



# Towards a National Action Plan Against Racism in Ireland

National Women's Council

July 2021

## Introduction and Overview

### **The National Women's Council**

The National Women's Council is the leading national representative organisation for women and women's groups in Ireland, founded in 1973. We have over 190-member groups and a large and growing community of individual supporters.

The ambition of the National Women's Council is an Ireland where every woman enjoys true equality and no woman is left behind. We are a movement-building organisation rooted in our membership, working on the whole island of Ireland. We are also part of the international movement to protect and advance women's and girls' rights. Our purpose is to lead action for the achievement of women's and girls' equality through mobilising, influencing, and building solidarity.

NWC and women's organisations across Ireland must speak out against racism and emerging far right groups/movements in Ireland and globally. The voices of women and people directly affected by racism must be central to our discussions. Racism and discrimination have a major impact on the lives of women and their families. This impact must be acknowledged and we must take clear and concrete steps to address it. The growing far right movement also threatens our democracy. We must take racism and discrimination very seriously and expose and challenge far right ideology where it is disguised as 'free speech' and the voice of a 'silenced majority'. We must all be willing to continuously reflect on our own actions and challenge our own prejudice and unconscious bias and to better understand/acknowledge the connection between sexism, racism and other forms of discrimination.

### **Anti-Racism Committee's Public Consultation**

The NWC welcomes the opportunity to make this submission and to have engaged in the ARC consultation process. It is critical that women's voices are heard and that their perspectives are considered on all areas of public policy as well as their specific experiences – from consultation to implementation and evaluation.

Racism is complex and can affect all areas of a woman's life. The submission cannot cover all areas in depth, rather it highlights specific areas where NWC and member organisations have specific expertise and experience. Many NWC members are engaging in the consultation process and we encourage the ARC to ensure the process is as inclusive as possible, from consultation to implementation and evaluation.

The submission is informed by specific consultation with our members on the National Action Plan against Racism for Ireland (NAPAR) and our new Strategic Plan, No Woman Left Behind<sup>1</sup> – NWC's Strategic Plan 2021-2024 and other recent research and ongoing policy and advocacy work including on health, care, violence against women and girls, economic independence, participation and leadership. We thank all our members for their engagement in this process.

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<sup>1</sup> ['No Woman Left Behind', NWC's new Strategic Plan 2021-2024](#)

In addition, NWC worked with National Traveller Women's Forum and AkiDwa to support the Anti-Racism Committee to hold a separate consultation on the specific intersection of racism and gender and we thank the committee for their willingness to hold this additional workshop.

We also thank Catherine Lynch for developing the submission on behalf of the National Women's Council.

## Overview

NWC members emphasised at all times the need for the Action Plan, to be a **rights-based action plan**. It must **not** set as actions the development of further action plans or strategies. Concrete, achievable and measurable outcomes and impacts that will deliver real systemic, positive changes for communities and individuals must be the focus of the plan. The ongoing and persistent marginalisation, exclusion and racism experienced by Travellers and Roma people was highlighted as a particular concern for NWC members. The shocking health inequalities, high levels of unemployment and appalling accommodation conditions these communities experience highlight the terrible injustices faced by minority ethnic groups in Ireland.

Similarly, members highlighted how Direct Provision and the for-profit institutional system it has maintained points to deep and problematic cultural and social dynamics that left unchallenged allow racism and discrimination to flourish in Ireland. NWC awaits with keen interest the new long-term approach to the provision of supports including accommodation that the *Report of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process* has outlined.

In addition, members expressed significant frustration at the number of existing strategies and national plans which, had they delivered on their aspirations, would already have addressed many of the issues they raised during the consultation processes; the National Traveller and Roma Inclusion Strategy, National Intercultural Health Strategy, National Migrant Integration Strategy were particular examples cited. The NAPAR must integrate the Public Sector Equality and Human Rights Duty (PSD) into its development and outline clearly how all statutory and public bodies must comply with their obligations under section 42 of the Irish Human Rights and Equality Act 2014. ***Ensuring that the NAPAR takes a rights-based approach to its work may ensure that aspiration becomes vindication of rights.***

NAPAR must have particular regard in this respect to the findings for example, of the 2016 Universal Periodic (UPR) review report finding that,

*“Anti-Traveller and anti-Roma discrimination continues to be prevalent, including in relation to accessing accommodation, education, and health services”<sup>2</sup>*

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<sup>2</sup> UPR 2016 Recommendation 136.44

### **Racism –**

The definition of racism adopted by the Anti-Racism Committee (ARC) is, “[racism is]... the power dynamics present in those structural and institutional arrangements, practices, policies and cultural norms, which has the effect of excluding or discriminating against individuals or groups, based on their identity, as outlined in Article 1 of the International Convention for the Elimination of Racial Discrimination (ICERD), which provides:

‘...the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social cultural or any other field of public life’.<sup>3</sup>

### **Intersectionality -**

The European Institute for Gender Equality (EIGE) defines ‘intersectionality’ as an ‘analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination’. The EU Action Plan Against Racism (EUAPAR) explains that this definition applies equally to any form of discrimination (EUAPAR 2021, p. 2).

### **Cross-cutting themes and key messages**

Through the course of the consultation, it was apparent that there is a need for a positive national, narrative on diversity including on migration to be developed<sup>4</sup> Minority ethnic women have much to contribute to Irish society and public policy and the NAPAR presents a timely opportunity to tap into this potential as well as overcoming the conditions that limit minority ethnic women’s opportunities.

Throughout the consultation and engagement with NWC members, participants emphasised the importance of implementation and accountability. The NAPAR cannot be successful without substantial consideration of and commitment to implementation and accountability. It is noted that getting this right is paramount to maintaining constructive engagement with civil society, developing the trust in the State and state bodies that is critical to the success of actions in practice.

A number of questions, issues and actions are relevant across each thematic area. These include:

### **KEY IMPACTS**

- **Equal access to services:** There must be equal access to the range of services and entitlements provided by the State and its agencies. The State has a role to play to encourage and enforce equality in the provision of services and opportunities (e.g. employment) in the private

<sup>3</sup> Anti-Racism Committee Interim Report 2020, p. 3.

