



Ireland and the Convention on the Elimination of All Forms of Racial Discrimination

## **Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland's combined fifth to ninth periodic reports**

**Steering Committee of People of African Descent Community on the UN Decade for People of African Descent in Ireland**

**November 2019**

### **Background and introductions**

This is a submission to the UNCERD by the Steering Committee for the United Nations Decade for People of African Descent in Ireland on behalf of People of African Descent in Ireland. This committee was formed in March 2018, following the Irish Government announcement and commencement of the process of implementing the UN Decade for People of African Descent 2015-2024, early in 2019.

### **People of African Descent in Ireland**

According to the last census conducted in Ireland in 2016 there are 57,850 people living in Ireland that are identifiable as People of African descent. People of African descent have a long history of visiting Ireland and some staying here in Ireland. One of the most important earlier persons of African descent to visit Ireland was Frederick Douglass, an African American self- freed ex-slave who came to Ireland to campaign against slavery and colonialism when Ireland was still a colony. Douglas stayed four months in Ireland in 1845 and made several public speeches alongside Daniel O'Connell- the Irish emancipator.

<https://www.irishtimes.com/culture/books/frederick-douglass-and-ireland-in-his-own-words-a-compelling-account-of-a-historic-moment-1.3632025>



Earlier visitors and inhabitants of Ireland from people of African descent have been here since the founding of the Irish state. Some of their off springs have composed one of the most active groups of people of African descent in Ireland, known as Mixed-Race Irish.

Together with most Africans and all people of African descent who came to Ireland in the 1980s, 1990s and onward from Africa and other parts of world, the two communities of people of African origin form one large family and community which has now come to be known as People of African descent Ireland.

Outlined below are key socio-economic and human rights challenges that People of African descent face in Ireland, that the Irish government needs to address for People of African descent, as an obligation and in the spirit of implementing the UN Decade of People of African Descent as announced by the United Nations in 2015.

## **1. Experience of racial discrimination**

People of African descent are increasingly experiencing racial discrimination in Ireland that the government needs to provide remedy through various strategies including policies specifically for People of African descent. The government has developed such strategy for other highly discriminated groups like the Traveller community so it can do the same for People of African descent. This is particularly following the UN Decade of People of African Descent that has called on governments and members of the UN to redress and address the treatment and the plight of People of African Descent, recognizing the fact that most injustices that People of African descent face stem from the unjust history of slavery, colonialism and the on-going exploitation of resources from the origin of the People of African descent, which is Africa.

Not only that there is racism in all areas of life but also studies focusing on people of African descent shows that Ireland has one of the highest rates of racism in the workplace within the EU. A Europe-wide report of September 2019 shows Ireland's rate for workplace racism is 33%, compared to an EU average of 22%. The study involved all 28 of the EU's member states. Ireland ranked worst alongside Austria, Finland and Luxembourg. The report particularly looked at the experiences of people from sub-Saharan Africa.

The Author of the report Professor Michael O'Flaherty on behalf of EU Fundamental Rights Agency notes that these statistics might point to a problem with integration. "We'd have to acknowledge that there must be some link between the problems we're discussing and weaknesses in our integration strategies". "We're not doing a good enough job to integrate newly-arriving migrants in our societies and that in turn feeds into all sorts of patterns of



prejudice and discrimination which can lead to violence and other unacceptable behaviour." He added that racism seems to be worst in the workplace. "There's a job to be done in the workplace in terms of respect for cultural diversity," he said.

The report further highlighted that Ireland also ranked poorly across other racism markers, including on a general level of harassment experienced by those who took part. In the past year across Europe, 24% of sub-Saharan African people said they had experienced some form of harassment. This compares with 38% in Ireland. In common with most areas covered in the study, very few of those surveyed in Ireland said they had reported incidents of racially inspired violence.

Indeed, people of African descent in Ireland have made substantial effort to work on integration. Such efforts need to be met with government strategy dealing with people of African descent, addressing their problems and ensuring their integration. The Irish government needs to evolve and enact the strategy for people of African descent.

Racial Discrimination and prejudices are still prevalent. The Equality legislation Acts 2000-2005 stem to curb this prevalence however as with most Equality legislation, a comparator is always necessary procedurally. Many times a strict definition of race is implemented therefore making some applicants under this legalisation redundant.

