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Racial Violence and Related Crime In Ireland

**Submission to the National Crime Council
Re: the Underlying Causes of Crime**

November 2002

Preface

This submission to the National Crime Council is based on a submission by the NCCRI to the European Monitoring Centre on Racism and Xenophobia based in Vienna that was submitted in November 2002. It highlights the need for the issue of crime related to racism, in particular related to assaults and the conditions that create the environment for such assaults, (the underlying causes of crime).

Executive Summary

The increase in cultural diversity in Ireland has coincided with marked economic growth in Ireland, a decrease in emigration and an increase in inward migration. Much of the new diversity in Ireland is a result of Irish employers actively recruiting abroad and as a consequence of an increase in the number of asylum seekers seeking refuge in Ireland. This section identifies different forms of racism in Ireland including the racism experienced by existing indigenous communities such as the Traveller and Islamic and black Irish communities and the specificity of the racism impacting on new communities. The different manifestations of racism at an individual, and at an institutional level are also briefly considered.

Ireland has a comparatively low level of recorded crime compared with other countries, with the vast majority of crime being non-indictable forms of crime and crimes against property accounting for 98% of all indictable crime¹.

The most significant development at a policy and practice level European level in recent years in respect of the challenges of policing in a multi ethnic society is the development of the Rotterdam Charter, which the Gardai have been actively involved. The work of the EUMC, ECRI and UNHCHR and the Directives arising from Article 13 of the Treaty of Amsterdam are also acknowledged.

Part Two of the submission is a description of existing data sources and gaps. It confirms that the primary data on crime in most countries is through the collection and analysis of crime statistics by the police and the carrying out of regular national crime surveys. It concludes that there is at present no quantified data on racial incidents and racial violence in general in Ireland because such information is not collected either through Garda crime statistics or through the two existing and now quite dated national crime surveys undertaken in Ireland.

However as a consequence of increased awareness of the need to collect such statistics the Gardai have recently drawn up and approved a definition of what constitutes a racial incident. This definition has been adapted from the MacPherson approach in Britain. The new Garda information system, PULSE is now being adapted to record racial incidents but it is likely that such statistics will only be published by the Garda Annual Report of 2003. The most recent Garda Annual Report and Crime Statistics available are for the year 2000.

This part also outlines a number of complementary sources of data, research and analysis, most notably through the NCCRI six month reports on incidents related to racism and the attitude surveys published by NGO's, most notably by the Irish Section of Amnesty International. The role of the media in providing reports of racial

¹ Indictable crime is the most serious forms of crime and is now known as 'headline crime' in Ireland.

violence, including court reports is also identified as an important complementary data source.

Part Three outlines emerging knowledge and good practice in tackling racial violence, including:

- Emerging knowledge about violent crime in Ireland
- Emerging knowledge about racial violence in Ireland
- Good practice in tackling racial violence.

This part of the report provides greater detail about homicides and assaults in Ireland. It concludes that while Ireland is relatively safer place to live, compared with other industrialised nations in respect of serious (headline/indictable) crime directed against people, there are worrying indications that this picture might be beginning to change. In particular there was a 131% increase in assaults under the headline category recorded in the Garda Annual Report, 2000.

This part of the report also outlines emerging knowledge about racial violence in Ireland. It details a number of assaults that have been recorded in recent months and highlights the first fatal assault in Ireland where racism may have played a role, which was inflicted on a Chinese language student in Dublin in January 2001.

This part of the submission also describes the temporary increase in racial violence in Ireland the immediate aftermath of the September 11th attacks on the United States, which was directed at people perceived to be of Islamic or Middle-Eastern origin.

A number of assaults and incidents of harassment are noted, including those directed at men and women and against children. It is emphasised that throughout the report that incidents should be kept in context and not exaggerated but at the same time there needs to be greater acknowledgment that such incidents are happening in Ireland.

The chequered history of the Prohibition of Incitement to Racism, 1989 and the cases undertaken under the Act is outlined. From 1989 to 2001 there were no successful prosecutions taken under the Act. Two successful prosecutions were undertaken since 2001, but it is unlikely that these will be sufficient to restore confidence in the Act, which, the weaknesses of which have been acknowledged by the Government.

There is description of some of the factors that can contribute to creating an environment where racial violence is more possible, but which may or may not be recognised as incitement to hatred under the present legislation, or which are too difficult to prosecute. Such factors described include the circulation of hate mail and leaflets and the emergence of racism on the Internet.

The role of political parties and some individual politicians is considered. It is noted that all the political parties in the Oireachtas in Ireland have policies against racism, although a small number of individual politicians and campaign organisations have shown that they are prepared to exploit populist and xenophobic and racist sentiment for short-term political gain, in particular in the run up to a general election or referendum.

Good practice in tackling racial violence in particular and meeting the challenge of policing in a multi ethnic society are detailed including the role and work of the Racial and Intercultural Unit of the Gardai, anti racism awareness training, the role of expert and specialised bodies, the Protocol for Political Parties and the Know Racism national public awareness programme. The work of the National Crime Council is also noted. The important role of NGO's is highlighted in this part of the submission.

Part Four provides an analysis of the information presented in proceeding parts of this analytical submission. The need to place racial violence in context in Ireland is emphasised. The difficulties of making definitive statements in the almost complete absence of the necessary disaggregated data in existing Garda Annual Reports and the lack of regular national crime surveys is highlighted. On the information that is available indicative conclusions are reached on issues such as:

- Perpetrators and victims of racial crime.
- Internal and external factors influencing racial violence.
- Legislation protecting people from discrimination and violence.
- The weaknesses in the Prohibition of Incitement to Hatred Act 1989 and the challenges to its reform.
- The impact of racial violence.
- The perceived response of the Gardai to Racial violence.

Part Five provides a conclusion and a number of recommendations to both the National Crime Council and more generally.

The key conclusion is that racial violence is a problem in Ireland, which requires greater acknowledgment and a more consistent and integrated response from bodies that have the potential to impact on this problem. This submission highlights racial violence in Ireland but seeks to place it in context and in a way that does not seek to exaggerate or sensationalise the problem. It is important to acknowledge that Ireland is in general one of the safest industrialised countries in respect of crimes such as homicides and assaults.

There is beginning to be an acknowledgement/highlighting of this issue by the Gardai, specialised and expert bodies, NGO's and the media. However, there remain significant hurdles to be addresses including the generation of adequate data and analysis of racial violence, both as a component of overall crime and as specific research issue, in respect of:

- Policing and the Administration of the Law.
- Legislation.
- The Integration of strategies to tackle racial violence into broader crime, anti racism and intercultural strategies.

Using the framework provided under the Rotterdam Charter, the conclusions on policing emphasise the importance of getting the overall approach right including overall policy within an equality framework; the training of officers, the importance of recruitment and retention of officers from minority ethnic backgrounds; the effective implementation of existing laws. The recommendations also draw from other sources to emphasise the need for an independent complaints procedure within the Gardaí and that operational strategies and broader police policy needs to be

equality proofed to ensure that impact of policies on minority ethnic groups is proportionate and that long term relations between the Gardai and minorities are not undermined by operations that impact on the places where they work and live.

It is recommended that all legislation that protects against the different forms of violence needs to be reviewed to ensure that they are adequate to deal with racial violence. Measures against violence should be integrated into broader crime, anti racism, equality and social inclusion strategies, including the forthcoming National Action Plan Against Racism.

The role and forthcoming agenda set by the National Crime Council is seen to be of particular importance in ensuring that all forms of crime including racial crime is effectively addressed. This includes tackling the underlying causes of racial crime as a component of overall crime, and where appropriate, specific initiatives focussing on racial violence should be developed in partnership with expert and specialised bodies and NGO's working closely with minority ethnic groups.

Introduction

Definitions

For the purposes of this submission, the term racial violence² is understood to mean violence that is in part or in total motivated by racism against the person or property in the form of:

- Homicides, including murder and manslaughter
- Assaults, including assault causing harm and harassment
- Violence against property, including criminal damage
- Incitement to Hatred³

The report also covers some of the factors that can contribute to creating the conditions that make racial violence more possible, including the use of deliberate misinformation and emotive language towards minority ethnic groups which may have a significant impact on how such groups are perceived, but which may not meet the present standard set in Irish law under the Prohibition of Incitement to Hatred Act (1989).

² The term racial violence as opposed to racist violence is the term used in this report as it is the preferred term of both the EUMC and An Garda Síochána (the Irish police).

³ These are general crime categories adopted by the Gardaí and adapted for use in this submission.

Part One: Contexts

Cultural diversity in Ireland

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has always been and still is a homogeneous and a mono-cultural society. The Traveller community, an indigenous Irish group, with an estimated population of 22,000 people and remains the largest minority ethnic group in Ireland. There has been a long established Jewish community and growing Islamic, Asian and Chinese communities in Ireland.

However, there has been a significant broadening of cultural diversity in recent years, both in terms of numbers of people and national or ethnic origin. There are now refugees and asylum seekers from over 100 countries in Ireland including Vietnam, Bosnia, Kosovo, Nigeria, Romania, Algeria, Congo, and Somalia and from ethnic groups that transcend geographical boundaries, such as the Roma and the Kurds.

There has been a significant increase in the numbers of migrant workers coming to Ireland from outside the European Economic Area. This is direct consequence of skill and labour force shortages in recent years. The number of students and the diversity of their backgrounds have also added to the more widely held perception that Ireland has become a more multicultural society.

In Ireland there are now more visible populations of black Irish and other EU and non-EU citizens living in Ireland who experience racism on the basis of skin colour and ethnic origin.

Recent Socio Economic and Demographic changes in Ireland.

In the period up to 2001 Ireland's economic growth rate was more than double any other member state in the EU. This has resulted in significant labour and skills shortages across the whole of the labour market. There has been a dramatic fall in unemployment in recent years from over 20% in the 1980's to less than 5% in 2002. As a consequence there has been active recruitment of workers from both EEA⁴ and non-EEA countries.

Ireland has been traditionally associated as a country of mass emigration. Largely as a consequence of almost continuous, though fluctuating levels of emigration, Ireland's population actually declined from 3m in 1926 to 2.8m in 1961. Between 1996 and 2002 the population of Ireland rose from 3.6m to 3.9m⁵, the most rapid increase in population since the foundation of the State.

The proportion of Irish nationals returning to Ireland peaked in 1999 and the current trend is that their share of the total will fall over the next few years in favour of an increase of people from outside the European Economic Area. A Government report in 2001 warned that without inward migration, Ireland's future economic growth will be jeopardised.

⁴ The European Economic Area (EEA) consists of the EU, Norway, Iceland and Liechtenstein.

⁵ Central Statistics Office, (September 2002). Preliminary Report 2002 Census.

Racism in Ireland

In recent years there has been a commencement of a public debate and dialogue about racism in Ireland. To date, this debate has often been robust, and at times conflictual, but has generally been constructive and reflective of the widely held concern by representatives of Government and broader civil society that racism deprives people of their basic human rights, dignity and respect and is a threat to social and economic cohesion within States.

The public debate about racism has sometimes been limited in scope, with racism sometimes reduced to, or equated with a discourse concerning issues around immigration, refugee and asylum policy. These issues have a centrality to the present debate, but a narrow focus on these policy issues on their own only provides us with an incomplete picture and understates other forms of racism in Ireland.

Reducing the discourse on racism to a discussion on migration and asylum policy can also have the, albeit often unintentional, outcome of reinforcing the perception that racism is only experienced by recent migrants and that ethnic and cultural diversity in Ireland is solely as a consequence of recent migration.

There are different forms of racism in Ireland, which are identified as:

- Racism experienced by Travellers on the basis of their distinct identity and nomadic tradition.
- Racism experienced by recent migrants, which includes migrant workers, refugees, asylum seekers and students in Ireland.
- Racism experienced by ‘people of colour’ and minority ethnic groups, including black people on the basis of their skin colour and ethnic and/or national identity, irrespective of their legal status.
- The intersection between racism and other grounds of discrimination, including gender, disability and sexual orientation.⁶

While there is acknowledgement of the steps taken to tackle racism in Ireland in recent years many groups including NGO’s and trade unions believe that more can be done. The forthcoming National Action Plan Against Racism is seen as a potentially important development in this regard.