<sup>4</sup> There is need for enquiry in the realm of minority women’s “experience of” inequality and trauma, but minority ethnic women are “experienced in” all domains of life and should be consulted and represented in all these areas too.

sector.<sup>5</sup> Universal basic services are also needed for everyone and access to services should not be restricted by legal status

- in particular NAPAR must advocate for the Department of Housing, Local Government and Heritage implement the recommendations set out in the Expert Review Group on Traveller Accommodation's report without delay

- **Duty Bearers** - Civil and public servants are duty bearers; delivering services in a non-discriminatory manner is a requirement. The PSD requires the state to interpret these duties in a positive, action-oriented way and not with a minimalist approach.
- **Equality data** – The availability of data is key to adequately identify a problem and developing the right solution, as well as having the capacity to measure impact. The collection and monitoring of equality data need to be a key action for the NAPAR. Data will also be required to measure the progress and impact of NAPAR
- **Intersectionality** – There is developing recognition of intersectionality, its complexity and impact by the state. Intersectionality needs to be better understood and embedded in policy, by design and not an add on or afterthought, to meet complex needs of a diverse society
- **Representation** – The public and civil service needs to reflect the diversity of the society it serves, including minority ethnic women.
- **Positive narrative** – The public representation of minorities is often determined by the majority. Minorities (and women) tend to be problematised as “not the norm” and blamed where they are a victim or scapegoated for a societal problem not of their making. Minorities are contributing greatly to all aspects of Irish society and can tell that story. Now is the time to present and promote the positive narrative.

## KEY BARRIERS

- **Discrimination**-Legislate to establish the right to citizenship for children born in Ireland
- **Dependency**-Gender discriminatory laws and customary practices including in immigration law, make women dependent on another person. Any policy or practice that has this effect must be removed
- The **Habitual Residence Condition** (HRC) must be reviewed to eliminate the condition's discriminatory impact on access to social welfare among disadvantaged and marginalised individuals and groups such as Roma.
- All **children** in the State must be entitled to Child Benefit payments
- **Language supports** and interpretation need to be more widely available and resourced
- **Lack of implementation** of other policies – Trust and engagement are impacted by people's experience of lack of policy implementation. To gain and maintain trust the NAPAR must be clear on implementation and accountability, and ongoing engagement with civil society.

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<sup>5</sup> This point was raised in the NWC consultation process and echoes the perspectives shared in the Migrant Integration Strategy Consultation process (see Migrant Integration Strategy, appendix 3: issues raised in the consultation process).

## SYSTEMIC TRANSFORMATION:

Addressing racism and inequality will require a radical, transformative shift, including in Ireland's economic model.

- Legislate for equality budgeting to become a statutory process, this includes expenditure and taxation actions
- Establish a commission to explore a new economic model for Ireland that takes account of equality, human rights and environmental sustainability<sup>6</sup>
- NAPAR requires senior political leadership and resourcing, if it is to deliver on its ambitions and international obligations.

## 2 Thematic areas

It is critical that women's perspectives are considered on all public policy issues and actions. There are also specific issues facing minority ethnic women that require targeted engagement.

Guided by the thematic areas set out by ARC, this section considers issues and recommendations under each of the thematic areas. Themes include:

- Access to Justice, including Violence Against Women
- Media and communications
- Employment, health, accommodation and care
- Inclusion and participation
- Implementation and accountability.

Recommendations for action to address the specific experiences of minority ethnic women are identified throughout. Recommendations that speak to improving or transforming systems broadly are also included. These aim to help address the disproportionate effect of system failings on minority ethnic women to ensure that systems put in place are fit for purpose; that is, to meet the complex needs of Ireland's diverse society.

### 2.1 Access to Justice

Legislation and access to justice is the cornerstone of any effective strategy to address racism. The system is broad and issues multiple. This section focuses on the areas of

- Racist Crime
- Immigration law
- Trafficking, Prostitution, Sexual Exploitation
- Mother and Baby "Homes"
- Domestic, Sexual and Gender-Based Violence (DSGBV)

A range of barriers to accessing justice have been identified for minority ethnic women, some of which include trust; lack of information; cost; fear of further victimisation or stigmatisation; immigration status issues; under-representation of minority groups in the police force; and experience of lack of outcomes from reporting.

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<sup>6</sup> See [NWC Submission to the Citizens' Assembly on Gender Equality 2020](#)

## Recommendations:

- Introduce legislation prohibiting racial profiling;
- Develop and mandate capacity building and training
- Ensure there are consequences for discrimination in the delivery of duties
- Increase diversity in law enforcement, including ethnic minority women
- Review and reform pulse
- Provide access to free legal aid including in the area of migration
- Provide for dedicated legal services for marginalised groups through long-term funding for fully resourced dedicated legal services for Travellers and Roma
- Reducing risk of crime through securing safe environments

## Racist Crime

Racist crime is on the increase in Ireland. Racist crime is not like any other crime, it cannot happen to anyone. Perpetrators target people because of who they are. The experience of racist crime can be compounded by the prevalence of gender-based violence (GBV). Furthermore, the intersectional nature of discrimination adds to the complexity in recording and addressing the crime. In Ireland, this area is particularly problematic given the lack of legislation in the area of hate or racist crime, and the ineffectiveness of the Incitement to Hatred Act.

NWC affirms and supports the ARC's recommendation in their interim report (November 2020) that the State remove its reservation to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which requires the outlawing of incitement to racist discrimination or violence or the prorogation of ideas of racial superiority and to prohibit organisations that incite discrimination.<sup>7</sup>

NWC participated in and contributed to the collective civil society's alternative report to UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) in 2019<sup>8</sup> and reiterates the recommendations on racist crime.

## RECOMMENDATIONS

- Legislate against Hate Crime; include Race, Ethnic Minority Status and Gender as grounds
- Legislate to prohibit racial profiling
- Legislate to prohibit hate speech and regulate social media platforms
- Update the Incitement to Hatred Act.
- Capacity building (including training) for relevant institutions and officials; and consequences for racist and discriminatory practice
- Enhance data collection and monitoring, including through a review of PULSE
- Ensure more diverse law enforcement (including minority ethnic women).
- Ensure full and effective implementation of actions required and facilitated by the EU Framework Directive on Racism and Xenophobia
- Ensure legislation in this area is capable of addressing the complexity of specific forms of racism and intersectionality.

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<sup>7</sup> See ARC's Interim Report, November 2020.

<sup>8</sup> Available online at <https://inar.ie/cerd19>

### **Policing, racial profiling and imprisonment**

While often the victims of crime, minority groups are over-represented in prisons. Legislation that is discriminatory in effect including the Criminal Trespass Act and institutional racism within An Garda Síochána including racial profiling can mean that minority ethnic groups are over-policed and when perpetrators, may be treated in a discriminatory manner. In 2019 UN Committee on the Elimination of Racial Discrimination (UNCERD) noted,

*“reportedly high incidence of racial profiling by the Irish police targeted at people of African descent, Travellers and Roma” and their disproportionate representation in the prison system”<sup>9</sup>*

Minority ethnic women may be more visible and identifiable and are vulnerable therefore to racial profiling and over-policing. Traveller women for example are 18 times more likely to be imprisoned compared to women in the general population. The experience of Traveller and Roma women is stark and highlights issues of structural racism and multi-faceted inequalities.

### **Recommendations:**

- Legislate against racial profiling, with effective implementation mechanisms
- Repeal the Criminal Trespass Act which discriminates against Travellers in effect, effectively criminalising them or rendering Travellers homeless
- Representation is important. Act to ensure a more diverse public and civil service, including in relevant State justice institutions and policing
- Address institutional racism and discrimination in relevant institutions including policing.