<https://www.irishtimes.com/news/politics/ireland-has-worrying-pattern-of-racism-head-of-eu-agency-warns-1.4032957>

## **2. Hate crime and hate speech**

As people of African Descent, we call upon the Irish Government to ensure Ireland enacts a Hate Crime Legislative instrument (Legislation) to encourage the reporting and criminalization of the Racist incidents.

Currently there is no legislation in Ireland that requires a court to take a bias motivation into account when considering sentencing in a criminal case.

Figures gathered by the European Network Against Racism (ENAR) Ireland from 2017 indicates a 33% increase in Hate Crime. 330 Reports of Racism including 19 assaults and 26 cases of Harassment and 111 reports of Hate Speech.

According to figures gathered by the Immigrant Council of Ireland, Africans were most likely to be targeted, with 20% of incidents occurring on Public Transport.

Also, recent report from the Hate and Hostility Research Group in University of Limerick of Ireland found that the hate Element of a crime was filtered out of the Criminal Justice



system in Ireland and that Ireland is behind other EU states surveyed on hate crime legislation.

Indeed, as the chief Commissioner of the Irish Human Rights and Equality Commission noted “it not the responsibility of victims to avoid being targets of hate Crime”.

We ask the Irish government to Ensure that people of African Descent have all access to effective protection and remedies through the competent national tribunals and other state institutions against any acts of racial discrimination.

Hate crime legislation will enable this to happen and to have the right to seek damages suffered as a result of such discrimination.

A recent case: The Irish government should take serious account of the recent online backlash of an inter-racial couple featured in a LIDL chain of shops advertisement campaign in October 2019 which led to some harsh and harmful racial comments directed at the couple and people of African descent. The couple experienced so much online abuse that they have left Ireland. National newspapers ran this story but one thing that it shows is how much online abuse takes place against people of African descent and other ethnic minorities. Online news sites like the *Journal* run stories regarding immigrants, there is a vast amount of racial abuse that is aimed at members of the African community. This affects People of African descent so much. It is strange that so many tech companies are based in Dublin, the city in which most People of African descent live. Yet their websites have allowed for vast amounts of online abuse and racist rhetoric to appear on their sites. Little betting is seen to be done by the Journals or moderators to curb this. People have a right to freedom of speech however, such right also involves consequences that with every right there is a responsibility. The Irish government and the Irish media sites and tech companies in Ireland must come forward and lead to stem and provide a safe and appropriate discussion forum on hate speech and comments online.

### **3. Participation in public life and representation in decision-making**

There is a substantial number of People of African descent in Ireland now. This needs to be reflected in the public sphere in Ireland and particularly in decision making bodies across the board. However, what is observable is there is lack of representation of Africans in decision making in all public spheres.

Proposed Actions to be taken by Irish Government:

- Increase the number of African women and men involved in decision making at local, regional and national level (Schools, community groups, NGOs, Government etc.)
- Conduct a mapping of Africans’ involvement in different levels of decision making at local, regional and national level and in all public spheres.



- Encourage engagement including in the suggested quota system in politics and other decision making bodies.

## 4. Education

### Children in pre and primary schools

The values of people of African Descent tie in with Irish values of ensuring ultimate protection and doing everything possible to provide a happy childhood for every child. In this we are witnesses of Irish government and society efforts following societal values and national and international provisions to ensure all children in Ireland have secure and happy lives.

In this sector to make life better for African Descent children in order to have a future generation of people of African descent that lives and thrives in Ireland as its home, the following areas need to be looked at and improved by the Irish government:

1. In schools. Since the government has bigger say and duty of care to all children in the school system in Ireland, government should ensure that all teachers and staff members treat all children equally and particularly ensuring equal treatment of children of African Descent and other children of new communities in Ireland. As African children and those from other communities are different in appearance from most Irish children, that difference is often taken as source of discrimination and mistreatment in various forms including bullying. It is important that schools are made safe and happy places for all children. The government through teachers and staff members in schools should ensure a zero discrimination and zero bullying policy of any child in school, especially children of African descent and other new communities.
2. There are remnants of historical stereotypical perceptions and representation of Africa and Africans, that already people of African descent community in Ireland are increasingly becoming aware of and are standing up to stop in the community in Ireland. Such stereotypical perceptions and representation of Africa should not be extended to any child of African descent in schools. This is unfair to adults in the community and as such it is much more unfair for children of African descent to receive that from their peers, teachers and members of staff. Schools should be places where stereotypical perception of Africa and Africans are corrected and prohibited as schools stick to building future citizens of the Irish nation that are equal and free. The government and Schools should join the efforts of the Africans in Ireland to correct the historical and often racist perceptions and representations of Africa and Africans as required by United Nations Declaration of the Decade for



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People of African Descent. In Martin Luther King Jr.'s dictum - content of character should be the yardstick of building and judging children at school and not their colour of skin or stereotypical perceptions and representation of their continent and ethnicity of origin.

3. Deficit representation of Africa and Africans can be perpetuated by teachers based on the ignorance of Africa and Africans but also textbooks and other reference materials used in schools. As more and more Irish schools are becoming multicultural, even with a couple of African descent students the duty of care of upbringing and giving each child fair and equal treatment requires that teachers get cultural awareness seminars on handling children from other cultures and also proof reading teaching materials to make sure they are culturally sensitive and do not treat places and people, even children from minority cultures particularly Africa and Africans in stereotypical, derogatory and deficit modes. Otherwise, such books should not be used in schools. The government should enact a policy of education that new textbooks also incorporate positive and balance imagery of Africa and Africans.
4. Furthermore, in education and up-bringing of children in Ireland, the government needs to come up with and implement a policy that:
  - Reduces the number of children taken into state care from African families. The 2014 interim report on the Child Law Reporting Project finds that there is a relatively high proportion of African families involved in childcare proceedings, 11.4% of all respondents being in Dublin. There are assumptions and lack of cultural understanding of the challenges facing African parents. These are always misunderstood by front-line services and professionals.
  - Workforce: Ensure diversity in workforce with at least a good number of social workers from African background leading and dealing with African families in need and during interventions.
  - Establish Peer led support for Africans and African families (Similar to Traveller primary healthcare program). Having Africans support Africans is an empowering process which can help reduce problems within families especially for most of the African women parenting alone.
  - Deliver Cultural competency training to all front-line services, healthcare professionals and foster parents, especially on African culture and heritage.
  - Train and avail services of African cultural interpreters and facilitators when dealing with cases of Africans.
  - Recruit Fostering parents from the African community. The current criteria and process is complicated and should be reviewed and amended as it sends most children of African descent to non-African descent parents which does not help to correct and help children of African descent. It complicates matters more.





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- Resource and provide training on cultural adaptation to African parents in Ireland.
  - Assist to develop a council of Elders from the African community to help support children and families.
  - Early intervention services, resources /equipment to provide meaningful support for African families that are struggling to meet the needs of their children/youth.
5. The shortage of spaces in schools is also a cause of concerns. As the educational system is still trying to move from religious orders that controlled primary and secondary schools, many migrants who are not of the Catholic church are limited in the schools in which their children can avail of a non-religious and non-denominational education. Many non multi denominational schools like “Educate Together” schools suffer from a lack of appropriate funding to meet the needs of the school and many have to do their own fund-raising campaigns in addition to the funding from the Dept. of education. Not to mention the limited spaces that are available to parents who wish to send their children to these schools as there are only 84 in Ireland at the moment as per Pobal statistics. ([www.pobal.ie](http://www.pobal.ie)). The government of Ireland needs to intervene in this matter for the benefit of all children in the state.

#### **Young people in Secondary Schools and Third level**

- (a) Government should initiate and assist effort from the African community to work with young people of African descent at ages where identity crisis issues begin to manifest. African descent young people are growing under two cultures, the African heritage culture and the Irish community culture where they find themselves face problems of identity at some point. It is therefore important that the government supports various programs from or with the African community that address this, in combination with other youth issues like mental health.
- (b) African youth as part of their heritage are talented in sports and athletics among other talents. The Irish government should take affirmative action and encourage this to be embraced at all levels of the society so that talented young People of African descent are included in fields of sports as is the case in other exemplary countries.
- (c) As recommended at the primary level, it is important that secondary level schools continue to be happy and friendly environments for all young people. Stereotypical perspectives, perceptions and representations of African people and Africa need to be banned in schools. All students through the work of teachers should be taught and brought up learning dignified perspectives of Africa and African people. If schools need help with getting this right, there is help from the African community practitioners and experts which the government can facilitate to get and provide to schools.