The potential for racism to be perpetuated through the systems or structures of institutions is an issue that is also beginning to receive attention in Ireland. A number of statutory bodies are aware of this potential and are actively developing awareness raising programmes and training for staff and bringing in anti racism commitments as part of a broader approach to equality.

Manifestations of Racism in Ireland

There are at least two overall manifestations of racism in Ireland can be summarised as racism at an individual level and racism at an institutional systemic level.

Racism at an Individual Level

Examples of racism at an individual level include assault and abuse directed at people

⁶ These intersections were recognised as an important issue in the WCAR Programme of Action.

from minority ethnic groups. A number of high profile cases highlighted by the media in recent months, reports of harassment and the distribution of racist literature indicate that individuals are experiencing this form of racism.

Racism at an Institutional/Systemic Level

There is increasing recognition of the need to address racism at an institutional/systemic level. This form of racism, often unintentional, can be caused through ignorance and lack of thought or adequate planning. The outcome of these processes can contribute to failure in or weaker service provision to minority ethnic groups. The potential for institutional /systemic racism to impact on service provision was highlighted by the MacPherson Report into the Metropolitan Police in Britain.

Attitudinal Surveys

A recent review of all existing surveys⁷ of attitudes toward minority ethnic, surveys of minority experiences of discrimination made a number of conclusions, including:

- The degree of hostility expressed toward minority ethnic groups, has increased measurably and is particularly strong in relation to particular groups, including black people, Roma and Travellers and refugees and asylum seekers.
- Profiles of respondents show that levels of hostility are evident at all levels of society of society and in both a rural and urban context.
- Negative attitudes experienced by minority ethnic groups now appear to be an everyday feature of many people's lives.

General Levels and Trends of Crime in Ireland

Ireland has a low level of recorded crime when looked at in the international context. The most comprehensive report on this issue is 'Crime in Ireland. Trends and Patterns: 1950 to 1998, (2002)⁸. The main trends evidenced from the report relevant to this submission are:

- Crimes against property make up the majority of indictable (headline) offences, with violent crime accounting for only a small percentage of all indictable crimes. For example in 1998 offences against property, in particular burglary and larceny, accounted for 98% of all recorded indictable offences.
- Non-indictable (non-headline) offences make up the majority of all recorded crime, 83% in 1998. The pattern for non-indictable offences over the 48-year period is of a fall at the beginning of the period followed by a rise in the late 1960's, peaking in 1985 and then falling off irregularly to 1998.
- Crime rates vary throughout the country, with the lowest rates experienced in the rural areas and the highest in urban areas. Throughout the 48-year submission period, over 50 % of all recorded indictable offences were concentrated in the Dublin Metropolitan Region.

⁷ Garner, S and White, A. Racist Attitudes in Ireland: Baseline Research for the Anti Racism Public Awareness Programme. Know Racism. 2002

⁸ National Crime Council, (2001). Crime in Ireland. Trends and Patterns: 1950 to 1998.

- In the international context Ireland has a low level of crime at just over 2,000 per 100,000 of the population. Sweden, with a rate of 14,000 per 100,000 of the population has the highest rate. Ireland belongs to a group of countries, which also includes Spain, Russia and Japan.
- In terms of violent crime, Ireland is also situated at the lower end of the scale. Only Switzerland, Greece, Russia and Japan have lower rates.
- There is evidence that overall levels of assaults and homicides are on the increase in Ireland, with the level of recorded assaults more than doubling between the 1999 and 2000 Commissioner/Garda Annual Reports.

Recent developments at a European and International Level

There have been a number of important initiatives at a European level that are beginning to impact on policy at a national level. The most important of these is the Rotterdam Charter 'Policing for a multi-ethnic society'. The Charter is an initiative that has grown out of the partnership between the Rotterdam-Rijnmond Police, Rotterdam City Council and RADAR the anti discrimination organisation for Rotterdam. With the support of a multi national steering group a working conference on 'Policing for a Multi Ethnic Society: Principles, Practice, Partnerships' was held in Rotterdam in May/June 1996. The Gardaí were actively involve in the conference and sought to draw out the implications for Ireland at a national conference that was held in Ireland in April 2000 'Intercultural Ireland: Identifying the Challenges for the Police Service' at which a keynote speaker was Dr Robin Oakley, the author of the Rotterdam Charter.

Further initiatives at an European level that inform the context in which initiatives are taking place at a national level, include:

- The role and work of the European Monitoring Centre on Racism and Xenophobia.
- The role and work of the European Commission on Racism and Intolerance.
- The Council of Europe, including the report on 'Police Training concerning Migrants and Ethnic Relations'.
- The implications arising from Article 13 of the Treaty of Amsterdam, including the response of EU Member Sates to the 'Race' Directive which must be adopted by the 19 July 2003.

At a broader global level, the outcomes of the World Conference Against Racism (WCAR), including the political declaration and the programme of action, give important commitments on protecting minority ethnic groups, the importance of policing and law enforcement agencies and the need for governments to draw up a national action plan against racism⁹.

⁹ Department of Justice, Equality and Law Reform, (2002). Towards a National Action Plan Against Racism.

Part Two: Methodology

This part of the submission is seeks to outline the methodology for undertaking this analytical submission

Methodology

The methodology used for undertaking this submission can be summarised as follows:

- The guidelines for undertaking RAXEN 3, which have been developed by the EUMC in consultation with the 15 NFP's¹⁰.
- A review of the data sources on racial violence referenced and summarised in RAXEN 2.
- The identification of data sources on racial violence, which have been updated since RAXEN 2 as part of RAXEN 3.
- A desktop review and analysis of existing publications, media reports, websites and other data sources, including recent data published by An Garda Síochána as part of their annual crime statistics, national crime surveys and complementary sources including NCCRI's six month reports on racist incidents.

¹⁰ *ibid*

Part Three: Description of Existing Data Sources and Gaps

There is limited data and studies available on crime in general in Ireland and racial violence in particular. The Gardaí, as with police forces in most countries have responsibility for collecting and collating data on crime. The primary sources of information on crime in the Republic of Ireland are contained in An Garda Síochána Annual Report (hereafter referred to as the Garda Annual Report) and before the year 2000, The Report of the Commissioner of An Garda Síochána (hereafter, the Garda Commissioner's Report). These statistics, insofar as they go, provide a valuable source of information about crime levels and trends in Ireland, although they are inevitably incomplete, due to the fact that not all crime will be reported to the Gardaí.

Unfortunately for the purposes of this submission, until very recently, crime statistics collected by the Gardaí were not disaggregated in a way that would provide information on racial incidents, including racial violence and these disaggregated statistics are unlikely to be available in the immediate future. The Garda figures recorded just 15 racially motivated incidents in 2000 and 12 in 1999¹¹. These figures are not credible as there was no Garda definition of what constitutes a racist incident until March 2002, and there was no systematic mechanism in place of categorising and collecting statistics related to racist incidents, including racist violence. To compound this problem of lack of data, there is no alternative source of quantitative information available on racist crime, such as a regular National Crime Survey that includes a focus on racism.

However, this picture is beginning to change. A National Crime Council has been established to advise the Government on policy matters related to all forms of crime in Ireland and has made a number of recommendations to Government including the need of a regular National Crime Surveys to supplement the crime statistics recorded by the Gardaí in their annual reports.

A more immediate development has been the announcement made by the Gardaí on March 21st 2002, that it has adopted a definition of a racist incident adapted from the recommendations of the MacPherson Report in the UK and that the Gardaí will be recording racist incidents for the first time. The Garda definition of a racial incident is:

Definition of a Racial Incident

Any incident, which is perceived to be racially motivated by:

- The Victim.
- A member of An Garda Síochána.
- A person who was present and who witnessed the incident.
- A person acting on behalf of the victim¹².

It will take some time for this change to be effected and it is unlikely that statistics can be available until the 2003 Garda Annual report at the earliest. In the interim,

¹¹ Irish Times. May 15 2002.

¹² An Garda Síochána. Racial and Intercultural Newsletter. Issue No. 3.

Garda sources have indicated that there have been 31 racially motivated incidents between April 2002 and October 2002.

In the PULSE system there is already a category covering crime motivation, which covers both headline and non-headline offences. It is in this category where the definition of racially motivated incident will be applied. The reasons for the decision to record and publish racially motivated crime is probably as a consequence of a combination of a number of interrelated factors, which include:

- The tackling of racism is now a more important public policy issue in Ireland than it was a few years ago
- The increased awareness about racism arising out of the outcomes of the MacPherson Report in Britain.
- The emergence of the Rotterdam Charter on Policing, which has increased awareness about the challenges of policing in and tackling racism across Europe.
- The establishment of the Garda Racial and Intercultural Office and the work of the Garda Human Rights Unit.
- The highlighting of the challenges to policing by non-governmental organisations working closely with minority ethnic groups.

As a consequence of the lack of quantitative data much of the conclusions in this submission must remain qualified including information related to:

- The current level of racist violence in Ireland as a proportion of overall and sub categories of crime statistics.
- Longitudinal studies in racial violence.
- The location of racial violence.
- The main perpetrators and victims of racial violence

However, here are some qualitative sources of information available which include media sources, a voluntary national reporting system on racist incidents which has been developed by the National Consultative Committee on Racism and Interculturalism and the data generated by NGO's such as the survey undertaken by Amnesty International on the views of black and minority ethnic groups. These provide sufficient data on which some tentative conclusions can be made.

Summary of Sources of Data on Crime in Ireland

The Commissioner's Report 1947-1999

The Commissioner's Report provides an overview of the activities of the Gardaí in the relevant year between 1947 and 1999. Partial statistics on crimes in Ireland are also available going back into the nineteenth century. The Commissioner's Report provides detailed information on indictable¹³ and non-indictable offences that is presented in two main summary tables. There are also additional sections that analyse drug offences, traffic offences and juvenile offences. There is a section that analyses the indictable offences and there is also additional information on such topics as domestic violence and missing persons. There is at present no section on racist crime

¹³ Now known as 'Headline' offences. These are the most serious crimes.

or no disaggregation of indictable or non-indictable offences to record racial crime, including violence.

As the data contained in the Commissioners Report is that recorded by the Gardaí, this source is often referred to as the data on ‘recorded crime’ or the ‘police statistics’. The first Commissioners report was published in 1947. It is generally accepted that while the Commissioners Report and more recently the Garda Annual Report remains potentially the most important source of data, there are other actual and potential sources of data that are also available.

It is likely that even when the annual crime statistics contains disaggregated information on racial violence, there will remain a gap between what is known and the actual level of crime. National Crime Surveys and EU wide studies on crime are two ways that have been identified by the National Crime Council in Ireland in quantifying the gap between known and actual crimes.

PULSE and An Garda Síochána Annual Report 2000 to present

The Gardaí introduced a new data collection system PULSE in 1999, which has transformed Garda information systems and the way criminal offences are reported/known by the Gardaí. The Garda Síochána Annual report of 2000 published in 2002 was the first to draw on the data generated under PULSE. The Annual Report replaced the Garda Commissioner’s report as the means for publishing annual crime statistics¹⁴.

The introduction of PULSE also marked a significant departure in the way that crime statistics are categorised and analysed. From 1947 until 1999 four crime categories or groups have been used to analyse and present the crime statistics presented in the annual reports. However, these categories became ‘less capable of describing the complex modern criminal activities of recent years’¹⁵. Ten entirely new groups are used under PULSE to replace the four groups previously used.

The 1990’s also saw an unprecedented amount of change in the criminal law in Ireland. New criminal offences were created by almost 40 statutes enacted throughout the 1990’s. The legislation was related to areas such as offensive weapons, child pornography, drug trafficking and chemical weapons. The Non Fatal Offences Against the Person Act (1997), created several new assault and other offences. PULSE provides a mechanism to reflect this new legislation in the form of sub headings. For example several new headings are used to describe sexual offences created by the Non Fatal Offences Against the Person Act.

