

**National Analytical Study
on Racist Violence and Crime**

RAXEN Focal Point for IRELAND

**Equality Authority & National
Consultative Committee on Racism and Interculturalism
(NCCRI)**

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EXECUTIVE SUMMARY

The recent demographic change in Ireland has given rise to considerable debate about diversity and the achievement of an intercultural reality for all who live here. However one of the more sinister developments associated with this change has been the increasing frequency of recorded racist violence and racist crime. This report aims to provide an overview of some of the key developments in terms of policy and legislative, the experience of racist violence and racist crime by black and minority ethnic groups, including the Traveller community,¹ and strategies which have been put in place to deal with the phenomenon of racist violence and racist crime.

The first part of this report deals with the political climate in Ireland. Unlike other European countries Ireland does not have a far right or extremist party of electoral significance. However that is not to say that the language associated with such groups has not found space within the popular debate. While all the major political parties have demonstrated their commitment to anti-racism there are some small groups and individuals who continue to play the 'race' card. A number of reports and studies have highlighted the existence of racist and xenophobic attitudes in Ireland. A survey published by the Irish Times in September 2003 found that 65 percent of young people believe that Ireland is becoming more racist.

The second part of this report looks at the range of relevant legislation in Ireland. The first body of legislation is that which deals with incitement to hatred. The primary piece of legislation in this area is the Prohibition of Incitement to Hatred Act 1989 which makes the use of words, behaviours and the publication or distribution of material which is threatening, abusive or insulting and are intended, or likely, to stir up hatred, illegal. This legislation has had a somewhat rocky history and is currently under review. Prior to its review there were no successful convictions under the Act. The Video Recording Act 1989 is also relevant in tackling the production of material which is intended to incite hatred.

In Ireland many racist crimes fall within the remit of general criminal legislation. In addition to constitutional guarantees, the Public Order (Criminal Justice) Act 1994 deals with many of the offences which are commonly associated with racist activity. The Non Fatal Offences against the Persons Act 1997 created several new assault and other offences. Also relevant is the Criminal Law Act 1997. The wearing of neo-Nazi symbols is not specifically identified as a crime in the Irish legislation.

The Irish government is in the process of fully implementing EU Directive 2000/43 EC (also known as the Race Directive), and has expressed its intention to do this through an Equality Bill which will amend the Employment Equality Act 1998 and the Equal Status Act 2000. Both of which currently have provisions against harassment on the grounds of race and membership of the Traveller community.

¹ Hereafter minority ethnic groups.

There are a number of monitoring systems which attempt to record incidents of racist violence and racist crime in Ireland. An Garda Síochána² recently finalised a definition of a racist incident, this definition is central to the recording of racist motives in the PULSE computerised system. The National Consultative Committee on Racism and Interculturalism (NCCRI) initiated an informal monitoring system in May 2001.

The third section of this report details the availability of data on racist violence and racist crime in Ireland. 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. In Ireland the Garda recording system has only recently begun to record racist incidences, while the last national crime survey in 1998 did not contain a category on racist incidents, neither did it collect data on the ethnic identity of respondents. Emerging official data can be augmented with reference to other data sources including the NCCRI, the Equality Authority case work, decisions of the ODEI – The Equality Authority, and NGO sources.

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 percent of all indictable crime.³ There is evidence of the existence of racist crime and racist violence in Ireland however no clear picture has yet emerged as to the extent of this problem. This is primarily due to the relevantly recent nature of data collection mechanisms, and problems of underreporting. Nevertheless a number of tentative conclusions can be drawn from the existing data.

The fourth part of this report attempts to provide a preliminary analysis of the existing data in Ireland. Recorded incidents point to the influence of national and international contexts in terms of the experiences of racist violence and racist crime. For example the perpetration of myths and misinformation can feed directly into racism, in particular information exaggerating about the entitlements of asylum seekers often leads to cases of abuse. There is some evidence which suggests that there has been an increase in racist incidents since 1999, however these figures need to be put in the context of improved recording mechanisms. While victims and perpetrators of racist crime can be loosely equated with the victims and perpetrators of mainstream crime, it is clear that racism can be experienced regardless of legal status. Where it does occur the experience of racist crime and violence can have a profound effect on the individuals involved, in some cases even prompting them to leave Ireland. There is some data which suggests that public opinion may overestimate the preponderance of racist crime in Irish society. For example a Garda survey found that while many respondents identified racism as a serious problem in the country as a whole, far fewer identified it as a serious problem in their own local area.

Part five of this report provides an overview of some of the strategies, initiatives and good practice which have been put in place to deal with racist crime. In terms of legislative developments the Prohibition of Incitement to Hatred Act 1989 is currently

² An Garda Síochána is the national police force of Ireland, this Irish term literally means 'Guardians of the Peace'. This term is often used in its shortened version: the 'Garda' (singular) or the 'Gardaí' (plural). In popular discourse the police force is also referred to as the 'Guards'.

³ Indictable crime is the most serious form of crime and is now known as 'headline crime' in Ireland.

under review due to concerns about its effectiveness. In addition the National Action Plan against Racism (NPAR) will provide an opportunity to identify key issues relating to racism in Ireland and priorities for overcoming them.

The Gardaí have adopted a proactive approach to combating racism in Irish society, and responding to the needs of minority ethnic groups. The Garda Victims Charter and the Policing Plan both contain elements which facilitate this objective. The recently established Garda Racial and Intercultural Office has published two booklets, the first is a guide for members of the police force, while the second provides information for minority ethnic groups living in Ireland. A number of specialised bodies have emerged in recent years whose activities are, or will be, relevant in combating and dealing with racist crime and racist violence in Ireland. These include the National Crime Council, the Equality Authority, the ODEI – The Equality Tribunal, and the NCCRI. The government's public awareness initiative 'Know Racism' seeks to contribute to a society where racism and racist crime are not tenable. In addition there have been a number of NGO initiatives which have targeted racist crime and racist violence.

In recent years some successful cases have emerged under the Prohibition of Incitement to Hatred Act. There have also been convictions under other elements of criminal law in cases with a racist motive. Given the low levels of reporting of racist incidents in Ireland it is hardly surprising that the number of successful court cases has been very limited.

This report concludes by making five broad recommendations. The first area for consideration is that of policy and legislation development, including the expansion of the review of the Prohibition of the Incitement to Hatred Act. The second recommendation calls for the establishment of formalised interagency coordination in order to deal with the general area of racist crime and racist violence. The third set of recommendations highlight the need to enhance the work and initiatives of the Gardaí. The fourth broad recommendation concerns the work programme of the recently established National Crime Council and the Expert Group established in 2003 to examine methods of collating crime statistics. The fifth recommendation recognises the need to address the fears of minority ethnic groups. The final recommendation addresses the data and research gaps and suggests mechanisms for improving the current availability of data and analysis.

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GLOSSARY

Traveller community: According to the Equal Status Act 2002, Traveller community means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

Refugee: According to the Refugee Act 1996, a refugee means a person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country. An asylum seeker is a person who has applied for refugee status.

National Minority: The term national minority is not legally defined in Irish law, though the State recognises the special position of Ireland's Traveller community.⁴

Migrant: The term migrant is taken in this report to mean any person who leaves home in order to seek a better standard of living. This report recognises that the term is applicable to those persons who move within their own country or across international borders, though it is the latter context which has greatest relevance to the material contained in this report.