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- (d) In secondary schools and third level, the government should take affirmative action for dignified African history and culture to be show cased, celebrated and learned through various programmes during the years of the UN Decade for People of African descent and after. At secondly level, there is initiative for example by African Art Project that reaches out to secondary schools and at the third there is a network of African societies which work under the African Students' Association of Ireland (ASAI) which can support these programs. There is also an African Scholars association of Ireland (AfSAI) whose members can run various history, culture, and political economy lectures of various Africa related topics to educate the public on or about Africa. And the African-Caribbean Centre which is spearheading the celebration of African History month in Ireland each October.
- (e) A scholarship scheme for African descent students can be developed to mark the decade of people of African descent and keep on after the decade.
- (f) In the area of employment, affirmative action needs to be taken for the graduates of African descent as is the case with other minorities in Ireland.
- (g) Supporting the integration of African youths into the Irish society and creating environments that enable them to reach their potential.

#### **African Studies Centre/ Institute**

Irish Government should facilitate the setting up/ construct and equip a building for the **African Studies Centre/Institute** with resources for promoting programmes that showcase the cultures and values of African people, with offices that focus on the empowerment of African men and women.

This centre will be a focal point of African studies and activities in Ireland.

There is a strong case for African studies centre. Even though some groups are new to Ireland, there are very well established Polish studies and Centres, Chinese studies and other groups for example. From the presence of groups like Mixed race Irish, we know that African presence in Ireland dates to the 50s and longer. Yet not a single complete degree, centre, or institute, save the 2019 first Black studies module in UCD set up and run by the African Scholars Association of Ireland, Chaired by Dr Ebun Joseph and Business in/with Africa and Sustainable Development project run by Dr David Nyaluke as the UCD Proudly Made in Africa Fellow in Business and Development. A centre of Africa studies will address a good number of issues, beyond individual efforts by African scholars and organizations in Ireland.





## 6. Health and social services

Government of Ireland needs to take action to reduce health inequalities experienced by Africans in Ireland and in particular women. Health (mental health and reproductive health) remains a huge challenge both on treatment and access as inequalities exist due to lack of cultural understanding and proper support. These inequalities in the access and delivery of services must be addressed.

Proposed Actions to be undertaken by the government

- Facilitate support and recovery for African women and men suffering from mental health issues by setting up community-based interventions- (example of AkiDWA lets talk model).
- Provide better living conditions and support in order to reduce numbers of miscarriages among African women especially women living in accommodation centres in Ireland and undertake research on this area.
- Training frontline services and healthcare professionals on cultural competences, cultural understanding, norms and beliefs.
- Drug use and substance Abuse: Reduce and support number of Africans affected by drug use and substance consumption
- Establish a community led intervention involving key stakeholders including African faith and religious persons, professionals, NGOs, social workers and HSE
- Address poverty and marginalisation of People of African descent.
- Carry out research to inform and develop interventions.

## 7. Employment

In terms of attainment of attributes and credentials, people of African descent form the most disadvantaged and marginalised group in Ireland. They are underemployed and unemployed, causing a brain waste in Ireland. This also affects the family dynamics. As at the 2016 census, the unemployment rate of Black Africans was 43.5 -63 per cent compared with other white groups at 7-17 per cent. With the national unemployment rate now at 5.5 percent, Black Africans have not benefited from the economic changes. Dr. Ebun Joseph study (2018) showed through an employability programme that more than half of the



labour market mobility of this group is into unpaid roles where people with Levels 8 and 9 qualifications are having to down skill to Levels 5 to be able to access roles that require such levels of qualifications.