¹⁴ Because of the introduction of PULSE, the annual reports for 2000 is the latest available annual report from the Gardaí. Consequently the latest crime statistics are for the year 2000.

¹⁵ An Garda Síochána, (2002) Annual Report, 2000 and Crime Statistics.

The new and previous categories are summarised as follows¹⁶:

New and Previous categories of Crime Categories

PULSE Crime Categories (from 2000)	Previous Crime Categories (to 1999)
1. Homicide	1. Offences against the person
2. Assault	2. Offences against property
3. Sexual Offences	3. Larcenies
4. Arson	4. Others
5. Drugs	
6. Larcenies	
7. Burglaries	
8. Robberies	
9. Frauds	
10. Others	

Under PULSE the new system will provide data at both a national and divisional level disaggregated along the ten new identified categories.

National Crime Surveys

To conduct a crime survey researchers ask questions about the types of crime individuals or households may have been a victim of, usually in the previous year. This allows a comparison to be made between the pictures of crime as they are recorded in the Crime Survey and in the police statistics. It also makes it possible to calculate the ratio between the two. This can be expressed as a proportion of crimes committed but do not appear in the crime statistics. Taken together, the recoded crime statistics and the crime survey have the potential to provide the two main quantitative sources of information about the extent of crime, where both are regularly produced. There has not been a regularly conducted national crime survey in Ireland. National crime surveys are very large-scale undertakings that are normally sponsored by Governments.

To date two such surveys have been conducted in Ireland. The first by the Economic and Social research Institute on 1982/3 and the second by the Central Statistics Office as part of its Quarterly National Household Survey in 1998. Both surveys were broadly similar and asked questions about burglary, vandalism and theft from the person. While questions about assaults were included there were no questions about racial assaults. Comparison between the surveys was made difficult because of different methodologies adopted and the way data was reported.

¹⁶ An Garda Síochána (2002). Annual Report, 2000 and Crime Statistics. P2.

NCCRI Voluntary Reporting System.

Voluntary reporting systems related to crime have been adopted by agencies, which are concerned to provide data where no data exists and/or where there is a need to identify the gap between recorded crime and actual crime. Victim Support, an NGO responsible for providing support to victims of crime in Ireland collects data on the incidents reported.

In May 2001 the National Consultative Committee on Racism and Interculturalism (NCCRI) established a voluntary procedure for reporting racist incidents in Ireland¹⁷. It publishes a report every six months of the incidents logged. The aim of these reports is:

- To provide an overview of racist incidents reported to the NCCRI in the six months covered by each report.
- To draw out the key issues, including discernable trends arising from the incidents logged.
- To outline how the NCCRI has responded to the key issues identified in this report.

The majority of the incidents that are included in this report have been forwarded by non-government organisations working closely with the NCCRI, including key organisations working with Travellers, refugees and asylum seekers and migrants. Other incidents are reported directly to the NCCRI. There are a number of procedures put in place by the NCCRI to check the veracity of the reports.

The data that is generated by this reporting system is primarily qualitative and indicative of key issues that need to be addressed. The reports do not seek to provide a comprehensive list of every racist incident in Ireland. Indeed the evidence from other countries tends to show that with all racist incidents reporting systems, there is likely to be significant under-reporting of incidents¹⁸.

Other Sources

There are some other sources, including the International Crime Victimization Survey (ICVS). The ICVS is a survey of victimisation that is carried out in those industrialised countries that chose to take part. It is conducted by telephone using a standardised questionnaire. The last one was conducted in 2000. Unfortunately, Ireland has not taken part in the ICVS. This makes comparison with the crime rates in other countries more difficult as different methodologies are involved. However, the National Crime Council in Ireland were able to undertake some comparisons, the outcome of which are summarised in section one of this report. No information on racial violence is available through ICVS.

Public attitudes are published from time to time, which include a focus on racism. In September 2001, Amnesty International published research on the views of black and ethnic minority groups, including their views on policing. The African Refugee Network, an NGO working closely with black African communities in Ireland

¹⁷ Reporting forms can be accessed through the NCCRI website (www.nccri.com).

¹⁸ NCCRI, (2001). Incidents Relating to Racism. May-November 2001.

undertook a small case submission that found that more than a third of African refugees in Dublin have experienced verbal or physical abuse¹⁹.

Secondary Sources

There has been a range of recent studies and publications related to crime in recent years, most notably by the National Crime Council and a number of academics linked to Irish Universities. While these studies provide very useful background material on crime and the underlying causes of crime in Ireland, they are limited by both the general limitations in the collected of crime data prior to PULSE, the lack of a regular national crime survey and the failure to provide a specific focus on racial crime. These limitations have posed additional challenges to the comprehensiveness of this submission, which is perhaps the first specific submission and analysis of racial violence in Ireland.

¹⁹ Irish Times. August 6th 2002.

Part Four: Emerging Knowledge and Good Practice in Tackling Racial Violence

This part of the submission is divided as follows:

1. Emerging knowledge about violent crime in Ireland.
2. Emerging knowledge about racial violence in Ireland
3. Good practice in tackling racial violence.

1. Emerging knowledge about violent crime in Ireland

Crime Statistics

Between 1947-1999 crime statistics were presented under two tables of offences:

- Indictable Offences
- Non-indictable Indictable Offences

Crime categorised as 'headline crime' in the Garda Annual report, 2000 reflects to a major degree what, in the past was defined as indictable crime. The remaining crime is now classified as non-headline crime, which reflects the former non-indictable category. When PULSE, the new Garda information system is fully developed it will produce a crime statistics' series where the two tables will show all of these offences reported/known to the Gardaí and detected.

It is anticipate that the 2002 Annual Report will be the first time when PULSE will be used to record and analyse non-headline offences. As a consequence there is only very limited data available from the currently available Garda Annual Report which covers the year 2000 on non-headline offences, including non-indictable assaults.

Analysis of Homicides and Assaults (2000)

The headline offences that are most relevant to racial violence are Group (01) Homicides and Group (02) Assaults. As there is no disaggregated data on racially motivated homicides and assaults it is only possible to provide a general picture of homicides and assaults in Ireland from the data in the Garda Annual Report, 2000.

The Homicide group contains murder, manslaughter, infanticide and abortion offences. The Assault group contains indictable assaults and other offences such as harassment, false imprisonment and abduction.

Table Two: Homicides and Assaults. (An Garda Síochána Annual Report, 2000).

Headline Offence Group	Recorded	Detected	Detection rate
01 Homicides	72	58	81%
02 Assaults	1983	1548	78%

There were 39 murders in Ireland in 2000, which was one more than recorded in the previous year. Some 82% of these murders were detected. Manslaughters increased from 9 in 1999 to 17 in 2000, of which 17 were detected. When murders and manslaughters are combined, the total in 2000 represents an increase of 19% on the

previous year²⁰. The average murder rate for Ireland in 2000 was just over 1 per 100,000 population.

Dublin Metropolitan area and the counties surrounding Dublin (the Eastern region) accounted for the highest proportion of murders in 2000, per 100,000 of population.

Garda region	Number of Murders	Per 100k of Population
Eastern	13	2.11
Dublin Met. Region	12	1.11
Northern	0	0
South Eastern	5	1.11
Southern	7	0.97
Western	2	0.45
Total	39	1.08

Homicide Victims

At present the profile of homicide victims is disaggregated by age and gender. So in 2000 we know that 44 men and 12 women were the victims of homicide (murder or manslaughter). We also know that from 1996 to 1999 there was a significant decrease in the murder of women in Ireland. They comprised 45% in 1996, 34% in 1997, 24% in 1998 and 21% in 1999. The proportion increased to 26% in 2000. Caution should be used in analysing these figures because of the relatively small numbers involved. There is no information on the ethnic origin of the victims of homicide or whether the homicides were racially motivated.

Homicide and Assault Rates in Other Countries

With the exception of some countries such as Russia, South Africa and to a lesser extent the USA, most other countries have a homicide rate of between one and two cases per 100,000 population. Norway and Denmark have the lowest rates of homicide. Ireland is positioned towards the lower end of the range with a rate of 1.08. In a submission carried out using the 1998 figures Ireland had roughly the same homicide rate as England and Wales (1.4), considerably lower than Scotland (2.0) and slightly higher than Germany. There appears to be no clear link between homicide rates and population²¹. In regard to violent crime (violence against the person, robbery and sexual offences). Ireland had the fifth lowest rate of violent crime per 100,000 population among 29 industrialised states in 1998. Only Switzerland, Greece, Russia and Japan had a lower rate

Assault Victims

Assault offences make up the second group of headline offences used in PULSE. These offences are disaggregated by assault offences and sexual assault. A total of 1703 assault causing harm offences were reported during 2000, which is an increase of 131% over previous year. 79% of assaults causing harm victims were male and 21% were female.²² There is no information on the ethnic origin of victims of assault or whether the assaults were racially motivated.

²⁰ An Garda Síochána, (2002) Annual Report and Crime Statistics. P84

²¹ National Crime Council. Crime in Ireland, *ibid* p98

²² *ibid*. P86

Location of Homicides and Assaults (2000)

While total headline offences in Ireland's principle cities are almost double that of rural areas, the number of homicides and assaults are slightly more in rural areas than urban areas²³. Crimes such as burglaries, larcenies and robberies are considerably higher in the main urban areas.

City areas	Homicides	Assault Harm	Causing	Total Offences	Headline per 1000 pop.
Dublin Met. Region	19	638			
Cork	3	117			
Galway	8	98			
Limerick	0	40			
Waterford	0	59			
Total Cities	30	952		19, 206	
Total Rural	42	1031		11, 349	

The following conclusions can be made in relation to all homicides and assaults in Ireland.

- The overall proportion of homicides (murder and manslaughter) and violent assaults in Ireland is low compared with other industrialised nations.
- This picture may be beginning to change. There was an increase of 19% in the number of homicides in 2000 compared with the previous year and there was an increase of 131% in the number of assaults in 2000 compared with the previous year.
- Approximately three quarters of victims of homicide and assault causing harm in Ireland are men, mostly in the 16-35 age group
- Overall crime figures for 2000 show that 'headline crime' is more likely to occur in the larger cities. The biggest focus of headline crime population is Dublin Metropolitan Region, with 35.21 per 1000 population. The lowest is the Western Region (Clare, Galway, Mayo, Roscommon) with 10.06 per 1000 population.
- The exception to this picture exception is homicide and assault causing harm, where there are actually higher actual levels of offences outside of the main urban areas of Dublin, Cork, Galway, Limerick and Waterford.
- There is at present no disaggregated data available on the ethnic origin of victims of homicide or assault, or whether such crimes or other headline crimes are racially motivated.

²³ There is no information provided in the Annual Report 2000 of the proportion per 100 K population in relation to assaults causing harm.

2. Emerging knowledge about racial violence in Ireland

In the absence of disaggregated data from the Gardaí, and the absence of regular national crime surveys and their failure to include a focus on racial violence, there is no existing crime statistics on the level and trends in racial violence in the Republic of Ireland.²⁴ However, there is some indicative information about trends and types of incidents occurring through other sources such as the national voluntary reporting system introduced by the NCCRI in May 2001²⁵, from the national media and from research undertaken by NGOs. To date, two reports have been produced covering the periods May to October 2001 and November 2001 to April 2002. The third report is due to be published in November 2002. These sources are hereafter referred to as complementary sources of information on racial crime

The following is a summary of the key findings of a review of the above complementary sources undertaken for this submission and is structured as follows:²⁶

- Racist Homicides, Assaults and Criminal Damage.
- Incitement to Hatred.
- Misinformation and circulation of offensive material that can contribute to an environment that makes racial violence more possible.

Racist Homicides, Assaults and Criminal Damage

As noted in part one of this submission, the existing comparative research shows general level of homicides and assaults in Ireland are on the lower end of the scale compared with other industrialized nations. However, recent crime statistics show that there was an increase in 16% in homicides between 1999 and 2000 and the level of assaults more than doubled in the same period²⁷. The evidence from complementary sources would indicate both similarities and divergences from this overall profile of homicides and assaults in Ireland.