Discrimination: Direct discrimination occurs when a person is treated less favourably than another, in similar circumstances, because of his or her 'race', ethnicity, national origin, nationality or colour. Indirect discrimination is about practices or policies which seem fair at first sight but which in effect, either intentionally or more often unintentionally, result in discrimination against some minority ethnic group or groups.⁵

Racism: In the Irish context racism is can be summarised as a specific form of discrimination based on skin colour and ethnicity, which deprives people of their basic human rights and denies people of their human dignity and respect. Institutional racism happens when the practices, policies and attitudes of institutions result in the systematic exclusion of some minority groups, either consciously or unconsciously.⁶

Racist Violence: The term racist violence is understood to mean violence that is in part or in total motivated by racism. Racist violence is not restricted to physical abuse. Racist harassment may be either verbal or physical and includes attacks on property as well as the persons, suffered by individuals because of their colour, race, nationality or ethnic or national origin.

Racist Crime: The term racist crime is taken to mean any criminal activity which is motivated by racist.

⁴ Ireland (2001), Report Submitted by Ireland Pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, p. 5. [PUBIE0129]

⁵ NCCRI (2001) Guidelines on Anti-Racism and Intercultural Training, Dublin: NCCRI, p. 5 [PUBIE0135]

⁶ NCCRI (2001) *ibid.*, p. 5 [PUBIE0135]

Perpetrator: The description ‘perpetrator of racist violence and racist crime’ is taken to mean any individual or group which engages in violent or criminal activity which can be identified as racist in motive.

ABBREVIATIONS

CIC	Citizen’s Information Centre
CSO	Central Statistics Office
CTA	Common Travel Agreement
DASS	Directorate for Asylum Support Services
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
FLAC	Free Legal Aid Centre
IRC	Irish Refugee Council
ITM	Irish Travellers Movement
NAPS	National Anti-Poverty Strategy
NAPincl	National Action Plan against Poverty and Social Exclusion
NCCRI	National Consultative Committee on Racism and Interculturalism
NDP	National Development Programme
NESF	National Economic and Social Forum
NPAR	National Action Plan against Racism
ODEI	Equality Tribunal
RIA	Reception and Integration Agency
WCAR	World Conference against Racism

1. INTRODUCTION

Racist Violence and harassment can take several forms, ranging from the relatively rare but serious incidents of murder and serious assault to the more frequent incidents of racist abuse and threatening behaviour. The increasing diversity of Irish society has provided a context in which the question of racist violence and racist crime has come to the fore.

Building on the report completed under RAXEN 3, this report involved a review of new and existing studies and resources, including academic papers, government policy documents, NGO reports, media, web sites and other data sources. It also draws on contacts with individuals working on anti-racism initiatives in Ireland. The publication codes from the RAXEN mapping exercise have been added to the relevant footnotes, these codes appear in square brackets.

Ireland is rated one of the 'safest' countries in the world, with relatively low levels of serious crime. Consequently any discussion of racist violence and racist crime needs to be put in this overall context. Despite emerging knowledge and data regarding racist crime and racist violence in Ireland, there are still significant gaps both in terms of the quantitative analysis of this phenomenon but also in terms of its underlying causes and the most effective means of combating such practices. Thus any discussion of experiences of racist violence and racist crime in Ireland is necessarily a preliminary one, which relies heavily of limited quantitative evidence and qualitative analysis.

Consequently this report has been divided into five main sections. The first provides an overview of the political climate in Ireland, highlighting the role of political parties as well as evidence of attitudes towards migrants and minorities generally. The second section details the existing legislative framework in terms of combating racist violence and racist crime. The third section gives an overview of available data on racist crime and racist violence in Ireland, it does this in the context of general crime statistics in order to facilitate a comparative analysis. The analysis in part four the report makes a number of preliminary conclusions regarding the nature and impact of racist crime and racist violence in Ireland. The final section looks at good practice, this section does not aim to be an exhaustive overview but rather to provide examples of the types of initiatives which are ongoing at both the governmental and non-governmental level. The report concludes by making a number of recommendations regarding the need for interagency coordination, the strengthening of initiatives within An Garda Síochána, the role of the National Crime Council, the need to combat fear amongst minority ethnic groups, and the need for enhanced data and recording practices.

2. THE POLITICAL CLIMATE

Although Ireland, unlike many parts of Europe, does not have a far-right party of electoral significance, there has been the emergence of an anti-migrant rhetoric in recent years. Studies have demonstrated increases in negative attitudes to minority ethnic groups.

Tackling racism and racist crime is now a more important public policy issue than it was a few years ago. Factors which have facilitated this increased policy focus include:

- The increased awareness about racism arising from the outcomes of the MacPherson Report in Britain
- The emergence of the Rotterdam Charter on Policing, which has augmented 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 role of NGOs working closely with minority ethnic groups
- Studies which have demonstrated negative attitudes towards minority ethnic groups in popular opinion

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

- Racism experienced by the Traveller community on the basis of their distinct ethnic and nomadic identity
- Racism experienced by refugees and asylum seekers
- Racism experienced by black and minority ethnic groups on the basis of their skin colour and ethnic identity
- Racism experienced by, and the potential exploitation of migrant workers
- The particular forms of racism experienced by women from minority ethnic groups.⁷

2.1. EXTREMIST POLITICAL PARTIES AND ORGANISATIONS

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 (Parliament) have signed an anti racism protocol governing the conduct of elections.⁸ 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'.⁹

⁷ Farrell, F. and Watt, P. (eds) (2001) Responding to Racism in Ireland, Dublin: Veritas, p. 13 [PUBIE0141]

⁸ The text of the Protocol is contained in: Annex 6: Political Protocol

⁹ Irish Times (25.10.03)

To date there has been little evidence that extremist and far right groups are significantly supported in Ireland however that is not to suggest that Ireland has escaped the phenomenon of blaming minority ethnic groups for social problems. During the general election in 2002 terms such as 'Ireland for the Irish', 'floods', and 'invasions' were used by a small number of groups and individuals. During the campaign for the ratification of the Nice Treaty in 2002 a number of those against the Treaty adopted anti immigration arguments.¹⁰

The National Consultative Committee on Racism and Interculturalism (NCCRI) has 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 called 'NSRUS' – the Neo-Nazi National Alliance, based in New York. In July 2003 it was reported in the media that NSRUS withdrew their recruitment drive from Ireland claiming that Ireland was not ready for the white supremacist viewpoint.

The circulation of misinformation and offensive and outright racist material can play a role in contributing to the conditions where racism, including racist violence is more likely to occur. For example in 2003 a leaflet was circulated in Kerry looking for 'racially conscious white men and women' who are 'disgusted; about what is happening in Ireland' and it advertised a website and mobile number to ring.

2.2. POPULAR ATTITUDES TOWARDS MIGRANTS AND MINORITIES

Incidents of anti-Semitism, relations between settled society and Travellers, and the North-South divide, all point to historic and ongoing societal difficulty with the idea of religious and social diversity. A number of surveys and studies, from a variety of sources, in recent years have demonstrated existing and emerging negative attitudes in popular opinion.

