitment,

“An integrated approach to providing services and supports to Travellers will be developed in line with the recommendations of the Report of the High Level Group on Traveller Issues, taking account of the Second Progress Report of the Traveller Monitoring Committee. The Government and social partners agree to give concentrated attention to achieving progress on this approach, including opportunities for Travellers to participate in employment in the public, private and voluntary sectors and to support measures to improve communication between Travellers and the general population.”

(b). Progress made to ensure that self-identification is primarily used in determining whether or not a people are an ethnic minority. Update on the efforts to recognise various Traveller communities and groups as ethnic minority groups as ethnic minority groups (CERD/C/IRL/3-4 paras. 8 and 11; CERD/C/IRL/CO/2 para. 20; and CERD/C/IRL/CO/2/Add. 1 para. 158).

The question of Traveller ethnicity has been raised and the Follow-up Coordinator to Ireland in 2006 encouraged the State party to engage with the Traveller community in this regard also. At the instigation of the then Minister for Integration, Equality and Human Rights initial discussions have been held with the five National Traveller Groups in relation to ethnicity. The question has also been the subject of extensive discussion at meetings of the National Traveller Monitoring and Advisory Committee.

The State accepts the right of Travellers to their cultural identity. However, the outgoing Government had not concluded that Travellers are ethnically different from the majority of Irish people. The point also needs to be made that the 1995 Task Force Report on the Traveller community, which consisted of Government Departments, civil society and Traveller representatives did not recommend that Travellers should be identified as an ethnic minority.

The 2009 report of the National Traveller Monitoring & Advisory Committee, which includes individuals drawn from different sectors, such as Traveller organisations, individual Traveller nominees and Government Departments gave some consideration to the question of recognising Travellers as a distinct ethnic group and stated “ *Some members of the committee felt that it was debatable as to whether the majority of Travellers would welcome such a development and that it could serve to further marginalise Travellers*”. The National Traveller Monitoring and Advisory Committee recommended that the “*Government should open discussions with these groups on Traveller ethnicity with a view to exploring ways in which this issue can be progressed*”

There is a need for discussions to take place in the Traveller community around this issue also – this view was endorsed by Mr Rainer Hofmann, President of the Advisory Committee for the Framework Convention on the Protection of National Minorities at a recent seminar in Dublin in preparation for Ireland’s Third State Report under the Convention.

Further consideration of this issue will be a matter for the incoming Government.

(c) In light of shortcomings acknowledged by the State party with regard to the implementation of policies affecting Travellers in areas of housing, education, employment, health care and access to essential goods and services, concrete measures taken to improve the livelihood of Travellers and member of their families (CERD/C/ IRL/CO/2/Add.1 para. 160 and 161).

In the last number of years, progress has been made on the implementation of policies affecting Travellers in areas of housing, education, employment and healthcare. I would like to take the opportunity to provide examples of some concrete measures taken in a number of relevant sectors.

Housing

The Housing (Traveller Accommodation) Act 1998 requires each major housing authority to draw up, adopt, and implement multi-annual Traveller accommodation programmes, with the aim of accelerating the provision of accommodation for Travellers.

Significant progress has been made in the provision of Traveller accommodation in recent years. It should be noted that the number of Traveller families recorded in Ireland has increased by 28% in five years. Despite the challenges raised by this rate of increase, the accommodation position of Travellers in the State has improved during this period.

The number of families living on unauthorised sites has reduced from 601 in 2004 to 422 in 2009. As a percentage of the overall number of Traveller families, this reduction equates to a 45% decrease. It should be noted that, in 1999, prior to the first Traveller Accommodation Programme, the Annual Count recorded 25.2% of Traveller families living on unauthorised sites.

Between 2004 and 2009, an additional 604 Traveller families were permanently accommodated in standard local authority housing and a further 103 were assisted in purchasing their own home by their local authority. Also, during this period an additional 126 families were accommodated in Traveller specific group housing. The numbers sharing all types of accommodation decreased in percentage terms.

There has been an enormous increase in the number of families living in private rented accommodation. This undoubtedly shows that the private rental market has become much more open to Traveller tenants. The vast majority (over 96%) of the 2,003 families recorded as living in private rented accommodation receive assistance in meeting their accommodation costs either through the payment of rent supplement or through the Rental Accommodation Scheme. With the number of families accommodated using the Rental Accommodation Scheme continually increasing, private rented accommodation has become a viable and more secure long term accommodation option. Travellers living in private rented accommodation remain on their local authority housing list and are offered permanent accommodation in line with their local authority's scheme.

During the period 2005 – 2010 (inclusive), a total of €178 million was expended on the provision of new, and refurbishment of existing, Traveller-specific accommodation. This is in addition to expenditure on standard local authority housing and other housing supports.

