

# Civil Society Submission on Human Trafficking, Domestic and Gender-Based Violence, and the Rights of Refugees and Asylum Seekers

Universal Periodic Review of Ireland (39th Session - Nov 2021)

Submitted by



Edmund Rice International



Sisters of Our Lady of Apostles, Irish Province



INTERNATIONAL  
PRESENTATION  
ASSOCIATION

International Presentation Association



Association of Leaders of Missionaries and Religious  
of Ireland



Religious in Europe Networking Against Trafficking  
and Exploitation



Akina Dada wa Africa-AkiDWA



Community After Schools Project



Iontaobhas Scoileanna Éamainn Rís  
Edmund Rice Schools Trust

Edmund Rice Schools Trust



European Province of the Christian Brothers



**Sisters of Mercy of the Americas - Mercy International Association (MIA)- Global Action**



**Institute of the Blessed Virgin Mary**



**Salesian Missions - Don Bosco Aid Ireland**



**Congregation de Notre Dame**



**Act To Prevent Trafficking APT/AMRI**



**New Communities Partnership**



**Congregation of Our Lady of Charity of the Good Shepherd**



**Spirasi (Spiritan Asylum Services Initiative)**



**Daughters of Charity**



**The Jesuit Centre for Faith & Justice**



**Cork Against Human Trafficking**



sexual violence centre cork  
CORK CITY · BANTRY · MALLOW

**Sexual Violence Centre Cork**



**MECPATHS**

**MECPATHS (Mercy Efforts for Child Protection Against Trafficking with the Hospitality and Services Sector)**



**Society of African Missions**



**Cork Migrant Centre**

**Cork Migrant Centre**



**Irish Province of Dominicans**



**Friends of Africa**



**Redemptorists**  
IRELAND

**Redemptorists, Irish Province**

See the ANNEX: List of Submitting Organizations for full details.

# INTRODUCTION

1. This joint stakeholder submission to the Universal Periodic Review is made by a coalition of faith-based and civil society groups including Edmund Rice International (ERI), the Sisters of Our Lady of Apostles - Irish Province (OLA), and the International Presentation Association (IPA), and supported by local grassroots groups and national and international organizations.
2. The submitting organizations respect the progress made by Ireland in promoting and safeguarding human rights and the commitments made in relation to previous UPR cycles but believe there are areas requiring further attention. This joint submission focuses on three interrelated areas of concern in Ireland: human trafficking, domestic and gender based violence, and the rights of migrants, refugees and asylum seekers.

## METHODOLOGY

### **A. Human Trafficking:**

3. The section dealing with human trafficking has been prepared from consultations with civil society groups working to combat human trafficking, most notably MECPATHS.<sup>1</sup> Information for this submission has been developed from periodic reports reviewing human trafficking in Ireland, most notably the US State Department's *Trafficking in Persons* reports, the 2017 *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking*, the Irish Department of Justice and Equality's *Trafficking in Human Beings in Ireland* reports, as well as other reports and submissions from civil society groups.

### **B. Domestic and Gender Based Violence:**

4. The section dealing with violence against women and children has been prepared from research compiled by civil society groups including SafeIreland reports *Transforming the Response to Gender Based Violence in Ireland*, and *Tracking the Shadow Pandemic*, as well as the Women's Aid report, *When Home is not Safe: Covid 19 Supplement*. Reports commissioned by the Irish Government have also been consulted, notably *The Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Process* (the Day Report), and the McMahon Report<sup>2</sup> that precedes it. There has been consultation with practitioners and professionals working with, and for, victims of domestic and gender based violence.

### **C. Migrants, Refugees and Asylum Seekers:**

5. The section dealing with issues facing migrants, refugees and asylum seekers has been prepared from consultations with stakeholder groups represented in the European Province Refugee Group<sup>3</sup> and data compiled from research conducted by civil society groups such as the Immigrant Council of Ireland,<sup>4</sup> Spirasi,<sup>5</sup> and the Irish Refugee Council.<sup>6</sup> Information

for this submission has been developed from narrative reports by volunteers and professionals working with asylum seekers and refugees in various settings including: the Lantern Centre,<sup>7</sup> the Mosney Direct Provision Centre,<sup>8</sup> and Dunboyne Community College.<sup>9</sup> These data are amplified by the accounts compiled in the Edmund Rice Schools Trust (ERST)<sup>10</sup> report *Futures on Hold*.<sup>11</sup>

## **A. HUMAN TRAFFICKING: CONCERNS AND RECOMMENDATIONS.**

6. Ireland has been recognized as a country of origin, transit and destination in the trafficking of persons. The continuing prevalence of trafficking in Ireland, and the State's response, is a cause of serious concern. The US State Department's 2020 *Trafficking in Persons Report* has downgraded Ireland's position to Tier Two Watchlist.<sup>12</sup>

## **INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE AND POLICY MEASURES**

### **CONCERN: FAILURE TO RESOURCE AND COORDINATE EFFECTIVELY ANTI-TRAFFICKING EFFORTS**

7. Despite the adoption of the 2016 Second National Action Plan (NAP) to Prevent and Combat Trafficking in Ireland, the State has failed to effectively resource and coordinate anti-Trafficking efforts. This undermines Ireland's efforts to meet the obligations of the Palermo Protocol to Prevent, Suppress and Punish Trafficking, and slows Ireland's progress on Sustainable Development Goals (SDGs) 5.2, 8.7 and 16.2.
8. Ireland's 2016 National Report for the UPR indicated the Second NAP would direct Ireland's anti-trafficking efforts,<sup>13</sup> and Ireland accepted recommendations from Sudan and Belarus to continue and speed up its adoption.<sup>14</sup> However, while the Second NAP outlined 65 actions, there was no budget allocation, indication of responsibilities, or time-frame made available to the public or stakeholders, nor was there a publicly visible mid-term review. According to the 2020 *Trafficking in Persons* (TIP) report, 'It was uncertain whether the government followed its national anti-trafficking action plan.'<sup>15</sup> Until autumn 2019, responsibility for coordinating anti-trafficking efforts lay with the Department of Justice and Equality (DoJ) Anti-Human Trafficking Unit (AHTU), established in 2008. In 2019, a Transformation Programme initiated within the DoJ introduced new structures including a "policy function" and "transparency function", both of which absorbed work previously undertaken by the AHTU.<sup>16</sup> This restructuring raises concerns that diffused responsibility may reduce coherence and effectiveness.

## 9. RECOMMENDATIONS

- 1) A Third National Action Plan, that includes a budget, specific allocation of responsibilities and a time frame, is essential.
- 2) The DoJ should reinstate a dedicated anti-trafficking unit with responsibility for those functions previously transferred to the policy and transparency functions in 2019.

## COOPERATION WITH TREATY BODIES

### **CONCERN: IRELAND HAS NOT RATIFIED THE OPTIONAL PROTOCOL TO THE CONVENTION OF THE RIGHTS OF THE CHILD (CRC)**

10. Despite signing the Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography in 2000, Ireland has still not ratified the protocol.

### 11. RECOMMENDATIONS:

- 1) Ireland should ratify the protocol without delay.

## RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON

### **CONCERN: FAILURE TO IDENTIFY VICTIMS OF HUMAN TRAFFICKING**

12. Ireland has failed to effectively identify victims of human trafficking despite adoption of the Second NAP. This represents a failure to vindicate the right to life, liberty and security of person expressed in Ireland's commitment to the Palermo Protocol and SDGs 5.2, 8.7 and 16.2.

13. In 2019, the UNODC concluded that the level of trafficking in Ireland was approximately 50 percent higher than the number detected.<sup>17</sup> According to the OSCE's special representative for combating trafficking, 'Ireland's response to trafficking [lacked] proactive identification.'<sup>18</sup> In 2019, the TIP report noted 'chronic deficiencies in victim identification,'<sup>19</sup> and the 2020 report noted that only 42 victims of trafficking were identified in 2019, the lowest number since 2013.<sup>20</sup> The OHCHR's 2016 Stakeholders Summary for the UPR included a recommendation that 'Ireland develop a comprehensive victim identification and protection procedure with the involvement of civil society.'<sup>21</sup> Ireland's 2016 National Report stated that the Second NAP would 'set out a clear work programme to collaborate with civil society.'<sup>22</sup> However, while Ireland's police service, An Garda Síochána, can receive victim referrals from any source, only it has authority to formally identify victims;<sup>23</sup> frontline responders and NGOs have no formal role in victim identification.<sup>24</sup> While An Garda Síochána rely on frontline personnel to make victim referrals, at present there is no comprehensive identification and referral training for frontline personnel in positions likely to encounter trafficking. Furthermore, according to the 2020 TIP report, An Garda Síochána 'lacked consistent standards when assessing

victims; anti-trafficking efforts varied widely throughout the country; there was no consistently used formal referral mechanism'.<sup>25</sup>

#### 14. RECOMMENDATIONS:

- 1) Training in the consistent use of the National Referral Mechanism (NRM) should be provided to all units of An Garda Síochána.
- 2) The NRM should be revised so that formal victim identification and referral can be made by entities other than An Garda Síochána, including civil society, social workers and healthcare professionals. This ensures that formal identification and victim services are available without the need for referral from, or requirement to cooperate with, An Garda Síochána.
- 3) Clear criteria, and associated training, should be provided to all groups engaged in identification and referral. Such training should be appropriately resourced and mandated for those frontline personnel in positions likely to encounter trafficking. Specialized training should be provided to frontline personnel who may encounter child victims of trafficking.