As the first progress report of the Committee to Monitor and Co-ordinate the implementation of the Recommendations of the Task Force on the Travelling Community points out:

A marketing research survey was commissioned by the Traveller Communication Committee in February 2000 as part of its 'Citizen Traveller' campaign. The survey showed that there were very few people who would express very favourable attitudes towards Travellers... Five years after the publication of the Task Force report there is still a lot of ground to be made up in improving attitudes to Travellers among the settled community.¹¹

The EU survey, the 'Eurobarometer' (2001) shows that there is a degree of suspicion in Irish society towards ethnic diversity, though Ireland is still ranked closer to the bottom of

¹⁰ It should be noted that many of those arguing against the Nice Treaty distanced themselves from this argument.

¹¹ Department of Justice, Equality and Law Reform (2000) First Progress Report of the Committee to Monitor and Co-ordinate the implementation of the Recommendations of the Task Force on the Travelling Community, Dublin: Department of Justice, Equality and Law Reform, p. 28 [PUBIE0104]

the league of European States in terms of discrimination on the grounds of race or ethnicity. The Eurobarometer found that 15 percent of people had witnessed discrimination on the grounds of race or ethnicity.

Amnesty International's Report on Racism in Ireland (September 2001) paints a stark picture: 78 percent of members of ethnic minorities have experienced racism, while over 80 percent of respondents agreed that racism is a serious problem in Ireland. The African Refugee Network, an NGO working closely with Black African communities in Ireland undertook a small case study that found that more than a third of African refugees in Dublin have experienced verbal or physical abuse.¹²

In 2001 a Report Commissioned by the Department of Justice, Equality and Law Reform provided an overview of existing research into racist attitudes in Ireland. This report concluded that the degree of hostility expressed towards minorities has increased, levels of hostility are highest among older, rural-based people, particularly those with lower levels of formal education, and racism is experienced by minorities in their every day lives.¹³

In its 2001 second report on Ireland the European Commission against Racism and Intolerance (ECRI), drew attention the fact the asylum has become central to any debate on racism in Ireland. The report concluded that:

There is a tendency to perceive all members of minorities as asylum seekers and to treat them in a negative fashion as a result, and to reject the concept that a person might be both black and Irish. Again, ECRI stresses the need for the effective implementation of the legislation in force to combat such manifestations, coupled with further awareness-raising among the general public.¹⁴

The results of a survey of young people published in the Irish Times in September 2003 found that 'Some 65 per cent agree that Ireland is becoming more racist, 30 per cent disagree and 8 per cent don't know or gave no opinion'.¹⁵

¹² Irish Times (06.08.02)

¹³ Garner, S. and White A. (2001) Racist Attitudes in Ireland: Baseline Research for the Anti-Racism Awareness-Raising Programme, Dublin: Department of Justice, Equality and Law Reform, pp. 4-5 [PUBIE0063]

¹⁴ ECRI (2001) Second Report on Ireland, p. 18

¹⁵ Brennock, M. (2003) 77% worry about crime, street violence, in: The Irish Times (20.09.03)

3. LEGISLATION/POLICIES ON RACIST VIOLENCE AND CRIMES

There is a range of legislation in Ireland that provides protection against discrimination, assault and incitement in Ireland. Despite the fact that ‘there is no provision in the law for racially aggravated offences attracting heavier penalties’,¹⁶ there are a range of legal instruments which have been used in cases of racist violence or crime. The wearing of neo-Nazi symbols is not identified as a specific crime in the Irish legislations.

3.1. THE PROHIBITION OF INCITEMENT TO HATRED ACT 1989

The use of words, behaviour or the publication or distribution of material which is threatening, abusive or insulting and are intended, or are likely, to stir up hatred are prohibited under the Prohibition of Incitement to Hatred Act 1989. A person found guilty of an offence under the Act is liable to a fine or 6 months imprisonment or both, and on conviction on indictment a fine or imprisonment for up to 2 years, or both. The Prohibition of Incitement to Hatred Act, is currently being reviewed in the Department of Justice, Equality and Law Reform with a view to improving its effectiveness.

The *Video Recording Act 1989*, aims to prevent generally undesirable video works from being supplied to the public. Among the grounds on which the Official Censor can conclude that a video recordings should not be classified as fit for viewing are that the viewing of the video would be likely to stir up hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins.

3.2. CRIMINAL LAW

There is a range of legislation in Ireland that protects 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 racist violence. The Irish constitution guarantees a range of other rights including: protection from unjust attack, freedom of expression, freedom of association, rights to primary education, and freedom of religion.

The Public Order (Criminal Justice) Act, 1994 deals with offences such as:

- Disorderly conduct in public place
- Threatening, abusive or insulting behaviour in public place
- Distribution or display in a public place of material which is threatening, abusive, insulting or obscene

¹⁶ Haughey, N. (2002) Gardai to record racially motivated incidents, in: The Irish Times (10.12.02) [PUBIE0200]

- Entering buildings etc., with intent to commit an offence
- Riot
- Violent disorder
- Affray
- Blackmail, extortion and demanding money with menaces
- Assault with intent to cause bodily harm
- Assault or obstruction of a police officer

The Non Fatal Offences against the Person Act 1997 created several new assault and other offences. This comprehensive Act has updated and modernised the existing law relating to various forms of assault, threats to kill or cause serious harm, poisoning, false imprisonment and abduction of children as well as introducing a number of new offences. The Act has measures dealing with:

- Assaults
- Offences relating to violence or threats of violence involving syringes and/or blood
- The offence of harassment which is aimed at what is commonly known as 'stalking'
- Debt collection with threats or menaces
- Coercion
- Endangerment
- Poisoning or administration of substances intended to interfere with bodily functions
- The use of reasonable force in protecting oneself, ones family and property from criminal activity.

The Criminal Law Act 1997 abolished the distinction between a felony and a misdemeanour, and provides for a range of offences generally relevant to prosecution against violence and crime in Ireland.

3.3. ANTI-DISCRIMINATION LEGISLATION

The date for the implementation of the Council Directive 2000/43/EC was settled by the end of 2003 by the Irish government, failing to meet the deadline of 19 July 2003 as set down by the EU. It has been proposed that this will be achieved through the introduction of a Bill to amend the Employment Equality Act and the Equal Status Act.

The Employment Equality Act 1998 prohibits discrimination in relation to employment on nine distinct grounds - gender, marital status, family status, sexual orientation, religion, age, disability, race (including nationality) and membership of the Traveller community. The Equal Status Act prohibits discrimination in the disposal of goods to the public, the provision of services or of accommodation to the public, certain disposals of

property, education, and advertising, on the same grounds as those included in the Employment Equality Act.¹⁷

3.4. INTERNATIONAL DEVELOPMENTS

Ireland ratified the *United Nations International Convention on the Elimination of all Forms of Racial Discrimination* in December 2000. The Convention entered into force on 28 January 2001.¹⁸ Ireland has signed up to the Article 14 complaints mechanism, and entered one reservation, in relation to freedom of speech, on ratifying the Convention. Under Article 4 of the convention states are obliged to make it an offence to disseminate ideas based on racial superiority and ban all organisations that incite racist discrimination. Article 5(b) provides for the right to security of the person and the protection by the State against violence or bodily harm.

Protocol 12 to the European Convention on Human Rights is designed to strengthen the protection against discrimination on the grounds of race, colour, language, religion or national or ethnic origin. Ireland has signed Protocol 12 but it has not yet come into force. Under the current equality legislation freedom from discrimination on grounds of language, political or other opinion, social origin, property or birth are not covered.

