



ESC Rights Initiative

Implementation of Economic, Social, and Cultural Rights in Ireland: Migrants' ESC Rights

Migrants face particular inequalities and discrimination in Ireland. A recent study¹ shows that some migrants face intimidation, physical attack and damage to their homes and property. In addition, in the 4 core areas of employment, housing, healthcare and education, protections need to be strengthened to prevent exploitation and marginalisation of migrants.

Employment

Qualifications gained outside the EU are often not recognized, resulting in migrant workers having to take low paid jobs, forcing them to share substandard accommodation with friends to reduce living expenses. Exploitation of migrant workers is a persistent problem with evidence of workers being trafficked to work long hours in exploitative conditions. The constraints of the work permit system mean that workers often cannot leave exploitative employers as their immigration status will mean they are at risk of becoming undocumented. Allowing migrant workers to have control over work permits instead of employers would give workers more autonomy in securing legal entitlements and more confidence to report illegal work practices.

Asylum seekers living in direct provision centres around the country are not allowed to take up paid employment and therefore continue to exist in a state of enforced idleness, weakening their employment prospects. Domestic workers, predominantly women, who rely on their employer for accommodation are unwilling to report abuse of their rights because they risk homelessness and difficulties accessing social welfare payments. Migrant women are often particularly vulnerable as they are more likely to work in poorly regulated sectors. Clarification and consistency is required in the provision of all social welfare entitlements for migrants. Domestic and care work need to be better regulated to prevent abuse. Access to training opportunities must be prioritised so that workers can progress to better paid positions. Public information campaigns regarding employment rights need to be aimed at employers and workers alike.

Housing

ICESCR Article 11: provides for everyone's right to adequate standard of living, including adequate food, clothing, housing and the continuous improvement of living conditions. Direct Provision is intended to be a short term solution for the welfare of asylum seekers as they await decisions on their asylum application. As a result people end up living in overcrowded conditions with no independence and privacy for years. Not having a normal

¹ *Taking Racism Seriously: Experiences of racism and racially motivated anti-social behaviour in social housing*) Immigrant Council of Ireland & Dublin City Council



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residential address makes it even harder for migrants to access jobs and other services. The growing housing crisis in Ireland is also affecting migrants, often disproportionately. Difficulties in accessing homeownership and rising rents means that housing costs are outstripping incomes and many migrants cannot meet other basic needs, such as food, clothing, healthcare and child care.

Health

Immigration and residency status are important factors in accessing health services (and training or further education). Asylum seekers have access only to basic entitlements such as emergency healthcare and adult literacy and English classes. Female migrants are particularly vulnerable to access difficulties in healthcare. In some cases, they may be unable to receive medical treatments, including abortion services – because they cannot afford to travel, or are fearful of being unable to return. Not only does the healthcare system fail to accommodate the medical needs of these women, but it also does a disservice to their children who may become motherless due to inadequate medical care.

Education

Article 2 of Protocol 1: No person should be denied the right to education the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions." Further legislation asserting the rights of education towards migrants include directive 77/486/EEC.

Children of employment permit holders face significant barriers to state-provided financial support for third level education and the OECD has expressed concerns about the development of ethnic segregation throughout the Irish education system. 4 barriers associated with education are faced by migrants:

- Lack of clear and unambiguous information for possible third level students, including educational rights and entitlements
- Lack of English, which is vital to integration and increases the likelihood of social exclusion
- The lack of acknowledgment of international qualifications and prior learning
- High fees and inconsistent and confusing information regarding fees and fee structures (international fees are 3 times greater than EU fees)

Fees can be prohibitive for migrants ranging from €13,200 to €52,000 and financial aid may not be available to asylum seekers. Although many Catholic schools accept non-Catholic children, parents may wish to enroll their children in a school that supports their religion. But such schools are not generally available within the state. In addition, despite 1st and 2nd level schooling being free, certain asylum seekers (who are often in low pay) may be unable to pay for equipment such as uniforms and books.