### **Immigration law and access to justice**

NAPAR should advocate for a rights-based, values led approach to immigration that highlights the benefits to Ireland of immigrants, challenges the rhetoric of the far-right and expresses solidarity with the global movement of peoples, particularly as the climate crisis increases.

There are multiple systemic issues regarding access to justice and immigration in Ireland that collectively contribute to a structurally racist and inherently patriarchal immigration system. These include limited provision for autonomous residence permission for dependent family members including victims of domestic violence (DV); issues around independent appeals mechanism for review of immigration decisions; no legal aid for those wishing to challenge immigration decisions; barriers accessing justice for victims of trafficking; and lack of safeguards against refusal to entry.<sup>10</sup> Delays in processing asylum applications have consequences across all areas of a person’s life; the reliance on appeals and subsequent process for assurance of robust consideration and proper outcome is an issue of significant impact.

The immigration and asylum systems are highlighted as particular structural barriers to women who are subjected to DSGBV; migrant women, undocumented women and women living in direct provision are at increased risk of DSGBV. It is noted that they also face additional forms of violence. For example, immigration status is being used as a tool to isolate and spread fear about deportation, in a bid to isolate partners.<sup>11</sup>

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<sup>9</sup> CERD, Concluding Observations on the combined fifth to ninth reports of Ireland, 23 January 2020, CERD/C/IRL/CO/5-9, para. 15.

<sup>10</sup> [ICI CEDAW 2013](#)

<sup>11</sup> NWC (ibid), p. 3.



## EU Policy

NAPAR must also ensure that it is in alignment with the EU Action Plan for Integration and Inclusion 2021-2027 and that it can deliver on Article 59 of the Council of Europe Convention on Preventing and Combating Violence against Women (Istanbul Convention) protecting the rights of migrant and asylum-seeking women and girls<sup>12</sup>.

The NAPAR must advocate for Ireland to show leadership at the EU level. There is a direct link between public policy on migration, asylum seekers and racist and discriminatory social attitudes and behaviours including at a European level. While there has been a significant increase to planned EU spending on migration, there is a close focus on 'borders and security' rather than a humanitarian approach. The NAPAR must outline a values-led approach and it is essential to value the benefits of migration to Europe and Ireland, ensure no further deaths or suffering are caused by a 'Fortress Europe' approach.

NAPAR must advocate for a humane EU migration policy and asylum processes that are in line with international human rights standards/Instruments. NAPAR must advocate for the reinstatement of effective humanitarian search and rescue operations at sea, particularly in the Mediterranean including an international agreement on fair and balanced acceptance of those saved to ensure meeting of common responsibilities.

### Recommendations:

- Ensure protection for women whose immigration status is dependent on her partner and implement Victims of Domestic Violence immigration Guidelines on a statutory footing
- Ensure adequate funding for specialised legal services such as ICI, Doras, MRCI and NASC
- Advocate for regularisation of immigration status for individuals in prostitution, including those who are entirely undocumented
- Equality proof legislation and government policy through application of PSD

## Trafficking, Prostitution, Sexual Exploitation

Specific data in relation to Ireland as both a destination and source country for human trafficking is currently severely lacking, as the identification of victims is inconsistently and poorly reported. In 2019 94% of all people recorded as trafficked into Ireland were women, almost all for the purposes of sexual exploitation.<sup>13</sup>

94% of all those in prostitution in Ireland are migrant women.<sup>14</sup> Women who have been exploited in prostitution are all frequently treated as 'illegal immigrants' rather than victim survivors of systemic exploitation which has targeted unfair migration laws and practices. Women are controlled through the threat of deportation and often coerced and tricked into prostitution in the first instance by the promise of working visas. Restrictive immigration policies prevent women from coming forward and seeking support from statutory agencies authorities should they require it from state agencies, including from health services. It also prevents women from exiting prostitution, as they are trapped due to their insecure immigration status and inability to pursue alternatives.

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<sup>12</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence 2011, Article 59

<sup>13</sup> [Trafficking in Human Beings in Ireland 2019](#)

<sup>14</sup> O'Connor, M., and Breslin, R., 2020. *Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform*. Dublin: SERP. [https://www.ucd.ie/geary/static/serp/Shifting\\_the\\_Burden\\_Report.pdf](https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf)

Migrant, Roma, undocumented, refugees, women with irregular migration status and women who live in Direct Provision (DP) face particular structural, language and cultural challenges and barriers in accessing supports and justice when they have been subjected to DSGBV. NGOs have expressed significant concerns that women and girls in DP are at risk of coercion and or grooming into prostitution and sexual exploitation<sup>15</sup>. In addition, the current policy of accommodating victims of human trafficking in DP centres must be discontinued as it fails to provide an appropriate environment for the recovery of the victim, and constitutes an environment where re-trafficking may take place. Dedicated shelter accommodation with ‘wrap around’ gender specific support services must be enacted.

The seriousness and extent of the failing in this area drew the distinct attention of CERD. In its 2019 Concluding Observations, it was clear and emphatic about its concern on this issue. CERD states that,

*“The Committee is concerned that there have been no convictions for the crime of human trafficking since the adoption of the Criminal Law (Human Trafficking) Act 2008. It is also concerned that the State party continues to fail to identify and protect victims of trafficking at the early stage due to the inadequate victim identification process and referral mechanism and that there are no statutory rights of victims of trafficking to protection and assistance.”<sup>16</sup>*

CEDAW and the 2014 European Parliament<sup>17</sup> resolution explicitly name trafficking, sexual exploitation and prostitution as putting women and girls at special risk of violence and abuse and request states to enact preventative measures.<sup>18</sup>

### **Mother and Baby “Homes”**

CERD makes specific reference to Mother and Baby “Homes” in its 2019 concluding observations. The Committee is concerned about “reports of abuses based on race in Mother and Baby “Homes”, including racial discrimination in the adoption process and physical, emotional and sexual abuse experienced by those children who self-identify as Mixed Race Irish in these institutions. The Committee welcomes the establishment of a statutory Commission of Investigation into Mother and Baby Homes and Certain Related Matters as well as the inclusion of examination of systematic discrimination on the ground of race in the terms of reference of the Commission (arts. 2 and 5)”.

The Committee has called on the State to ensure that the Commission of Investigation into Mother and Baby Homes and Certain Related Matters carry out thorough, effective and timely investigations and fully implement the recommendations of the Commission, once published,<sup>19</sup> with a view to bringing perpetrators to justice, providing victims with adequate remedies and preventing the reoccurrence.”

