

# DÁIL ÉIREANN

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AN COMHCHOISTE UM DHLÍ AGUS CEART, COSAINT AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY

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*Dé Céadaoin, 28 Samhain 2012*

*Wednesday, 28 November 2012*

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The Joint Committee met at 9.45 a.m.

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MEMBERS PRESENT:

Deputy Niall Collins,	Senator Ivana Bacik,
Deputy Finian McGrath,	Senator Paul Bradford,
Deputy Pádraig Mac Lochlainn,	Senator Martin Conway.

DEPUTY DAVID STANTON IN THE CHAIR.

## **Approval for a Decision of the European Parliament and of the Council: Motion**

**Chairman:** I remind all present to switch off all mobile phones as they interfere with the recording system even when in silent mode. The purpose of today's meeting is to discuss the following proposal, which was referred to the joint committee by the Minister of State at the Department of the Taoiseach on 27 November:

That Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to take part in the adoption and application of the following proposed measure:

a proposal for a Decision of the European Parliament and of the Council amending Decision No. 573/2007/EC, Decision No. 575/2007/EC and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability,

a copy of which was laid before Dáil Éireann on 16th October, 2012.

A briefing note has been circulated to members. I welcome the Minister of State, Deputy Kathleen Lynch, and her officials to the meeting. The Minister of State will present a briefing to the committee and this will be followed by a question and answer session.

**Minister of State at the Department of Justice and Equality (Deputy Kathleen Lynch):** I am very grateful to the Chairman for reading the introductory note which explains the motion under deliberation. He is clearly much more familiar with it than I am.

I thank the members of the joint committee for making time available today to discuss this motion. This is a very busy time for all parties as the budget approaches. I was a member of the Opposition for a long time so I appreciate the work involved. As members are aware, the motion concerns an opt-in by Ireland to a decision of the European Parliament and of the Council amending the decisions setting up three funds in the asylum and immigration areas. These funds are the European Refugee Fund, the European Return Fund and the European Fund for the Integration of Third-Country Nationals.

The legal basis for the proposed measure lies in Title V of the Treaty on the Functioning of the European Union. Therefore, the proposal is subject to Article 3 of Protocol No. 21 which is annexed to that treaty. Under this treaty, Ireland has three months from the date on which a proposal has been published in all official EU languages to notify the Council of its wish to take part in the adoption and application of the measure. In the present case, the three-month period ends on 27 December next. Alternatively, instead of opting in within this period, Ireland could do so after the proposal has been adopted. However, it is generally better to opt in within the three-month period - all the more so in the present case because the proposal applies only to Ireland and to a limited number of other member states. Under Article 29.4.7° of the Constitution, the prior approval of both Houses of the Oireachtas is required for Ireland to exercise any

opt-ins.

The proposed decision increases the co-financing rates under the three funds for member states which receive financial assistance under the instruments set up by the Union to help states experiencing or threatened with serious financial difficulties. This proposal currently applies to Greece, Ireland, Portugal and Romania. The Commission has proposed that the co-financing rates for support from the funds should be increased by 20 percentage points for the states in question, subject to the overall national allocation applicable to the member state. Thus, the normal rate of 50% would become 70% and the 75% rate for projects addressing specific priorities would become 95%. The EU has already adopted measures providing for increased co-financing under other funds, such as the Structural Fund, for member states in financial difficulty. An important feature of the proposal, as explained in the briefing supplied to committee members, is that once an action in a specific annual programme under a fund has been co-financed at the increased rate, that will continue until the end of the eligibility period, even if the country has exited the programme. The eligibility period of an annual programme extends for one and a half years after the year to which it relates, giving a total period of two and a half years. This element of the proposal is appropriate because a member state, upon leaving a support mechanism, is still in transition and continues to need some special measures. It is our intention to emerge from the EU-IMF programme at the end of 2013. Therefore, this aspect of the proposal is very welcome from our point of view. As will be obvious to members, this is a good-news proposal from Ireland's point of view, and the European Commission is to be commended on its introduction. Very properly, it recognised the implications of the economic and financial crisis for the member states affected and, specifically, it saw that it would adversely affect the necessary and desirable work done with the assistance of these three funds. The adoption of this measure will make it easier to source the necessary national matching funding, whether that comes from the State, as would be the case for the return fund, or largely from individual projects, in the case of the other two funds. I recognise that there are always challenges in raising matching funding in the present economic climate but this proposal aims to make this objective more attainable.

