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ar Chiníochas agus Idirchultúrachas**

**National Consultative Committee
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Democracy Commission

**Submission by the
National Consultative Committee on
Racism and Interculturalism (NCCRI)**

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1. Introduction

As George Washington put it ‘the basis of our political system is the rights of people to make and to alter their constitutions of government’. Consequently in a representative democracy such as that in Ireland, government should reflect the composition, culture and ethos of society. But government’s role is not purely reflective, we also expect government to take a leadership role in driving society forward. Indeed it is not uncommon for the representative and leadership functions to come into conflict in modern democracies.

There has always been cultural diversity in Ireland. The claim that Ireland has been somehow homogenous neglects the experiences of racism and discrimination of minority ethnic groups, including the Traveller community.¹ Nonetheless it is fair to say that the debate around racism and diversity has come to the fore with the shift from emigration to immigration during the last ten years.

The NCCRI welcomes the opportunity to further explore issues around democracy and diversity in Irish society and looks forward to further discussions with the Democracy Commission.

This submission highlights the growing diversity in Irish society and documents some of the evidence which points to a reality of racism and discrimination. In this regard the role of our democratic institutions can broadly be defined as two-fold: to combat racism and promote interculturalism. These linked objectives can only be achieved through the effective participation and inclusion of minority ethnic groups.

Drawing on the terms of reference of the Democracy Commission, this submission will highlight the specific roles of political parties and the media in the fight against racism. Both of these actors will prove to be of particular significance in the context of the forthcoming local and European elections.

History tells us that democratic and political institutions have the potential to play both a positive and negative role in combating racism and discrimination. Consequently it is important that the work of the Democracy Commission explore the capacity of democratic structures to promote interculturalism, as is identified in its terms of reference; the NCCRI particularly welcomes the North-South dimension of this focus. Consequently this submission will conclude with a number of recommendations intended to assist the work of the Commission.

¹ Hereafter referred to as minority ethnic groups.

2. Minority Ethnic Groups in Ireland

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has been and still is a homogeneous and mono-cultural society or the defining of diversity solely along religious grounds (Protestant and Roman Catholic). In addition to the Traveller community there is 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 approximately 160 different nationalities living in Ireland.² According to the 2002 census there were 224,261 non-Irish people usually resident in Ireland, 133,436 of which are EU nationals, 23,105 are nationals of other European countries, 20,981 are African, 21,779 are Asian, and of the remainder the vast majority are from North America and Australia. 2,340 people indicated they were of multiple nationalities, while in 48,412 cases nationality was not stated. The 2002 Census of population indicates that non-nationals make up 5.8 percent of the population, of which almost half were UK nationals (2.7 percent).

The 2002 Census indicates that there are 23,681 Irish Travellers, representing approximately 0.65 percent of the population. The majority of the Traveller community identified themselves as Roman Catholic in the 2002 census (21,549).

There were 7,483 asylum applications in Ireland in 2003, compared with 11,598 in 2002. This decrease exceeds the 16 percent decrease worldwide noted by UNHCR. The most common countries of origin of asylum seekers in 2003 were: Nigeria (39 percent), Romania (10 percent), Moldova (3 percent), DR Congo (3 percent), and the Czech Republic (2.5 percent). The backlog of unprocessed applications in December 2003 was 7,390. Deportation orders issued in 2003 to people whose asylum applications were unsuccessful numbered 2,410. 590 people were deported (less than 25 percent of those who received a deportation order). A total of 1,170 persons were recognised as refugees in Ireland during 2003, 345 at first instance and 825 at appeal stage. In the ten year period from 1994-2003 5,700 people were recognised as refugees in Ireland.³

Table 1: Total work permits issued by year and by category: 1999-2003. Source: Department of Enterprise, Trade and Employment, available at: www.entemp.ie

Year	New Permits	Renewals	Total
1999	4,328	1,653	6,250
2000	15,434	2,271	18,006
2001	29,594	6,485	36,436
2002	23,326	16,562	40,321
2003	21,956	25,039	47,551

² Unfortunately in the 2002 Census the ethnicity question was limited to the Traveller community, consequently we do not have a real sense of ethnic diversity in Ireland and are reliant on data relating to nationality.