### **CONCERN: TRAFFICKING FOR SEXUAL EXPLOITATION IN IRELAND**

15. Human trafficking for the purposes of sexual exploitation is the most prolific form of human trafficking identified in Ireland, especially affecting women and children, in breach of the right to life, liberty and security of person as outlined in the Palermo Protocol.
16. Between 2013 and 2017, 137 of 283 trafficking victims identified in Ireland were trafficked for sexual exploitation. This amounts to half of all identified victims of trafficking, the majority of whom were female.<sup>26</sup> Migrant women and girls who are victims of other forms of trafficking, such as domestic work, are also particularly vulnerable to sexual exploitation.<sup>27</sup> The demand for trafficking for sexual exploitation is driven by the demand for the purchase of sex. Research finds that one in fifteen men in Ireland have paid for sex,<sup>28</sup> and despite being 'well informed about trafficking in women' continue to buy sex.<sup>29</sup> Trafficking also intersects with the hospitality and services sector, with the privacy afforded by hotel accommodation used for child sexual exploitation through trafficking. Hotels, with the support of NGOs such as MECPATHS, are increasingly taking 'a proactive approach to counter Child Trafficking by prioritizing training for their staff.'<sup>30</sup> However, according to MECPATHS, who work to combat trafficking for sexual exploitation of children, there is currently no social worker with responsibility for Irish national victims of child trafficking. Greater State support is needed for the training of frontline professionals across all sectors engaged with vulnerable persons if Ireland is to meet the targets for SDGs 5.2, 8.7 and 16.2.

#### 17. RECOMMENDATIONS:

- 1) Due to the prevalence of trafficking for sexual exploitation, the State should increase efforts to map human trafficking in Ireland to identify factors which foster trafficking for sexual exploitation, to assess the risks, and close any gaps.<sup>31</sup>
- 2) The State should promptly improve the identification of, and assistance to, child victims of trafficking by ensuring all social workers within TUSLA<sup>32</sup> receive adequate training and support in this area.
- 3) The State should continue to work with NGOs to provide training for staff in frontline professions to identify and report suspected cases of trafficking.

### **CONCERN: FAILURE TO SUPPORT VICTIMS OF TRAFFICKING**

18. Presently, the NRM provides for the rights of trafficking victims including accommodation, medical services, legal aid and advice, amongst other supports, however the State has fallen short in meeting these rights.<sup>33</sup> This undermines Ireland's commitment to "protect and assist the victims of such trafficking, with full respect for their human rights" outlined in the Palermo Protocol.
19. In line with recommendations in the 2017 report by GRETA,<sup>34</sup> the Second NAP outlined an intention to establish a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking.<sup>35</sup> However, such an identification mechanism has not been delivered. Despite the gendered nature of sex trafficking, victims of sex trafficking have frequently been placed in accommodation where there is an 'absence of gender-specific accommodation.'<sup>36</sup> This was previously raised in the OHCHR's 2016 Compilation Report for the UPR, which 'expressed concern that victims of trafficking were kept in Direct Provision centres'.<sup>37</sup>

### **20. RECOMMENDATIONS:**

- 1) Ireland should enact legislation to provide victims of trafficking with rights to specialized assistance and legal protection regardless of their nationality or immigration status. An associated policy providing a comprehensive suite of supports should be put on an administrative footing.<sup>38</sup>
- 2) Appropriate accommodation that is cognizant of the nature of victims' exploitation should be made available.<sup>39</sup> The Government's recent *White Paper to End Direct Provision*<sup>40</sup> is most welcome in this regard, however it is important that the commitment to provide appropriate accommodation and supports are fully realized. These supports include the newly introduced vulnerability assessment, offered to all people seeking international protection, which is also most welcome. Case-workers undertaking vulnerability assessments should receive all necessary training to identify and respond to the needs of victims of trafficking.
- 3) Ireland should establish a specific child-centred referral mechanism in line with the intention outlined in the Second NAP.

## **ADMINISTRATION OF JUSTICE, INCLUDING IMPUNITY AND THE RULE OF LAW**

### **CONCERN: FAILURE TO SECURE CRIMINAL CONVICTIONS**

21. Despite the identification of 471 victims of trafficking since 2013,<sup>41</sup> no human trafficker has been convicted.<sup>42</sup> The failure to secure a single conviction represents a failure in the administration of justice, threatens to engender a culture of impunity, and renders ineffectual the right of victims to seek justice guaranteed under Article 8 of the UDHR. This undermines Ireland's progress on SDGs 5.2, 8.7 and 16.2.
22. According to the State's 2018 *Trafficking in Human Beings in Ireland* report: 'Trafficking in human beings is a high profit–low risk crime'.<sup>43</sup> Therefore, identification, prosecution and conviction of traffickers are essential for effective deterrence. Yet, according to the 2019 TIP report, Irish efforts to detect trafficking are declining and no prosecutions were initiated in 2018.<sup>44</sup>

### 23. RECOMMENDATIONS:

- 1) Ireland should fully enforce the human trafficking laws by bringing perpetrators to justice with sanctions commensurate with the gravity of their crimes. Efforts should be made to prosecute cases of human trafficking as an offence under the Human Trafficking Acts rather than under offences carrying lesser penalties.
- 2) Ireland should take measures to ensure that investigations and prosecutions are appropriately resourced, including personnel, training and technology, to achieve criminal convictions in cases of human trafficking. In particular, training should be provided to members of An Garda Síochána and the Courts conducting investigations and prosecutions.

### **CONCERN: PROSECUTION OF VICTIMS OF TRAFFICKING FORCED INTO CRIMINALITY**

24. Victims of trafficking who are forced to engage in criminal activity are not protected from prosecution. This undermines Ireland's commitment to "protect and assist the victims of such trafficking" under the Palermo Protocol. Furthermore, the threat of prosecution deters victims of trafficking from exercising their right to seek protection and remedy.
25. Ireland's 2016 National Report states that 'An Amendment to the Criminal Law (Human Trafficking) Act 2008 [enacted in July 2013] criminalizes trafficking for the purposes of forced begging and trafficking for other criminal activities.'<sup>45</sup> Nevertheless, there is evidence that persons trafficked for forced criminality go unidentified: 'individuals who are convicted for cannabis cultivation often report indicators of forced labor.'<sup>46</sup> Furthermore, the 2020 TIP report noted instances where 'trafficking victims were persuaded to plead guilty to commercial sex-related charges'.<sup>47</sup> There is a lack of legal

clarity in this area: ‘NGOs noted the process for victims to seek immunity from punishment for criminal activity as a result of trafficking was complex and required early legal representation.’<sup>48</sup> In 2015, the High Court found a need for protocols or legislation to direct the State’s approach to victims of trafficking suspected of criminal activity.<sup>49</sup>

## 26. RECOMMENDATIONS:

- 1) Following the non-punishment principal outlined in the 2017 GRETA report,<sup>50</sup> victims should be exempt from penalization for criminal acts committed under duress, and protocols or legislation dealing with suspected cases of forced criminality should be developed as called for by the High Court.
- 2) Training in a victim-centred approach to suspected cases of trafficking should be provided to An Garda Síochána and the Courts.
- 3) Legal assistance should be made available to suspected victims of forced criminality at the earliest opportunity, and prior to engaging with An Garda Síochána.