The Minister, Deputy Shatter, and I are strongly of the view that Ireland should opt in to this measure. Indeed, we can hardly do otherwise, given that it was formulated with our situation in mind, as well as that of a limited number of other member states. I commend the motion to the committee.

**Deputy Pádraig Mac Lochlainn:** This motion is welcome and I do not see any difficulties in supporting it. The motion also provides the opportunity to address some of the challenges highlighted in the report of the Irish Refugee Council. I am sure the Minister of State is as concerned as I am about the issues highlighted in the report. According to figures for September 2012, a total of 5,098 people are residing in direct provision centres, of whom 1,789 are children. They are provided with food and shelter and an allowance of €19.10 per week and €9.60 per child. We are all aware of the nonsense stories about free haircuts and fancy cars. These people are living in overcrowded conditions. The report noted one case of a family of five confined to a single room over a period of two years. The Irish Refugee Council is speaking out about this situation. Also, respected public figures such as the chief executive of Barnardos, Fergus Finlay, and Ms Justice Catherine McGuinness have said this is a serious case of child abuse and neglect and is not in line with the European Convention on Human Rights. The children's referendum has been passed. It is hoped that this additional funding will allow us to address these issues. I appeal to the Minister of State to use this opportunity.

**Deputy Kathleen Lynch:** I agree with the Deputy that one cannot but be concerned about the circumstances described. The Irish Refugee Council has rightly highlighted these conditions. The overcrowding in accommodation and the lack of facilities is one aspect; the other element is the speed at which asylum applications can be processed, which is being addressed. Care is required in transferring information from other jurisdictions. I agree with the Deputy on the nonsensical stories one hears. We all know, for example, that people cannot receive allowances for their dogs. When people who were born and reared in Ireland find themselves in difficult circumstances, one can understand there is always an element of resentment. In this instance, such resentment is clearly directed at the wrong people.

**Senator Paul Bradford:** I welcome the Minister of State and thank her for her contribution. We welcome the proposal. Is the Minister of State in a position to provide a broad indication of the amount of money involved? We welcome the increase in support from the European Union, but how large will be the budgets in this regard? Has a determination been made on what will be the Irish contribution?

**Deputy Kathleen Lynch:** It is very difficult to provide information in that regard, particularly as our own budget is only one week away from being announced. However, the budget for last year was between €1.2 million and €1.4 million. This was split between the two funds, namely, the return fund and the repatriation fund.

**Senator Paul Bradford:** Was the amount to which the Minister of State referred - between €1.2 million and €1.4 million - the Irish contribution?

**Deputy Kathleen Lynch:** Yes. For the current year, the amount for the refugee and integration funds was €1.5 million. The provision for the return fund - this relates to people who wish to voluntarily return to their own countries - was €720,000 in 2012. We are assuming that the amounts for next year will be similar, but we do not know because the budget process has yet to be concluded. A clearer picture will emerge at a later date. The significant aspect of this matter concerns the projects which can be undertaken within the voluntary sector. Up until now, it would have been necessary to have 30% of the money up front in order to obtain matching funding. Given that it is increasing to 90%, a project might only need to raise 5% and would still manage to obtain the additional funding.

**Senator Paul Bradford:** I thank the Minister of State for that information. In the national context, €1.5 million is a tiny amount. Apropos what Deputy Pádraig Mac Lochlainn stated, we are referring to people who are extremely vulnerable. Nobody chooses to be a refugee. One imagines that it is not a very pleasant lifestyle. This is taxpayers' money which is being well spent. We must continue to invest the money in question in order that we might try to assist these unfortunate people.

**Deputy Kathleen Lynch:** Given that organisations, etc., will only be required to raise 5% of the funding, a great many more projects may now be able to come on stream.