³ Integrating Ireland, Sanctuary, January 2004, available at: www.integratingireland.ie

In the context of Ireland's growing economy the number of migrant workers has increased significantly in recent years (Table 1). Despite recent concern regarding economic growth the numbers of migrant workers has continued to increase. In 2003 21,956 new work permits were issued, and 25,039 renewed, to nationals from 140 different countries. The top ten countries from which the new work permits originated were Poland, Lithuania, Latvia, Ukraine, Philippines, South Africa, Romania, China, Brazil and Australia. The vast majority of work permits are for the service industry, catering, agriculture and fisheries and the medical and nursing sectors.

3. Racism

Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.⁴

Racism is a specific form of discrimination and exclusion based on the false belief that some 'races'⁵ are inherently superior to others because of different skin colour, nationality,⁶ ethnic or cultural background. Racism deprives people of their basic human rights, dignity and respect. There are different forms of racism in Ireland including the racism experienced by:

- Travellers on the basis of their distinct ethnic identity and nomadic tradition
- Migrant workers, refugees and asylum seekers
- Minority ethnic groups, including black people on the basis of their skin colour and ethnic and/or national identity, regardless of their legal status.

It is also important to emphasise the connection between racism and other forms of discrimination including gender, disability and sexual orientation.

Racism can be a direct or an indirect form of discrimination and can occur at an individual, institutional and cultural level. Racism as a **direct form of discrimination** is about unequal treatment. It occurs when a person is treated less favourably than another, in similar circumstances, because of his or her 'race', ethnicity, national origins, nationality or colour. Racial abuse constitutes a form of direct racism but it can also be reflected in less immediately obvious ways, including recruitment, promotion and retention in the workplace.

Racism as an **indirect form of discrimination** is about practices or policies, which may seem fair at first sight, but which in effect, either intentionally or more often unintentionally results in discrimination against some minority ethnic group or groups.

⁴ Article One of the UN International Convention on the Elimination of all Forms of Racial Discrimination (CERD).

⁵ The term 'race' has been used in the past in an attempt to rank people according to physical and biological criteria. Nowadays, 'race' is often written in inverted commas to underline the difficulty in defining that term.

⁶ While international and EU standards on racism tend to include discrimination based on national origin and not nationality, the Irish legislation includes reference to nationality *and* national origin. Under the Employment Equality Act 1998 and the Equal Status Act 2000 the 'race ground' is defined as discrimination on the basis of different race, colour, nationality or ethnic or national origins.

Racism can occur at a number of levels, including individual, institutional and cultural. **Individual racism** is understood as attitudes, beliefs and behaviour of individuals, for instance through verbal or physical attacks.

Institutional racism happens when the practices, policies and attitudes of institutions result in the systematic exclusion of some minority ethnic groups, again either consciously or unconsciously. It is a difficult type of racism to recognise and it can manifest itself in many areas of life including employment, education, accommodation and other opportunities to which the general public usually have access. Racism is often an institutional issue.

Cultural racism happens when the values and/or beliefs systems of one ethnic group (or so-called ‘race’) are considered inherently superior and the values and belief systems of minority ethnic group are considered inherently inferior.

Racism in Ireland

Anecdotal evidence, discrimination cases and reports of racist violence suggest that racism is on the increase in Ireland, though given the lack of data it is impossible to generate a comprehensive or holistic picture of the experiences of minority ethnic groups in Ireland.

In general referrals to the ODEI – The Equality Tribunal under both the Employment Equality Act 1998 and the Equal Status Act 2000 have increased on both the race and Traveller community ground. It is difficult to assess how much of this is due to increased awareness and how much is due to increasing discrimination. Nonetheless the figures do demonstrate experiences of discrimination on the basis of ‘race’ and ethnicity in Irish society.