## **RIGHT TO WORK AND JUST AND FAVOURABLE CONDITIONS OF WORK**

### **CONCERN: LABOUR EXPLOITATION OF TRAFFICKED PERSONS IN THE REGULAR ECONOMY**

27. Human trafficking for labour exploitation is taking place throughout the regular economy in Ireland,<sup>51</sup> representing a breach of the right to liberty and security of person, as well as the right to favourable conditions of work. Action is required if Ireland is to make progress on SDGs 5.2, 8.7 and 16.2.
28. According to the 2017 GRETA report, the number trafficked for labour exploitation ‘has been on the increase.’<sup>52</sup> This is reflected in the 2020 TIP report: ‘the problem of forced labor in the country is growing.’ Between 2013 and 2017, 111 people were trafficked for labour exploitation,<sup>53</sup> and of 64 victims identified in 2018, 35 (55%) were trafficked for labour exploitation.<sup>54</sup> In the fishing industry, while Government has endeavoured to address employment rights through the Atypical Working Scheme,<sup>55</sup> UN rapporteurs were critical of this scheme, noting: ‘undocumented workers [are] particularly vulnerable.’<sup>56</sup> In the domestic sector, agencies who recruit “au pairs” go unregulated as they can work 20 hours per week without a permit. NGOs have reported that: ‘employers regularly paid au pairs less than minimum wage and forced them to violate the 20 hours of work per week maximum, creating vulnerability to labor trafficking.’<sup>57</sup> The 2019 TIP report (reporting on 2018) found that ‘government did not make efforts to reduce the demand for forced labor.’<sup>58</sup> The efforts to reduce demand for labour trafficking worsened in 2019, when only 3 of 39 trafficking investigations were for labour trafficking.<sup>59</sup> The number of labour inspections conducted by the Workplace Relations Commission (WRC) fell from 5,700 in

2018 to 4,800 in 2019, and the WRC did not report identifying any trafficking victims, nor did they report investigating labour trafficking.<sup>60</sup>

#### 29. RECOMMENDATIONS:

- 1) Greater mapping of sectors of the economy particularly vulnerable to trafficking is required.
- 2) Increased inspections and identification of suspected cases of trafficking in the labour market is required, with greater focus on exploitation in recruitment chains in vulnerable sectors.
- 3) Mandatory training in awareness-raising, detection and reporting protocol should be introduced for frontline personnel within sectors vulnerable to trafficking.

## **B. DOMESTIC AND GENDER BASED VIOLENCE CONCERNS AND RECOMMENDATIONS**

30. The failure to properly resource the timely implementation of policy and legislation that serves victims of domestic and gender based violence leaves them vulnerable to continued abuse and victimization. The pandemic has highlighted some of the weaknesses of underfunded services as they try to meet increasing demand for support.<sup>61</sup>

### **INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE AND POLICY MEASURES**

#### **CONCERN: FAILURE TO RESOURCE DOMESTIC VIOLENCE SUPPORT SERVICES.**

31. The impact of austerity measures from 2008, and a lack of leadership on the issue of gender based violence (GBV), has meant that substantial progress in the provision of support services for victims of gender based violence (GBV) has been slow.<sup>62</sup> While funding to tackle domestic and GBV has increased since the 2016 UPR, financial support remains inadequate. This risks the rights and wellbeing of women and children, and risks progress in meeting obligations set out in article 3 of the Convention on the Elimination of Discrimination against Women, as well as full achievement of SDG 5.2.
32. Ireland is to be commended on the legislative progress following the 2016 UPR, with the enactment of the Domestic Violence Act 2018<sup>63</sup> and ratification of the Istanbul Convention in 2019. The recognition of domestic, sexual and GBV as ‘an epidemic’ in the Programme for Government<sup>64</sup> is welcome, as is the ‘audit into the State’s response to domestic and sexual violence amid concerns that there are gaps in the services offered to vulnerable women and groups.’<sup>65</sup> Notwithstanding this progress, serious concerns remain. The frailty

of policy and practice for the support of victims of GBV has been further revealed by the pandemic. Prior to the pandemic, a lack of refuge spaces for women and children was reported. This has been exacerbated as job losses, financial stress, home-schooling, and mental health deterioration due to Covid-19 has contributed to increased incidences of domestic violence.<sup>66</sup> The pandemic restrictions further isolate women and children who suffer domestic violence, which is even more pronounced in rural settings where access to refuge spaces is limited.<sup>67</sup> The availability of refuge spaces provided via Airbnb during the first phase of restrictions in March 2020,<sup>68</sup> is no longer available during the latter phase of restrictions. Thus far, 1,351 requests for refuge could not be met despite services working creatively to find alternative safe accommodation.<sup>69</sup> Furthermore, domestic and GBV support services, including the courts service, have been slowed by the pandemic due to social distancing requirements that further encumber all services. Support services also bear increased costs due to heightened health and safety regulations. The State has made increased funding available, which is welcome. Operation Faoiseamh, by An Garda Síochána<sup>70</sup> in response to the increase in the reported incidences of domestic violence is also welcome, as is the reported intention to extend Operation Faoiseamh after the pandemic.<sup>71</sup>

### 33. RECOMMENDATIONS:

- 1) To appropriately financially resource the 3rd National Strategy on Domestic, Sexual and Gender Based Violence.
- 2) To ring fence all financial support for the Domestic Violence Services and support for victims, offering protection from austerity measures.

### **CONCERN: THE LACK OF QUALITATIVE DISAGGREGATED DATA RELATING TO WOMEN'S EQUALITY.**

34. At present there is a lack of data on violence against women. There is a critical need for gender disaggregated data and for data in critical areas relating to women's equality. However, the Central Statistics Office (CSO) no longer publishes an annual Women and Men in Ireland report, which collected data on critical socioeconomic indicators.<sup>72</sup> Furthermore, the last comprehensive study on the level of sexual violence in Ireland dates from 2002.<sup>73</sup> Under SDGs 5.2.1-2, Ireland is mandated to develop national comparable indicators that can only be assured with the reliable collection and collation of disaggregated data. This gap in data was raised in the OHCHR's 2016 Compilation Report for the UPR.<sup>74</sup> The OHCHR also indicated that the development, implementation and monitoring of a "gold standard" for data collection should be undertaken in consultation with civil society organizations and sufficiently resourced.<sup>75</sup> This is needed to increase the effectiveness of services to women. The Government's signal to establish a 'gold standard' for data collection including disaggregation of data by ethnicity, sex, age, disability and relationship between the victim and perpetrator, is welcome.

## 35. RECOMMENDATIONS:

- 1) Ireland should ensure that a ‘gold standard’ of data collection and analysis is developed within An Garda Síochána, the Courts, TUSLA, HSE,<sup>76</sup> and other relevant agencies, in line with human rights based standards of data collection, and implemented in consultation with civil society organizations.<sup>77</sup>
- 2) The CSO should return to reporting on ‘Women and Men in Ireland’ on an annual basis.<sup>78</sup>

## **RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON**

### **CONCERN: GAPS IN DOMESTIC VIOLENCE SERVICES**

36. Notwithstanding Ireland’s welcome ratification of the Istanbul Convention on Combating Violence Against Women in 2019,<sup>79</sup> Ireland continues to fall short in the provision of comprehensive supports. Indeed, Ireland is failing in its obligations under the Istanbul Convention.
37. Recent reports indicate that Ireland has less than a third of the number of domestic violence refuge spaces needed to meet EU standards.<sup>80</sup> Furthermore, Roderic O’Gorman, the Children and Equality Minister, confirmed that the Irish Government continues to claim it is required to provide only one refuge space for every 10,000 women living in Ireland.<sup>81</sup> This is in breach of the Istanbul Convention which requires States to provide one refuge space for every 10,000 of the population.
38. Furthermore, appropriate training for frontline personnel in law enforcement is also deficient. Safelreland’s 2017 report, *Transforming the Response to Gender Based Violence in Ireland*, finds that: ‘The legal system - at every level – is failing women and children who are living with violence and abuse in their homes. There is complete inconsistency in the responses domestic violence victims receive from the legal system. While there are pockets of good practice, where legislation and policy is being implemented, this has been the exception rather than the norm.’<sup>82</sup> Training on domestic violence for members of An Garda Síochána is limited to their initial training. Training of legal professionals, probation officers and Court staff remains ad-hoc. The judiciary are not provided with the type of ongoing training and professional development that is seen in other countries.<sup>83</sup> The lack of consistent training contributes to the poor response domestic violence victims receive from the legal system.<sup>84</sup>
39. Of particular concern are the many applicants for international protection housed within Direct Provision who experience gender based violence.<sup>85</sup> Migrant women are disproportionately represented in the number of women presenting to frontline domestic and sexual violence services. Some 19 percent of women accessing Women’s Aid One to One Support Services for the first time were migrant women.<sup>86</sup> Women and girls in Direct

