

**An Coiste Comhairleach Náisiúnta
ar Chiníochas agus Idirchultúrachas**

**National Consultative Committee
on Racism and Interculturalism**
20 Harcourt Street, Dublin 2.

☎: (+353 1) 4785777
Fax: (+353 1) 4785778
Email: nccri@eircom.net
Website: www.nccri.com



National Consultative Committee on Racism and Interculturalism

Submission to An Garda Síochána Policing Plan

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Introduction

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body on racism. It is a partnership body, which brings together government and non-government organisations to develop initiatives and to provide expertise in tackling racism and promoting interculturalism.

The overall role of the NCCRI is:

- To act as an expert body to develop an integrated and strategic approach to racism, to focus on 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.

The NCCRI welcomes the opportunity to make a submission to An Garda Síochána Policing Plan for 2004. We note that the mission of An Garda Síochána is to achieve the highest attainable level of personal protection, community commitment and state security in Ireland. The primary focus of our submission is the protection of minority ethnic groups including the Traveller community in Irish society.

Context

The minority ethnic population has risen significantly in recent years. The Central Statistics Office (CSO) 2002 Census of Population Principal Demographic Results indicates for the first time that Irish non-nationals make up 5.8% of the population, of which almost half were UK nationals (2.7%). Other EU nationals and the nationals of other European countries were the next numerous, followed by Asian, African and US nationals. This was the first time a nationality question was asked in the Census and it gives an indication of the extent of such diversity in Ireland.

The 2002 Census does not however, provide a complete picture of ethnic diversity in Ireland because the ethnicity question, which is a separate question to nationality in the 2002 Census, was limited to a question on the Traveller Community. A separate question on ethnicity is required because there are many people from minority ethnic groups in Ireland who are Irish nationals and who would not be covered by the 'nationality' question.

One of the key factors that have resulted in greater nationality and ethnic diversity in Ireland is inward migration. Contrary to widespread perceptions, most of the recent immigration into Ireland is as a consequence of returning Irish emigrants and migrant workers rather than asylum seekers. In 2002, for example there were over 43,000 work permits and visas issued to non European Economic Area nationals to work in Ireland as opposed to 11,634 applications by asylum seekers for refugee status.

The 2002 Census also gives a far more accurate reflection of the size of the Irish Traveller population in Ireland. Close to 24,000 Irish Travellers, representing 0.65% of the total population was enumerated in the 2002 Census. This is more than double the figure in the previous Census when coverage was only partial.

The religious profile of Ireland has also changed significantly over the last 10 years, which is also an indicator that we are now a more multicultural society. The number of Muslim people in Ireland has quadrupled to 19,000 from the 1991 Census, when the religion question was last asked. The number of Orthodox Christians has increased from 400 in 1991 to over 10,000 in 2002, representing migrants mainly from Eastern Europe and the former Soviet Union.

The new figures reveal that the needs and concerns of minority ethnic groups must be taken into account in planning and policy making to account for the extent of ethnic diversity in Ireland. The NCCRI advocates that the forthcoming Government National Action Plan Against Racism¹ provides an important opportunity to both tackle discrimination and to promote inclusion of people from different national and ethnic backgrounds.

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.

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 studying 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, age, religion and sexual orientation.²

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.

¹ See also Sustaining Progress p26

² These intersections were recognised as an important issue in the World Conference Against Racism WCAR Programme of Action.

Manifestations of Racism in Ireland

There are at least two overall manifestations of racism in Ireland, which 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 from minority ethnic groups. 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, the failure to accommodate diversity 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.

Monitoring Racist Incidents

To date there has been a lack of disaggregated data from the Gardaí and an absence of regular national crime surveys on racial violence. There is as yet no existing crime statistics on the level and trends in racial violence in the Republic of Ireland³ but this is due to change with the forthcoming Garda Annual Report for 2002.

In May 2001 the NCCRI established a complementary procedure for reporting racist incidents in Ireland. A victim of or a witness to a racist incident can report it to the NCCRI in confidence. The NCCRI is committed to dealing with each individual complaint with appropriate referral to the relevant authority responsible for investigating and addressing the complaint.

Incidents are compiled into six-monthly reports, which aim to identify key issues arising from incidents logged and to make recommendations to the Government.⁴ These reports do not aim to provide a comprehensive list of every racist incident in Ireland. Indeed evidence from other countries tend to reveal that with all such reporting systems, whether statutory or voluntary, there is likely to be significant under-reporting of incidents.

National Action Plan Against Racism

The United Nations World Conference Against Racism was held in Durban, South Africa in September 2001. One of the key outcomes of the Conference was the commitment by participating countries to develop National Action Plans Against Racism. The development of a National Action Plan Against Racism in Ireland represents a significant opportunity to both build upon and enhance existing policies

³ In March 2002, the Gardaí announced that they are to bring in a system of defining, categorising and monitoring racial incidents, including violence and offences and crime.

⁴ Reporting forms and six monthly reports are available from our office or on our website: www.nccri.com

and strategies to address racism in Ireland and to identify new priorities, aspirations and arenas of work that can be drawn together into an overall cohesive plan.