Table 2: Table 10: Referrals to the ODEI – The Equality Tribunal 2000-2002. Source: ODEI – The Equality Tribunal

	Employment Equality Act			Equal Status Act		
	2000	2001	2002	2000	2001	2002
Race	2	27	43	1	21	26
TC	4	3	4	4	641	741
All Grounds	139	260	309	8	854	989

The NCCRI has also recorded a significant number of racist incidents under its racist incident reporting mechanism (see Annex 1: Role of the NCCRI). These figures are not intended to be a comprehensive analysis of racism in Ireland but do provide an indication about the types of racism which are happening. The figures reveal that 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. Racist abuse and harassment and other forms of cultural disrespect are the most common form of incident reported to the NCCRI.

Table 3: Report Period Covered Number of Incidents Reported to the NCCRI

Period	No.
May 2001-October 2001	41
November 2001- April 2002	40
May 2002- October 2002	67
November 2002-April 2003	48

Based on the Garda recording of racist incidents since 2000, the following tentative conclusion can be drawn:

- While there was a sharp increase in recorded racist incidents in 2002, 2003 figures do not, as yet, match this trend. Conviction figures are consistently low.
- Consistently the most significant offence is ‘criminal damage (not arson)’. The ‘assault causing harm’ and ‘assault minor’ come in at either 2nd or 3rd place, except in 2000 when ‘assault minor’ was replaced by ‘robbery from the person’.
- Victims are more likely to be men than women. Victims of racist incidents are more likely to be in the 20-29 and 30-39 age categories.
- From the available statistics the perpetrators of racist incidents are more likely to be men than women. The perpetrators of racist incidents are concentrated in the 10-19 and 20-29 age categories.

Table 4: Racially motivated incidents by year

Year	Anti-Semitism	Xenophobia	Racism
2000	1	5	65
2001	0	0	43
2002	0	0	102
2003	0	0	68
Total	1	5	278

The government’s Know Racism Campaign - the National Anti-Racism Awareness Programme - recently published results of a survey on opinions on racism and attitudes to minority. The survey by Millward Brown IMS of nearly 1,200 people was conducted in 2003. Key findings include:

- There is a disturbing level of racism in Ireland with 1 in 5 of the general public saying that they have witnessed a racist incident
- There is in general a positive view about ethnic diversity in Ireland with 67% of respondents agreeing that they would socialize with someone from a minority ethnic group just as easily as with someone who is from the majority population
- The poll shows a strong link between non-interaction and negative perceptions about minority ethnic groups in Ireland
- 68% of respondents believe that there is discrimination against the Traveller community, but 72% believe that the settled community is not willing to accept the Traveller community living among them.⁷

Myths and Misinformation

Recent opinion polls would indicate that absurd urban myths about welfare cheques and BMWs are still influencing people’s understanding about diversity in Ireland. The debate

⁷ The full results from the survey are available at <http://www.knowracism.ie/>

continues to revolve around asylum seekers despite the fact that in 2003 there was less than 8,000 applications for asylum compared with 47,000 issued work permits. The Know Racism survey found that, there is still a great deal of myths and misinformation about asylum seekers revealed by the poll in that more people feel that diversity in Ireland is a result of asylum seekers rather than migrant workers where as in reality it is the other way around.

4. Interculturalism

Interculturalism is essentially about interaction, understanding and respect. It is about ensuring that cultural diversity should be acknowledged and catered for. It is about inclusion for minority ethnic groups by design and planning, not as a default or add-on. It further acknowledges that people should have the freedom to keep alive, enhance and share their cultural heritage.

Interculturalism, as a term, has emerged as the dominant conceptualisation in the European context in terms of mediating policy strategies which seek to avoid the identified problems with earlier approaches to integration.

The concept of interculturalism can be distinguished from policies based on ideas of assimilation, or the absorption of minority ethnic groups into the dominant culture. Assimilation was in the past the dominant approach to integration. It has now largely recognised that this approach fails to respect the human rights of minority ethnic groups. The concept of multiculturalism emerged largely as a reaction to the assimilation approach. However criticism of some conceptualisations of multiculturalism have focused on the fact that it constructs minority communities as homogenous entities with no internal divisions. It has also been criticised for failing to address state racism and strengthening systems of power relations within communities.⁸

5. Participation and Inclusion

The proposed framework for the National Action Plan against Racism (NPAR), published by the National Action Plan against Racism Steering Group in July 2003, highlighted the importance of inclusion and participation of minority ethnic groups.