Proposed actions:

- (a) That Africans are given equal job/employment opportunity with their counterparts in various fields.
- (b) Recognize the education and certification from African countries so that Africans in Ireland can do the jobs they are trained for rather than ending up in menial jobs or prostitution to make ends meet.
- (c) Reduce the unemployment rate of people of African descent to a level comparable to other groups from 43.5% to 15%.
- (d) Diversity monitoring in employment, reporting on recruitment and promotion.
- (e) Affirmative action in recruitment and employment particularly in the public sector and academia for Africans ordinarily resident in Ireland.
- (f) Initiate the Multi-cultural charter and link it to funding.
- (g) Research to collate data on the diversity gap in Ireland. For example, the proportionate number of African academic staff in Irish Universities compared to the numbers that graduated with a PhD from Irish institutions.
- (h) Universities. Assess the progression rate of African academics compared to white academic graduates.
- (i) Eliminate discriminatory practices that prevent people of African descent from social upward mobility in employment thereby keep them on the fringe of society, the department of Justice is advised to take practical steps that prevents gatekeepers from shutting out opportunities for people of African descent. Gate keepers include professional bodies, employment boards, and panels that craft requirements that are a hindrance targeted against professionals of African descent. For example, qualifications obtained from credible African universities and institutions may not be recognized or if they are, onerous hardships are demanded such as to obtain syllabuses of courses instead of accepting transcripts. The government should demand the number of people of African descent rejected by such bodies after submitting applications.
- (j) Measure the success of inclusion and non-discrimination. The department of justice is advised to take annual audits of people of African descent employed in governments departments and private businesses. Companies and organisations could be given tax credits and other incentives for implementing equal employment standards or employment for people of African descent. Collating yearly statistics provides a measure of successes being realized in this regard. Simply stating that an organisation is an Equal Opportunities Employer is not enough.

Additionally, we ask the Irish Government to:



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- Take affirmative actions encouraging employers to offer jobs through incentives like those developed by social protection department mainly for employers who offers jobs to people who are long on the live register. A specific one on Africans with additional encouragement on African women and men is recommended.
- Up skilling and access to employment support for People of African Descent.
- Strengthen policies and awareness of equality Act 2014 responsibility for employer and make it mandatory for employers to develop and enforce equal employment policy.
- Addressing discrimination with employers by recognising diversity and equality as a good practice and have an award scheme for companies.
- Awareness raising and training on rights and entitlement for Africans in Ireland.
- Adopting collaborative action for employment of people of African descent between Government and the Private Sector.

## 8. Housing

There is a housing crisis in Dublin city and that is growing countrywide. The government of Ireland needs to look after people of African descent and migrants as the most vulnerable in this crisis. As migrants do not have the same access to intergenerational wealth as their European or Irish counterparts, the rate on buying house for this cohort is difficult. In terms of the Private rental market there is a severe shortage of places and some property websites advertise bedrooms to share with 4-5 people in city centre locations for an average price of €300-500 euros. We feel overall the government has not done enough in this regard for the people of Ireland and particularly for migrant renters. The imposition of the rent pressure zones also ensures that in certain areas, rent will always increase whether the landlords want to increase it. As exemptions for landlords to implement the 5 per cent increase are severely limited, the housing crisis has caused major concerns for many people particularly migrant families and young migrant professionals. The lack of adequate housing opportunities has led many to seek employment in other European cities. This will continue to be a major problem within the coming 3-5 years as the Brexit policies and decisions are felt in Ireland.

## 9. Asylum system



Africans in Ireland are among the largest group affected by direct provision system in Ireland. The time spent in direct provision while cases are being processed is long, lasting 1-5 years or more. Research has shown this to have negative impacts on individuals as many African women, men and children who have gone through asylum process have been negatively affected, especially those who had to escape violence and conflict. According to AkiDwA, there are women who have experienced gender specific harm for example there are 5975 women living in Ireland who have undergone Female genital mutilation and many others have experienced rape and other related persecution before arriving in Ireland. However, their experiences are not considered while most of them are unable to relate their experiences due to trauma and fear.