The National Action Plan will reflect the outcomes of the consultative process undertaken by the Department of Justice, Equality and Law Reform between March and December 2002 which was overseen by a broad based Steering Group representing government and non-government organisations with support from the NCCRI. The Department of Justice, Equality and Law Reform have recently published the summary of outcomes of the consultative process entitled “Diverse Voices”.⁵

One of the key objectives identified in the summary of outcomes of the consultative process for the National Action Plan Against Racism is protection. Objective One states that

“The NPAR should seek to enhance protection against racism, including protection against discrimination, assaults, incitement and abuse”⁶

The NCCRI acknowledges that there are already measures and initiatives in place that seek to provide protection against discrimination, incitement to hatred and general protection against assaults and abuse. The work of the Garda Racial and Intercultural Unit and of the Garda Ethnic Liaison Officers merits a special mention in this regard. However the NCCRI is of the view that these measures and initiatives could be strengthened and made more effective.

Protection : Key Issues in relation to Policing Plan 2004

While the overall level of serious assaults in Ireland is lower than many other OECD countries, there are worrying signs that the level of all assaults, including assaults motivated by racism, are on the increase.⁷ Men, women and children have been affected by such assaults.

During the consultation process for the National Action Plan Against Racism, the role of the Gardai in providing protection and the need to enhance the relationship between the police and minority ethnic communities was highlighted. It was acknowledged that the Gardai have been proactive in developing a range of important initiatives to combat racism and to build relationships with minority ethnic groups.

There were concerns raised about operational issues related to frontline immigration policing and the perceived uneven response from some Garda stations to reports of racist incidents. It was recognised that there is a need for more vigilance against racism at times of international tension when reported racist incidents can increase (e.g. after September 11 for example).

Anti-racism and intercultural awareness training and strategies should be incorporated into all parts of An Garda Síochána and the adoption of a “Whole Organisation”

⁵ The report, entitled ‘Diverse Voices’, is available online at www.justice.ie or from the Department of Justice, Equality and Law Reform at 01-479 0272

⁶ Diverse Voices p12

⁷ National Crime Statistics 2002

approach to address racism and promote interculturalism.⁸ There has already been a lot of collaboration between the NCCRI and An Garda Síochána regarding anti-racism awareness training and we hope that this will continue during 2004.

Ireland's obligations under international human rights conventions, the protections against racism in respect of women, migrant workers, Travellers, refugees and asylum seekers were also identified as being key to the development of policy. A linked issue is the protection afforded to minority ethnic women who experience domestic violence from their partners. This issue requires both a culturally sensitive and an effective approach that is based on the experience of service providers concerned with protecting women against domestic violence. A further linked issue is the protection of vulnerable young people in particular unaccompanied minors involved in the asylum process who do not have the protection of family.

Key Recommendations for Policing Plan 2004

- The existing protection against assaults, incitement and abuse and dissemination of material motivated by racism needs to be comprehensively reviewed and enhanced
- Close monitoring of the experience of minority ethnic groups vulnerable to events at an international level and responding with appropriate support strategies
- The importance of monitoring, analysing and publishing reports of racist incidents made to the Gardai on an annual basis to inform appropriate policing and related responses
- There should be mechanisms in place to ensure that there is a holistic and effective manner to respond to racist incidents from a number of different perspectives, thus encouraging a partnership approach.
- The need for greater consistency in front line policing responses through in service training, Quality Customer Service and monitoring/complaints processes
- The enhanced role, support and resources available to Garda Ethnic Liaison Officers
- Proactive local community relation and partnership strategies
- Impact assessments or ongoing review of operational strategies or aspects of operational strategies that have sometimes caused concern such as large-scale net operations and frontline immigration services.
- Further development of anti-racism and intercultural strategies in An Garda Síochána – the adoption of a whole organisation approach to address racism and promote interculturalism⁹

⁸ See NCCRI: Guidelines for Developing a Whole Organisation Approach to Address Racism and Promote Interculturalism (2003).

- All policies related to protection issues should be gender proofed as women can experience particular forms of racism. Protection against assaults and abuse including domestic violence should be monitored and proofed to ensure that they are fully inclusive of the experience of minority ethnic women
- Ensuring the protection of unaccompanied minors applying for asylum is a particular issue for service providers
- The need for disaggregated data on the protections provided against racism, including incitement, assaults and related abuse. The availability of data is an important means of tailoring more effective and targeted actions and benchmarking progress in tackling these forms of racism. A key focus for data and research includes:
 - The design of national crime and victim surveys to include disaggregated data on the experience of minority ethnic groups
 - The outlawing of 'racial profiling' by law enforcement bodies
 - The role of the Garda annual report in providing clear data and analysis on trends in all crime and their motivation, including crime motivated by racism under headline and non-headline offences
 - The inclusion of a specific focus on racist crime in the remit and work of the National Crime Council
 - The design and analysis of comparative data on crime with other EU countries.

The NCCRI would welcome an opportunity to elaborate on the issues and recommendations presented in this submission.

For further information please contact Mr. Kensika Monshengwo, Acting Director or Ms. Jacqueline Healy, Information & Communications Officer, NCCRI, 20 Harcourt Street, Dublin 2. 01-4785777

⁹ See NCCRI: Guidelines for Developing a Whole Organisation Approach to Address Racism and Promote Interculturalism (2003)