### **Domestic, Sexual and Gender Based Violence**

Women’s Aid statistics reports the nature and extent of the problem of domestic violence and minority ethnic women, as well as trafficking and sexual exploitation, derived from use of their helpline support and other sources.<sup>20</sup> The data shows that proportionally, more minority ethnic

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<sup>15</sup> <https://www.irishtimes.com/news/social-affairs/women-in-direct-provision-being-pushed-into-prostitution-1.4085828>

<sup>16</sup> [Irish Times Human Trafficking First Convictions Aug 2021](https://www.irishtimes.com/news/social-affairs/women-in-direct-provision-being-pushed-into-prostitution-1.4085828)

<sup>17</sup> For further details, see for example <https://www.europarl.europa.eu/news/en/press-room/20140221IPR36644/punish-the-client-not-the-prostitute>

<sup>18</sup> NWC Submission the Third National Strategy (TNC) on Domestic, Sexual and Gender-Based Violence (DSGBV), June 2021.

<sup>19</sup> The report has been published since the CERD issued its report.

<sup>20</sup> Available online at <https://www.womensaid.ie/about/policy/natintstats.html#X-2012091712434612>

women seek the support of GBV services, compared with the female population as a whole.<sup>21</sup> This fact demonstrates the additional barriers minority ethnic women face in securing long-term safety. NWC and member organisations, including AkiDwa, Pavee Point and National Travellers Women’s Forum identify multiple structural barriers facing minority ethnic women. These barriers can impact of those subjected to DSGBV in accessing justice (and other relevant supports) and include:

- Language, communication and literacy challenges
- Difficulty finding the right service
- Limited awareness of what DSGBV services can offer
- Fear of racism and prejudice
- Immigration status issues
- Mistrust of legal services and An Garda Síochána
- Migrant women face legal uncertainty due to immigration status
- Stigma associated with sexual assault can prevent minority ethnic women reporting the crime or seeking support, including fear of further victimisation or discriminatory treatment by police
- Poverty and isolation.

Female genital mutilation (FGM) is a crime in Ireland, since the introduction of the Criminal Law (Female Genital Mutilation) Act in 2012. In 2019, AkiDwa estimated the prevalence of women who had undergone FGM to be 5,795<sup>22</sup> and EIGE 2015 estimates indicate that 6,000 girls under 15 years born in Ireland or originating from FGM-affected countries are at risk of FGM. Given that seven years passed before the first prosecution under the 2012 Act, it is clear that more needs to be done to ensure the legislation is an effective deterrent, given that seven years passed before the first prosecution under the Act in 2019. Other preventative actions are also required.

Please see NWCs submission NWC Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence for more information<sup>23</sup>

### **Recommendations:**

- Identify Violence Against Women as a national crisis including establishing a Citizens’ Assembly on VAW
- Establish a national structure to lead the ending of VAW, including establishing a National Rapporteur on Sexual Domestic and Gender Based Violence
- Fully resource the implementation the Istanbul Convention
- Legislate for ring-fenced funding to combat violence against women, including the provision of funding to women’s frontline services, including minority ethnic women’s organisations
- Advocate for the acknowledgement of the specific experience of victims of Mother and Baby “Homes” who identify as Black Irish, including institutionalised racism.
- Establish an Intergovernmental Working Group on FGM, implementing a National Action Plan on FGM and providing training for front services including An Garda Síochána<sup>24</sup>

<sup>21</sup>In 2019. Women’s aid provided 220 Helpline support calls in another language via their Language link Interpretation service, outlined in Women’s Aid’s Annual Report

<sup>22</sup> AkiDwa (2019) *Female Genital Mutilation and the Law in Ireland*

<sup>23</sup> [https://www.nwci.ie/images/uploads/NWC-3rd\\_National\\_Strategy\\_DSGBV\\_Submission\\_JUNE\\_2021.pdf](https://www.nwci.ie/images/uploads/NWC-3rd_National_Strategy_DSGBV_Submission_JUNE_2021.pdf)

<sup>24</sup> Akidwa submission to CERD (2019) and to the Citizens Assembly on Gender Equality (2020).

- Ensure vulnerability assessments are available to everyone seeking international protection.
- Ensure adequate interpretation for minority ethnic women who are victims of crime, throughout the process, beyond the courtroom
- Ensure equality, anti-racism and cultural competence training is mandatory and adequately resourced for Gardaí, Judiciary and ancillary legal services both at the stage of recruitment and while in service.
- Provide free legal aid across all areas, including in the area of immigration.

## 2.2 Media and communications (including new technologies)

Media and communications (including new technologies) can play a role in promoting equality, including through connection, positive narratives, showcasing good practice and access to information/education. However, they are also sites for the spread of hate, harassment and exploitation; and they present other challenges such as the digital divide, cybersecurity and “bias in the algorithm”, with large scale, detrimental impact.

The pace, scale and impact of social media platforms, coupled with the challenges of regulating online activity, mean they are often the focus of debate at present. However, while the focus is on social media, the persistent issues in all media must also be recognised. These challenges also include the lack of visibility of minority ethnic women, lack of representation or misrepresentation, and misinformation. Legislation to prevent and address hate crime must be sufficiently robust and comprehensive to cover online abuse and incitement to hatred. “Free speech is not a licence to hate.”

Minority ethnic women are one of the most targeted/trolled groups online. In Ireland, toxic behaviour online (hostility, harassment and hate) acts as a deterrent to women in putting themselves forward for election. The issue must be tackled urgently. This issue must be tackled urgently. The absence of specific measures regarding social media platforms should not mean action cannot be taken in the virtual space. Current challenges and the pace of growth and change in this space demonstrate that targeted action is required and regulatory functions introduced for social media companies. These are necessary to ensure social media companies take online abuse seriously and are proactive in tackling it. This will include action at the national level and working at European and international levels, given the global nature of social media platforms and “Big Tech”.

NWC members raised the issue of the lens being pointed *at, not by*, minority ethnic women, and potential voyeurism or exploitation where women are asked to share traumatic experiences. The whole experience and contribution of minority ethnic women is not shown by this type of cultural representation. Without balance and self-determination, distortion - not diversity - could be the outcome.

NWC members also raised concerns regarding emergent use of artificial intelligence systems to manage services and activities in society. There is clear evidence that these systems manifest the discriminatory and racist biases of their human programmers and operators.<sup>25</sup> and their impact on individuals and communities is unclear.