Homicides that are principally or that are wholly motivated by racism are a rare occurrence in Ireland. In fact, prior to 2001 there is no evidence discovered for this submission that would indicate that there was a homicide linked to racism that occurred in Ireland. However since the beginning of 2001 there are indications that at least one and possible to homicides, where racism has played a major factor. The case of the fatal assault of a Chinese student in a northern southern Dublin may be the first such incident in the history of the state, although more research is needed to make a definitive judgment on this and it should also be emphasised that the alleged perpetrators of the fatal assault are still waiting trial.

The fatal assault of Zhao Liu Tao, 27th January 2001²⁸

A 29 year old a Chinese student of English, Zhao Liu Tao was assaulted in Dublin on the 27th of January 2002. It was reported that a five-member gang which included a

²⁴ In March 2002, the Irish Police announced that they are to bring in a system of defining, categorising and monitoring racial incidents, including violence and offences and crime.

²⁵ NCCRI, (2001), Incidents related to Racism. May-October 2001.

²⁶ Racist Incidents is a broader category that includes racist violence, but also includes issues such as public service delivery.

²⁷ It should be noted that these increases also coincided with the introduction of PULSE, the new Garda Information System

²⁸ Irish Times. January 28 2001

14-year-old boy, two 16 year olds and an 18 year old had been drinking on waste ground in the Beaumont area of North Dublin. The five were reported as making racist taunts and a fracas followed. One of the youths struck Mr Zhao with a metal bar. He died three days later in Beaumont Hospital. The case has yet to come to trial. Garda sources have indicated that there is no evidence that the attack was premeditated.

The fatal assault of Leong ly Min, August 2002

A 50-year-old man of Vietnamese-Chinese ethnic origin was fatally assaulted in the Temple Bar area in Dublin's central business district in 2002. Two men have been charged in relation to this crime. At the time it was reported by the media that there might have been racist insults used during the attack. However the Garda Press Office have not confirmed that these reports are accurate. The case has yet to come to trial so it is unsafe to conclude that this case was wholly racially motivated.

Assaults and Criminal Damage

There has been a number of high profile very serious assaults linked to racism have been reported in recent years. The two that have attracted most attention, in part because they have been the subjects of criminal proceedings, are the assault on Lila Dorgan in Cork in 2000 and the assault on David Richardson in 2001.

The Assault on Ms Lila Dorgan, September 24th, 2000

Ms Lila Dorgan, a French woman of Moroccan extraction was assaulted by two women outside her home in North Main Street, Cork on September 24th 2002 at 2.00am. She had been returning from a night out with her Irish husband when she spotted a woman urinating outside her front door. Words were exchanged with two women. M Dorgan was knocked to the ground and her husband was attacked by a man with the party of two women, preventing him from protecting his wife. The two women continued to attack Ms Dorgan, hurling racist remarks at the French woman, who is black. Ms Dorgan was hospitalised for two weeks following the assaults and has been told that she will be unable to have children. The victim left Cork and returned to France as a consequence of the attacks.

The Assault of David Richardson, June 11th, 2000.

A Dublin man who stabbed an English visitor several times in the back and chest in a vicious attack was jailed for seven and a half years. The 21 year old man from inner city Dublin, pleaded guilty at Dublin Circuit Criminal Court to assault causing serious harm to 46-year-old David Richardson and to attempted robbery of the handbag of Mrs Laverne Richardson on June 11th, 2000. Mr Richardson and his wife were in Ireland celebrating their wedding anniversary as well as visiting their son who lived and worked in Dublin and was celebrating his 24th birthday. The judge described it as an "extremely serious incident" and recognised the traumatic effects the attack had on Mr Richardson and his family. Mr Richardson suffered serious blood loss and protracted surgery as a result of the incident. The incident developed out of racial taunts that were directed at the Richardson family, including racist abuse of the skin colour of the son of the man who was stabbed. The assailants were aged between 17 and 18. Some of the other youths involved in the incident were later convicted under the Prohibition of Incitement to Hatred Act, the first successful convictions under the act since it was enacted in 1989.

All of these incidents have brought about statements of revulsion and sympathy from Government authorities and others. For example the attack on the Richardson Family was condemned by the Minister for Justice, Equality and Law Reform, John O Donoghue TD who promised that the Garda Commissioner would have the resources he needed to bring to justice the perpetrators and by Ruairí Quinn TD, the leader of the Labour Party who stated that the ‘appalling mindless attack’ was ‘a slight on all of us. Neither our education system nor our civic cultures had prepared people for immigration. ‘They must do so in the future. Increasingly our Irishness will have to presented in a broader and more global context ‘.²⁹ The assault also prompted a rally by the Anti Nazi League and the issuing of statements by the NCCRI and Amnesty International Irish Section.

Temporary increase in assaults following September 11th, 2001.

There are a number of other cases of assault that have been highlighted through complementary sources, which are summarised in this part of the Report. In particular there was a marked, though temporary increase in assaults linked to Islamophobia in the aftermath of September 11th 2001 attacks on the United States.

It would appear that these assaults took place within a two/three week period since September 11th only, although Islamic representative organisations have reported an increase in ongoing lower levels of verbal abuse since the attacks. It is important to note that some incidents have had a profound impact on those who have experienced such assaults and abuse. Most have involved attacks on the person, but a small number have involved attacks on property. One fifth of the total incidents relating to racism reported to the NCCRI between May and October 2001 relate to the period directly after September 11th.

In addition to racist incidents being reported by the Islamic community following September 11th, there was also reports of a number of verbal and physical assaults directed at people perceived be of Middle Eastern or Asian origin, including asylum seekers and towards the relatively small Sikh community in Ireland and towards visitors to Ireland of perceived Asian origin. These assaults emphasise the naivety of some of the perpetrators, who for instance confused the wearing of a turban by members of the Sikh community to the images of the Taliban in Afghanistan.

Some of the incidents reported are as follows:

- A young woman of Japanese ethnic origin and who is a French national and a visitor to Ireland was walking down a street in Dublin in broad daylight and was assaulted by a man on a motorbike. The man stopped his motorbike (he had a child as a pillion passenger), he slapped the young woman across the face and blamed her for the attacks on America. The impact on the woman was profound. She stayed in her house for four days after the attack. She has since returned to France³⁰.

²⁹ Irish Times. August 6th 2002.

³⁰ NCCRI, (2001). Incidents relating to racism reported to the NCCRI. May to October 2001.

- In Tralee, a town in County Kerry, a male Yemeni national who is an asylum seeker in Ireland was hospitalized following an attack outside a supermarket as he was making a phone call. His assailants allegedly blamed him for being responsible for the September 11th attacks on the United States. The Gardaí are currently investigating the case³¹.
- A teenager who is a member of the Sikh community in Ireland was assaulted outside the RDS in Dublin 4 area with a thrown bottle and with verbal abuse and blamed for September 11th. A doctor, a member of the Sikh community in Ireland has reported a significant increase in verbal abuse towards him in the wake of September 11th.³²
- An asylum seeker had his motorbike destroyed by an arson attack directly after the September 11th attack. He believes that the attack was a direct result of the September 11th attack and was connected to a number of youths who shouted verbal abuse shortly before the damage to his property³³.

The NCCRI report also highlights a small number of abusive phone calls being made to members of the Islamic community in Dublin. However most calls to Islamic Centre were reported to have been of a supportive nature. There have also been some reports of an increase in verbal insults directed at women in Islamic dress.

Representatives from the Islamic community also expressed concern about the speculation and sensationalized nature of some of the stories in the Irish and international media about alleged existence and links between Irish based Islamic militants and events related to September 11th.

Assaults and Harassment

The most common victims of general assaults are young men between the ages of 19 and 35. The incidents reported to the NCCRI and highlighted through other complementary sources reveal the following:

- Incidents can involve sustained harassment over a period of time.
- Incidents can involve women and children as well as men.
- They can happen in both private and local authority housing areas.
- They can happen in town/city centres, suburban and predominantly rural areas.
- Incidents can happen at places of work as well as in a public place.

These reports show that people in vulnerable circumstances such as women on their own and women with children can be targeted for verbal abuse and in some extreme cases, physical assaults.

Some of the incidents highlighted through complementary sources included:

- A Congolese woman who lives in Dublin 22 has refugee status and works as a general operative, has received sustained harassment by some neighbours over a

³¹ ibid

³² ibid

³³ ibid

three-week period. Every weekend a group of teenagers threw stones and bottles at the house and they have broken the windows of her car³⁴.

- Two extended Traveller families living in two temporary sites in two different areas were attacked by person driving agricultural machinery. In one instance reported in Balbriggan County Dublin, a muck spreader was driven into a campsite and trailers and people were sprayed with its contents³⁵.
- A woman with young children (Dublin 7 area) who is Nigerian and an asylum seeker had her windows broken by three men shouting racist abuse. Some other neighbours assisted the woman when the incident occurred³⁶.
- A man of Chinese ethnic origin, also an Irish citizen and his family had been singled out for racist harassment in a private housing estate in Dublin 9 over a number of months by one particular neighbour. They kept a detailed list of incidents and have supporting documentation from a family doctor on the consequences of the harassment. The family eventually moved out of Dublin and they are experiencing no problems in the area where they are now living³⁷.
- Two women of Chinese ethnic origin were visiting Ireland as part of their professional studies. In March 2002, the two women were attacked by four youths in their early 20's in an incident on Dublin's quays. One youth kicked one of the women on both ankles and all four youths shouted racist abuse and chased after the two women. The two women have been left in shock and fear for their ongoing safety following the attack and have sought assurances from friends and colleagues about their continuing safety in Ireland.
- A Bosnian woman was living in a housing estate in a western suburban area of Dublin. The woman who has two children aged 6 and 8 is a widow whose husband was killed in one of the Muslim enclaves in eastern Bosnia. The windows of her house were broken on a regular basis by local youths and graffiti has been painted on her door. The woman, whose neighbours were very supportive, has been on the housing waiting list for several months waiting to move from her end of terrace house to a safer mid terrace house. The local Garda station and the Racial and Intercultural Unit have also offered assistance to the woman. The NCCRI wrote to the local authority and the Reception and Integration Agency seeking support for re-housing. Following these representations, the woman was relocated.
- There were three incidents reported of visibly pregnant Black women being verbally abused in Dublin, with taunts that they were only getting pregnant for citizenship purposes. This followed a period of sustained public debate on the issue of automatic citizenship for children born to non-EU nationals in Ireland. It is clear that the willingness of people to engage in extreme comments on this

³⁴ *ibid*

³⁵ NCCRI. Incidents Reported to Racism, 2002. May to October 2002.

³⁶ *ibid*

³⁷ *ibid*

issue contributes to creating an environment where such attacks are more possible.

Incitement to Hatred

In announcing the Review of the Prohibition of Incitement to Hatred Act (1989) John O Donoghue, TD, Minister for Justice, Equality and Law Reform stated:

‘Ireland has legislation in place for the past ten years prohibiting incitement to hatred. The Prohibition of Incitement to Hatred Act, 1989 makes it an offence to incite hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, or membership of the Traveller community. I am aware that there has been some criticism of the effectiveness of this Act and I understand that since it was enacted only one case involving an alleged breach of the Act was referred to the Director of Public Prosecutions. That case was subsequently dismissed in the District Court. At my request officials have commenced a review of this legislation and I would welcome any suggestions which may lead to an improvement to the existing provisions of the Incitement to Hatred Act’.³⁸

Prior to the Minister’s announcement of a review of the legislation there was no successful prosecution under the Act. There had been a number of incidents that were referred to the Director of Public Prosecutions.³⁹ These incidents and their outcome are summarised as follows:

- The comments made by a columnist with the Sunday Independent with regard to Travellers in January 1996 under the heading of ‘Time to get tough on Tinker Terror ‘Culture’. Subsequent offensive comments were made by the same columnist in regard to people with disabilities and their participation in the Olympics. After consideration by the Gardaí and the DPP, the action was not proceeded with. Following the decision not to proceed there were calls for the review of the legislation.
- The comments made by a Councillor in Co. Mayo, a member of the Western Health Board, in relation to the Traveller Community. This case resulted in a failed prosecution attempt, with the Judge concluding that the Councillor’s words were likely to cause offence but did not constitute incitement. Following the judgement there were renewed calls for a review of legislation.
- The conviction of a Dublin Bus Driver in district court under the 1989 Act, who was fined £450 and a further £450 for an assault that took place during the same incident. The conviction was subsequently quashed in the Circuit Court. There were calls for a review of the act, including calls from the NCCRI, when the conviction was quashed in the circuit court.