Education:

A key development in terms of advancing education for the Traveller Community has been the Report and Recommendations for a Traveller Education Strategy which was launched in November 2006. The Report covers all aspects of Traveller Education from pre-school right through to further and higher education within a lifelong learning context.

The principle of inclusion is at the core of the current strategy and future provision will focus on the development of a more inclusive and intercultural school practice and environment through the whole school planning process, admissions policies, codes of behaviour and whole school evaluation. A key aim of the strategy is to enhance access and education service delivery to Travellers. Future provision will focus on 'individual educational need' rather than 'Traveller identity'.

The primary aim of the Strategy is to ensure a quality, integrated education for Travellers underpinned by the principles of inclusion and mainstreaming with an emphasis on equality and diversity and the adoption of an intercultural approach. This is in line with the Government's recommendations in the National Action Plan Against Racism 2005-2008. This approach was further enhanced by the publication in September 2010 of the Intercultural Education Strategy in which Travellers are identified 'as the most distinct indigenous minority group' within the host community.

Resource Teachers for Travellers in Primary School and equivalent resources for Travellers at post primary level are being withdrawn under Budget 2011. In future,

educational teaching supports to Traveller students will be provided on the same basis as other students in schools. This is consistent with recommendations set out in the Traveller Education Strategy which seek to ensure that Travellers will be supported on the basis of identified need rather than their identity as members of the Traveller community. Alleviation measures will be considered for schools with a high concentration of Traveller children.

Health Care

A wide range of specific Traveller dedicated health services, such as Traveller Health Units and Primary Health Care Projects, have been developed. Funding allocations for Traveller specific health services has risen to over €11 million per year. Structures have been put in place to ensure the effective delivery of services. Traveller Health Units operate in each Health Service Executive area and the units comprise representatives from Health Service Executive management and Traveller representatives. These units work in partnership with local Traveller organisations and the Travelling community.

At central policy level, the Traveller Health Advisory Committee advises the Minister on policy in relation to Traveller health. This Committee comprises of representatives of the Department of Health and Children, the Health Service Executive, Travellers and Traveller organisations.

The significant investment in Traveller health has also allowed for the appointment of designated Public Health Nurses for Travellers and the roll out of Primary Health Care for Traveller projects which established a model for Traveller participation in the development of health services.

The commitment to Traveller health is also reflected in the significant resources allocated to the commissioning of the All Ireland Traveller Health Study which was launched in July 2007. It was the first such study of the health status of Travellers since 1987 and is the first that involved Travellers from both jurisdictions. The study was carried out by the School of Public Health and Population Science, University College Dublin (UCD). The findings of the study were published in September 2010.

The study included a census of the Traveller Population and an examination of their health status and utilisation of health services in order to identify the factors which influence mortality and health status. The results of the study place a strong emphasis on the impact of the social determinants of health, particularly on the importance of education. The findings will provide a framework for future policy development and practice in relation to Traveller health.

Using innovative new methods, Travellers themselves, together with frontline service providers, worked as peer researchers with the researchers from UCD to collect the data. The significant overall response rate of 80% reflected the extensive preparation together with collaboration of all stakeholders in undertaking the study.

One of the key findings from the study is that Travellers of all ages continue to have much higher mortality rates than people in the general population with Traveller men now living on average 15 years less than men in the general population and Traveller women living on average 11.5 years less than women in the general population. Deaths from respiratory diseases, cardiovascular diseases and suicides were more markedly increased in Travellers compared to the general population.

Among the positive results from the study were evidence of good access to health services and improvements in Traveller women's health. Access to health services is good, with Travellers stating that their access is at least as good as that of the rest of the population. Access to primary care services is an important element of health services delivery. Over 94% of Travellers have a Medical Card, entitling them to free medical care, with this figure rising to 99% in the older age group and nearly 97% of all Travellers are registered with a General Practitioner. The Traveller Primary Health Care workers are part of the Health Service Executive Primary Care Team. However, the research reports that the healthcare experience is not as good as the general population, with communication cited as a major issue by both Travellers and service providers.

The Traveller Health Advisory Committee and the Health Service Executive are currently working together to devise a list of priority actions which will focus service provision based on the findings of the study. Priority areas for attention in 2011 include:

- Mental Health;
- Suicide;
- Men's Health;
- Addiction/Alcohol;
- Domestic Violence;
- Diabetes;
- Cardiac Health;
- Mapping of Traveller Health Unit work to Primary Care Teams and Networks.

Conflict resolution

It is accepted that conflict within Traveller families, between Traveller families and between Travellers and the settled community happens, sometimes with fatal consequences.

Mediation has been seen as a way forward and, to facilitate this process, funding of 130,000 euro a year was allocated to Pavee Point, one of the presenters of a shadow report, between 2002 and 2008. In line with reductions elsewhere, this funding was reduced to 101,500 euro in 2009 and to 51,000 euro in 2010.