<sup>25</sup> [NUIG Report AI Impact on Legal Services Algorithms, Big Data and Artificial Intelligence in the Irish Legal Services Market.](#)

## Recommendations:

- Eliminate online hate speech and racist crime
- Introduce regulatory functions for social media companies
- Improve representation of minority ethnic women in the media.
- Resource diverse women's representation and cultural creation.
- Support public campaigns to develop a positive narrative, campaigns that are factual and impactful.
- Acknowledge the huge contribution of minority ethnic women, including representative organisations. Amplify their role and support the amplification of minority ethnic women's voices, including in all areas of public life.
- Review the EU Fundamental Rights Agency research and recommendation on media and on artificial intelligence, with a view to translating these into action at the national level

## 2.3 Employment, Health, Accommodation, Care, Education,

### EMPLOYMENT

The Gender Pay Gap of 14%<sup>26</sup> & Gender Pension Gap of 35%<sup>27</sup> is exasperated by racism and discrimination. While it is difficult to access up to date data on the intersection between gender and ethnicity or migrant status in Ireland, there is evidence that migrant women and ethnic minority women experience additional disadvantages in access to the labour market as well as in the workplace. Black Africans experience extremely high rates of discrimination both looking for work (23%), and in the workplace (29%), compared to Irish nationals (6% and 5% respectively).<sup>28</sup> Migrant workers are at greater risk of exploitation with 44% of participants on one study reporting that they received less than the minimum wage<sup>29</sup>. While racism affects men and women, women's experiences are tied up with both racism and sexism and women are more likely to be affected. Research with Muslim communities in Dublin found that Muslim women were three times more likely to experience verbal abuse and physical violence in public spaces than Muslim men.<sup>30</sup> Traveller women find themselves in a situation where they are all but excluded from the workplace and 80% of Traveller women are unemployed. Members of the Travelling community experience a high degree of discrimination in recruitment as well as in the workplace with Traveller women twice as likely to report discrimination<sup>31</sup>.

Ireland has one of the highest numbers of low paid workers in the OECD, with 23% of the workforce designated as low paid<sup>32</sup> compared to an OECD average of 15%.<sup>33</sup> Women make up a higher percentage of the low paid in Ireland. It's been estimated that between 60 and 65% of minimum wage workers in Ireland are women.<sup>34</sup> Part-time workers account for over 50% percent of all National Minimum Wage employees and approximately 80% of these are female.<sup>35</sup> A large proportion of minimum wage jobs are concentrated in the hotel, catering, restaurant, wholesale

<sup>26</sup> Eurostat (2019). Gender pay gap statistics. [https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender\\_pay\\_gap\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Gender_pay_gap_statistics)

<sup>27</sup> Nolan, A. et al (2019). Gender, pensions and income in retirement. Dublin: ESRI.

<sup>28</sup> Kingston et al (2013). Discrimination in the Irish labour market: nationality, ethnicity and the recession. UCD.

<sup>29</sup> MRCI (2015). All work and low pay: the experiences of migrants working in Ireland.

<sup>30</sup> J. Carr (2016), Islamophobia in Dublin: Experiences and how to respond, Immigrant Council of Ireland.

<sup>31</sup> Irish Human Rights and Equality Commission and Economic and Social Research Institute. Who experiences discrimination in Ireland?

<sup>32</sup> Low pay refers to the share of workers earning less than two-thirds of median earnings

<sup>33</sup> OECD (2019). Wage levels statistics. <https://data.oecd.org/earnwage/wage-levels.htm>

<sup>34</sup> The LPC 2016 found 60 per cent of minimum wage workers were female while the NERI (2015) report "A Profile of Those on The Minimum Wage", found that 64.7% of minimum wage workers were women

<sup>35</sup> LPC (2016). The preponderance of women on the national minimum wage.

and retail sector – sectors comprised mainly of women workers.<sup>36</sup> Among the, predominantly female, childcare workforce, 6 out of 10 workers earn below the Living Wage.<sup>37</sup> Many of these women are young women, women of colour or migrant women who are vulnerable to the most precarious working conditions. Participants in a survey of migrant workers in the restaurant, domestic, home care, retail and security sectors, found that 62% of all those surveyed have a third level qualification yet continue to work in jobs well below their skill levels. Participants reported that it was difficult to moving beyond low-paid, entry-level positions, despite years of experience, third level qualifications and sometimes a high degree of responsibility in their workplace.<sup>38</sup>

Workers represent 14% of all those in poverty. It is the view of NWC that minimum wage levels should be set at a rate that is sufficient to cover the cost of living as experienced by workers. The Living Wage is calculated to ensure that work should provide an income that is sufficient to enable individuals to afford a socially acceptable standard of living.<sup>39</sup> Currently set at €12.30 per hour, it is the average gross salary which will enable full-time employed adults (without dependents) across Ireland afford a socially acceptable minimum standard of living.

Collective bargaining is one of the most effective ways to create more equal redistribution of wealth, reduce inequality and address low pay. Research has indicated that countries with a high coverage of collective bargaining tend to have shorter working hours for both women and men, more flexible work options under secure employment conditions, better protection for non-standard workers, as well as a reduced gender pay gap.<sup>40</sup> Legislation is of particular necessity in Ireland, as our laws allow employers not to recognise unions in pay disputes. Unions are often not recognised and joint labour committees don't exist in many of the sectors women predominate.

As well as these existing structural barriers to decent work and an adequate income legal status impacts on the right to work for people living in Ireland. The right to work for asylum seekers is limited and migrant workers' family members (e.g. dependent partners) can be restricted, with wide-ranging consequences. The lack of recognition of qualifications and experience (from outside of Ireland) by employers is leading to women being hugely underemployed or trapped in low wage employment for which they are hugely over educated/over qualified. Work permits which tie someone to a particular employer create serious issues in relation to pay rates, terms and conditions, and promotional opportunities.

### **Racism in the Workplace**

MRCI's report "Access, Progress, Thrive-Towards an Inclusive Labour Market in Ireland"<sup>41</sup> reported

*"Racism and discrimination featured in all respondent interviews...More specifically, racial and gender discrimination featured alongside perceived favouritism and bullying...Racism and sexism were identified as a common occurrence that was often justified as 'teasing' and 'joking'. Some*

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<sup>36</sup> Collins, M. (2016). Women and Low Pay: An empirical assessment.

[https://www.nerinstitute.net/sites/default/files/events/downloads/2019/michel\\_collins\\_neri\\_paper.pdf](https://www.nerinstitute.net/sites/default/files/events/downloads/2019/michel_collins_neri_paper.pdf)

<sup>37</sup> Pobal (2019). Annual Early Years Sector Profile Report 2018/2019.

<sup>38</sup> MRCI (2015). All work and low pay: the experiences of migrants working in Ireland.

<sup>39</sup> Living Wage Technical Group (2019). Living Wage Technical Document.

<sup>40</sup> European Trade Union Confederation (ETUC). Collective bargaining and gender equality.

<https://www.etuc.org/en/collective-bargaining-and-gender-equality>

<sup>41</sup> [Access Progress Thrive Towards-an-Inclusive-Labour-Market-in-Ireland Dec 2020](#)

*respondents reported being passed over for promotion, and not receiving pay parity with other workers in similar roles...Worryingly, people felt that this was just part of their working lives”*

Knowledge of legal rights, entitlements and services and access to legal information, advice and representation empowers people to enforce their rights, challenge inequalities and discrimination and combat social exclusion. NAPAR must include actions to highlight employer obligations and employee rights. It must include actions to provide access to legal supports, advice and representation where appropriate to act against discriminatory and racist workplaces.