Provision face additional barriers to accessing support services, including language barriers, cultural norms and stigma, knowledge of services, immigration status dependency and lack of trained staff. The Joint Oireachtas Committee on Justice and Equality recommended that ‘gender specific accommodation, with additional and appropriate and tailored supports and services, should be provided for those identified as victims of trafficking and GBV and that priority should be given to designating private, non-shared rooms for those who have been abused.’<sup>87</sup>

#### 40. RECOMMENDATIONS:

- 1) Ireland should increase by a factor of three the provision of places of refuge for victims of domestic and GBV taking into account specific rural and urban requirements. The State should also commit to a time-line for the provision of such places.
- 2) An important aim of the Second National Strategy on Domestic and GBV 2016-2021 is to improve victim supports. This must take into account the specific supports required by women and girls with additional support needs and experiences. The Government’s *White Paper to End Direct Provision* is welcome, however until the system has been replaced, it is critical that in the short term the recommendation of the Istanbul Convention be implemented, namely that the State develop gender-sensitive asylum and reception procedures and support services for the most vulnerable within Direct Provision.<sup>88</sup>
- 3) Relevant ongoing training on domestic and GBV, and violence against women should be mandatory for An Garda Síochána, Courts staff, lawyers and judges.<sup>89</sup>

## **C. MIGRANTS, REFUGEES AND ASYLUM SEEKERS: CONCERNS AND RECOMMENDATIONS**

41. The current pandemic has exacerbated already existing problems for asylum seekers and refugees in Ireland. This is well documented by civil society groups such as Spirasi, Doras, the Irish Refugee Council, and by state agencies such as the HSE.<sup>90</sup>

### **RIGHT TO PRIVACY, MARRIAGE AND FAMILY LIFE**

#### **CONCERN: FACILITATING FAMILY REUNIFICATION FOR REFUGEES**

42. Access to legal protection for the family is inherent in the right to family reunification asserted by the 1951 Convention. Nonetheless, refugees granted residency in Ireland confront persistent difficulties in vindicating their right to family reunification as defined by the 1951 UN Conference.<sup>91</sup>

43. In January 2017, Ireland enacted the International Protection Act 2015. However, instead of ameliorating the family reunification process in the country, the Act has further complicated the situation. Irish immigration legislation provides inadequate recognition of the family reunification needs of international protection applicants.<sup>92</sup> This undermines Ireland's commitment to achieving SDG 10.7, which calls for governments to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

44. RECOMMENDATIONS:

- 1) Enact the International Protection (Family Reunification Amendment) Bill 2017.<sup>93</sup>

**CONCERN: ACCESS TO HOUSING AND ACCOMMODATION**

45. Access to housing is a basic human right.<sup>94</sup> The Irish Refugee Council notes that in 2021 over 900 people are still living in emergency accommodation without access to adequate services and support. This has implications for the physical and mental health of refugees, especially on the welfare and education of the children who find themselves in this situation.<sup>95</sup> In Ireland the reliance on private contractors for Direct Provision accommodation has been severely criticized.<sup>96</sup> The existence of these issues undermine progress on achieving good health and wellbeing outlined in SDG 3, as well as establishing inclusive communities outlined in SDG 11. The State is to be commended for addressing these issues in the 2021 *White Paper to End Direct Provision*. In particular, the support for policy provisions required to implement fully the right to International Protection is also welcome.<sup>97</sup>

46. It has been noted by volunteer and community groups working with people in Direct Provision that the long-term impact of the precarious nature of their situation undermines their mental health.<sup>98</sup>

47. RECOMMENDATIONS:

- 1) Implement fully the provisions of the 2021 *White Paper to End Direct Provision*.
- 2) The State must ensure durable and comprehensive access to the full exercise of the right to protection afforded to refugees as recommended by the Irish Refugee Council and the Irish Refugee Network, and in accordance with the 2016 New York Declaration.

**CONCERN: AN ASYLUM PROCESS THAT IS UNJUST**

48. Due to the failure of the Department of Justice to provide for a timely legal processing of asylum applications, just and fair treatment is denied to the applicants. Applicants can wait up to fifteen months before receiving a response to their request for asylum.<sup>99</sup> More than

40% of asylum seekers living in Direct Provision in Ireland currently spend two or more years in accommodation centres.<sup>100</sup> This threatens progress on SDG 16, which aims to provide access to justice for all and requires the Government to build effective, accountable, and inclusive institutions at all levels. However, the systems to support the legal processing of applicants in a timely manner are wholly dependent on providing commensurate resourcing for the International Protection Office (IPO), the International Protection Appeals Tribunal (IPAT) and the Refugee Legal Services (RLS). In addition, the voluntary civil society groups who provide Medico Legal Reports for the protections process should receive support. This issue has been recognized in the Government's 2021 *White Paper to End Direct Provision*.

#### 49. RECOMMENDATIONS:

- 1) Introduce legislation to enact the principles of the *White Paper to End Direct Provision*, Section 3.3.
- 2) Provide for a timely implementation of the legal processing of those in the International Protection System by the Department of Justice and Equality.
- 3) Ensure an adequate resource provision for the International Protection Office (IPO), the International Protection Appeals Tribunal (IPAT) and the Refugee Legal Services (RLS) and for all relevant stakeholders.

## **FREEDOM OF RELIGION OR BELIEF, EXPRESSION, AND RIGHT TO PARTICIPATE IN PUBLIC AND POLITICAL LIFE**

### **CONCERN: THE PATHWAY TO CITIZENSHIP**

50. The Irish Nationality and Citizenship Act 1956 governs the modes of citizenship acquisition in Ireland. In the case of refugees and migrants, citizenship is acquired through naturalization.

51. A person with sixty months lawful residency in the State is entitled to apply for naturalization/citizenship. A current passport from the country of origin is required which can be particularly onerous requirement for asylum seekers/refugees who are fleeing persecution. In addition, many embassies do not answer online queries regarding passport renewal. While it is necessary for the State to identify applicants for the purposes of safe, orderly and responsible migration, requiring travel to one's country of origin in order to retrieve a passport may involve huge risk and expense. Given the context for asylum seekers and refugees who are fleeing persecution, this undermines Ireland's commitment to achieving SDG 10.7, which calls for governments to facilitate orderly, safe, regular and responsible migration.

#### 52. RECOMMENDATIONS:

- 1) Where extenuating circumstances exist, the requirement for the submission of a valid national passport should be waived in a consistent manner.
- 2) In line with the suggestion of the *White Paper to End Direct Provision*, where the requirement for an existing passport has been waived due to extenuating circumstances, the State should grant long term residency to those asylum seekers.

## **RIGHT TO EDUCATION**

### **CONCERN: VINDICATING THE RIGHT TO EDUCATION**

53. Children in the asylum process are currently entitled to avail of free education up to QQI Levels 4 and 5. However, in practice, it is already acknowledged that many obstacles to accessing the right to education are experienced by such children.<sup>101</sup> This threatens to undermine progress on SDG 4 which aims to ensure inclusive and equitable quality education. In this regard the announcement on 11 March 2021 by the Minister for Higher Education that students living in Direct Provision will no longer have to pay international fees for post-Leaving Cert (PLC) courses is welcome.<sup>102</sup> Also welcome is the intention outlined in the *White Paper to End Direct Provision* to establish an adequate financial support system to ensure access to education at all levels up to and including QQI Level 6 (Higher Education).<sup>103</sup>
54. It has been noted that the educational needs of very young children are not being met. As of August 2019, there were 1,643 children in the Direct Provision System.<sup>104</sup> In addition, there is a clear need for support services, particularly in the area of language education, for the mothers of refugee children who, in many instances, are the sole providers of early years' education for their children.<sup>105</sup>
55. The Marino Institute of Education drew attention to early years' education provision for children who are residents in Direct Provision centres.<sup>106</sup> Children in these circumstances are often negatively affected by the hidden curriculum and biases of the schools.<sup>107</sup> In recognition of this problem the 2016 *Diversity, Equality and Inclusion Charter and Guidelines for Schools* was published by then Minister for Children, Katherine Zappone TD.<sup>108</sup> The recently published *White Paper to End Direct Provision* has fully acknowledged the need to support diversity provision across all public sector provision.
56. RECOMMENDATIONS:
- 1) Implement the 2016 *Diversity, Equality and Inclusion Charter and Guidelines for Schools* within the compulsory education system.
  - 2) Implement Section 4.6 of the *White Paper to End Direct Provision*.
  - 3) Ensure the continuation and expansion of funding for national language support services.
  - 4) Ensure that adequate funding is available for all voluntary and community bodies.