However since the Minister’s announcement of a review there have been successful prosecutions in respect of two specific cases. There were a further two cases where

³⁸ NCCRI (1990) Report of the National Preparatory Conference for the World Conference on Racism. www.nccri.com

³⁹ This Act is further analysed under Part Five of this submission.

the Director of Public Prosecutions decided there was insufficient basis on which to proceed with a prosecution. The successful prosecutions are summarised as follows:

David Richardson Case

The conviction of some of the youths involved in the David Richardson case for Incitement to Hatred was the first such conviction of anyone for Incitement to Hatred under the Prohibition of Incitement to Hatred Act (1989) (see details of this case above).

Dundalk School Bus Driver Case

A school bus driver who called a 12 year-old schoolboy a 'black bastard'. Was convicted under the Prohibition of Incitement to Hatred Act in Dundalk District Court on September 11th 2002 after pleading guilty. The bus driver made a number of abuse comments to the boy and to other passenger. The accused apologies for his actions and said that he had previously lived in New York and he believed 'he was fully conscious of the sensitivities of race relations'.

On the charge of using words that could stir up hatred under Section 2 of Prohibition of Incitement to Hatred Act, 1989, the Judge imposed a fine of €150. He imposed a similar penalty under Section 6 of the Probation of Offenders Act for the use of threatening, abusive or insulting behaviour with intent to provoke a breach of the peace. The defendant was also bound to the peace for two years.

After the case the boy's mother said: 'I feel good that he was found guilty and that justice was done, but I would have preferred for him to get a jail sentence. This man abused a 12 year old child and the least he should get is one month in jail'.⁴⁰ The incident led to a deterioration of her son's academic performance and he resisted returning to school. The boys name was not published following a request to the media by his mother.

Recent Unsuccessful Cases

Amnesty international referred the comments made by a Cork TD during the 2002 election campaign to the Gardaí, who after investigation referred them to the Director of Public Prosecutions. The TD was widely reported in the national press as saying that "we are against the spongers, the freeloaders, the people screwing the system. Too many are coming to Ireland and too many to Cork in my view. In the past five years there have been 35,000 applications for asylum and 80% of those have been from illegal immigrants using the refugee system to get in. I'm saying we will have to close the doors. The majority of them are here for economic reasons and they are thumbing their noses at Irish hospitality.' The DPP announced in October 2002 that the case was not proceeding.

A complaint made by the NCCRI and referred to the DPP concerning a leaflet produced by the Immigration Control Platform prior to the 2002 General Election was also not proceeded with. The leaflet was widely distributed in the Dublin 7 area in the run up to the General Election and urged people to join the Immigration Control Platform and 'Help to stop the invasion and colonisation of Ireland'.

⁴⁰ Irish Times. September 12th 2002.

It urged people to ‘go into your town centre. Have a look around. Is this what you want for the future?’ The leaflet further contained a number of sensationalised and misleading statements, which were directed at both asylum seekers and non-nationals in general.

Outcomes of Research Undertaken by NGO’s

The outcome of research undertaken by NGO’s provides some data to inform the focus of this submission. However, there are also limitations to the data generated by such research, including weaknesses in the methodology and comprehensiveness of such reports. The Irish section of Amnesty International conducted research on racism in Ireland in September 2001, focussing on the views of black and ethnic minorities, including their views towards the Gardaí⁴¹.

The survey reported that 56% of respondents do not feel that members of Black and ethnic minority groups are treated fairly by the Gardaí. The authors emphasise that these views are often based on levels of confidence rather than experience. The survey concluded that 61% of respondents felt that the Gardaí do not take racist incidents seriously and 69% feel that the Gardaí are not doing enough to combat racism. They emphasise in the report that this is an issue of immediate concern⁴². There are however significant gaps in this submission, which does highlight important issues, the authors of the report themselves urge caution about some of the results, in part because many of the questions asked by the submission were not answered by the respondents.

A submission undertaken by a Catholic Campaigning Organisation, the Pilgrim House Community, concluded that one in five African asylum seekers had been physically assaulted.

Factors that can contribute to an environment that makes racial violence more possible.

The circulation of misinformation and offensive and outright racist material can play a role in creating the conditions where racism, including racist violence is more likely to occur. It is of course, almost impossible to prove direct cause and effect and most people will make their own judgements on the motivation of those who distribute such information and the content itself.

It is also clear that there is a tension between the importance of protecting free speech and allowing people to express their views and fears on one side and protecting people from being subjected to misinformation and offensive material that can contribute to racism through stereotyping and labelling over a sustained period of time. While it is likely that only a small number of people will ever likely to be motivated by such material into committing racist crime, there is a need to consider the overall impact of misinformation and offensive material.

The impact of directly receiving material such as hate mail can be very great, particularly on families with children or people living on their own or in other potentially vulnerable circumstances. The impact of receiving offensive material or

⁴¹ Amnesty International. Racism in Ireland: The Views of Black and Ethnic Minorities, (2001). FAQ Research for Amnesty International.

⁴² P35

hearing a constant drip of negative views about a particular community can also have an impact on how that community is generally perceived and in return can influence that communities perception about Irish society in general.

Examples of this sort of activity that has been highlighted in recent months in Ireland include:

- The circulation of leaflets and hate mail, particularly in the run up to the general election.
- The emergence of racism on the Internet with a particular focus on Ireland.

Between January and the General Election in May 2002, there were five different circulars of a racist or neo racist nature received by the NCCRI through the NCCRI's Incident reporting system. Four of these circulars had no named organisation claiming ownership of their contents.

The remaining leaflet was widely circulated by a small organisation advocating immigration control and opposing the development of further cultural diversity in Ireland. The language and tone of the leaflet was emotive and offensive and included partial and misleading information. The key area targeted for the leaflet drops was Dublin 7, an area that is becoming increasingly culturally diverse. Subsequent to the leaflet drop, the organisation announced that it was putting forward two independent candidates in the general election in constituencies in Dublin and Cork. Both candidates polled poorly, which is in contrast to the fortunes of some parties espousing similar policies in other parts of Europe.

There has been an increase in the number of racist and linked offensive e-mails and letters being sent to organisations working against racism and organisations working with refugees and asylum seekers. A sample of six such racist emails were forwarded to the NCCRI in the period covering the run up to the general election.

There were a number of complaints to the NCCRI about the role of a radio station in Cork which was reported as giving substantial airtime to aggrieved and outraged listeners concerning three rumours. These rumours concerned an asylum seeker who was said to have bought a car using a cheque made out to his name by the local health board. The other rumour was a woman reported as being in a shop laden with sweets and food for a child's birthday that was supposed to have been paid for by the immigration authorities. A third rumour involved offensive speculation and exaggeration about the potential health risks posed by children of asylum seekers attending local schools.

The media's perpetuation of myths and misinformation can directly feed racism as well as helping to create the conditions where racism is more possible. Speculative, exaggerated and offensive press reporting of the entitlements of asylum seekers have been quoted or cut and pasted on to flyers that has been sent to the home of refugees and asylum seekers in the form of hate mail and to others in the form of propaganda.

The emergence and growth of racist sites

The NCCRI have identified at least six racist websites with a specific focus on Ireland purporting to represent the Irish National Front, the Irish Fascist Party and an organisation styled the 'NSRUS'. The emergence of sites and their flouting of existing legislation is a new and disturbing development in Ireland, even if only a small number of people are involved in publishing such sites.

There has been a significant growth in racist websites at a global level in recent years. According to the Simon Wiesenthal Centre, based in Vienna, there was just one explicitly racist website in 1995, but by 1999 this figure had risen to over 2 100. While much of the content of these sites are patently absurd and bizarre, and constitute a very small proportion of the number of websites on the internet, there are a number of concerns arising out of their existence and of proliferation, including:

- They provide a mechanism to bring together extremist groups and individuals who may have been isolated and declining in influence.
- They constitute a permanent incitement to hatred and provide a cheap opportunity for individuals and groups to spread racist propaganda.
- It is difficult to track down many sites because extremists who publish such sites can operate with impunity in certain countries, in particular the United States.
- Allowing racist websites to exist and proliferate over a period of time may result in racism being considered less as a crime as more as an acceptable point of view.
- It provides a potential means of recruitment to racist organisations, with many sites focussing in on young people through 'clubs' and 'chat rooms'.

What was proscribed and liable to prosecution in the past is now accessible on the Internet. Many of these websites demonstrate a knowledge and contempt for the relevant legislation in individual countries, for example, one of the sites reported to the NCCRI draws attention to the Incitement to Hatred Act (1989) and the Public Order Act (1996).

The role of Internet providers/portals, particularly those operating out of the United States is of particular concern. It has been estimated by the Wiesenthal centre that 90% of racist sites are made accessible by American service providers. European web publishers use American Internet providers to host their sites because of the guarantee of anonymity. Under American law, as currently protected by their Constitution, American providers cannot be compelled to reveal the identity of the person responsible for publishing a racist site. These internet providers are not only prepared to host racist websites, but to make them easily more accessible through registering them on 'search engines' or to categorising sites under 'clubs' or 'chat rooms'.

Political Parties.

It is to be welcomed that there is a broad consensus within political parties in Ireland to address racism. All the parties in the Oireachtas have signed and reaffirmed an anti racism protocol governing the conduct of elections, which gives a commitment to sending a clear and positive message to their constituents that they reject racism. The Taoiseach (Prime Minister), Bertie Ahern stated when launching the Government's anti racism public awareness programme in October 2001:

'Racism is wrong. Discrimination is wrong. Just as sectarian violence is

wrong. They have no place in a Republic that was founded on the ideals of equality and the dignity of every member of our human family. Racism is the exact opposite of the values and welcome and fair play which Ireland is known for, and has always stood for⁴³.

Anti immigration and Xenophobic Groups

The blaming of minority ethnic groups for creating racism in Ireland and the adoption of racist slogans such as ‘Ireland for the Irish’ and the use of emotive language that refers to ‘invasions’ and ‘colonisation’ by a small number of groups and individuals in Ireland, has a resonance with the language adopted by extreme organisations in other European countries. To date, there has been little evidence of such groups being widely supported, although some others may quietly share their views.

In the recent debate on Ireland’s ratification of the Nice Treaty, some campaigners on the ‘No’ side adopted anti immigration and xenophobic arguments and made emotive and misleading statements on the potential of mass inward migration into Ireland from EU accession countries. Many others in the ‘No’ campaign disassociated themselves from such tactics. The referendum was carried by the ‘Yes’ campaign by a significant majority.

3. Good Practice in Tackling Racial Violence

This section of the submission looks at emerging good practice in tackling racism in Ireland, including agencies established at national level, and the work that they undertake which is relevant to the focus of this submission are summarised as follows:

An Garda Síochána

The Gardaí is the police force in Ireland. There are currently about 11,300 Garda whose role is:

- The prevention of crime.
- The protection of life and property.
- The preservation of the peace.
- The maintenance of public safety.

When crimes and offences occur the Garda investigate them with a view to bringing to justice those responsible. This is achieved through:

- Cautioning young offenders for a range of minor offences
- Prosecution before the District Court for less serious offences
- Reporting the results of investigations to the director of Public Prosecutions (DPP).

According to the Garda Victims Charter, if you are a victim of crime, the Gardaí will seek to:

⁴³ Irish Times. October 25th 2001.