### Recommendations:

- Expand the eligibility for work permits to allow more asylum seekers seek and secure employment
- Remove the barriers to work for asylum seekers
- Remove legal dependency for women
- Run awareness campaigns in multiple languages on equality and employment legislation
- Run awareness campaigns for the NARIC Ireland (National Academic Recognition Information Centre Ireland) amongst employers and employees
  - Extend and improve the recognition of foreign qualifications
- Improve employment equality data, to identify where there is an ethnic pay gap
- Provide specialist legal employment supports, advice and representation where appropriate
- Develop a new model of work and welfare including:
  - Greater recognition of the value of care work and remuneration for the same
  - Ensure women benefit equally from active labour market investment
  - A Living Wage to promote decent work
  - Legislate for collective bargaining rights
  - Invest in care as a key element of Active Labour Market Policy (ALMP)
- Ratify ILO Convention 190 on gender-based violence and harassment in the workplace.

## HEALTH

Minority ethnic women experience health inequalities due to structural inequalities linked to social determinants of health (including poverty, accommodation, literacy issues and discrimination) and barriers to accessing health services due to discrimination. The *Evidence Base for the development of the Women’s Health Action Plan* commissioned by NWC with the Department of Health and HSE in 2019 includes quantitative and qualitative data that reveal significant issues and inequalities ethnic minority women with regard to life expectancy, infant mortality, mental health and health access and screening. Please see the full report for more in depth analysis of the issues reviewed here<sup>42 43</sup>.

Traveller, Roma, Black and ethnic minority women reports numerous barriers to accessing health services including discrimination and racism, lack of trust with healthcare providers, lack of culturally appropriate service provision and limited engagement from service providers.<sup>44</sup> There are difficulties accessing primary health care due to cost and lack of interpretation and translation services.

<sup>42</sup> [Womens Health in Ireland -Evidence Base for the Development of the WHAP](#)

<sup>43</sup> The paucity of disaggregated data available is noted in the report

<sup>44</sup> Walsh, K (2019).

Profound health inequalities include:

- 24% of Roma women have not accessed health services while pregnant and their first time accessing healthcare was to give birth
- 84% of Roma women have experienced discrimination in health services
- Traveller women live ten years less than women in the general population in Ireland<sup>45</sup>
- The National Traveller Women's Forum (NTWF) highlighted the similarly disturbing fact that Traveller babies are 3.6 times more likely to die
- AkiDwA reported that in Ireland the MDE found that Black women have higher rates of maternal mortality than white women. 32% of maternal deaths occurred in women born outside of Ireland although the group represents 23.4% of all maternities in Ireland.<sup>46</sup>

Racial and gender injustice and inequality, including institutional racism, impacts on people's mental health:

- Suicide rates among Traveller women are five times higher than women in the general population.
- The suicide rate for Traveller women is five times higher than women in the general population<sup>47</sup>
- 63% of Traveller Women disclosed that their mental health was not good for one or more days in the previous 30 days; this compared to 20% of female medical cardholders
- 60% of Roma women report more than 14 days of the previous month when their mental health was not good.

It is essential that in developing the NAPAR consider the evidence through an intersectional lens when adopting policy and practice recommendations. In the area of health, these need to tackle inequality, prevent re-traumatisation, and promote the health and wellbeing of all. The limited nature of the data collected by public services can make this challenging and therefore it is often not possible to provide a comprehensive analysis. Available data may be specific to only one category, e.g. migration status or nationality. This issue must be addressed as a priority.

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<sup>45</sup> Data on this and related areas is available in "Our Geels: All Ireland Traveller Health Study".

<sup>46</sup> AkiDwa cites MDE (2017) Confidential Maternity Death enquiry in Ireland: report for 2013-2015, in the alternate report to CERD.

<sup>47</sup> Pavee Point, Presentation 'Our Geels: Mental Health and Suicide', P:resentation to the World Congress on Women's Mental Health, Dublin, March 2017.



## Recommendations:

- Ensure proper integration and accountability between the NAPAR, the Intercultural Health Strategy, NITRIS, National Traveller Health Action Plan (NTHAP)
- Implement full disaggregated data collection across health systems and services
- Implement outstanding recommendations from the All Ireland Traveller Health Study
- Implement the McMahon report<sup>48</sup> including the 11 health recommendations
- Advocate for Slaintecare roll out for a universal health system based on values of solidarity, equality, inclusion and participation
- Equality proof access to the maternity care, including early scanning and testing. Services should be available to all women, irrespective of geographic location, socio-economic circumstance or ethnicity
- Equality proof access to sexual and reproductive healthcare, including amendments to abortion services which currently require a PPS number
- Ensure health equality for women in Direct Provision
  - reduce cost barriers
  - develop integrated care plans in the case of accommodation transfer
- Ensure the provision of gender sensitive mental health and counselling services to all women living in direct provision
- Ensure the provision of comprehensive and accessible information including multilingual resources, as well as translation and interpretation services.
- Fully resource Traveller Primary Healthcare Projects
- Develop primary healthcare projects with and for migrant women
- Resource equality and cultural awareness training for healthcare staff
- Implement medical training that is gender and racially sensitive and aware
- Ensure women of minority ethnic groups are supported to work in the health system and progress to senior levels

## ACCOMMODATION

The impact of structural racism in accommodation access is extreme for minority ethnic women; and has needed urgent attention for decades. Furthermore, accommodation issues can lead to personal safety risks for minority ethnic women and their children. When they experience violence, they can find they have limited alternatives to remaining living in the same environment, including being effectively forced to remain with an abusive partner, or where they can be re-targeted and re-trafficked.

The extent of the accommodation issue is broad - ranging from discrimination in renting accommodation, harassment in one's neighbourhood or home, to lack of appropriate accommodation or privacy. The NWC draws particular attention to the dire situation for:

- Traveller women
- Women living in Direct Provision, and
- Minority ethnic women experiencing DSGBV, including migrant women.

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<sup>48</sup> McMahon, B et al (2015) Working Group to Report to Government on Improvements to the Protection Process, including Direct Provision and Support to Asylum Seekers.

The State must address the overall accommodation crisis in the country. This issue has received much attention in the media and politically and State failure in this area has been a particular tool for recruitment into the far right. The State must take responsibility for addressing this with urgency. Keeping minority ethnic women in homes and safe in their homes also requires political leadership on hate crime and accommodation. Minority ethnic communities cannot be scapegoated for a long-standing State problem. Political rhetoric must not feed into this narrative and political leadership is required to address this. In addition, long standing racism experienced by Traveller communities has been utilised by some politicians as a voting tactic. Political parties and the State must reject this disgraceful racism and act with sanctions for those who use these hateful and violent tactics.