## **MIGRANTS, REFUGEES AND ASYLUM SEEKERS**

### **CONCERN: ACHIEVING SOCIAL INTEGRATION AND INCLUSION**

57. As a signatory to the 1951 Convention on the Status of Refugees and the 1967 Protocol, Ireland is obliged to provide for the protection and welfare of refugees. Such protection includes support for the social integration of refugees and asylum seekers into the wider Irish society within a social inclusion framework. This obligation comprehends many areas of life and entails commitments to ensure and support access to education, health care, and participation in social and cultural life. We note with satisfaction the adoption by the 2021 *White Paper to End Direct Provision* of the recommendations of 2016 McMahon Report and the 2020 Catherine Day Report in relation to Irish policies implementing and supporting persons receiving International Protection. We believe that the implementation of these reports are essential if Ireland is to meet its commitment under the Sustainable Development Goals (SDGs) Agenda for 2030 to ‘leave no one behind’.

### **58. RECOMMENDATIONS:**

- 1) Introduce legislation to implement in full the relevant recommendations of the 2021 *White Paper to End Direct Provision*.
- 2) Maintain current efforts to enhance, expand and fund the English language learning facilities currently being provided by community and voluntary groups.

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## ENDNOTES

<sup>1</sup> MECPATHS (Mercy Efforts for Child Protection against Trafficking with the Hospitality and Services Sector), is a social justice response to the growing prevalence of Human Trafficking and the exploitation of people, in Ireland. MECPATHS collaborates closely with private, statutory and non-statutory agencies and organizations working to counter Human Trafficking.

<sup>2</sup> McMahon, Bryan, *Working Group Report to Government on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers*, (Dublin: Department of Justice and Equality, 2015)

<sup>3</sup> European Province Refugee Group was set up by people associated with the European Province of the Christian Brothers as a response to the 2015 refugee crisis. It sponsored a number of seminars and briefing meetings for the wider Edmund Rice Network in Ireland and the UK. Volunteers work on a one-to-one basis with refugees who are currently in Direct Provision. A refugee housing project is currently underway with the Irish Refugee Council.

<sup>4</sup> See <https://www.immigrantcouncil.ie>

<sup>5</sup> See <https://www.spirasi.ie>

<sup>6</sup> See <https://www.irishrefugeecouncil.ie/>

<sup>7</sup> The Lantern Centre was established in 2008 to provide services and facilities for migrants and refugees. It specializes in the provision of inter-cultural training and activities. See [www.lanterncentre.org/](http://www.lanterncentre.org/)

<sup>8</sup> The Mosney Direct Provision Centre is the largest such facility in Ireland. Originally a holiday camp owned by Butlins, it was made available for refugees in 2015. See [https://en.wikipedia.org/wiki/Butlin%27s\\_Mosney](https://en.wikipedia.org/wiki/Butlin%27s_Mosney)

<sup>9</sup> See <https://dunboynecollege.ie/>

<sup>10</sup> The Edmund Rice Schools Trust (ERST) is one of the largest such voluntary agencies in the Irish education sector. It actively promotes social justice and human rights education in the schools within its network. See [www.erst.ie/](http://www.erst.ie/)

<sup>11</sup> *Futures on Hold: A Position Paper on direct provision and its impact on learning and wellbeing for students and young people*, (Dublin: Edmund Rice Schools Trust, June 2019), retrieved: [https://www.erst.ie/uploads/Futures\\_On\\_Hold\\_for\\_publication.pdf](https://www.erst.ie/uploads/Futures_On_Hold_for_publication.pdf)

<sup>12</sup> *Trafficking in Persons Report*, (Washington DC: Office to Monitor and Combat Trafficking in Persons, US Department of State, 2020), retrieved: <https://www.state.gov/trafficking-in-persons-report/>, p. 269

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<sup>13</sup> Government of Ireland, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Ireland*, (Secretariat of the United Nations: 9 February 2016), p. 4

<sup>14</sup> *Report of the Working Group on the Universal Periodic Review: Ireland*, Second Cycle, paragraph 135.150 (Sudan), and paragraph 135.151 (Belarus)

<sup>15</sup> *Trafficking in Persons Report*, (2020), p. 272

<sup>16</sup> *Transformation Programme: Briefing*, (Dublin: Department of Justice and Equality, 2019)

<sup>17</sup> *Research Brief: Monitoring Target 16.2 of the United Nations Sustainable Development Goals: multiple systems estimation of the numbers of presumed victims of trafficking in persons: Ireland*, (UN Office on Drugs and Crime, 2019), retrieved: [https://www.unodc.org/documents/data-and-analysis/glotip/MSE\\_Research\\_Brief\\_Ireland.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/MSE_Research_Brief_Ireland.pdf)

<sup>18</sup> Hennessy, M., 'You're not screening for them': Concern that trafficked children are falling through cracks, (TheJournal.ie, 23 February 2020), retrieved on 6 July 2020: <https://www.thejournal.ie/child-trafficking-ireland-5016343-Feb2020/>

<sup>19</sup> *Trafficking in Persons Report*, (Washington DC: Office to Monitor and Combat Trafficking in Persons, US Department of State, 2019), retrieved: <https://www.state.gov/trafficking-in-persons-report/>, p. 251

<sup>20</sup> *Trafficking in Persons Report*, (2020), p. 270

<sup>21</sup> OHCHR, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Ireland*, (Secretariat of the United Nations: 23 February 2016), p. 7

<sup>22</sup> Government of Ireland, *National report*, (2016), p. 4

<sup>23</sup> Department of Justice and Equality, retrieved from [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie) on 5 May 2020: <http://www.blueblindfold.gov.ie/en/bbf/pages/doje>, and Department of Justice and Equality, retrieved from [www.justice.ie](http://www.justice.ie) on 28 April 2020: [http://www.justice.ie/en/JELR/Pages/human\\_trafficking](http://www.justice.ie/en/JELR/Pages/human_trafficking)

<sup>24</sup> *Trafficking in Persons Report*, (2020), p. 271

<sup>25</sup> Ibid

<sup>26</sup> *Trafficking in Human Beings in Ireland*, (Dublin: Department of Justice and Equality, 2017) p. 8

<sup>27</sup> Ruhama, *Submission to CEDAW on Trafficking in Women and Girls in the Context of Migration*, (Dublin: Ruhama, 2019)

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<sup>28</sup> Shannon, G., *The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – An Interim Review*, (Dublin: High Level Working Group, 2020), p. 6

<sup>29</sup> Shannon, *The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – An Interim Review*, (2020), p. 6

<sup>30</sup> MECPATHS, *How does Child Trafficking intersect with the hospitality industry?* Retrieved, 7 May 2020: <https://mecpaths.com/our-work/#hospitalityindustry>

<sup>31</sup> Shannon, (2020) p.12

<sup>32</sup> TUSLA is the State agency responsible for improving wellbeing and outcomes for children.

<sup>33</sup> *Trafficking in Human Beings in Ireland*, (2017) p. 15. *Trafficking in Persons Report*, (2019), p. 252. Ruhama, *Submission to the Thematic Report on Innovative and Transformative Models of Social Inclusion for Victims of Trafficking*, (Dublin: Ruhama, 2019)

<sup>34</sup> GRETA (Group of Experts on Action against Trafficking in Human Beings), *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland: Second Evaluation Round (Adopted on 7 July 2017)*, (Strasbourg: Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings, 20 September 2017), p. 63

<sup>35</sup> *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland: Executive Summary*, (Dublin: Department of Justice and Equality, 2016), pp. 72, 79.