#### Proposed Actions

- Ensure that residence visas for undocumented Africans are completed before the end of the decade so that by 2024, nobody is left in Direct provision accommodation.
- Reduce the period spent in asylum processes and grant residency to African women victims of GBV/ and gender specific harm in not more than a year after the initial applications are made.
- Training of staff that conduct refugee application interviews on circumstances facing African women like culture, GBV and gender specific harm like rape and Female Genital Mutilation. Also ensure there is upskilling and training to all healthcare professionals and front-line services and access to AkiDwA training on cultural competency and GBV.
- Conduct psycho socio analysis and provide peer led support for African women.
- It is important that the government should consider the impact of direct provision system centre on Children. The children Ombudsman recently stated that these centres are not suited to the needs of children and that they should not be a long-term solution for children.

## 10. Migrant and minority women including African Community

In Ireland, most community support has come from migrants' own community. It has been left to organisations like the Africa Centre, AkiDwA and APNI (African Professional network of Ireland), African Students Association of Ireland (ASAI), Africa Societies in colleges and universities, African-Caribbean Centre, Association of Mixed Race Irish to try and meet the needs of African migrants living in Ireland.

These organisations were created by African migrants and have been important in addressing the needs of Migrants. For African women, there has not been a movement recognising their own specific needs. Migrant women are more likely to experience



discrimination and the inadequacy of recognition of the intersectionality (in policy and legislation) of African women in private and public life. Thus the suggestion that African women are not supported adequately and appropriately. Health care for African woman has also been slack as the Irish health care service is suffering from a shortage of staff and resources like bed spaces in local hospitals. Nurses and healthcare professionals of ethnic descent are also under immense pressures with some patients insisting they would prefer not to be “cared for” by the member of an ethnic minority and would prefer to be treated by an Irish doctor or nurse. No additional support is provided for staff who undergo this mass attack on their reputation and competence. It is a shame that those who seek to care for the Irish people in the health care system are often the ones who experiences the most racial abuse and prejudices. We mention this as the healthcare profession is made of a significant number of African women and yet there does not seem to be incentives to at least curb their stress in terms of experiencing racial discrimination or even efforts to discipline patients and service users who are abusive in this regard.

1. The stalling of the implementation of the abortion legalisation following last years 8<sup>th</sup> campaign has left refugees and asylum-seeking women with no options but to keep pregnancies that they may not necessarily be able to maintain. The *Ms. Y* case of 2015 is a perfect illustration of the type of institutionalisation and control that the Irish state will exert over an ethnic woman and the lengths they will go to impose the morality of a fetes over the rights of women. The passing of the referendum was to enable women make choices in relation to their bodies. By this, the right to bodily integrity comes to light however ethnic women in the system were never afforded the same choice in that their mobility is severely restricted yet services for termination of pregnancies are only available abroad and in places that they cannot travel to. Additionally, such women were not given the right to vote as they are in the asylum processes and so when the great debate about the womens’ rights to choose was performed last year, the views and experiences of the women who were indirect provision centres were greatly ignored even though they were one of the most affected by the referendum campaign.

## **11. Self-identification of people as an ethnic minority group**

On self-identification, the members of the African descent community feel relegated to third class citizens in Ireland. When one examines the Census categorizations used by the state (Census forms 2016), all the categories of migrant people in Ireland are either derived from their ethnic and places of origin such as ‘Chinese’ and ‘Asians’ but it is only the Africans whose category is associated with colour. As a broad category of people, we ask to be identified as African, African Descent, and other African Descent background where need be. The UN has set an example by putting forth the UN decade for people of African descent and all states should follow this in categorizing the people of African descent instead of using racist, outdated labels that have existed since slavery and colonial days.



Self-identification is so personal to individuals but is integral to a person's self-worth, self-esteem, intrinsic values and ability to accomplish their goals and desires in life. The identity of ethnic immigrants within Ireland has been welcomed by migrants but has not been fully respected by other members of Irish society. It has been left to members of the African diaspora to help shape a positive self-identity for themselves and members of their community. Those of African descent face the challenges of being racially singled out based on the colour of their skin and judged based on their origins. The adversities faced by people of African descent are often overlooked by other members of the Irish community. The rhetoric has been 'come here and assimilate as part of our society', rather than 'come here and enrich our society with your vibrancy and heritage'. There is a lack of education on identity issues in Irish schools as principles like inclusion and diversity often tend to leave out the "inclusion" part. The brief consultation process by Irish government for United Nations Decade for People of African Descent is one of the only times in which the Irish government has asked members of the African community for an open input in issues that directly affect them.