Ireland ratified the Council of Europe *Framework Convention for the Protection of National Minorities* on 7 May 1999. Ireland submitted its first report under the Framework Convention on 13 November 2001. In Article 4.1 of the Framework Convention the Parties undertake to guarantee to persons belonging to national minorities the right to equality before the law. In this respect, any discrimination based on belonging to a national minority is prohibited. Article 6.2 states that the parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

The European Convention on Human Rights Act was signed into law by the President on 30 June 2003. The main purpose of the Act is to give further effect in Irish law to certain provision of the European Convention on Human Rights (ECHR). The implementation of this Act means that people who wish to claim that these rights are being breached many now do so, in accordance with the provisions of the Act, before the national courts. Article 14 of the Convention states that the rights and freedoms set forth in the convention shall be secured without discrimination on any ground including race, colour, national minority status or national or social origin.

¹⁷ The legislation in Ireland is relatively recent in respect of protection from discrimination on grounds related to racism. The first full year of operations for the Employment Equality Act was 2000 and the first full year of operations for the Equal Status Act was 2001.

¹⁸ The Irish Government's delay in ratification was in latter years due to the need to bring in domestic legislation that would give the Convention substance in Ireland, i.e. the equality legislation in the form of the Employment Equality Act and the Equal Status Act.

3.5. MONITORING SYSTEMS

As a consequence of increased awareness of the need to collect data the Gardaí approved a definition of what constitutes a racist incident. According to the new definition, which draws on the report of the Stephen Lawrence Enquiry in the United Kingdom, a Racist Crime is 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 victim.

The new Garda information system, PULSE has been adapted to record racist incidents but it is likely that such statistics will only be fully published in the Garda Annual Report of 2003 (due in 2004).

In May 2001 the NCCRI established a voluntary procedure for reporting racist incidents in Ireland.¹⁹ It publishes a report every six months of the incidents logged. The majority of the incidents that are included in these reports 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. The data that is generated by this reporting system is primarily qualitative and indicative of key issues that need to be addressed. The NCCRI states that:

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 incidents.²⁰

The Equality Authority has statutory powers and responsibility for overseeing and monitoring the Equal Status Act 2000. Moreover, the Equality Authority has a public information role and is responsible for mainstreaming equality and initiating equality actions throughout the state.²¹ The Employment Equality Act 1998 established the ODEI – The Equality Tribunal, a quasi-judicial body that appoints Equality Officers to hear and decide claims of discrimination in employment under equality legislation.²²

The Ombudsman's Office was set up in 1984 to examine complaints from members of the public who feel that they have been unfairly treated in their dealings with public bodies. The Ombudsman has extensive powers in law. She can demand any information, document or file from a body complained of and can require any official to give information about a complaint. The Ombudsman has no power to force a body to accept or act upon her recommendation. However if it does not, she may find it necessary to make a report on the matter to Parliament.²³

¹⁹ Reporting forms are available at: www.nccri.com

²⁰ NCCRI, Report of Incidents Related to Racism in Ireland, available at: www.nccri.com (03.12.03) [PUBIE0147]

²¹ Further details available at: www.equality.ie

²² Further details available at: www.odei.ie

²³ Further details available at: www.ombudsman.gov.ie

In addition Ireland reports to a number of relevant international bodies, for example the first report to the Committee on the Elimination of all Forms of Racial Discrimination is currently being finalised.

4. DATA ON RACIST VIOLENCE AND RACIST CRIMES

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. The primary sources of information on crime in the Republic of Ireland are contained in An Garda Síochána Annual Report and before the year 2000, the Report of the Commissioner of An Garda Síochána.²⁴ 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 study, until very recently, crime statistics collected by the Gardaí were not disaggregated in a way that would provide information on racist incidents.²⁵

In recent years the Garda PULSE system has begun to provide a valuable source of data on racially motivated crime and violence. This picture can be augmented with reference to other relevant sources such as the NCCRI monitoring system, NGO reports, Equality Authority case work, and the decisions of the ODEI – The Equality Tribunal.

4.1. OVERALL CRIME IN IRELAND

Statistics in respect of the year 2002 have demonstrated that the number of headline offences continued to rise.²⁶ The total number of headline offences recorded in the year 2002 increased to 105,849, with larceny accounting for the vast majority of these. Theft was the most significant area of increase. The number of murders fell by one to 51 in 2002 though sexual offences increased again. The number of assaults continued to

²⁴ The Commissioner's Report provides an overview of the activities of the Gardaí in the relevant year between 1947 and 1999. The Commissioner's Report provides detailed information on indictable 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 such as domestic violence and missing persons. There is no section on racist crime or no disaggregation of indictable or non-indictable offences to record racist crime, including violence. Partial statistics on crimes in Ireland are also available going back into the nineteenth century.

²⁵ 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.

²⁶ These figures were extracted from the PULSE system at the end of March 2003 and may be subject to slight change prior to the publication of the Garda Annual Report. The Garda Síochána Annual report of 2001 published in 2003 was the second to draw on the data generated under PULSE.

increase. Table 2 summarises the change in recorded headline offences from 2001 to 2002. There is some evidence which suggests that the rise in violent crime peaked in 2002, and has now begun to decrease.²⁷

The 2002 survey of Garda public attitudes found that 84 percent of crimes were reported to the Gardaí, amongst the main reasons for not reporting crime was the belief that the Garda could not do anything, and the belief that there was no chance of recovering property.

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.

To date two such surveys have been conducted in Ireland. The first by the Economic and Social Research Institute in 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 racist assaults. Comparison between the surveys was made difficult because of different methodologies adopted and the way data was reported.

The 1998 report found that 0.5 percent of respondents were the victims of any type of physical assault (Table 1: Percentage of Persons aged 18 years and over who were the victims of theft with violence and physical assault). The majority of victims were male aged between 18-24 years. 62.7 percent of assaults were reported to the Gardaí. The main reasons for not reporting were that the assault was not serious enough, or that the victims had solved it themselves.

4.2. RACIST VIOLENCE AND RACIST CRIME

The Garda figures record just 12 racially motivated incidents in 1999²⁸ and 65 in 2000. However these figures are likely to be unrepresentative 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. 43 offences were recorded in 2001 where the motive was racist. 102 offences with a racist motive were recorded in

²⁷ Press Release (2003) 9% Decrease in Headline Crime for the first quarter of 2003 – McDowell welcomes reversal in upwards trend of last two years, available at: www.justice.ie (17.11.03); Press Release (2003) Decrease in Violent Crime noted in first 9 months of 2003, available at: www.justice.ie (17.11.03)

²⁸ Irish Times (15.05.02).

2002.²⁹ Provisional figures for the year 2003 indicate that 68 incidents with a racist motive were recorded up until the December 2003 (Table 3a +3b: Racially motivated incidents by year and type of incident). The Garda Racial and Intercultural Office, established in 2001, considers that there is likely to be increasing levels of reporting and recording in relation to racially motivated crime in the coming years.

According to the Garda PULSE system 17 court proceedings were initiated in 2000 related to alleged racist incidents, 22 in 2001, 107 in 2002, and 25 to date in 2003 (Table 4: Counts of proceedings for racially motivated incidents).

According to the Annual Report of the Garda Síochána for 1998 one non-indictable case involving an alleged breach of the Prohibition of Incitement to Hatred Act was referred to the Director of Public Prosecutions. No incidents were recorded in 1999. In the year 2000, proceedings were taken in 6 non-indictable offences, for which 4 convictions were recorded. In 2001, eight headline offences under the Act were recorded by the Gardaí and one case resulted in a conviction. Also in 2001 proceedings were taken in 12 non-headline offences under the Act, resulting in three convictions. Provisional statistics for the year 2002 also show eight headline offences under the Act.³⁰

Garda crime statistics are not compiled on a county basis, as these do not always coincide with their Divisional structures.