**Senator Paul Bradford:** That is very good.

**Senator Ivana Bacik:** I thank the Minister of State for outlining the proposals in such a clear fashion. We all absolutely support them and welcome what she has said about the benefits they are likely to bring for voluntary projects, in particular. I echo what Deputy Pádraig Mac Lochlainn said about the concerns raised by the Irish Refugee Council. Will the increased funding available go some way towards addressing a number of the issues involved? I refer, in

particular, to the children in direct provision centres. Some years ago I was involved with the Free Legal Advice Centres which, with several children's rights organisations, were seeking to ensure the children of refugees and asylum seekers would be entitled to child benefit on the same basis as any other child in the State. In the light of the recent referendum on children's rights, is there any prospect of such a eventuality coming to pass? Again, I welcome the proposals made.

**Deputy Kathleen Lynch:** I thank the Senator. Fortunately or unfortunately - I do not know which - we do not have responsibility for child benefit, the payment of which comes under the Department of Social Protection. Projects relating to languages, crèches and similar child supports which are very specific to those who come from countries other than Ireland, can apply for funding. Their applications will have a greater chance of being successful as a result of the fact that they will no longer be required to raise so much additional funding themselves. We all know that the groups to which I refer are encountering difficulties in trying to raise money in order that they might attract matching funding. I return to what I said about the overcrowding we have witnessed and the fact that children are living in unsuitable conditions. Ultimately, it must always be about speeding up the process and regularising the lives of those involved. The latter will have a greater impact than anything else.

**Chairman:** What is the position on the 50% of the refugee fund to which the Minister of State referred? Will she provide a breakdown?

**Deputy Kathleen Lynch:** In the case of the refugee and integration funds combined, for up to the programme year of 2009 - the eligibility period for which ended on 30 June 2011 - we used approximately 54% of our allocation. Some 65% of the allocation for the return fund was used in the programme year of 2008, while 90% was used in 2009. The proposal is designed to make it easier for countries in a bailout programme which, by definition, have serious problems. The proposal will also radically reduce the requirement for matching funding. In the case of projects which currently qualify for 75% co-funding, the amount will soon become 95%. In other words, the organisation which brings forward a project will only be obliged to raise 5% of the funding required. In the most recent round of funding under the refugee and integration funds, some 18 of 22 projects received 75%. All past and current projects funded under the return fund received 50%. This will be increasing to 75%.

The increases involved are substantial. The money provided by the Government will be capable of being recouped. What is proposed will make matters far easier for the projects and for us also. As a result of what is being done, projects which could not procure the funding necessary in the past in order to qualify will now find it much easier to qualify.

**Chairman:** The European return fund for this year was €720,000. Is all of that money likely to be spent?

**Deputy Kathleen Lynch:** It is not all likely to be spent. Some 65% of the fund has been spent. The amount of €720,000 to which I referred was spent. Of the funding available, it was 65% of the allocation. The actual amount spent was €720,000.

**Chairman:** That was for 2012.

**Deputy Kathleen Lynch:** Yes.

**Chairman:** The Minister of State has indicated that the adoption of this measure will make it easier to resource necessary matching funding, whether it be for the State, as would be the

position in the case of the return fund, or largely for individual projects. What would be the nature of such projects?

**Deputy Kathleen Lynch:** As stated, there are projects relating to children in various centres, as well as other projects. People who have had their position regularised would also have the right to apply. For example, the Dublin Rape Crisis Centre is working sensitively with refugees and asylum seekers who have experienced sexual violence and other traumas. There is also a project in Killarney which provides practical, moral and social support for asylum seekers and refugees in Killarney and Tralee. The activities relating to this project include a drop-in service, an outreach service to local accommodation centres and capacity building through training and social activities. The project also works with local service providers to ensure the needs of asylum seekers and refugees are met. There are numerous similar projects which are funded from the money in question. For example, the City of Dublin VEC has an education programme, while the Dóchas Centre, the women's prison at Mountjoy Prison, also has a project. Mayo Intercultural Action Group, BeLonGTo Youth Services, which provides services for gay young men, and Galway Refugee Support Group Intercultural Network of Community Activists have projects. This covers a wide variety of necessary services.

**Chairman:** Basically, moneys from the European Refugee Fund and the European Fund for the Integration of Third Country Nationals go towards matching funds with individual projects.

**Deputy Kathleen Lynch:** Yes. The opt-in provision to this new measure-----

**Chairman:** Increases that.

**Deputy Kathleen Lynch:** -----will ensure that the difficulties projects have in acquiring matching funding will be lessened.