## 12: Access to Justice

**Irish citizenship:** The recent Irish high Court decision of Mr. Justice Max Barret highlights the lack of clarity in understanding the term of "habitual continuous residence" and its strict interpretation when it comes to Irish citizenship. Many migrant workers applying for citizenship have been faced with challenging situation in which they could potentially break their residence for merely traveling on a short weekend break or for going to a short visit to their home countries for a funeral bereavement. They find their applications in limbo as they face the fear of not following the continual residence requirement that has been interpreted by the Irish Courts. Class actions are also not available under Irish law under the floodgates policy and the judicial review process is extremely long, sometimes taking 2- 3 years and an applicant must show that they have appropriate standing and apply liberty to make a judicial review of a judge's decisions. Thus before even making opening submissions under the judicial review process, an applicant has usually undergone immense expense, time and effort for their application. What is also worrying is that the applicant's complaints though heard on an individual basis, are usually experienced by several persons similar to them. This places a heavy economic and social burden to migrants of African descent as many have to take time from court to attend hearing dates and deal with legal administrative costs.

**The citizenship process** has been a major cause of stress and psychological trauma for immigrants. Here is a story one of our fellow immigrants faced and she narrates: "My family came here in 2001 as economic immigrants, I have been living in Ireland since. I have undergone primary, secondary, and third level education and I have worked in the Irish legal sector past six years. My family members who came to Ireland at the same time as me, were granted citizenship many years ago and I enjoyed all rights as minor throughout until when I





was 24 and due now to apply for citizenship on my own as adult. As an adult now I had to apply for my application based on my own. There is a rule that if you apply for citizenship and came to Ireland as a minor with your family, you can use your parents' residency as part of your application. Unfortunately, I only found out about this information after I turned the age of 24 and was fully independent. Therefore, I must make a full application as an adult and wait 5 years to accumulate enough residency stamps to apply for Irish citizenship.

Every year the costs of renewing my GNIB stands at the cost of €300 euros. Two and a half years ago I applied for Irish citizenship. As I thought finally, I will be free of administrative burdens and time-consuming process of constantly renewing my GNIB card. I was led to believe that it would be a six-month process.

I have been waiting for a decision from the Minister since 2017. While my application was being processed, I have been asked for medical documentation, educational, occupational, home records. I have been asked for extensive paperwork and I have had to reproduce documents and bills from 5/6 years ago and have even offered documentation from when I was 19 years. However, they have continuously asked for more evidence. I was pushed to the point in which I almost submitted a letter withdrawing my application due to the extensive documentation they required. Documentation that they should have access to though my PPS number. Any times I had to write to organisations all over Dublin seeking duplication letters already submitted causing more stress to the situation. For example, in the case of my college, they provided me with two separate letters at the department of Justice equality request even though I had also furnished a full copy of my transcripts which showed all the academic years that I had attended that educational institution.

I have found the experience extremely intrusive on my private life and exhausting as well. I personally feel that Ireland has failed me in this regard as it has failed to recognise a young African migrant who at all times has positively contributed to Irish society. Going through the process has made to feel less than worthy in comparison to my family and friends who have been naturalized. As this is a national prerogative of each member state within the EU in which they deal with the issue of citizenship and immigration, I feel that Ireland has dealt with this in an inappropriate manner. The fact that some legislation also refers to the Aliens act of 1935 stems to show just how removed some the legislation is in practical terms. Not only do I feel let down by the Irish state but also by the EU safeguards that stem to hold member states accountable for gross violations of equality principles such as under article 14 of the Charter.

When I contacted the Citizenship Application Department, they informed me that due to Brexit there has been a back log. This may have been the case however it seems that the department has failed to accommodate the backlog and provide extra resources. There has also been a clear lack of communication from department of Justice regarding the lack of clarity, extraneous waiting period and the intrusive nature of collecting my data. The treatment I have endured due to Irish immigration system has cemented for me that I as a



human deserve to be treated with dignity and respect and if the system cannot ensure that for me then it is no longer serving me accordingly. I failed to see how the immigration system and the Irish government have met their obligations under CERD. In fact it seems that they have failed to fully engage with the obligations and provision of CERD particularity under article 2, 5 and 7. Africans recognised that they have a right to dignity and fairness however I fail to see how the Irish government has vindicated those rights.