The purpose of the service is to support better relations between Travellers and members of the settled community. The service is available to members of the Traveller community and the settled community who wish to find a solution to conflict through the process of mediation.

The Department of Community, Equality and Gaeltacht Affairs has, in parallel with the Pavee Point work, and in partnership with all the key players, been exploring ways in which a strategic approach aimed at preventing possible disputes escalating might be formulated.

A number of workshops were held in 2010 - one with those who have previously carried out work in the area. The aim was to establish what had worked and what hadn't with their approaches.

The second was for members of the Gardaí only. This workshop centred on dealing with a crisis, preventing a crisis, what the Garda perceptions of Travellers were and what needed to be changed or addressed.

The third workshop involved a group of Travellers and discussions centred around the causes of conflict and how these might be addressed.

In addition, in the Midland region, the Department has supported a Traveller Conflict and Mediation Initiative. Funding of 40,000 euro was made available in 2009 and a further 60,000 euro in 2010. In addition, a philanthropic foundation provided funding of 60,000 euro in 2009.

The strategy being followed is based on the view that (1) an effective response to conflict requires a joined up approach that brings a mediation/conflict resolution approach to bear in tandem with a clear policing and enforcement and (2) addresses a range of issues which contribute to and exacerbate conflict between Travellers and between Travellers and the settled community.

In this project, the mediation workers have made substantial progress in contacts with the local Traveller families and also in contact with the Gardaí, Probation Service, the Judiciary, Prison Service, Local Authorities, Sports groups, the Churches, Traveller Training Centres and so on.

Various training programmes for Travellers have been delivered as well.

The ultimate aim is that the Traveller community will have the capacity within itself to prevent disputes from escalating.

An early assessment of the project has shown that the level of violence has reduced significantly, the numbers involved greatly reduced and that the situation is nowhere near as volatile as in 2007. There has been no reoccurrence of the original dispute which led to the setting up of this initiative.

I would not like it to be thought that these difficulties are confined to the Midland region. In fact other regions have sought the help of those involved in this project, in seeking to resolve conflicts in their own areas.

Roma

There are no reliable figures on the number of Roma in Ireland. Pavee Point has estimated that there are perhaps 3,000 to 3,500 Roma in the country.

Ireland has not experienced the difficulties encountered by other States although we are aware through the Council of Europe and the European Union of developments which have taken place in other States.

The Committee will be aware that the European Union is devising a strategy in this area and Ireland will contribute to the formulation of that strategy, based on our experience of dealing with Travellers and our limited experience with Roma people.

I can say that one member of the Ministerial Council on Migrant Integration is a member of Roma community.

(d). Measures taken to improve school attendance and retention of pupils from Traveller communities. Steps taken to establish the root causes of early school leaving, lower attendance rates, and attainment levels in English and Mathematics following the survey by the Traveller Education Provision (STEP). (CERD/C/IRL/CO/2/Add/ 1 para. 169).

Mr Chairman, I will now address the measures taken to improve school attendance and retention of pupils from Traveller communities. The vision for Traveller Education was set out in the Report and Recommendations for a Traveller Education Strategy (2006). The importance of mainstreaming provision versus segregated provision is the immediate priority. Examples of recent changes include:

- The universal provision of a free pre-school year for all 3 year and 3 months to 4 and 6 month old children including Traveller children has enabled the mainstreaming of such provision and minimised the number of segregated pre-schools for Travellers.
- Travellers are participating in primary education but issues relating to attainment and attendance have to continue to be prioritised. Transfer to junior cycle post-primary has improved but retention (or poor attendance) of many Traveller students is still a key concern as is attainment in State examinations. Progression to senior cycle is still very low.
- Travellers aged 15 – 18 years, since January 2009, are no longer allowed to enrol in segregated Senior Traveller Training Centres
- Senior Traveller Training centres are to be closed by June 2012 and adult Travellers will be catered for in mainstream further education programmes.
- Work by the Higher Education Sector is trying to encourage Travellers to consider the possibilities of progressing to Higher Education programmes. Travellers are an identified target group of the National Access Plan 2008- 2013.
- Travellers are represented on a number of committees including the Department's Traveller Education Strategy Advisory and Consultative Forum

- The publication of the Intercultural Education Strategy (2010) promotes the dynamic two way process of integration that includes both the majority and minority communities.

The STEP survey (2006) did find that more than 60% of Traveller pupils in the primary sector were below the 20th percentile in English reading and in mathematics, while 2% were in the top (80 – 100) quintile.