In the 2002 survey of Garda public attitudes new questions were added on racist incidents, though given the selection of the sample from the electoral register the number of reported victims of racist incidents was not expected to be large.³¹ The survey found that:

Some 200 respondents (2%) answered that they had ever been subjected to a racist incident, 22 (11%) of whom said they reported the incident.

The main reasons for not reporting were that it was not serious enough, that the Gardaí could not do anything about or that they would not do anything. Asked if they had ever been subjected to a racist incident by a Garda, 21 respondents said they had... Two thirds of respondents agreed with a statement in another section of the survey that people who are different are likely to experience ridicule or personal attack on our streets.³²

In order to get more specific information on perceptions of the crime problem respondents were asked to identify whether they thought specific crimes were a major or minor problem, or no problem at all. In terms of their own local area 6 percent thought race/hate crime was a major problem, 26 percent thought it was a minor problem and 61 percent felt it was not a problem at all. In the country as a whole 44 percent thought it was a major problem, 44 percent thought it was a minor problem while 8 percent felt it was not a problem at all.³³

²⁹ PULSE does have a category for recording crime which is anti-Semitic nature, though according to the Garda Racial and Intercultural Office no such instances were recorded in 2003.

³⁰ Minister for Justice, Equality and Law Reform, *ibid.*

³¹ In terms of the profile of respondents 99.1 percent identified as white, 0.2 percent as a member of the Traveller community and 0.6 percent as other.

³² Garda Research Unit (2002) *ibid.*, p 19

³³ Garda Research Unit (2002) *ibid.*, p 19

4.3. ALTERNATIVE SOURCES OF DATA

Alternative sources of data serve to augment official and quantitative data. In Ireland these include the NCCRI, the case work arising from the anti-discrimination legislation, and non-governmental reporting mechanisms.

National Consultative Committee on Racism and Interculturalism

In its latest report, covering the period from November 2002 to April 2003 the NCCRI recorded 48 racist incidents.³⁴ 75 percent of incidents are reported as occurring in the greater Dublin area, 19 percent of incidents are reported as occurring in urban areas outside of Dublin, and 6 percent of incidents are reported as occurring in predominantly rural areas. 12 percent were experienced by women and 58 percent by men. The majority of incidents were targeted at adults. However children were present for a minority of the incidents. The report found that racism is experienced regardless of legal status, with 20 nationalities identified as experiencing racism in this six-month period. The report stated that 'racist abuse and harassment... was the most common form of incident reported'.

Examples of racist incidents during this period include:

- A Cameroon man and his family experienced hostility at their place of residence on four occasions in a Limerick housing estate including racist jokes and verbal abuse. On the last occasion a petrol can was set on fire outside his front door while he and his family were inside the house.
- A Kosovan man and his Irish wife were subjected to racist verbal abuse, death threats and damage to their property in a Dublin suburbs by a gang of youths. The family were so scared that they confined themselves to their house and only went out in their car. They were too afraid to formally report it to the Garda for fear of reprisals.
- An Algerian man was seriously assaulted in Dublin city centre by a group of men and women, hit by an iron bar and kicked in the head. He had to go to casualty. He reported the incident to the Gardaí who said they would contact him but he received no further information.
- An Irish women of Muslim origin experienced racist verbal abuse from the driver of another car as she was waiting at traffic lights. She was terrified and reported the incident to the Gardaí.
- An Indian man in a rural town was subjected to constant racist abuse by a group of schoolboys on his way to work. The man reported the incident to his workplace and the boys school but he received no response from the school. One of the boys mother called to his workplace and asked him to apologise to her son.

Annex 6 contains a summary of some of the recorded incidents, relevant to this report, from the three previous racist incident reports.

³⁴ Table 5 demonstrates the number of racist incidences which have been recorded by the NCCRI since 2001.

Equality Authority

The Equality Authority³⁵ Annual Report 2002 noted that it dealt with 40 cases of harassment under the Employment Equality Act, 11 of which were under the race ground and one was on the grounds of membership of the Traveller community. Casework activity under the Equal Status Act in 2002 included 21 cases of harassment six of which were on the race ground and seven were on the Traveller community ground.³⁶

ODEI – The Equality Tribunal

According to its legal review 2002 there were a number of cases before the ODEI – The Equality Tribunal³⁷ relating to harassment. For example in:

Maguire v North Eastern Health Board concerned a member of the Traveller community who was employed by a public health authority. The key facts found by the Equality Officer were that the complainant had attended the office Christmas party, where a co-worker invited other members of staff back to her house for a further party afterwards, but added, in his hearing, “The knacker’s not coming”. The complainant reported this incident to his supervisor (sic) the following day, indicating that he was distressed by the comment and asking her to take measures against comments of this sort being made to him at work in future. The supervisor (sic) however stated that she did not feel obliged to take any action about a comment made outside the workplace and subsequently the complainant’s working hours were reduced. The Equality Officer held that the office Christmas party formed part of the worker’s employment, that the comment amounted to harassment under section 32, and that the employer’s failure to act appropriately to prevent recurrence made it vicariously liable for the harassment. She awarded compensation of €5,000 and ordered the employer to take specified measures to prevent future harassment.³⁸

³⁵ The mandate given to the Equality Authority under the Employment Equality Act 1998 and the Equal Status Act 2000 is both to combat discrimination and to promote equality of opportunity, and takes account of the nine grounds identified in the legislation. The work of the Equality Authority includes 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, and to 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, available at: www.equality.ie

³⁶ Equality Authority, Annual Report 2002 [PUBIE0062]

³⁷ During 2002 the Office of the Director of Equality Investigations adopted ‘ODEI – The Equality Tribunal’, as its title. The ODEI – The Equality Tribunal is the independently quasi-judicial body which is primarily responsible under the Irish equality legislation for deciding complaints of discrimination in employment or in the provisions of goods, services and facilities. The decisions of the ODEI – The Equality Tribunal are legally binding and it has wide ranging statutory powers to support its functions, including the power to require individuals to give evidence and to enter premises for the purposes of investigation. Legal representation is possible but not obligatory. The ODEI – The Equality Tribunal also provides a statutory mediation service, where both parties agree to resolve a complaint by alternative means. Where discrimination is found to have occurred, an order for redress is made, including, where appropriate, available at: www.odei.ie

³⁸ ODEI – The Equality Tribunal, Legal Review 2002, p. 42 [PUBIE0102]

In another case:

Sweeney v Corner Bar raised the issue of vicarious liability of service providers for harassment occurring on their premises. The complainant and respondent both agreed that the respondent had heard a conversation in his pub during which another customer in the pub was making derogatory comments to the complainant about his Traveller identity. The complainant said that he had complained to the service provider about the comments, but no action had been taken. The respondent did not recall any complaint, and said that he had not intervened because he considered that the complainant was “giving as good as he got” in the argument. The Equality Officer did not investigate the incident, as it had occurred before the Equal Status Act came into force. However, he referred to the provisions of section 11 of the Act and commented that “Publicans should note, however, that since the Equal Status Act came into force, the type of situation outlined above could result in a publican being held liable for harassment under the Act. [He referred to the Maguire decision mentioned above and continued:] Publicans and service providers should note therefore that there is an onus on them under the Equal Status Act 2000 to take “such steps as are reasonably practicable” to prevent harassment, on a discriminatory ground, by staff or customers, of any person who has a right to be present on their premises.”³⁹

Other Sources

In 2002 Victim Support recorded five cases involving a racist motive and from January to September 2003 they dealt with six cases. Tourist Victim Support have not dealt with any cases since 1994 which have been recorded as racist in motive.