### Recommendations:

- Increase public and affordable housing by building 100,000 homes on public land.
- Resource implementation of the recommendations by the Independent Expert Group on Traveller Accommodation (2019)
  - establish and fully resource a statutory Traveller Agency with powers to approve and enforce Local Authority accommodation
  - ensure adequate supply and standard of culturally appropriate accommodation for Traveller women
  - introduce penalties for bodies failing to deliver
- Resource implementation of the action plan to end direct provision and ensure accommodation of women seeking protection is included in the national and local housing development plans
- Address the crisis access to emergency and longer-term accommodation for women experiencing DSGBV
- Remove any provision that leaves migrant women's legal status dependent on their partner
- Develop an Irish model of affordable cost rental housing
- Develop targeted information campaigns which provide information to people from minority ethnic to their rights and entitlements in housing

### CARE

Care work is essential work and Ireland's care infrastructure is dependent on the cwork carried out by minority ethnic women. At the same time, minority ethnic women's family care, the cost of care and sometimes limited family network (e.g. for migrants) can act as barriers to accessing other services. NWC proposes "care" is considered as a specific and cross-cutting theme.

NWC recommendations to the Citizens Assembly on Gender Equality in relation to care and the care economy is relevant to minority ethnic women and the full submission can be reviewed here<sup>49</sup>. The gaps in the public provision of care and undervaluing of paid and unpaid care work have implications for all women and can impact on minority ethnic women disproportionately, given limited family networks and their own employment in often precarious and poorly paid care work. Please see the section on employment for this issue specifically

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<sup>49</sup> [NWC Submission to the Citizens Assembly on Gender Equality 2020](#)

Lack of investment has kept or transferred back, personal, health and community care need to the unpaid, undervalued and often invisible labour of women. With one of the highest rates of low pay in the OECD, provision of public care services would lessen the impact of exorbitant rent and childcare costs in particular, for low paid workers who are often minority ethnic and/ or migrant women. The pandemic has reinforced the centrality of care to a functioning society and economy. However, women continue to bear primary responsibility for paid and unpaid care. The care sector is characterised by precarious, low paid work. Domestic and personal care workers are often migrant women, and women of colour, subject to the most extreme instances of precarious work and exploitation. NWC is concerned that we must not become dependent on the exploitation of marginalised women to meet our care needs. Because the sector is comprised predominantly of low paid women workers, investing in care could reduce the gender pay gap significantly (by 5% in a UK context<sup>50</sup>).

### Public early childhood education and care (ECEC)

Childcare remains the single most significant barrier to women's equal participation in all aspects of society, but particularly employment, education and training. While the National Childcare Scheme is aimed at addressing the issue of affordability, it does little to address sustainability or workforce pay. However, half the workforce earns less than the living wage<sup>51</sup>. Ireland has the most expensive childcare in the EU and investment in childcare, at 0.3% of national income, is well below both the EU average of 0.8% and the UNICEF recommended 1% of GDP. Providers face a choice between affordable services for parents and decent pay for their workers. With an inability to reconcile the two, staff turnover in the sector is high (40% for full day services). These factors signify that there is an urgent need to develop a public, affordable and accessible early years and school age childcare infrastructure.

### Adult social care

Homecare has been progressively privatised in Ireland. Workers in private providers have lower pay, weaker rights and are required to be more flexible than those working for non-profit or public sector providers.<sup>52</sup> Again this sector is dominated by migrant workers. In addition, Personal Assistant services are chronically underfunded and inadequate to support disabled people to live independent lives. The Citizens' Assembly recommended that disabled people be actively supported and resourced to live independently with person centred financial supports to enable this.

Investment in universal, non-profit, social care services are vital to ensure older people and disabled people have the necessary supports to reduce dependence on family and friends and to maintain a private life with dignity. While some progress has been made in recent years on the protection of and employment rights of domestic workers, there are significant steps still to be taken.<sup>53</sup>

### Recommendations:

- Develop a legislative underpinning for the funding of a public, affordable and accessible care infrastructure to support people at all stages of the life cycle

<sup>50</sup> WBG (2020). [A care led recovery from Coronavirus](#).

<sup>51</sup> POBAL (2021) Early Years Sector Profile 2019 / 2020

<sup>52</sup> Mulkeen, M. (2016). Going to market! An exploration of markets in social care. *Administration*, 64(2), 33–59.

<sup>53</sup> See for example research and projects of the MRCI and the Domestic Workers Action Group (DWAG).

- Develop a model of funding for the care economy that ensures proper wages for the workforce, a quality service for children and affordable fees for families
- Increase investment in early years care and education to 1% of GDP over the next decade
- Provide a statutory right for a broad spectrum of paid maternity, paternity, parental leave and carers leave, to include a minimum of 4 paid months of parental leave and 6 paid days of carers leave
- Legislate for a full and retrospective Homecare credit to support women to access a full pension
- Provide a statutory right to home care to support older persons to remain independent
- Provide a statutory right to a Personal Assistance Service for disabled people

## 2.4 Inclusion and Participation

### Leadership

Women, in all our diversity, must be represented in State decision-making processes. Those affected by decisions must be involved in the making of those decisions. It is only in recent years that women have made progress in overcoming the gender inequality this area and there are still significant gaps in political participation on State and company boards.

Minority ethnic women are virtually invisible in such structures. Indeed, few data collection systems even count minority ethnic women. In the past 18 months we have seen the first Traveller (and first Traveller woman) in the Seanad<sup>54</sup> and the first Black woman elected Mayor<sup>55</sup>. The extent of the limited representation of minority ethnic women is all the clearer by the fact that the inclusion of individual women has proven so noteworthy. However, such examples do provide role models for minority ethnic women and girls, and demonstrate to the general population the important contribution minority ethnic women make to Ireland's social, economic and political life.

Racism is a key barrier to increasing the diversity and representativeness of our political leaders. NWC's 2019 study "Women Beyond the Dáil"<sup>56</sup>, reported the racism that occurs in local political discourse where, for example, rhetoric used to resist allocation of Traveller accommodation uses stereotypes that demean Traveller experiences. This informs Traveller women's perceptions about local office and discourages their participation or running for election. The lack of support for minority ethnic women, who often also carry the burden of care work, makes running for office particularly challenging. Migrant and ethnic minority women candidates lack support systems that include extended family networks for canvassing or for childcare, and the financial resources required. Less than 1% of local election candidates in recent elections were from an identifiable migrant background (3 in 2104 and 9 in 2019). Three of the 4 candidates in the 2019 local election who openly identified as Travellers, were women. The lack of demand to recruit minority ethnic women interacts with the structural constraints that exacerbate the challenges facing all women in accessing political office.