Garda Victims Charter (summary)

- Respond promptly to calls
 - Tell the victim the name, telephone and station for the investigating Garda
 - Outline the Investigation Process
 - Inform the victim about the services of Victim Support or Tourist Victim Support
 - Tell the victim where the suspect is charged
 - Bail conditions
 - Court hearing times
 - Prosecution process
 - The possibility of a victim impact statement (sexual and violent cases)
 - Entitlement to court expenses
 - Final outcome of the trial
 - Inform the victim about offender releases.
 - Show special sensitivity in relation to sexual offences, victims of domestic violence, elderly people and those with a disability.
 - Will provide free translations services for those unable to communicate fluently in Irish or English.
 - Complaints mechanism through the Garda Victim Liaison officer in Harcourt Square.
 - A Garda Superintendent will liase with the families of murder victims.
-

The Garda Racial and Intercultural Office

The Garda Racial and Intercultural Office was established in July 2000. The Office operates under the auspices of the Garda Community Relations Section and is responsible for coordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity. The Garda Síochána has developed a working definition of a "racial incident", which is based on the definition advocated by Sir William MacPherson's Report (1999) into the killing by a white gang of black teenager, Stephen Lawrence in London in 1993. The definition is 'a racist incident is any incident which is perceived to be racist by the victim or any other person'. The definition led to a large increase in the numbers of racist crime, particularly in the London Metropolitan Police area⁴⁴.

The Garda Racial and Intercultural Office won an award of €30,000 as an innovation prize from the EU. The office has developed a training video and resource booklets that informs members of the force about cultural diversity in Ireland. The Office is currently producing two booklets. One booklet is intended to inform Gardaí on the protocols and customs that should assist in creating understanding of diversity and the need for sensitivity when carrying out Garda functions. The second booklet is intended as a source of information to immigrants who are new to Ireland

In March 2002, the Racial and Intercultural Office announced that 145 Garda Ethnic Liaison Officers were being appointed across the country who will be given training in dealing with people who have been the victims of racism and who will make

⁴⁴ Irish Times. August 6th, 2002.

proactive linkages with community and voluntary groups working closely with minority ethnic groups in their areas.

Training

As a core part of the training of new recruits to An Garda Síochána in Templemore there is a module regarding obligations under international human rights instruments including CERD. The Garda Racial and Intercultural Office have an ongoing anti-racism training programme for immigration officials (who are members of the force). Anti racism awareness training is provided by officers attached to the Human Rights Unit in the police training college in Templemore. Groups such as Pavee Point, NCCRI, Irish Traveller Movement, Amnesty International and Comhlámh support this awareness training.

Immigration Officers

Immigration officers at points of entry to the State are members of the Garda Síochána which provides training as outlined above. Members of the Garda Síochána assigned to immigration duties are subject to the normal Garda standards of conduct (including the Garda Síochána Complaints Act) and accountable through local Garda channels of command. The Garda National Immigration Bureau has an overall coordinating role in relation to controls at point of entry.

Prison Service

Anti-racism initiatives are taking place in the prisons. The Director General of the Irish Prison Service introduced proposals for the development of a research and training project for staff and inmates of the prison system to increase their awareness of cultural diversity and aspects of racism that are potentially in each prison. The aim of the initiative is to ensure that the Prisons Service will be in a position to head off most problems of racism and to deal speedily and effectively with any problems that may arise.

Specialised and Expert bodies

The establishment of specialised and expert bodies in the area of equality, anti-racism and human rights, has been an important development in recent years.

Equality Authority

The Equality Authority was established in October 1999. Its mandate is set out in the Employment Equality Act 1998 and is further expanded under the Equal Status Act 2000. This mandate is to:

- Work towards the elimination of discrimination and prohibited conduct under equality legislation.
- Promote equality of opportunity in relation to the matters to which equality legislation applies.
- Provide information to the public on the working of equality legislation, to keep this legislation under review and to make proposals for necessary change in the legislation.
- Provide information to the public on the Parental Leave Act 1998, the Maternity Protection Act 1994 and the Adoptive Leave Act 1995.

This mandate covers nine grounds - gender, family status, marital status, age, sexual orientation, disability, race, religion and membership of the Traveller community.

Initiatives, which have a direct relevance to combating racism in employment, include:

- Providing advice and legal representation to those who have experienced discrimination in cases that have a strategic impact.
- Preparing codes of practice under the legislation. The first code addresses sexual harassment and harassment in the workplace.
- Developing initiatives to build a consciousness of rights under the legislation among black and minority ethnic groups.
- Anti-racist workplace week.
- Developing a partnership with NCCRI as the National Focal Point against Racism in Ireland for the EUMC (see below).

National Consultative Committee on Racism and Interculturalism. (NCCRI).

The National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the Department of Justice, Equality and Law Reform. Its functions are:

- To act as an expert body to develop an integrated and strategic approach to racism and its prevention, and to foster interculturalism within Ireland.
- To inform policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism to promote the understanding and celebration of cultural diversity within Ireland.
- To establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and international levels.

Project initiatives of the NCCRI relevant to the focus of this submission

- Developing the training and resource unit that has been actively involved in delivering anti racism training both to Government and Non-Government agencies, including the Gardaí and the Prison Service.
- Providing technical assistance and support for the development of a National Action Plan Against Racism, including a focus on tackling racist crime.
- Providing technical assistance and support for the development of a National Public Awareness Programme ‘Know racism’.
- Publication of a range of materials, resources and publications on addressing racism in Ireland, including guidelines on anti-racism training.
- In partnership with the Gardaí and the Equality Authority and the UNHCR The circulation of a poster to all Garda stations: ‘Racism in the workplace: Challenge it’.
- A system of reporting and responding to racist incidents and the publication of a report of these incidents every 6 months, including reports related to violence
- In partnership with the Equality Authority, to act as the National Focal Point in Ireland for the EU Monitoring Centre on Racism and Xenophobia based in Vienna.
- The development of policy submissions and round tables, which will contribute to policy development on issues through the participation of the NGO sector.

- Regular meetings with the Garda Racial and Intercultural Office.
- The publication of a widely distributed leaflet challenging myths and misinformation about asylum seekers in partnership with the UNHCR and Know Racism, the national public awareness programme.

Irish Human Rights Commission

Arising from the Belfast Agreement, the Human Rights Commission was formally established under the Human Rights Commission Act, 2000. The Commission is a powerful new independent body charged with the task of keeping under review the adequacy and effectiveness of our laws in relation to the protection of human rights in their widest sense. It will be within the competence of this body to commission surveys on discrimination. To date the IHRC has been active on the issue of racism through:

- The establishment of a sub committee on racism drawn from its own membership and the members of the Northern Ireland Human Rights Commission
- Participating in the development of the National Action Plan Against Racism.

National Crime Council

The National Crime Council was established as an independent body that would provide a forum for the development, expression and contribution of a wide range of views on anti crime strategies and serve as an important aid to policy formulation of crime issues.

The key roles of the National Crime Council are to focus on crime prevention, raising public awareness about crime, examine the fear of crime, and identify research priorities and to undertake in house research. Among its publications is 'Crime in Ireland' which provided an analysis of crime in Ireland 1950-1998 and is referenced in this submission. From this report the Minister for Justice, Equality and Law Reform established an expert group to review the collation and presentation of information relating to crime; and the development of a crime victimisation survey, commencing in 2004. Its most recent publication is 'Tackling the underlying Causes of Crime: A Partnership Approach'.

Other measures

Awareness Raising: Know Racism

The three-year National Anti-Racism Awareness Programme coordinated by the Department of Justice, Equality and Law Reform in partnership was officially launched by An Taoiseach, Mr. Bertie Ahern T.D.⁴⁵ The initial strategy adopted by the steering group in the first phase of the Awareness Programme was to (a) to engage with community groups and (b) to embark on a number of partnership ventures.

Part of the work of the Know racism campaign has been to focus on challenging the myths and misinformation about groups experiencing racism including refugees and asylum seekers.

⁴⁵ www.knowracism.ie

Anti-Racism Protocol for Political Parties

Early in 2000, the National Consultative Committee on Racism and Interculturalism (NCCRI) introduced an Anti-Racism Protocol for Political Parties and a Declaration of Intent for Candidates for Elections. The Protocol has been signed by all the political parties in the State and was formally launched by the Minister for Justice, Equality and Law Reform in June 2001.

Signatories to the Protocol have undertaken to ensure that election campaigns including campaigns for local elections, general elections and elections to the European Parliament are conducted in such a way that they do not incite hatred or prejudice on the grounds of 'race', colour, nationality or ethnic or national origins, religious belief and membership of the Traveller community. These are grounds included under the Employment Equality Act, 1998 and the Equal Status Act, 2000. One of the clauses of the Protocol calls for the use of appropriate and inclusive language when referring to people of different ethnic backgrounds, in order to avoid creating prejudice or confusion.

The National Action Plan Against Racism

As part of the process of developing a National Action Plan Against Racism, a roundtable on policing and the administration of law was organised by the Department of Justice, Equality and Law Reform. The roundtable identified the need for more confidence building measures by the Gardaí with both new and existing minority ethnic groups in Ireland, including the Gardaí. The roundtable involved a wide range of people from the Gardaí, the Prison Service, the Department of Justice, Equality and Law Reform and from NGO's. Key issues raised included⁴⁶:

- An acknowledgement of the work of the Gardaí to date in developing anti racism and intercultural policy and practices.
- The need to develop more confidence building measures with minority ethnic groups.
- The need for anti racism and intercultural awareness training to be mainstreamed by the Gardaí and the Prison Service.
- The need to ensure that police operations do not cut across the work being undertaken to build up trust and confidence with minority ethnic groups.

Work of NGO's

Some of the work of NGOs in highlighting the problem of racial violence have been highlighted in this report including groups such as Amnesty International, Comhlámh, the Irish Refugee Council, Pavee Point, the Irish Traveller Movement, NASC and the Inner City Organisations Network. This work has involved:

- Building alliances with the Gardaí in tackling racial violence
- Highlighting weaknesses in legislation and responses to racial violence
- Undertaking research
- Developing and advising on training and resource materials
- Participating in awareness training for Garda officers

⁴⁶ Report of the Thematic Roundtable on Policing and the Administration of Law, (2002) NCCRI for the Department for Justice, Equality and Law Reform

Victim Support

Victim support is an NGO that provides support to victims of crime and works closely with the Garda. There is also a Tourist Victim Support based in Dublin. Victim Support collects data on crime. At present such crime is not disaggregated on the basis of racial crime. Victim support has initiated awareness training for its staff on racism and dealing with the victim of racial violence.

Partnership Fora

One interesting response to crime in Dublin's north inner city has been the establishment of a partnership forum on policing that was established by the Inner City Organisations Network (ICON) and the Gardaí. While the issue of racial violence and the participation of groups experiencing racism in the Forum has been relatively limited to date, it provides a useful model for local strategies. This approach to local policing has been endorsed by the National Crime Council.

Part Five: Analysis

This part of the report is structured as follows

- Introduction: The limitation of data and analysis
- Overall levels of crime in Ireland
- Racial homicides, assaults and criminal damage in Ireland
- Legislation protecting people against violence, abuse and discrimination
- The perceived response of the Gardaí to racial violence.
- The underlying causes of crime.

Introduction: The limitations of analysis on racial violence in this submission.

Any such analysis of racial violence in Ireland must be prefaced by a ‘health warning’ on the paucity of official data on this issue both in the form of crime statistics and regular national crime surveys. The failure to collect such data is a consequence of a number of interrelated factors. These are summarised as follows:

- The general limitations of data and analysis of crime statistics in Ireland.
- Racism has only emerged as an important public policy issue in Ireland in recent years.
- Initiatives to draw together good practice on policing in a multi ethnic society are only beginning to emerge in Europe in recent years, particularly since the publication of the Rotterdam Charter in 1996.
- Garda information systems, prior to the introduction of PULSE in 2000 had limited capacity to be flexible or to collect crime statistics in a way that reflected the rapid increase in new legislation dealing with crime introduced by the Government.

As outlined earlier in this submission, there are a number of complementary sources of information on racial violence in Ireland. These sources provide useful insights but are a limited base on which definitive conclusions can be made.