A study undertaken by a Catholic Campaigning Organisation, The Pilgrim House Community, concluded that one on five African asylum seekers had been physically assaulted.⁴⁰

4.4. GAP ANALYSIS

There remain significant hurdles to be addressed including the generation of adequate data and analysis of racist violence, both as a component of overall crime and as a specific research issue.

In terms of overall crime statistics in Ireland it is clear that the National Crime Council has a role to play in facilitating the generation of alternative sources of data. Future national crime surveys should have questions relating to racist incidents in order to provide a data source which can be compared with the figures which have started to

³⁹ ODEI – The Equality Tribunal (2002), *ibid.*, pp. 42-3 [PUBIE0102]

⁴⁰ 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 racist violence is available through ICVS.

emerge through the Garda PULSE system. Data should also be recorded on the ethnic origin of all respondents in such surveys.

Despite the welcome developments within the PULSE system, data is not generated which would categorise instances of racist crime and violence. Consequently even where an incident is recorded as racist it is not necessarily clear which form of racism it reflects. In other words there is no official record of racist incidents which are Islamophobic, or which have targeted members of the Traveller community on the basis of their ethnic identity.⁴¹

As the figures have demonstrated there appears to be significant discrepancies in terms of the reporting rates amongst the general population and reporting rates amongst minority ethnic groups. A specific focus is needed on data generation regarding actual reporting rates amongst minority ethnic groups in order to facilitate a better understanding of this phenomenon.

In addition to existing barriers to reporting racist incidences, key concerns remain with regard to recording incidents as racist in nature. In 2002 the Garda internally circulated its policy on recording racist incidents, according to the Garda Racial and Intercultural Office work is ongoing to promoting this policy and highlighting the importance of recording crimes as racist where appropriate

5. ANALYSIS OF RACIST VIOLENCE AND RACIST CRIMES

Any analysis of racist 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.

While there are indications that racially motivated crime, including assaults and harassment, against minority ethnic groups is on the increase in Ireland,⁴² debate in this area continued during 2003. Amnesty International’s 2003 Annual Report says that concern about racist violence and harassment of ethnic minorities remain as well as concern about ‘the inadequacy of legislation in this area’.⁴³ While the Minister for Justice, Equality and Law reform was quoted as saying that:

We have not had race riots, thank God, and I hope we never will. We have not had groups of youths from a community assembly (sic) to threaten or use violence on other groups... We have been free of that, so let us keep our comments about ourselves in proportion. We have equality laws which are amongst the most advanced in the world. Ireland cannot be characterised as a racist society.⁴⁴

⁴¹ The Garda Racial and Intercultural Office have noted that it may be possible to discern this information from the narrative recorded on each case in the PULSE system, though this information will not appear in statistical form in the Garda Annual Report.

⁴² Mandate (2002) Racist Street Crime, available at: www.mandate.ie (17.11.03) [PUBIE0199]

⁴³ Holland, K. (2003) Amnesty raises concern on Garda actions, in: *The Irish Times* (29.05.03)

⁴⁴ O’Regan, M (2003) McDowell rules out identity cards, in: *The Irish Times* (30.05.03)

Nonetheless a number of tentative conclusions can be drawn regarding the impact of domestic and international context on instances of racist violence, the increase in recorded instances, low levels of reporting, the profile of victims and perpetrators, and public perception in relation to racist violence and crime.

5.1. CONTEXT FOR VIOLENCE

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 have been sent to the home of refugees and asylum seekers in the form of hate mail and to others in the form of propaganda.

There are indications that the level of racist violence in Ireland is in part shaped by internal and external factors. In particular there was a significant, though temporary increase in racist violence reported after the 11 September 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.

5.2. INCREASE IN RECORDED INCIDENTS

While figures would suggest that there has been an increase in racist violence and crime since 1999, a factor in this escalation is undoubtedly the increase in reporting and recording of such incidents. For example prior to the initiation of the review of the Prohibition to the Incitement to Hatred Act there were no convictions secured under it, since the initiation of the review there has been an increase in reported offences as well as convictions. Consequently despite emerging knowledge it remains impossible to draw substantive conclusion about the changing nature of racist violence in Ireland.

It is not possible to discern whether there has been an increase or a decrease in anti-Semitism in Ireland in 2003. Both formal and informal reporting systems are still in the very early stages and do not represent a substantive overview of anti-Semitic activities in Ireland. In a report submitted to the NCCRI in 2003 the Jewish Representative Council concluded that:

While there does not appear to be any concerted campaign of anti-Semitic activity against the Irish Jewish Community, there are numerous events that demonstrate a certain degree of *overt and/or latent anti-Semitism* in Ireland.

Following an increase in recorded assaults against people who were perceived to be Islamic or of middle-east origin in the aftermath of the 11 September 2001, the last two NCCRI reports related to racism (May to October 2002 and November 2002 to April

2003) reported isolated incidents experienced by the Islamic community. The Islamic Cultural Centre of Ireland have recently indicated that there continues to be sporadic incidents related to racism experienced by the Islamic community, possibly as a result of 11 September but that it is not the same level as in the immediate aftermath. The Centre also said that women seem to be a particular target.

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'.

From the limited amount of evidence to date, there is little evidence that there is any systematic or organised racist 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 racist violence is underreported.

5.3. LOW LEVELS OF REPORTING

Preliminary data and anecdotal evidence suggests that there is significant underreporting of racist crime and racist violence in Ireland. For example the 2002 Garda survey found that 11 percent of respondents who had been the victim of a racist incident reported it to the Gardaí, while the 1998 crime survey found that 62.7 percent of the population report assaults to the Gardaí. While there are methodological difficulties with comparing these two sources, these findings do suggest that minority ethnic groups are less likely to report crime and violence than the majority populations. This is an area which needs research and study in Ireland in order to provide a more detailed picture with regard to reporting.

5.4. VICTIMS OF RACIST VIOLENCE AND RACIST CRIME

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 racist violence and that incidents involving racist violence are most likely to occur in urban areas. Victims of racist incidents are more likely to be in the 20-29 and 30-39 age categories (Table 7: Racially motivated incidents by age of victim). However 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. These incidents can involve sustained harassment over a number of months, as in the cases of a Bosnian lone parent in a local authority estate in West Dublin, to assaults where several families are targeted as in two incidents of cases where Traveller encampments were attacked by men driving agricultural machinery.

Impact of Racist Violence

Racist Violence can have a significant direct impact on both the individual victim and his/her families and friends, and 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.

Racist crime and violence 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 relatively minor incidents can result in deeply profound effects on individuals and their immediate family and friends. Many people can suffer loss of confidence, experience anxiety can become more withdrawn and less outgoing.

The impact on the community or communities to which the person belongs can also be profound. Following the fatal assault of Chinese language student Zhao Liu Tao, Amnesty International Student Society 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.