While inclusion, in the proposed framework, is primarily defined as economic inclusion and equality, there is an identified link between the participation of minority ethnic groups in economic realities and inclusion in the democratic process. Consequently participation and inclusion cannot be defined in a limited sense but must address all aspects of life from economics to culture to politics in order to facilitate effective and real inclusion in the democratic process.

The framework defines the participation of minority ethnic groups on three levels: political, policy and community.

At the political level the consultation on the NPAR identifies both the behaviour of political parties and the election of members of minority ethnic groups as important. It

⁸ Patel, P, Back to the Future: Avoiding Déjà Vu in Resisting Racism’.

was suggested that positive action measure should be considered in order to ensure that elected representatives reflect the diversity in Irish society.

Given the realities of the current political system it was acknowledged that minority ethnic participation in policy and decision making will require a range of strategies, including participation in committees, capacity building initiatives and funding. While discrimination exists additional resources are needed to ensure effective participation of vulnerable groups in decision-making.

Even in a context of adequate resources and support participation in policy-making, the political system is dependent on active participation at a community level. Without effective integration measures and participation in local decision making it will be impossible to bridge the gap between vulnerable communities and the broader democratic process.

6. Political Parties

It is to be welcomed that there is a broad consensus within political parties in Ireland to address racism. All the political parties have signed the Anti-Racist Political Protocol, which they re-endorsed on 21 March 2004.

However the blaming of minority ethnic groups for creating racism in Ireland and the adoption of racist slogans and language does have resonance with the approach adopted by extreme organisations in other European countries.

In particular the NCCRI is concerned about the emergence of a number of new terms in recent weeks such as ‘welfare shopping’ and ‘citizenship tourism’.

It is important that the tone and context of any political debate does not provide a context which is conducive to racism. Public representatives, political parties, candidates and the media all have specific roles to play in this regard.

Anti-Racism Political Protocol

The protocol is a partnership initiative between the NCCRI and the main political parties. It provides a range of important commitments, including:

- Political parties, their candidates and election workers agree to send a clear and consistent message that they reject racism
- Parties agree to condemn any campaign materials susceptible to incite hatred
- Parties agree to ensure that debate in relation to groups such as refugees, asylum seekers, Travellers or any potential target of racism is conducted in a responsible way
- Parties agree to use appropriate and inclusive language to avoid creating prejudice or confusion
- Parties agree to inform all party political campaigners about the Protocol.

In short the protocol is not about stifling debate but ensuring the debate related to the conduct of elections is conducted in a responsible way, which respects the dignity and

rights of all the electorate and in particular those groups that can and have experienced racism.

7. Media

The media has both a positive and a negative role to play in fighting racism and promoting interculturalism in Ireland. The deliberate defamation of a particular group has demonstrated links with racist violence and racist crime. In Ireland one of the most illustrative examples of this in recent years has been the experiences of asylum seekers. The media has an important role in addressing processes of labelling and misinformation, as well as in promoting respect for diversity.

In its work the NCCRI has come across numerous examples of both the negative and positive role the media can play in the lives of members of minority ethnic groups in Ireland. For example over European Week Against Racism and beyond four major broadcasting companies in Ireland North and South, TV3, RTE, TG4 and UTV, are showing public information adverts to highlight cultural diversity and the need to address racism in Ireland.

The NCCRI recognises that responsibility for accurately and fairly representing minority ethnic groups in media extends beyond individual journalists. As Nuala Haughey writes:

The responsibility to cover developments in the refugee/asylum/'race' area ethically and fairly extends from the media owners to individual journalists, politicians and policy-makers, officials, trade unionists, NGOs, the Churches and the public, including minority ethnic groups. We each have a role and an obligation to fulfil it.⁹

8. Local and European Elections

Anyone resident in Ireland from September 1st 2003 is entitled to vote in the local elections, including migrants to Ireland who have been resident since this date, as long as they register to vote. The supplementary electoral registration list, which enables someone to vote in the local elections is open until May 24th for those who have not registered already. We know from contact with groups working on the ground that there has already been progress and many hundreds of additional people have registered already in recent months.