The 2009 National Assessments of Mathematics and English Reading identified Travellers as a subgroup in their national assessments. Travellers were a small sample of the main group – less than 2% of the cohort. The findings would suggest that, compared to their peers, their performance was disimproving between 2nd and 6th classes. Due to the small sample size, as noted above, the data needs to be interpreted, with caution, as being indicative.

Currently, the Department of Education and Skills is in consultation with the key stakeholders on its “Better Literacy and Numeracy for Children and Young People – A Draft National Plan to improve Literacy and Numeracy in Schools” which was published in November 2010. This consultation is happening in recognition of the evidence that “some children in our schools are not acquiring adequate literacy and numeracy skills”. In relation to the targeting of additional resources on learners at risk of failure to achieve adequate levels of literacy and numeracy the Plan highlights amongst others “children from the Traveller community”. The Plan also notes that “it is important, therefore, that preventative measures are put in place to enable children in vulnerable groups to derive maximum benefit from education”.

Equal enjoyment of socio-economic rights (arts2 and 5).

(a). Update on measures taken to ensure that all students have a wider choice to attend non-denominational schools. Further, that non-denominational teacher training institutions are readily available so that prospective teachers of non-faith and minority religious backgrounds are not deterred from accessing teachers training (CERD/C/IRL / CO/2/Add. 1. para. 146).

Mr Chairman, there has been considerable discussion in Ireland on the issue of the need to provide a wider choice of schools to meet the needs of our now much more diverse society. This is, due to historical developments in this sector, a complex topic and something that cannot be achieved over night. However, progress is being made in this area.

School provision

An increasing birth rate since 1995 and increased inward migration have resulted in year on year increasing school enrolments. Capital expenditure for schools during 2007 to 2010 amounted to over €2.3 billion. The 2011 allocation is €383m.

School types

Due to historic developments, the vast majority of primary schools are privately owned, publicly funded and denominational in character. In the last thirty years, there has been an increase in the range of patron types in primary schools. The majority of new schools are either multi-denominational or Irish medium schools. This increased range of school types reflects the increased plurality and diversity now in Irish society.

For example, of the new schools opened in the last fourteen years, 27 were Catholic schools, 42 were Educate Together schools and 34 were Irish language medium schools.

School Patronage – diversity in choice of provision

A full review of the criteria and procedures for the recognition and establishment of new primary schools is being undertaken by the Commission on School Accommodation. It is expected that the Commission will report to the incoming Government in the near future.

Community National Schools

The Community National School is a new model of school under the patronage of the Vocational Education Committees. Community National Schools cater for the needs of parents seeking a denominational, multi- denominational and/ or non-denominational education. They welcome and respect all faiths and none and seek to provide for religious education in the main faiths and belief systems in their schools through their “Goodness Me, Goodness You” programme. This programme is delivered in accordance with the wishes of parents. The emphasis in the Community National Schools is on inclusivity and respect for the diversity of cultures present in our society. Since 2008, five new community national schools have been opened.

Enrolment policies

Schools currently take in new students in line with their own published enrolment policy. The question of enrolment is the responsibility of the managerial authority of each school.

The Department of Education and Skill’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice. This selection process and the enrolment policy on which selection is based must be non discriminatory and must be applied fairly in respect of all applicants.

Teacher Training for students of non-faith or minority religious backgrounds

The position with regard to teacher training for students of non-faith or minority religious backgrounds, is that four of the six Colleges of Education accept students of all faiths and none on their Bachelor of Education and their post-graduate programmes. The only exception is the Church of Ireland College of Education. Its remit is to provide teachers for the Protestant primary school sector. The most recently established college – Hibernia – offers a post-graduate programme and it has no religious affiliation.

The Teaching Council has established an Advisory Group to recommend criteria for extended and reconceptualised programmes of teacher education. The role of Religious Education is amongst the many aspects that are under consideration. A report is due this summer.

Religion in the curriculum

Article 44.2.4 of the Irish Constitution and section 30 (2) (e) of the Education Act, 1998 do not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student.

In relation to the primary curriculum, it is the responsibility of the school to provide religious education relating to the ethos of the school but to also provide arrangements for those students who do not wish to avail of the Religious Education provision that is on offer.

At post- primary level there is a curriculum in religious education (comparative religions) available as an option for students of all faiths and none. It is an examination subject.

Schools can refuse to admit students to denominational schools on the ground of religion if it is deemed necessary so as to protect the ethos of the school (Equal Status Act)

The Irish Human Rights Commission has launched a consultation process on the role of religion in primary and post-primary schools in the State. Submissions have been sought by the Commission. The IHRC intends to make recommendations to the incoming Government based on the findings of their consultation process. The Department of Education and Skills looks forward to receiving the report and considering its findings.

Conclusion

Thank you very much for your attention, Mr Chairman. We look forward to continuing the dialogue with the Committee and will respond as fully as possible to any question members may wish to put to us.