<sup>36</sup> Ruhama, *Submission to the Thematic Report*, (2019)

<sup>37</sup> OHCHR, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21: Ireland*, (Secretariat of the United Nations: 7 March 2016), p. 14

<sup>38</sup> Ruhama, *Joint Submission on the Draft Second National Action Plan on Trafficking in Human Beings*, (Dublin: Ruhama, 2015)

<sup>39</sup> *Trafficking in Persons Report*, (2019) p. 251

<sup>40</sup> Government of Ireland, *White Paper to End Direct Provision and to Establish a New International Protection Support Service*, (Dublin: Department of Children, Equality, Disability, Integration and Youth, 2021), pp. 43, 60, 65

<sup>41</sup> *Trafficking in Persons Report*, (2020), p. 270

<sup>42</sup> Ibid

<sup>43</sup> *Trafficking in Human Beings in Ireland*, (Dublin: Department of Justice and Equality, 2018), p. 5

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- <sup>44</sup> *Trafficking in Persons Report*, (2019), p. 251
- <sup>45</sup> Government of Ireland, *National report*, (2016), p. 4
- <sup>46</sup> *Trafficking in Persons Report*, (2020), p. 272
- <sup>47</sup> *Ibid*, p. 271
- <sup>48</sup> *Ibid*
- <sup>49</sup> *Ibid*, p. 272
- <sup>50</sup> GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland*, (2017)
- <sup>51</sup> *Trafficking in Human Beings in Ireland*, (2018) p. 5
- <sup>52</sup> GRETA, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland*, (2017), p. 7
- <sup>53</sup> *Trafficking in Human Beings in Ireland*, (2017) p. 8
- <sup>54</sup> *Trafficking in Persons Report*, (2019), p. 253
- <sup>55</sup> Santa Marta Group, *Ireland Report* (May, 2018), retrieved on 6 July 2020: <http://santamartagroup.com/wp-content/uploads/2018/05/Ireland.pdf>, and *Trafficking in Human Beings in Ireland*, (2017) p. 15
- <sup>56</sup> *Trafficking in Persons Report*, (2019), p. 253,
- <sup>57</sup> *Trafficking in Persons Report*, (2020), p. 272
- <sup>58</sup> *Trafficking in Persons Report*, (2019), p. 253
- <sup>59</sup> *Trafficking in Persons Report*, (2020), p. 270
- <sup>60</sup> *Ibid*, p. 272
- <sup>61</sup> SafeIreland, *Tracking The Shadow Pandemic*, (Dublin: SafeIreland, 2021), retrieved from: <https://www.safeireland.ie/policy-publication>, p. 5
- <sup>62</sup> SafeIreland, *Transforming the Response to Gender Based Violence*, (Dublin: SafeIreland, 2017) retrieved from <https://www.safeireland.ie/>, p. 4
- <sup>63</sup> Statement by Minister for Justice and Equality, Charlie Flanagan, T.D., on 11 December 2019, retrieved from <http://www.justice.ie/>
- <sup>64</sup> *Programme for Government: Our Shared Future*, (Dublin: Government of Ireland, 2020), retrieved from <https://www.gov.ie/>, p. 86

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<sup>65</sup> Bray, J., ‘Concerns Over Vulnerability Spur Domestic Violence Services Audit,’ in *The Irish Times* (06 January 2021)

<sup>66</sup> SafeIreland, *Tracking the Shadow Pandemic*, (2021), p. 3

<sup>67</sup> Murphy, A., ‘Call for Refuges in rural Areas as €2.7m Extra Funding Allocated for Domestic Violence’, *Echo Live* (14 October 2020) retrieved <https://www.echolive.ie/>

<sup>68</sup> Libreri, S., ‘Airbnb partners with charities to provide free accommodation to victims of domestic violence’, *RTE News* (25 June 2020) retrieved from <https://www.rte.ie/news/ireland/2020/0625/1149476-airbnb-emergency-accommodation/>

<sup>69</sup> SafeIreland, (2021), p. 3

<sup>70</sup> See <https://www.garda.ie/>

<sup>71</sup> RTE Drivetime, ‘Domestic Abuse Report’, (01 February 2021), retrieved [RTE.ie](https://www.rte.ie),

<sup>72</sup> National Women’s Council of Ireland, *Shadow Report in Advance Ireland’s Combined Sixth and Seventh Periodic Reports under the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*, (Dublin: NWCI, 2017), retrieved from <https://www.nwci.ie/>, p. 3

<sup>73</sup> National Women’s Council of Ireland, *Shadow Report*, (2017), p. 3

<sup>74</sup> OHCHR, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights*, (2016), paragraph 28

<sup>75</sup> National Women’s Council of Ireland, p. 9

<sup>76</sup> Health Service Executive

<sup>77</sup> National Women’s Council of Ireland, p. 10

<sup>78</sup> *Ibid*, p. 3

<sup>79</sup> *Istanbul Convention Combating Violence Against Women Enters Force in Ireland*, (01 July 2019), retrieved from <https://www.ihrec.ie/>

<sup>80</sup> ‘Budget 2021 Must Address the Lack of Domestic Abuse Refuge Spaces’, in <https://www.socialjustice.ie/>, (19 August 2020)

<sup>81</sup> Coyne, E., ‘Government criticized for lack of domestic abuse refuge spaces’ in *The Irish Independent* (11 November 2020), retrieved <https://www.independent.ie/news/government-criticised-for-lack-of-domestic-abuse-refuge-spaces-39729458.html>

<sup>82</sup> SafeIreland, *Transforming the Response to Gender Based Violence*, (2017), p. 6

<sup>83</sup> SafeIreland, (2017), p. 12

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<sup>84</sup> Ibid

<sup>85</sup> McMahon, *Working Group Report to Report to Government on Improvements to the Protection Process*, (2015), p. 41

<sup>86</sup> AkiDwA, *Submission to the Joint Committee on Justice and Equality: Direct Provision and the International Protection Application Process*, (31 May 2019), retrieved from <https://www.akidwa.ie/>, p. 3

<sup>87</sup> McMahon, p. 71

<sup>88</sup> *Istanbul Convention, Combating Violence Against Women Enters Force in Ireland*, (01 July 2019), retrieved from <https://www.ihrec.ie/>

<sup>89</sup> SafeIreland, (2017), p. 14

<sup>90</sup> See the Health Service Executive (HSE) document: <https://www.hse.ie/eng/about/who/primarycare/socialinclusion/intercultural-health/hse-ihs-summary-of-written-submissions-final.pdf>. See also research conducted by Spirasi, an NGO working with asylum seekers and refugees who are trauma victims available at <https://spirasi.ie/what-we-do/research/>

<sup>91</sup> From the testimony of a volunteer working with refugees housed in the Mosney Direct Provision Centre and also from the testimony of teachers working with unaccompanied minors in O'Connell's Schools who have referenced instances where the right to family reunification has been violated.

<sup>92</sup> Irish Network Against Racism, *Alternative Report on Racial Discrimination in Ireland*, (Dublin: INAR, 2019), retrieved from: <https://inar.ie/wp-content/uploads/2019/11/INAR-ALTERNATIVE-REPORT-to-CERD-WEB.pdf>, p.7

<sup>93</sup> Legislative Bill available at <https://www.oireachtas.ie/en/bills/bill/2017/101/>

<sup>94</sup> Universal Declaration of Human Rights, Article 25; International Covenant on Economic, Social and Cultural Rights, Article. 11, International Covenant on Civil and Political Rights Article 6/Convention on the Rights of Refugees Article 20.

<sup>95</sup> Irish Refugee Council report available at: <https://www.irishrefugeecouncil.ie/Listing/Category/asylum-policy>

<sup>96</sup> As reported by DORAS available at <http://doras.org/direct-provision/>. See also Pollak, S., 'How do other countries compare to Ireland on asylum applications?' in *The Irish Times*, (22 November 2019), retrieved from <https://www.irishtimes.com/news/ireland/direct-provision/how-do-other-countries-compare-to-ireland-on-asylum-applications-1.4091228>

<sup>97</sup> See Government of Ireland, *White Paper to End Direct Provision and Establish a New International Protection Support Service*, (Dublin: Department of Children, Equality, Disability, Integration and Youth, 2021)

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<sup>98</sup> Government of Ireland, *White Paper to End Direct Provision*, (2021), par. 4.3.7., p. 58. Corroborated by assessments provided by the EUP Refugee Group, (2020).

<sup>99</sup> Pollak, *The Irish Times*, (22 November 2019)

<sup>100</sup> See Ní Bhroin, C., ‘More than 40% of asylum seekers spend at least two years in direct provision’, in *RTÉ News*, (3 December 2018), retrieved from <https://www.rte.ie/news/ireland/2018/1203/1014748-direct-provision>

<sup>101</sup> Irish Refugee Council, 2011 UPR Submission, p. 8. Access available at: <https://www.irishrefugeecouncil.ie/submission-for-the-twelfth-session-of-the-working-group-on-irelands-upr-march-2011>

<sup>102</sup> Bray, J., ‘Students in direct provision will no longer have to pay international fees’, in *The Irish Times*, (11 March 2021), retrieved from <https://www.irishtimes.com/news/politics/students-in-direct-provision-will-no-longer-have-to-pay-international-fees-1.4507615>

<sup>103</sup> Government of Ireland, *White Paper to End Direct Provision*, (2021), Par. 4.7.2

<sup>104</sup> Irish Refugee Council: <https://www.irishrefugeecouncil.ie/listing/category/children-young-people>

<sup>105</sup> This issue has been highlighted by the staff of refugee counselling services such as those provided by The Lantern Centre in Dublin 8.