The NCCRI has also been involved in activities aimed at facilitating participation of foreign nationals in the forthcoming local elections.

These elections form a very relevant channel for the political participation of foreign nationals in Ireland, as one does not have to be an Irish citizen to vote or stand for local election. In recent weeks a number of candidates from minority ethnic backgrounds have announced their intention to stand in the local elections.

⁹ Haughey, Nuala (2001) 'The Media and Racism', in Farrell, F. and Watt, P. (eds.) Responding to Racism in Ireland, Dublin: Veritas, p.136

The NCCRI, in partnership with Integrating Ireland, has produced an information pack for foreign nationals on their participation in the upcoming elections.

9. Recommendations

The NCCRI welcomes the terms of reference of the Democracy Commission, in particular its mandate to enquire into ‘the capacity of democratic structures Northern and South to promote intercultural dialogue and multi-ethnic life’. In considering democracy and diversity in Irish society the NCCRI recommends that the Commission:

- **Expand its consideration beyond citizens:** Racism in Ireland is experienced regardless of legal status, nationality or citizenship. The upcoming local elections are open to participation by everyone who is normally resident. Consequently the NCCRI believes that the Commission should expand its consideration beyond the legal definition of a ‘citizen’, as identified in the request for submissions.
- **Adopt a holistic approach:** Political participation cannot be separated from other aspects of life: social, economic or cultural. Consequently the Commission should recognize that experiences of discrimination and racism in all sectors of society undermine the political participation of minority ethnic groups.
- **Explore the role of positive measures:** Drawing on experience in other jurisdictions and sectors the NCCRI would recommend that the Commission specifically consider the role and impact of positive measures in promoting the participation of minority ethnic groups. Specific focus should be given to vulnerable groups within minority ethnic communities.
- **Promote the role of democratic institutions in combating myths and misinformation:** The propagation of myths and misinformation about minority ethnic groups seriously undermines the fight against racism. The Commission should explore the specific role of democratic institutions, and the media, in overcoming these myths.
- **Recognize the importance of resources in ensuring effective participation:** Minority ethnic groups cannot effectively participate in policy and decision making without sufficient resourcing. The Commission should recognize the significance of resource concerns in promoting inclusion.
- **Consider the importance of data collection:** Data is essential in tracking discrimination and monitoring the effectiveness of policies to combat racism and promote interculturalism. The Commission should include a focus on the importance of data collection in terms of evaluation of the role of democratic institutions in ensuring participation of minority ethnic groups.

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Annex 1: Role of the NCCRI

The NCCRI was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organizations to:

- Develop an inclusive and strategic approach to combat racism by focusing on its prevention and promoting an intercultural society
- Contribute to policy and legislative developments and seek to encourage dialogue and progress in all areas relating to racism and interculturalism
- Encourage integrated actions towards acknowledging, celebrating and accommodating cultural diversity
- Establish and maintain links with organisations or individuals involved in addressing racism and promoting interculturalism at national, European and international level
- Provide a national framework for responding to and consulting with key European and international bodies on issues related to racism and interculturalism.

As an expert organisation on racism and interculturalism, the NCCRI:

- Provides advice and technical assistance to government and non-government organizations to enable them to implement anti-racism and intercultural strategies
- Seeks to inform policy through for example submissions to a range of government and statutory agencies to heighten awareness of the anti-racism and intercultural policy perspectives
- Organises thematic roundtables, seminars and conferences to encourage dialogue and information exchange.

The NCCRI established a Training and Resource Unit in May 2000 to provide anti-racism and intercultural awareness training to government and non-government organisations and other groups. In August 2000 the Community Development Support Unit (CDSU) was set up to provide assistance and support to community groups working with minority ethnic groups. 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. Incidents are compiled into six-monthly reports, which aim to identify key issues arising from incidents logged and to make recommendations to the Government