Overall levels of crime in Ireland

The crime levels in Ireland for both headline and non-headline crime are relatively low compared with other EU countries. According to the comparative studies, Ireland is one of the least violent countries in the industrialised world. Offences against property, in particular burglary and larceny, account for 98% of indictable crime in Ireland. Non-indictable offences make up the majority (83%) of all recorded crime in Ireland. However, this is not a charter for complacency there was a significant jump in the level of homicides and assaults between 1999 and 2000. Homicides rose by 19%, after a number of years where homicide levels have fallen and the number of assaults rose by a massive 131 over the same period.

Racial homicides, assaults and criminal damage

In the absence of sufficiently disaggregated data on crime the most definitive form of information on racial homicides, assault and criminal damage are in the form of court reports in the national media, the NCCRI racist incidents reports system and surveys undertaken by NGO’s, in particular Amnesty International.

From the limited amount of evidence to date, there is little evidence that there is any systematic or organised racial violence in Ireland. While it is difficult to be definitive on this issue, the indications to date are that the most serious incidents have tended to be once off, isolated events. This conclusion has to be hedged in the absence of definitive data and the broad acceptance that racial violence is underreported.

Perpetrators and Victims

Racial violence is in large part perpetrated by young men between the ages of 16 to 25. In the fatal assault of Chinese Student Zhao Liu Tao, a boy as young as 14 is alleged to have participated. There is also evidence of young women both participating and instigating serious assaults, in particular the vicious assault on Lila Dorgan in Cork which is also detailed in this submission. However the participation of women in such a central role in perpetrating racial violence appears to be relatively unusual.

From this submission there are some indications about who is experiencing racial violence and where such incidents are likely to happen. Racism is being experienced regardless of someone's legal status. Refugees and asylum seekers, Irish and EU citizens, including Travellers and non-EU citizens are experiencing racism in Ireland. These can include students or people visiting Ireland as tourists. It would appear that young men are the most common victims of racial violence and that that incidents involving racial violence are most likely to occur in urban areas.

However it is also apparent that a number of women and women with children have also been the victim of such violence. These incidents can involve sustained harassment over a number of months, as in the cases of a Bosnian one parent family in a local authority estate in West Dublin, to assaults where several families are targeted as in the case of a Traveller encampment being attacked by men driving agricultural machinery.

In a recent successful prosecution under the Prohibition of Incitement to Hatred Act, a bus driver was convicted of using words that could stir up hatred and for the use of threatening, abusive or insulting behaviour. A 12 year-old schoolboy was the person to which such abuse was directed.

Internal and External Factors influencing Racial Violence

There are indications that the level of racial violence in Ireland is in part shaped by internal and external factors. In particular there was a significant, though temporary increase in racial violence reported after the September 11th attacks on the United States in 2001. In the immediate aftermath of this attack a number of people were targeted in a series of random attacks on people who were perceived to be Muslims, from the Middle East and in some cases because they just happened to be foreigners in Ireland. This pattern is also reflected in an increase in incidents reported about verbal abuse to pregnant black women, irrespective of their nationality or residence status/citizenship, following a sustained public discussion about the automatic citizenship rights of all Irish born children.

Legislation protecting against discrimination, assault and incitement

There is a range of legislation in Ireland that provides protection against discrimination, assault and incitement in Ireland. The main relevant legislation that has been invoked in recent years is summarised as follows:

Legislation related to Discrimination, Assault and Incitement in Ireland

The Employment Equality Act, 1998
The Equal Status Act, 2000
The Prohibition of Incitement to Hatred Act, 1989
The Public Order (Criminal Justice) Act, 1994
The Offences Against the Person Act, 1997
The Employment Equality Act, 2000

Equality Legislation

The Equality Authority has developed a range of proposals in relation to the revision of the Employment Equality Act, 1998. Those of relevance to this submission, include:

- The extension of positive action to all nine grounds.
- The inclusion of membership of a trade union as a new ground under the legislation.
- The remedies available and the powers of the Equality Authority, in particular consistency in the awards available across all the grounds.
- To review any legislative proposals from an equality perspective.

The Employment Equality Act, 1998 has measures on positive action in relation to the promotion of equal opportunity for:

- Persons over the age of 50
- Persons with a disability
- Members of the Traveller Community

In the Employment Equality legislation, there is no specific provision in respect of positive action on the ground of race⁴⁷. This could have implications for bodies such as the Gardaí if they considering bringing in affirmative action programmes on the ground of ‘race’ under the present legislation although it is permissible under the Traveller ground.

The provisions on positive action in the Equal Status Act, 2000 are vague but broader. Positive action measures are permitted for what are called disadvantaged persons and measures which cater for ‘special needs of persons’ are also allowed. These provisions are broad enough to Ireland to adopt specific measure in relation to disadvantage linked to racial or ethnic origin as envisaged by the ‘Race’ Directive.

⁴⁷ Barry, E in NCCRI (2000) Report of the Ireland Preparatory Conference for the European and World Conferences Against Racism. Available www.nccri.com

The Prohibition of Incitement to Hatred Act

The Prohibition of Incitement to Hatred Act, 1989 as it stands appears reasonable in itself. However the low degree of usage since it came into force suggests that it does essentially fail to address the issues it is targeted at. Thus whilst the option of revising the act does need to be explored, the means of enforcement and regulation also need to be examined in tandem. The Act does not adequately address the issue of what constitutes incitement to racial hatred. Whilst legislators in other jurisdictions have attempted (not always successfully) to grapple with this question, the current Act does not seek to grapple with the issue in any depth. This is perhaps one amongst a host of other reasons why the Act, as a piece of legislation that can regulate incitement to racial hatred has until recently resulted in no successful prosecutions. If it is to be a more useful piece of legislation the Act would need to tackle the issues more assertively.

One of the key lessons from other jurisdictions is the need to define the issue of racial vilification. The international standards on the issue of prohibition of racial discrimination are very clear. According to Article 4(a) of the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) a country that is party to the treaty is required to enact legislation and other measures that prevent incitement to racial hatred.

There have been some concern that an enhanced Incitement to Hatred Act could impinge on freedom of expression. The discussion at an international human rights level recognises clearly that human rights like the right to freedom of expression have to have limits, so as not to impinge on other rights. Thus, this concept is not considered to have been eroded by such legislation. At the level of the European Convention on Human Rights (ECHR), there is provision to understand that the rights discourse cannot be absolute. Thus with regards to international standards on the issue it appears to be the view that incitement to racial hatred laws are in principle a justifiable restriction on the freedom of expression.

What was once proscribed and prosecuted is now available on the Internet. There has been an emergence of 'Irish' racist websites as a cheap means of spreading hate and racist propaganda. There are problems of tackling racism on the Internet but they are not insurmountable, if there are sufficient legislation and enforcement measures at a national level and there is sufficient international cooperation. The NCCRI have called for a revised Prohibition of Incitement to Hatred legislation to specifically cover racism on the Internet. As most racist websites are hosted by servers based in the United States, there would also need to be action undertaken by the American Government if racist websites are to be prevented from existing and proliferating.

Legislation protecting people from assault, abuse and threatening behaviour

There is a range of legislation in Ireland that protect people from different forms violence in Ireland, include homicide, assaults, criminal damage, incitement, protection against offensive and abusive behaviour. There is no separate legislation covering racial violence.

The legislation that has been most frequently invoked in this area in recent times have been:

- The Incitement to Hatred Act, 1989
- The Public Order (Criminal Justice) Act, 1994
- The Offences Against the Person Act, 1997

Impact of Racial Violence

Racial Violence can have a significant direct impact on:

- The individual victim and his/her families and friends
- The community to which he or she belongs

Among the direct consequences to those experiencing such violence can be:

- Loss of life and serious personal injury.
- Criminal damage to property, including to homes.
- Long-term health, including mental health problems.
- Relocation of homes by victims, sometimes to another country.

It is evident from this submission as with all forms of crime, incidents can affect people in different ways. Some can be affected but will continue to live and work in the areas where they have been living. Others may relocate to another area, change jobs or leave Ireland altogether. Even what appears to be a relatively minor incident can result in deeply profound effects on individuals and their immediate family and friends. Many people can suffer loss of confidence, experience anxiety and become more withdrawn and less outgoing.

The impact to the community or communities to which the person belongs can also be profound. To illustrate this point, following the fatal assault of Chinese language student Zhao Liu Tao, Amnesty International student society in Trinity College, Dublin organised a meeting of Chinese language and third level students. About 50 students attended in a meeting that was also addressed by the NCCRI and the Gardaí. There was considerable fear among all the students attending the meeting about their safety following the fatal assault, particularly from those who have been in Ireland for only a relatively short period of time and were unsure whether such attacks were regular occurrences. There was also a sense of anger and bewilderment of why the youth accused of the assault had been released on bail. There was also a march organised by a number of NGO's and Chinese students that took place in Dublin shortly after the fatal assault.

Perceived Response of the Gardaí to Racial Violence.

The very fact that uniformed Gardaí remain an unarmed police service in contrast to most other police forces in Europe is reflective of both the relatively lower levels of violence in Irish society and general desire that the Gardaí do not adopt the semi military image of some other EU states. Successive studies have shown that there is widespread support and confidence in the Gardaí in Ireland, and this confidence remains high in spite of a number of high profile incidents that have reflected unfavourably on some members of the Gardaí in recent months.

The latest crime statistics (2000) show that there is a high detection rate for both homicides (81%) and serious assaults (78%), under the new 'headline' category, which indicates that such crimes are taken very seriously. There is however less data and analysis available for non-headline offences, including assaults in the Year 2000 Crime Statistics because PULSE has not been fully implemented.

Much of the complementary sources of data outlined in this submission highlight perceptions that the Gardaí are inconsistent in their response to reported complaints by black and minority ethnic groups in Ireland, including complaints of racial violence. While it is clear that the most serious offences including homicide and assaults under the headline category are pursued with vigour, as recent convictions show, there are mixed views about the Garda response to crimes that do not fall into the Headline category.

Among some of the problems highlighted include:

- Concern that complainants are sometimes not taken seriously when reporting racist incidents.
- Cultural insensitivity.
- Concern that complainants are not kept informed about progress in relation to their case.
- The quizzing of complainants about issues entirely unrelated to the particular case.

These would indicate that aside from measures to enhance the trust between minority ethnic groups and the Gardaí, there is also more consistency needed in implementing existing policy in regard to all victims of crime, such as that outlined in the Garda Victims Charter.

Some of the perceptions of the Gardaí may be influenced by actual experience and others by received opinion. One of the factors that may influence the perceptions of new communities in Ireland to the Gardaí is previous experience of police forces in their country of origin, where there is sometimes widespread police corruption, brutality and the disappearance of suspects.

Whatever the causes, there is widespread consensus both within the Gardaí and within groups working closely on anti racism strategies that further confidence building measures need to be adopted by the Gardaí and there should be greater interaction between Gardaí and representatives from minority ethnic groups.

Two of the key issues recently identified was the potential of operational strategies to undermine existing strategies to build bridges and secondly the need for a strong, independent and transparent police complaints system. While acknowledging the difficulties and sensitivities involved in enforcing the law in relation to issues such as immigration and residence, concerns were raised about large scale 'net' operations along the lines of Operation Hyphen, in particular the potential for such operations to cut across the progress made by Gardaí in building relations with minority ethnic communities. Concern was expressed that the overall impact on the communities concern is very likely to be disproportionate to the outcome achieved. Further, such large-scale net operations can result in more mistakes simply because it involves large numbers of people. If necessary, the use of smaller and more focussed, lower key operations was seen as a more appropriate alternative to the use of high profile net operations.

Similar concerns were raised recently in relation to increased potential for conflict between the Gardaí and Travellers arising out of the duty of the police to effect evictions under the Housing (Miscellaneous Provisions), 2002.

The Underlying Causes of Crime

The most recent publication of the National Crime Council is 'Tackling the underlying Causes of Crime: A Partnership Approach'. This document is currently the central part of a consultation process on the causes of crime in Ireland. While there is significant focus on racial violence in this research, there are a number of important strategies outlined and issues analysed which would have the potential to impact on racial crime, particularly since those involved in racial crime may also be involved in other forms of crime, including violent crime.