<sup>106</sup> Donnelly, A., *What are the challenges for Early Childhood Education and Care practitioners when educating and caring for children who are living in Direct Provision?* (Dublin: Marino Institute of Education, M.Ed. Thesis, 2019), p.28, available at: <http://www.tara.tcd.ie/bitstream/handle/2262/92101/Final%20Doc%20%287%29%20Ann%20Donnelly%20march.pdf?sequence=1&isAllowed=y>

<sup>107</sup> Donnelly, p.30.

<sup>108</sup> *Diversity, Equality and Inclusion Charter and Guidelines for Schools*, (Dublin: Department of Children and Youth Affairs, 2016), available at: <https://aim.gov.ie/wp-content/uploads/2016/06/Diversity-Equality-and-Inclusion-Charter-and-Guidelines-for-Early-Childhood-Care-Education.pdf>.

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## ANNEX: LIST OF SUBMITTING ORGANIZATIONS

**Edmund Rice International** is an international non-governmental organization, founded in 2005 and with Special Consultative Status with ECOSOC since 2012. ERI is supported by two Catholic Religious Congregations, the Christian Brothers and the Presentation Brothers. It works with networks of like-minded organizations and in the countries where the two Congregations are present. ERI has a special interest in the rights of the child, the right to education and in eco-justice.

Website: <http://www.edmundriceinternational.org>

Address: PO Box, 37-39 Rue de Vermont, 1211 Geneva 20, Switzerland.

Email: [eri.gaillard@gmail.com](mailto:eri.gaillard@gmail.com)

**Sisters of Our Lady of Apostles, Irish Province** (Ireland) is a group of Religious Sisters living in international communities, they strive to be examples of 'Women in Communion'. The OLA Sisters continue to fulfil the intense missionary dream of their founder Fr. Augustine Planque, to be of service to the Gospel particularly with the people of Africa. Their priority is for the poor and marginalized, especially for women and children. In solidarity with like-minded people, the OLA Sisters engage in nonviolent action for justice, peace and the integrity of creation

Website: <http://www.olaireland.ie/>

Address: Provincialate, Ardfoyle Convent, Ballintemple, Cork, Ireland.

Email: [info@olaireland.ie](mailto:info@olaireland.ie)

**International Presentation Association** is a network of Catholic religious congregations of Sisters of the Presentation of the Blessed Virgin Mary, friends, and associates who work for personal and systemic change for People and Earth. It is accredited with the United Nations Department of Public Information and with the Economic and Social Council (ECOSOC). Website: <http://internationalpresentationassociation.org>

Address: 1011 1st Ave, #1313 New York, NY 10022, US.

Email: [Ipa.ngo.rep@gmail.com](mailto:Ipa.ngo.rep@gmail.com)

**Association of Leaders of Missionaries and Religious of Ireland** (Ireland) is a representative and membership organization. AMRI's mission is to promote active collaboration among the member religious and missionary congregations, including lay missionaries. AMRI seeks to respond with courage and confidence to existing and emerging realities in Ireland and overseas - particularly the needs of people experiencing exclusion and our endangered planet.

Website: <https://www.amri.ie/>

Address: C/o Missionaries of Africa, Cypress Grove Road, Templeogue, Dublin, D6W YV12, Ireland.

Email: [info@amri.ie](mailto:info@amri.ie)

**Religious in Europe Networking Against Trafficking and Exploitation** was established by a group of religious representing several different congregations working against human trafficking in Europe. RENATE also collaborates with many other networks within and outside Europe.

Website: <https://www.renate-europe.net/>

Address: RENATE Foundation, Den Bosch, Netherlands.

Email: [akelleher61@gmail.com](mailto:akelleher61@gmail.com)

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**Akina Dada wa Africa-AkiDWA** (Ireland) is a national network of migrant women living in Ireland. AkiDWA's vision is a just society where there is equal opportunity and equal access to resources in all aspects of society – social, cultural, economic, civic and political. Their mission is to promote equality and justice for all migrant women living in Ireland.

Website: <https://akidwa.ie/about-us/>

Address: Unit 2 Killarney Court, Buckingham Street, Dublin 1, Ireland.

Email: [info@akidwa.ie](mailto:info@akidwa.ie)

**Community After Schools Project** (Ireland) was established in 1995 to assist children and their families to counter educational disadvantage in the North East Inner City of Dublin. CASPr also assists and supports parents and families in the provision of training and personal support towards achieving their full potential as parents, employees and citizens.

Website: <https://www.caspr.ie/>

Address: 1 Portland Square, Dublin 1, Ireland.

Email: [info@caspr.ie](mailto:info@caspr.ie)

**Edmund Rice Schools Trust** (Ireland) is responsible for 96 schools, secondary and primary, in the Republic of Ireland. The Trust supports its schools and their students, teachers, principals and voluntary boards of management, members, directors and staff in line with the Edmund Rice Schools Trust Charter. This charter commits the Trust to the promotion of social justice in the wider community as a core element of the educational process.

Website: <http://erst.ie/>

Address: Meadow Vale, Clonkeen Road, Blackrock, Co. Dublin, A94 YN96, Ireland.

Email: [reception@erst.ie](mailto:reception@erst.ie)

**European Province of the Christian Brothers** is a charitable trust that supports the mission and ministry of the Christian Brothers in Ireland. The promotion of social justice and human rights is a core element of corporate social responsibility and is expressed, in particular, in supporting integration and inclusion initiatives for migrants and refugees in Ireland.

Website: <http://www.edmundrice.eu/>

Address: Griffith Avenue, Marino, Dublin D09 X98, Ireland.

Email: [info@edmundrice.eu](mailto:info@edmundrice.eu)

**Sisters of Mercy of the Americas - Mercy International Association - Global Action** is an organization of the leaders of Mercy Congregations, Institutes and Federations throughout the world, founded to serve the Sisters of Mercy, their associates and colleagues in ministry. The Purpose of the Association is, to foster unity of mind and heart among Sisters of Mercy and to increase awareness and experience of their global interdependence, to facilitate collaboration among the Congregations, Institutes and Federations to meet the needs of today, to work for justice and to encourage and nurture the flourishing of the Mercy charism within the various cultures of the world.

Website: <https://www.mercyworld.org/>

Address: 64A Lower Baggot Street, Dublin 2, DO2 EH21, Ireland.

Email: [info@mercyinternational.ie](mailto:info@mercyinternational.ie)

**Institute of the Blessed Virgin Mary - Loreto Generalate** is a faith-based organization working in collaboration with other civil society organizations, UN agencies and member states to challenge injustices and unjust structures by bringing the insights of the people with whom we work and live, especially the most marginalized, to the UN. Our focus

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is mainly on Women and Girls within the context of Social Development, Sustainable Development and Human Rights.

Website: <https://ibvmunngo.org/>

Address: Loreto Generalate, Level 2, 747 Third Avenue, New York City, NY 10017, US.

Email: [Ibvmunngo@gmail.com](mailto:Ibvmunngo@gmail.com)

**Salesian Missions - Don Bosco Aid Ireland** (Ireland), the Salesian Planning and Development Office (PDO) – operating under the name Don Bosco Aid – is part of a wider Salesian International network working in 134 countries. The work and mission of the Salesians Family seeks to prioritize the needs of young people, especially those who are poor.

Website: <https://www.salesiansireland.ie/>

Address: Salesian House, 45 St. Teresa's Road, Crumlin, Dublin 12 XK52, Ireland.

Email: [office@salesians.ie](mailto:office@salesians.ie)

**Congregation de Notre Dame (CND)** (Canada) is a Catholic religious community founded in Ville-Marie (Montreal) in the 17<sup>th</sup> century by Saint Marguerite Bourgeoys. As dedicated women of faith, they sent on mission in different countries where they walk with their contemporaries in solidarity with the tired and the marginalized.

Website: <https://www.cnd-m.org/en/home/>

Address: General Administration, 2330 Sherbrooke West, Montreal, Quebec, Canada, H3H 1G8.