**Deputy Finian McGrath:** On the broader issue of the integration of refugees and racism, what is the ministerial and departmental view on racism being an issue in Ireland? Some of us would say it is an issue from individual cases in our constituencies. Does the Minister of State have a concern this is a national issue and, if she has, how would she deal with it and with the protection of foreign nationals and refugees?

**Deputy Kathleen Lynch:** There is always a concern in this respect. We have all come across such incidents; some have been blatant, some have been subtle, some have been institutional and some have been against an individual. We have laws to deal with this issue. This is a specific offence. Anyone who experiences racist abuse or has been treated differently because he or she is a different colour, a different nationality or speaks a different language - it is a very broad mix - should report it. We take a dim view of such behaviour and treat racist abuse seriously. People reported for engaging in racist abuse have been prosecuted. Sometimes it is a minor issue but other times it can be quite aggressive and can have a huge impact not only on the individual against whom it was carried out, but on his or her family and friends. We have laws to deal with it. As in all other cases of discrimination, we need to encourage people to take action when such incidents occur.

**Deputy Finian McGrath:** A recent issue that has emerged is that the children of immigrants and of people who have been granted citizenship here, 15 and 16 year olds, have suffered abuse from adults on the street. In some cases the adults move on within ten seconds and there is no chance of the children going to the Garda to seek to have them prosecuted. The Minister of State spoke about cyberbullying and such issues, but it is horrific for a 15 or 16 old boy or

girl to be racially abused walking down the street. This is happening.

**Deputy Kathleen Lynch:** We are not born with racist attitudes. It is always adults who instill them into society. It is a learned behaviour and it is something we need not only to confront in society but in terms of the law. It is a big issue and a consequence of such behaviour is that these people will retrench into their own communities and we do not want that. We need people to mix and be part of the general population. That is good for us and it is good for them. I encourage people in the event of such abuse occurring to report it. Even if it is carried out against a teenager, and most especially if that is the case, it is important to report the incident because teenagers are far more vulnerable.

**Chairman:** Following on from what Deputy Finian McGrath and other members have said, we often meet people and they will start off by saying: "I am not racist but ..." and off they go. This is definitely a matter of concern. Are there any campaigns or programmes active in the Minister of State's Department to highlight these issues or to combat racism?

**Deputy Kathleen Lynch:** I was checking that with my officials because the ones we know of are those in regard to the GAA and the local authorities. The multi-agency integration groups in all local authorities work very well. It is at that local level we can have a bigger impact. National publicity campaigns are important but I am not certain that the people we need to convince regarding these issues take any great notice of those types of campaigns. Where notice is taken and we can have most effect is at local level and when people are confronted about their attitudes. I am not certain we will convince people their attitudes are wrong but we can ensure when they express their attitudes publicly that they do not detrimentally affect others. That is what we need to confront. We need to ensure their attitudes do not detrimentally affect others. If we can do that, we will be doing a good job. I could be wrong but I could never be certain that we will ever change the attitude of people like that. However, we can stop them from expressing it publicly and abusing others.

**Chairman:** It is an area to which we will return. Deputy Mac Lochlainn referred to reception centres and we will also be monitoring those. We will probably return to this issue at a later stage in the new year and have a more detailed set of hearings on this important issue.

**Deputy Kathleen Lynch:** With regard to reception centres and accommodation, where we can have an impact is in the speeding up of the process in terms of status.

**Chairman:** That and the issue of people being institutionalised and not being able to work and do all those things normal families can do.

**Deputy Kathleen Lynch:** That all follows from it.

**Chairman:** I take it the members are satisfied with our consideration of the motion. As we have now completed our consideration of the motion, in accordance with Dáil Standing Order 87 and Seanad Standing Order 72, the joint committee will report back to Dáil Éireann and Seanad Éireann to the effect that it has completed its consideration of the motion.

I thank the Minister of State and her officials for their attendance. The joint committee is adjourned until 2 p.m. on Wednesday, 12 December 2012 when we will meet various groups regarding the review of legislation on prostitution in Ireland.

The joint committee adjourned at 10.20 p.m until 2 p.m. on Wednesday, 12 December 2012.