Also many African and other migrants now in order to avail of an appointment to review their residency card with the INIS are forced to pay an additional €30 (to a private website) to secure a date at the GNIB office due to a lack of appointments on the overall department website. This is a harsh burden on a group of people that find it hard to make ends meet and are forced to pay an extra €30 on top of the €300 euro (application fee) for the GNIB residency permit renewal application. Though the appointment system has alleviated from the 4am queues outside the INIS offices in Cathal Burgh Street they have not solved the problem completely and instead have created a different problem for those looking to renew their residency permits. I am extremely disappointed in how the Irish government has treated people of African descent and to add insult to injury at the same INIS centres there was private security firms contract to provide services and before you could even be let onto the building to renew your permit, one had to show a third party contract, which is confidential information. Not to mention the threatening and harassing behaviours of the private security firm employees to service”.

**Labour rights:** The removal of the work permit scheme means that employers now do not have direct control over the legality of an employee’s right of residence, which was long overdue within the Immigration system. This helped matters in this regard however short-term fixed contracts as well as agency work on temporary basis have made migrants susceptible to exploitation. As many are on short term contracts, job security is not guaranteed and other benefits like health benefits or pension schemes are not available under these contracts. Many companies in Ireland are opting to use these types of contracts to deal with the influx of migrant workers and so is the public sector in terms of hiring teachers in schools and nurses in hospitals on temporary positions rather than permanent contracts. Also, the lengthy process of the workplace relations commission makes it more complicated for those seeking a legal remedy to avail of it speedily. Though the WRC does allow for individuals to make their own complaints, the process deters many from seeing the complaint through to the end.

**Racial profiling by Garda** is existent to some degree especially for young men of African descent who are the most susceptible to being singled out of groups by the Garda. Within communities, groups of young men of African descent are perceived as a threat and the first thing that residents do is call the garda, who then arrive to a scene ready to dissipate the group and order them to move on usually without investigating whether or not the group are demonstrating, threatening or exhibiting intimidating behaviour. For many years,



community liaison offers did not know how to deal with young African immigrants particularly how they are perceived before the law.

There is only one Garda college Templemore on which only recently was diversity and inclusion course introduced as a fundamental principle to community engagement. Media stereotypes have been slow to break particularly for those officers that patrol Communities made up of ethnic groups like in Blanchardstown and Tallaght areas. The Garda have made progress however there is still much to do about this. One cannot break prejudices and stereotypes when one does not acknowledge that one has an ingrained perception of a community that they do not fully understand or appreciate.

**Africans accumulating in jails and detention centres:** We call upon the Irish government to take affirmative action for people of African descent that have been in jails, detention centre to redress and address their rights. This should be done considering the Decade of people of African descent, so that there should not be in jail or detention any person of African descent who does not deserve to be there. Many are in jail and detention and problems have compounded their situation and health almost beyond repair.

**Rights to post-mortems that is independent and reliable:** We call upon the Irish government to enshrine this as the general principle to be the right to anyone upon the death, particularly in violence and suspicious circumstances. It is very painful when a people are denied the truth, and the whole truth when they have lost a member of their community.

### **13. UN Decade of People of African Descent**

The Irish government is a very late comer to the implementation of the UN Decade of people of African descent 2015-24. It has only begun with consultation of people of African descent in March 2019. The decade plan and activities have not yet been launched officially. Starting in 2019 four years since the decade was launched is late, and now that some activity has begun, the movement of programs is slow.

We the African descent community desire that the Irish government pushes forward the Decade agenda. We seek the government to come up with a strategy to address key problems facing people of African descent in Ireland and allocate resources to implement that policy/strategy. Fight against racism with Hate crime legislation and other anti-racism and discrimination programmes, affirmative action in education and jobs, and enhancement of the status and respect for People of African descent as required by the UN Decade for People of African descent resolutions.