<sup>54</sup> Senator Eileen Ni Fhloinn

<sup>55</sup> Councillor Uruemu Adejinmi was elected Mayor of Longford County Council, <https://www.irishtimes.com/news/politics/first-black-female-african-mayor-in-state-elected-1.4602861>

<sup>56</sup> [NWC Women Beyond the Dáil: More Women in Local Government 2019](#)

## Recommendations:

### Fix the System

- Develop mandatory standards in political discourse to ensure it is free from discriminatory rhetoric and hate speech
- Implement NITRIS measures to improve the participation of Traveller and Roma women in political and public life
- Provide supports for caring responsibilities for canvassing and participation
- Quotas, incentives and sanctions should be applied to political parties to increase minority ethnic women's participation in politics
- Introduce an entitlement to maternity/adoptive leave
- End reliance on electoral register for selection process for Citizens Assemblies, consultative processes, selection process in e.g. Presidential election, referenda<sup>57</sup>
- The Electoral Commission should monitor voter turn-out and this information should inform voter registration information registration drives.

### Fix the numbers

- Introduce a target for diversity on State Boards
- Establish targets for diversity on all non-state Irish company boards
- Legislate for a quota system to be extended to local elections with an initial quota of 30% women's representation in the Local Elections 2024 and additional targets to improve diversity
- Introduce gender disaggregated data of minority community membership of political parties.

### Promote participation

- Raise awareness of the right to vote among migrant communities
- Support NGO voter registration drives and capacity building programmes
- Protect the legitimate advocacy role of civil society organisations.

### Participation in policy development, including NAPAR - Meaningful engagement

Minority ethnic women want to engage and make a critical contribution to all policy-making processes. The root cause of “consultation fatigue” is lack of implementation following former consultation, limited ongoing engagement with the process beyond initial consultation and limited feedback or accountability to communities on progress. People want and have the fundamental right for their voices to be heard.

Those who are impacted by decisions must be involved in making those decisions. There is a need for real, meaningful participation. During NWC engagement with members on the NAPAR, it was clearly communicated that there is distrust of what people perceive, or have experienced to be, “rubber stamping” or “tick box” exercises. Women, including minority ethnic women, are keen to engage meaningfully on impactful strategies and plans; however, some express “fatigue and frustration” at the failure of previous plans to deliver for their communities.

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<sup>57</sup> The 2021 report of the independent researchers evaluating the Citizens Assembly highlight some weakness in the process including the selection process, available online at <https://www.citizensassembly.ie/en/news-publications/publications/independent-researchers-report-on-the-process.pdf>

Conditions for meaningful participation include amongst others, respect, parity and resourcing. It is noted that minority ethnic groups at grassroots level are not adequately resourced to support participation. They may also hold a higher burden and expectation of delivery of outcomes and change for the communities they represent. NAPAR can ensure a specific funding line to support and resource ongoing participation.

## **Culture**

Culture, and the fact that it appeared relatively invisible in the ARC consultation document, was noted during NWC's consultation with members. Following the invitation by ARC to highlight areas not in the consultation guidance note, we bring this to your attention.

### **Recommendations:**

- Provide funding to empower minority ethnic women and organisations to participate directly in decision making structures related to NAPAR
- Culture needs to be more visible and greater consideration given to it in the NAPAR Framework and content
  - Encourage and resource women's representation, cultural communication and creation
  - Support public campaigns to develop a positive narrative - campaigns that are factual and impactful.

## **3 Implementation and Accountability**

### **Implementation**

Racism is a cross-cutting and intersectional issue that affects all areas of people's lives. As such, it is relevant to every sector and to each government department or public service. It is acknowledged that equality and intersectionality can be complex; it is important to be inclusive of all equality grounds. Therefore, NAPAR will require complex solutions and progressive thinking.

To ensure the success of the NAPAR, the ARC must show leadership role in bringing together relevant and diverse stakeholders, delivering on innovative and inclusive approaches to policy formulation and implementation and, crucially, facilitating and requiring "joined up government". All government departments and State bodies have a responsibility to address racism and not to discriminate. There needs to be an integration and alignment of NAPAR and other strategies and national action plans. As noted earlier the Public Sector Equality and Human Rights Duty (PSD) acts as a critical tool in ensuring implementation and accountability of NAPAR

Strong, clear and high-level political leadership is required to drive the implementation of NAPAR. This needs to be reflected internally through ensuring senior civil servants and officials have the authority to make decisions so that progress can be made and impact achieved, in a timely manner. NAPAR requires a long-term commitment from government.

Through NWC engagement with members, and also participation in the ARC consultation fora, participants sent a very clear message that they do not want another policy without implementation. The lack of implementation is having a significant impact on people's lives. It

diminishes trust of minority communities and community/representative organisations in Government. Fundamental principles of democracy all support the need for civil society organisations to be involved in NAPAR, however, this principle is arguably undermined by the fatigue and frustration resulting from previously limited processes

As those most directly affected by the decisions, resourcing and actions associated with NAPAR, ARC must recognise minority ethnic communities as critical stakeholders to whom they, and the Government, are ultimately accountable. The EU Commission encourages Member States to “ensure that civil society representatives and equality bodies are involved in the design, implementation and evaluation of national action plans against racism”<sup>58</sup>. Minority ethnic communities and organisations need to be engaged throughout the process, from the initial phase through to implementation and evaluation. Given that NAPAR is still in the consultation phase, there is a real opportunity for ARC to embed meaningful participation and inclusion of those affected by racism, in the implementation and accountability mechanisms and processes.

A permanent consultative forum is one option and should be given consideration by ARC, in their deliberations. There needs to be feedback (including to those who engaged in the ARC consultation process) on the implementation and accountability structure and process ultimately selected with an explanation given as to why the decision was made; how it will be effective; how civil society can engage and how this will ensure minority ethnic women’s voices are heard. While civil society organisations may participate in the NAPAR process, civil society also has a role to act as a watchdog, a role that needs to be recognised, respected and resourced.

### **Monitoring**

The dearth of equality data particularly data on minority ethnic groups and gender disaggregated data is a real challenge in the development of NAPAR and for its monitoring. Priority action must be given to addressing this problem. CERD also raised this point in its reports to Ireland, including in its last report in 2019. In its concluding observations CERD noted its concerns about,

*“the inconsistent collection of statistics on the ethnic composition of the population. It is also concerned about the lack of comprehensive disaggregated data and the significant gaps in the population census and other national surveys, and administrative data on ethnic minority groups in terms of its availability, quality and use, which makes it hard to assess the fulfilment of the State party’s obligations under the Convention (art.1).”*

### **Recommendations:**

- Ensure strong political leadership for the implementation of NAPAR
- Ensure NAPAR is underpinned by a “whole of government” approach
- Ensure minority ethnic women’s voices are heard, throughout the process
- Gender equality proof the NAPAR
- Develop NAPAR as comprehensive and measurable, with clarity on responsibility and accountability
- Ensure ongoing monitoring and evaluation, so any implementation issues are raised early and addressed promptly
- Introduce penalties for lack of implementation.
- Develop and implement an equality data process
- Establish a Consultative Forum, over the lifetime of NAPAR

<sup>58</sup> EU Action Plan Against Racism (2021), p. 21.

- Resource the participation of civil society
- Develop a clear communication strategy for NAPAR
- Develop and deliver a positive narrative on diversity and migration

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