The issues identified in the Report on Tackling the Underlying Causes of Crime include:

- Local crime prevention and the adoption of partnership approaches.
- Community/neighbourhood influence on crime.
- An examination of the criminal justice system
- Family Support
- Education and early intervention

The National Crime Council also need to look at the factors that can contribute to an environment where racial violence is more possible, which are considered in this report.

Part Six: Conclusion and Recommendations

Conclusion

Racial violence is a problem in Ireland which requires greater acknowledgment and a more consistent and integrated response from bodies that have the potential to impact on this problem. This submission highlights racial violence in Ireland, but seeks to place it in context and in a way that does not seek to exaggerate or sensationalise the problem.

It is important to acknowledge that Ireland is in general one of the safest industrialised countries in respect of crimes such as homicides and assaults, although there are some worrying indications that such crimes are on the increase in Ireland. There are indications that racial violence is also on the increase in Ireland, but in the absence of adequate data it is impossible to quantify this trend.

The challenge of addressing racial violence is multifaceted. The police, the courts and the Prisons Service all play a central role in addressing racial violence, as is emphasised throughout this submission. However there is increasing recognition at both a national and European level that if racial violence is to be effectively tackled it will take a range of measures, including effective policing, effective use of existing legislation and where necessary the identification of new legislation and finally, the need to address both crime and racism in society as a whole (the underlying causes of crime and racism).

Recommendations

1. Policing and the Administration of Law

The Rotterdam Charter remains the key policy document in respect of policing for a multi ethnic society and has been adapted to inform the structure and content for this section of the submission. The Charter was intended to be “both a resource to generate a programme of necessary actions and a ‘checklist’ against which progress can be assessed”.⁴⁸ The Rotterdam Charter emphasises the importance of an overall approach in particular placing a strong emphasis on professionalism, the building of an anti racism dimension into broader police policies and structures and the need for an integrated and partnership approach that involves civil society and statutory bodies, including local authorities.

The main objective of the Charter is:

‘To enhance the organisational commitment to the issue of policing a multi-ethnic society. The first requirement is a clear mission statement for the organisations specifying its commitment to equal treatment and to combating racist and xenophobic violence’.⁴⁹

This overall approach has been clearly established by the Gardaí, most notably through the outcomes of the conference ‘Intercultural Ireland: Identifying the Challenges for the Police Service’ and the establishment of the Racial and Intercultural Office and the Human Rights Unit of the Gardaí. However, as with any

⁴⁸ Rotterdam-Rijnmond Police, Rotterdam City Council and RADAR, (1997). The Rotterdam Charter. Policing for a Multi Ethnic Society, p6.

⁴⁹ Ibid, p 11

large organisation it takes time and resources to ensure that such principles are mainstreamed throughout the organisation.

Particular priorities identified in the Rotterdam Charter include:

Training of Police Officers

It is important to mainstream anti racism and intercultural training throughout the Gardaí both during primary and in-service training for existing officers. One of the key issues that needs to be addressed is biased and antagonistic training.

‘Often police contacts are limited to people living in and dealing with troubled situations. The contacts are mostly initiated by the police, and in response to negative circumstances. As a result police work usually promotes an increased risk of ‘opposed and biased thinking’ about minorities, which can have harmful effects’...’Training should allow officers to reflect on their experiences on the job, and to remain aware of safeguarding the principle of equal treatment.⁵⁰

While anti racism awareness training is undertaken at primary level within the Gardaí at their Training College in Templemore, there is a need for such training to be reinforced by the leadership of Senior Officers. There is also a need to challenge the ‘canteen ethos’ that can exist within any organisation where the awareness training and equal treatment police can be undermined. In the Irish context there is a need for anti racist policies and the development of training strategies within units of the Gardaí that interface with minority ethnic groups, for example officers working consistently on immigration related issues including immigration officers and in the context of racial violence officers responsible for detecting such crime. However such training should apply to all officers including ‘front line’ staff. Of further relevance in this regard is the reinforcement of the principles of Quality Customer Service.

Recruitment and Retention

The Rotterdam Charter contends that the police should be a mirror of society in recruitment and retention.

‘To establish their importance as a legitimate force in society, the police have a professional interest in reflecting the same ethnic diversity in their organisation.’⁵¹

While there is small number of black and minority ethnic police officers the Gardaí, the proportion of such officers as a total is low. This can in part be explained by the fact that cultural diversity in Ireland remains relatively small. Measures need to be put in place, including affirmative action, to encourage officers from black and minority ethnic group to apply to the Gardaí and obstacles that might cause unintentional indirect discrimination should reviewed and removed. Measures identified in the Rotterdam Charter aim at improving retention of recruited officers include equality of career opportunities and clear complaint mechanisms for police officers.

The Effective implementation of Existing Laws

The Rotterdam Charter states that there is often a gap between theory and practice concerning laws against racism and discrimination and law enforcement. In the

⁵⁰ *ibid*, p15

⁵¹ *ibid*, p12

context of the Rotterdam Charter this is seen to apply to both the internally (police officers and staff) and externally (minority ethnic groups). Among the specific strategies identified, include:

- Leadership role of senior police in introducing the correct ethos within the organisation
- The appointment of coordinating officers with special responsibility for racial incidents.
- Multi agency coalitions, involving partnerships with NGO's, minority community groups representatives, and local authorities.
- Transparent procedures on treating racial incidents
- Recording and monitoring of racial incidents 'is of the utmost importance'
- Reflection on the causes of underreporting and specific measures to encourage reporting
- Generally accepted definitions of what constitutes a racial incident.
- Comparable data across cities and regions.
- Using statistics to both monitor crime patterns but also to monitor whether the police are treating ethnic minorities fairly and equally.
- Using statistics sensitively. The blunt presentation of statistics should be avoided, with a code of conduct for ethnically related crime reports and codes of conduct for press releases. Consultation with NGO's on presentation of statistics is also urged.
- The police should feel free to comment on possible stigmatising effects of certain measures taken or proposed by politicians, which are to be carried out by the police.
- Establishment of a coordinating unit.
- Exchanging information and good practice with anti racism organisations.
- Reporting should not be a goal in itself but should have effective follow-up.

Many of these recommendations are beginning to be put in place by the Gardaí, but are at the early stages in their development. For example, the coordinating Unit of the Garda Racial and Intercultural Unit has been established, including the appointment of ethnic liaison officers in key stations, the definition of an incident has been recently agreed, and the recording of incidents and the ability to provide comparable data is just beginning. The further development and enhancement of these initiatives and the adoption of further recommendations from this part of the Charter has the potential to make a significant impact on racial incidents in general and racial violence in particular.

Presentation of Statistics and Analysis

The Garda Annual Report is the mechanism through which crime statistics are presented in Ireland. In future Reports the level of racial incidents should be clearly presented. Subcategories of crime such as homicides, assaults and incitement to hatred for both headline and non-headline offences should be disaggregated for the purposes of giving a comprehensive picture of racial incidents, including racial crime. A separate analysis section on racial incidents should be included along the format adopted for other categories of crime in the Garda Annual Report, 2000.

Independent Complaints Procedure

Further recommendations that have emerged from other sources, regarding policing includes the need for an independent and transparent police complaints procedure in Ireland⁵².

Monitoring and Proofing of Policy and Operational Strategies

Major new Garda policy initiatives and operational strategies should be equality proofed to determine their impact on minority ethnic groups and to ensure they are consistent with the principles of the Rotterdam Charter.

Partnership Fora

The broader use of a partnership forum on policing, similar to that established by the Inner City Organisations Network (ICON) and the Gardaí, should be considered.

The Administration of Law

Other services and institutions involved in the enforcement and the administration of law have a potential to impact on racial violence including:

- The Prison Service.
- The Probations Service.
- The Court Service.
- Access to and Quality of Legal Representation.
- Crime intelligence gathering bodies.

Comment and Recommendation

The Prison Service in Ireland is currently undertaking research into the challenges of developing anti racism and intercultural strategies, including providing anti racism awareness training for staff. The outcome of this research should help to identify a further range of strategies and could encourage other bodies involved to undertake similar initiatives. The relationship between these bodies and the equality legislation and infrastructure should also be reviewed.

2. Legislation

There are a number of different forms of legislation that are relevant to tackling racial violence. These include:

Legislation protecting people from racial violence

There is a range of legislation in Ireland that provides protection different forms from homicide, assaults, criminal damage, incitement, and protection against offensive and abusive behaviour. The legislation that has been most frequently invoked in this area in recent times have been:

The Incitement to Hatred Act, 1989

The Public Order (Criminal Justice) Act, 1994

The Offences Against the Person Act, 1997

⁵² Advocated by bodies such as the Irish Human Rights Commission and the Irish Council of Civil Liberties.

Ireland's anti discrimination (equality) legislation also provides important protections in respect of employment and the provision of goods and services.

The review of the Incitement to Hatred Act should be extended to a comprehensive review of legislation that has the potential to impact on racial violence and incitement, including the consideration of enabling powers to judges to set higher penalties and tariffs for racial violence, bearing in mind whether this is possible under the Irish Constitution. Such a review should also seek to determine if Irish legislation is adequate to protect people against new forms of racism, such as racism through the Internet. The review of the Employment Equality Act should seek to extend positive action to all nine categories, including 'race'.

3. The integration of strategies to tackle racial violence into broader crime and anti racism, equality and intercultural strategies.

It is evident from many crime studies that as well as directly tackling violent crime by policing, legislative, punishment and rehabilitation policies, there is also a need to integrate such policies within broader crime, anti racism, equality and intercultural strategies.

Bodies such as the Gardaí have an important role in tackling racial crime but will only have a limited impact if other factors conspire against them. For example if minority ethnic groups are marginalised within society and are more likely to experience higher levels of poverty and other forms of social exclusion then they will more likely experience higher levels of crime, including racial crime. It is recommended that there should be strong anti racism and intercultural dimension to broader social inclusion strategies, including those tackling poverty.

National Action Plan Against Racism

The forthcoming government National Action Plan against Racism (NPAR) provides a significant opportunity for issues related to racial violence to be addressed in a comprehensive way. The NPAR is one of the key outcomes of the World Conference Against Racism, which contained important commitments on tackling racial violence.

National Crime Council

The National Crime Council has been established by the Government to advise on all aspects of crime and has identified a number of key areas that should be addressed in tackling the underlying causes of crime. These include:

- Local crime prevention and the adoption of partnership approaches.
- Community/neighbourhood influence on crime.
- An examination of the criminal justice system.
- Family Support.
- Education and early intervention.

The National Crime Council should integrate a strong focus on tackling racist crime, including violence in its work in identifying the underlying causes of crime. It should consult closely with minority ethnic groups and expert and specialised bodies, which are identified in this submission. Its future work and research should seek to ensure that the views and needs of people experiencing racism are included, in particular in the forthcoming national victimisation survey. Specific research on tackling racial crime, including violence should be initiated as part of its future agenda.

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Selected Websites

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www.irlgov.ie/iveagh	Department of Foreign Affairs
www.nccri.ie	National Consultative Committee on Racism and Interculturalism
www.equality.ie	The Equality Authority (IRL)
www.eumc.at	European Monitoring Centre on Racism and Xenophobia
www.knowracism.ie	National Public Awareness Campaign
www.equalityni.org	Equality Commission for Northern Ireland
www.ecri.coe.int	European Commission on Racism Na Intolerance
www.unhchr.ch/	UN High Commissioner for Human Rights
www.nyci.ie	National Youth Council of Ireland
www.paveepoint.ie	Pavee Point Traveller's Centre
www.itmtrav.com	Irish Traveller Movement
www.amnesty.ie	Amnesty International (Ireland Section)
www.refugeecouncil.ie	Irish Refugee Council
www.comhlamh.org	Comhlámh (IRL)
www.ncde.ie	National Committee for Development Education
www.migration.ucc.ie	Irish Centre for Migration Studies
www.enar-eu.org	European Network Against Racism
www.unhcr.ch	Office of the UN High Commissioner for Refugees
www.crimecouncil.ie	National Crime Council
www.garda.ie	An Garda Síochána