5.5. PERPETRATORS OF RACIST VIOLENCE AND RACIST CRIME

Racist violence is in large part perpetrated by young men between the ages of 16 to 25.⁴⁵ There is also evidence of young women both participating and instigating serious assaults. However the participation of women in such a central role in perpetrating racist violence appears to be relatively unusual (Table 8: Racially motivated incidents by age of perpetrator).

5.6. PUBLIC PERCEPTION

The 2002 Garda survey demonstrated that more people think that racism is a major problem in the country as a whole than identify it as such in their local areas. This suggests that there may be misperceptions concerning the levels and types of racism which is occurring in Ireland. In particular it is important that minority ethnic groups have access to accurate and detailed information on the level of racist violence and racist crime

⁴⁵ In the fatal assault of Chinese Student Zhao Liu Tao, a boy as young as 14 is alleged to have participated.

in order to avert unfounded fear, while promoting awareness of the importance of reporting and tackling such crime.

Perceived Response of the Gardaí to Racist Violence

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.⁴⁶

Much of the complementary sources of data outlined in this study highlight perceptions that the Gardaí are inconsistent in their response to reported complaints by minority ethnic groups in Ireland, including complaints of racist 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. This is demonstrated by the indications that there are very low reporting rates amongst minority ethnic groups.

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.

⁴⁶ In a survey of public attitudes to the Gardaí carried out in 2002 86.7 per cent were satisfied or very satisfied and 13.3 per cent were dissatisfied or very dissatisfied, Garda Research Unit (2002) *ibid*.

6. STRATEGIES, INITIATIVES AND GOOD PRACTICE

In recent years there have been a range of developments aimed at tackling racist violence and racist crime in Ireland. These include legislative and policy developments, initiatives by the Gardaí, the establishment of specialised bodies with a remit in this area, public awareness campaigns and initiatives by civil society and NGOs which specifically target racism.

6.1. LEGISLATION/POLICY DEVELOPMENTS

The Prohibition of Incitement to Hatred Act 1989, is currently being reviewed by the Department of Justice, Equality and Law Reform with a view to improving its effectiveness. According to the draft report under CERD the review is taking into account the Protocol to the Cybercrime Convention on combating racism and xenophobia through computer systems and the EU Framework Decision combating racism and xenophobia, on which negotiations are continuing. It is also taking place against the background of an increased number of successful prosecutions under the Act. According to the Department this review of currently at an advanced stage though, as yet, there is no timetable for its completion.

The decision to draw up the NPAR arises from Ireland's commitments from the World Conference against Racism (WCAR) in Durban 2001. Following Durban the Department of Justice, Equality and Law Reform initiated a wide ranging consultation process to identify the key issues relating to racism in Ireland and what the priorities of the plan should be. The consultation process was overseen by a steering group, and its findings have been published and widely disseminated. The NPAR is expected to be published by early 2004.⁴⁷

6.2. AN GARDA SÍOCHÁNA

The Garda Victims Charter outlines Garda commitments with regard to the victims of crime. This commitment includes the provision of free translation services for those unable to communicate fluently in English and Irish. In addition in the Garda Customer Charter there is a commitment to publishing customer charters for specific groups including 'ethnic and vulnerable' minorities.

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

⁴⁷ The summary of the consultation process, *Diverse Voices*, identifies the first objective of the NPAR as protection against racism, including protection against discrimination, assaults, incitement and abuse. The consultation also highlighted the weaknesses of the use of criminal legislations and proposed the use of race as an aggravating factor in sentencing. In addition it suggested the close monitoring of the experience of minority ethnic groups. [PUBIE0131]

for coordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity. The office has developed a training video and resource booklets that inform members of the force about cultural diversity in Ireland.

The Gardai published two booklets in September 2002. 'Intercultural Ireland – Your Changing Community' is intended as a guide for all members of An Garda Síochána to enable them to understand and deliver a better policing service to people with diverse cultural ethnic and religious backgrounds.⁴⁸ The second booklet 'Your Police Service in Intercultural Ireland', aims to provide a source of information for all minorities in Ireland to facilitate an understanding of the role of An Garda Síochána. The booklet gives a brief guide to the police service, those aspects of Irish law which affect people in their daily lives, what they can expect if they have a complaint to make and what structures are there to deal with such complaints.⁴⁹

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

The Policing Plan 2003 states that:

In 2003 a plan for restructuring of the Garda Racial and Intercultural Office will be prepared to provide it with added functionality. The plan will include provisions for liaison, training, research and administration functions so the services we provide meet the needs and expectations of everyone who contacts us.⁵⁰

The Plan also states that the force will 'respect and support the diversity and equality of cultures and beliefs in our society'.⁵¹

As a core part of the training of new recruits 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). The Garda Annual Report 2001 noted that in December 2001 an anti-racism awareness seminar was conducted in the Garda College.⁵²

6.3. SPECIALISED BODIES

With the emergence of the equality legislation in Ireland a number of bodies have come into being which facilitate the implementation of this legislation. Many of these bodies have a specific role to play in overcoming racism and discrimination.

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-

⁴⁸ An Garda Síochána (2002) Intercultural Ireland Your Changing Community, Dublin: Garda Racial and Intercultural Office [PUBIE0197]

⁴⁹ An Garda Síochána (2002) Your Police Service in Intercultural Ireland, Dublin: Garda Racial and Intercultural Office [PUBIE0196]

⁵⁰ An Garda Síochána, Policing Plan 2003, available at: www.garda.ie, p. 26.

⁵¹ An Garda Síochána, Policing Plan 2003, *ibid*

⁵² An Garda Síochána, Annual Report 2001, p. 35

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.

In January 2003 the Minister for Justice, Equality and Law Reform announced the appointment of an Expert Group to examine the methods of collating and presenting crime statistics by An Garda Síochána and other organisations involved in criminal prosecutions. The establishment of the group arose from recommendations which had been made by the National Crime Council in its first published report. The group aims to present its initial findings by early 2004.⁵³

The mandate given to the Equality Authority under the Employment Equality Act 1998 and the Equal Status Act 2000 is both to combat discrimination and to promote equality of opportunity, and takes account of the nine grounds identified in the legislation. The work of the Equality Authority includes 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.

In recent years the casework of the authority has dealt with a number of cases concerning harassment on both the Traveller community and race grounds.

The NCCRI 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
- 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
- Establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and International levels.

An important function of the NCCRI in the context of this report is its racist incidents monitoring system which provides a mechanism for recording and analysis racist incidents including harassment and assault.

Early in 2000, the 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

⁵³ Press Release (2003) McDowell appoints Expert Group on Crime Statistics, available at: www.justice.ie (17.11.03); Newman, C. (2003) New Group to study statistics on crime, in: The Irish Times (30.01.01)

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. 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. Annex 6 contains the text of the protocol.

The Commission is an independent body charged with the task of keeping under review the adequacy and effectiveness of Irish laws in relation to the protection of human rights in their widest sense. It is within the competence of this body to commission surveys on discrimination. To date the IHRC has been active on the issue of racism, including:

- The establishment of a sub committee on racism drawn from its own membership and the members of the Northern Ireland Human Rights Commissions
- Participating in the development of the NPAR.