Email: [cnd@cnd-m.org](mailto:cnd@cnd-m.org)

**Act To Prevent Trafficking (APT/AMRI)** (Ireland) is a faith-based group working against Trafficking in persons. The members of APT/AMRI are people belonging to religious congregations or missionary societies which are part of AMRI (the Association of Leaders of Missionaries and Religious of Ireland). APT/AMRI raises awareness of the issue of trafficking in persons and works in collaboration with others for the prevention of the trafficking of women and children for sexual exploitation.

Website: <https://www.aptireland.org/>

Address: C/o Missionaries of Africa, Cypress Grove Road, Templeogue, Dublin 6W, Ireland.

Email: [info@aptireland.org](mailto:info@aptireland.org)

**New Communities Partnership** (Ireland) is an independent national network of more than 100+ immigrant-led groups comprising 65 nationalities. They support and strengthen our Irish citizenship communities by providing communal space for immigrant-led groups to interact, exchange ideas and empower themselves. They offer a unified and inclusive voice for new communities, including those still applying for citizenship, through coordination and networking at the grassroots level.

Website: <https://www.newcommunities.ie/>

Address: 53 Upper Dorset Street, Dublin 1, Ireland.

Email: [info@newcommunities.ie](mailto:info@newcommunities.ie)

**Congregation of Our Lady of Charity of the Good Shepherd** is an International organization working in 72 countries, including Ireland, providing services to girls, women, and children who are trafficked, are migrant, refugee or asylum seeker or experiencing domestic violence. Services are human rights-based. Our ECOSOC status at the UN permits us to engage in various policy debates at the global and regional levels seeking to address

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structural and systemic issues and to hold states accountable through engaging the Human Rights Mechanism in Geneva.

Website: <https://rgs.gssweb.org/>

Address: Casa Generalizia, Suore del Buon Pastore, Via Raffaello Sardiello, 20 – 00165 Roma, Italy.

Email: [com@gssweb.org](mailto:com@gssweb.org)

**Spirasi (Spiritan Asylum Services Initiative)** (Ireland) is the national centre for the rehabilitation of victims of torture in Ireland. The rehabilitative services offered by Spirasi are unique in Ireland and consist of the following: A multidisciplinary (medical, therapeutic and psychosocial) Initial Assessment (IA); Ongoing therapeutic interventions for victims of torture; Medical Legal Reports (MLRs) for the protection process; English language classes for victims of torture and their families.

Website: <https://spirasi.ie/>

Address: 213 North Circular Road, Dublin 7, Ireland.

**Daughters of Charity** (Ireland) is an International Community of Apostolic Life within the Catholic Church. Worldwide the Daughters of Charity are in ninety-one countries in all five continents. They live their commitment to God through service to people in need and through working for a more just society. In the spirit of their founders St Louise de Marillac and St Vincent de Paul they strive to make a difference in the world of people who are poor, disadvantaged or discriminated against.

Website: <https://www.daughtersofcharity.ie>

Address: St Catherine's Provincial House, Dunardagh, Blackrock, Co Dublin, A94 P2K3, Ireland.

Email: [info@daughtersofcharity.ie](mailto:info@daughtersofcharity.ie)

**The Jesuit Centre for Faith and Justice** (Ireland) is an agency of the Irish Jesuit Province, dedicated to undertaking social analysis and theological reflection in relation to issues of social justice, including housing and homelessness, penal policy, environmental justice, and economic ethics and was established in 1987. The mission of the Jesuit Centre for Faith and Justice is to promote justice for all through social analysis, theological reflection, action, education, and advocacy.

Website: <https://www.jcfj.ie/>

Address: 54-72 Upper Gardiner Street, Dublin 1, Ireland.

Email: [info@jcfj.ie](mailto:info@jcfj.ie)

**Cork Against Human Trafficking (CAHT)** (Ireland) is a group of concerned professionals, based around the island of Ireland but each with a unique link back to Cork. They recognize that Cork is a City of Sanctuary. They are committed to raising their collective voices on behalf of Cork and confirming that #corksaysno to Human Trafficking.

Website: <https://www.sextrafficking.ie/>

Address: 5 Camden Place, Cork City, Ireland.

Email: [info@sexualviolence.ie](mailto:info@sexualviolence.ie)

**Sexual Violence Centre Cork**, (Cork) On International Women's Day 1983, the Cork Rape Crisis Centre opened its doors to provide services to victims of sexual violence in Cork City and County. In 2004, the Cork Rape Crisis Centre became the Sexual Violence Centre, to reflect the full range of services provided. The name more accurately reflects both

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the range of clients who attend the Centre and the reality of the sexual violence they experience. The Centre provides services to survivors of rape, sexual assault and child sexual abuse and is open to everyone, irrespective of the nature of the sexual violence they experienced or when it occurred.

Website: <https://www.sexualviolence.ie/>

Address: 5 Camden Place, Cork City, Ireland.

Email: [info@sexualviolence.ie](mailto:info@sexualviolence.ie)

**MECPATHS (Mercy Efforts for Child Protection against Trafficking with the Hospitality and Services Sector)**, is a social justice response to the growing prevalence of Human Trafficking and the exploitation of people, in Ireland. MECPATHS collaborates closely with private, statutory and non-statutory agencies and organizations working to counter Human Trafficking including An Garda Síochána and The Department of Justice. The focus of MECPATHS has extended beyond its original founding-purpose (training for the Hospitality Industry) to encompass the wider Services Sector in Ireland including Hospitality, Aviation, Private Security and Social Work Services. The project continues to raise awareness on the issue of Child Trafficking and is involved in the lobbying of government for an increased visibility of services to counter Human Trafficking and supports for those identified as victims of Trafficking.

Website: <https://mecpaths.com/>

Address: 13/14 Moyle Park, Clondalkin, Dublin 22, Ireland.

Email: [info@mecpaths.ie](mailto:info@mecpaths.ie)

**Society of African Missions (Societas Missionum ad Afros) – Irish Province**, founded in 1856, the Society of African Missions (SMA) is a missionary society of priests and brothers dedicated to the proclamation of the Good News in Africa. Justice, Peace and the Integrity of Creation are SMA priorities and within these is a special concern for Africa and peoples of African origin.

Website: <https://sma.ie>

Address: Blackrock Road, Cork, T12 TD54, Ireland.

Email: [Prov.sec@sma.ie](mailto:Prov.sec@sma.ie)

**Cork Migrant Centre** (Ireland) was established to provide psychosocial support to asylum seekers, refugees and migrant communities and free confidential and current information on access to services and immigration issues. The project is committed to advocating on behalf of refugees, asylum seekers, migrant children, families, and communities, and to ensure they have access to the services and supports they need to alleviate day to day challenges and provide them with the best possible opportunities to empower them individually and collectively. Cork Migrant Centre is one of the projects of Nano Nagle Place, a local charity in Cork, Ireland.

Website: <https://corkmigrantcentre.ie>

Nano Nagle Place, Evergreen Street, off Barrack Street, Cork, Ireland.

Email: [corkmigrantcentre@gmail.com](mailto:corkmigrantcentre@gmail.com)

**Irish Dominicans Province (OP)**, the Order of Preachers, which is the official name of the Dominicans, are a world-wide religious Order founded by St Dominic in 1216. The Order is made up of: Friars (priests and Brothers), Contemplative Nuns, Apostolic Sisters, and Laity.

Website: <https://dominicans.ie/>

Address: St Mary's Priory, Tallaght Village, Tallaght, Dublin, Ireland.

Email: [info@dominicans.ie](mailto:info@dominicans.ie)

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**Friends of Africa** (Northern Ireland) work with young people in Africa, providing personal and social development opportunities. Thinking globally and acting locally will underpin our work in creating a more just and equal world.

Website: <https://www.friendsof africa.org.uk/>

Address: Friends of Africa, Accidental Theatre, 12-13 Shaftsbury Square, Belfast, BT2 7DB, Northern Ireland.

Email: [info@friendsof africa.org.ok](mailto:info@friendsof africa.org.ok)

**The Congregation of the Most Holy Redeemer (Redemptorists), Irish Province**, (Ireland) is a religious congregation who live in community and are passionate about preaching the Gospel, especially to those who feel abandoned and live on the edges of church and society. A growing network of co-workers and associates is evidence of their conviction about the importance of partnership in mission and commitment to enable all the baptised to take their rightful place in the life and ministry of the church.

Website: <https://www.redemptorists.ie/>

Address: The Redemptorists Provincial Office, St. Josephs Monastery, St. Alphonsus Road, Dundalk, A71F3FC, Louth, Ireland

Email: [secretary@cssr.ie](mailto:secretary@cssr.ie)