The first major initiative of the Know Racism campaign⁵⁴ was to launch two grant schemes to assist community groups (including minority ethnic groups) and non-government organisations with anti-racism awareness initiatives. During Phase four of the grant scheme in 2003 a total of €321,296 was granted to 87 awareness raising projects. The campaign has also been active in promoting awareness raising campaigns such as Anti-Racism Workplace Week (3 – 7 November 2003), and the programme for the International Day against Racism (21 March 2003). Other activities in 2003 have included a national advertising campaign, conducting research into prevailing attitudes on racism and attitudes to minority groups, and the launch of a Charter against Racism in Sport in October 2003.

6.4. OTHER RESPONSES AND GOOD PRACTICE

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. In addition to recording whether a case its deals with is racially motivated victim support has initiated awareness training for its staff on racism and dealing with the victim of racist violence.⁵⁵

One interesting response to crime in Dublin 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 racist violence and the participation of groups experiencing racism in the Forum has been relatively limited to date, it provides a useful

⁵⁴ Know Racism is a three year programme which aims to contribute to creating the conditions for building an inclusive and intercultural society in Ireland, where racism is addressed and cultural diversity is valued, available at: www.knowracism.ie. The Programme is currently in its final year.

⁵⁵ Further details available at: www.victimsupport.ie

model for local strategies. This approach to local policing has been endorsed by the National Crime Council.

A Mediation Service, developed by Pavee Point, aims to bring together the various parties to encourage new and constructive approaches to the resolution of conflict. It provides a mechanism to respond constructively to situations of conflict between Travellers and the majority populations.

6.5. DATA ON SUCCESSFUL COURT CASES

Despite the slow start and the current review of the Incitement to Hatred Act, in recent years a number of convictions have been secured under it. In 2000 there was four convictions, one in 2001 and three in 2002. Examples include:

- In 2002 a school bus-driver who called a 12-year-old schoolboy a ‘black bastard’ was convicted under the Prohibition of Incitement to Hatred Act. He was fined €150.
- In 2000 a bus driver in the Dublin Metropolitan area was fined IE£450 because he had told a Gambian man he should go back to his own country and that “we don't eat on the buses in this country”.

There have also been convictions of other crimes, which have been identified as racist, under general criminal legislation. However given the relatively low numbers of incidents reported to the Gardai it is unsurprising that there have not been significant numbers of convictions. For example an 18-year-old youth who killed a Chinese student when he struck him across the head with an iron bar, after racially taunting the deceased on 24 January 2002, was sentenced to four years detention. The last two years were suspended because of the perpetrators age and the fact that he had no previous convictions.⁵⁶

⁵⁶ 4 years for Killing Chinese Student, in The Irish Times (31.07.03)

7. CONCLUSION

Ireland has a long history of discrimination and racism, however changing demographics in recent years have served to focus popular and political attention on this issue. Unlike many other European countries Ireland does not have a structured political expression of anti-minority sentiment, though this rhetoric has found some space in Irish society.

Ireland has both general criminal legislation relevant to dealing with racist violence and racist crime, as well as specific legislation on incitement to hatred. In addition anti-discrimination measures provide for harassment on the grounds of race and membership of the Traveller community. Though as this report has indicated there is some concern regarding the effectiveness of these measures.

In order to effectively tackle either the underlying causes of racist violence, or the legislation which deals with it, a thorough understanding of the nature and scale of the problem is needed. This report has demonstrated that in recent years evidence of racist violence and racist incidents has emerged through both official and non-official sources. However it is clear that there are serious problems of under reporting and it is not yet possible to make significant conclusions about the scale and nature of the problem.

Preliminary and anecdotal evidence does suggest that racist incidents may be rising in Ireland, certainly the international and national context has had an impact on experiences of minority ethnic groups. Similar to mainstream crime statistics it appears the main victims of this type of crime are young men, though anyone can experience racism. There does appear to be some evidence that minority ethnic groups have less confidence in the Gardaí than the majority population, which may partially explain low reporting rates.

There have been a range of strategies aimed at targeted racism including racist violence and racist crime. Not least the initiatives of An Garda Síochána which have included the establishment of a Racial and Intercultural Office, and the appointment of ethnic liaison officers. Governmental and non-governmental initiatives have targeted both the causes, and consequences and racist violence and racist crime.

Ireland is generally regarded as a relatively 'safe' country in a comparative context. Recent statistics generated by Mercer Human Resource Consulting found that Dublin is the 18th safest city in the world.⁵⁷ While the problem of racist violence and crime should not be exaggerated, this report has shown that there is some evidence which suggests that minority ethnic groups are vulnerable to the particularly sinister problem of racist violence and racist crime.

⁵⁷ Healy, A. (2003) Dublin is 18th safest city, in: The Irish Times (03.03.03)

8. ANNEX 1: TABLES

Table 1: Percentage of persons aged 18 years and over who were victims of the following crimes 1998

Males	Theft with Violence	Physical Assault	Any theft or assault
18-24	1.3	1.6	3.3
25-44	0.5	0.8	2.0
45-64	0.3	0.3	1.1
65+	0.3	0.1	0.5
Total	0.5	0.7	1.7
Female			
18-24	0.7	0.6	2.9
25-44	0.6	0.4	2.0
45-64	0.5	0.2	1.5
65+	0.4	0.1	1.2
Total	0.6	0.3	1.9
Total Persons			
18-24	1.0	1.1	3.1
25-44	0.6	0.6	2.0
45-64	0.4	0.3	1.3
65+	0.4	0.1	0.9
Total	0.5	0.5	1.8

Source: CSO

Table 2: Change on recorded headline offences 2001-2002

Headline Offence	Recorded 2002	2001 v. 2002
Homicide	114	+40
Assault	5688	+1886
Sexual Offences	3147	+1208
Arson	1493	+86
Drugs	2936	+554
Larceny	58100	+13448

Source: PULSE

Table 3a: Racially motivated incidents by year and type of incident.

Year	Incident	Anti-Semitism	Xenophobia	Racism
2000	Affray/Riot/Violent Disorder	0	1	0
	Arson	0	2	4
	Assault causing harm	0	0	12
	Assault minor	0	0	5
	Burglary	0	0	1
	Coercion	0	0	1
	Criminal damage (not arson)	0	2	29
	Discharging a firearm	0	0	1
	Harassment	0	0	2
	Possession of offensive weapon	0	0	1
	Incitement to hatred	0	0	1
	Public order offences	0	0	1
	Robbery from the person	0	0	5
	Theft (other)	1	0	1
	Theft from MPV	0	0	1
	Total	1	5	65
2001	Assault causing harm	0	0	7
	Assault minor	0	0	5
	Attention and complaints	0	0	1
	Criminal damages (not arson)	0	0	14
	Drunkenness offences	0	0	2
	Harassment	0	0	3
	Possession of offensive weapon	0	0	1
	Incitement to Hatred - Section 2	0	0	1
	Incitement to Hatred – other offences	0	0	1
	Public mischief	0	0	2
	Public order offences	0	0	2
	Robbery form the person	0	0	1
	Theft from the person	0	0	1
	Theft from shop	0	0	1
	Unauthorized taking (vehicle	0	0	1
	Total	0	0	43

Table 3b: Racially motivated incidents by year and type of incident.

Year	Incident	Anti-Semitism	Xenophobia	Racism
2002	Arson	0	00	1
	Assault causing harm	0	0	13
	Assault minor	0	0	18
	Attention and complaints	0	0	6
	Criminal damages (not arson)	0	0	47
	Manslaughter	0	0	1
	Possession of offensive weapon	0	0	3
	Incitement to Hatred - Section 2	0	0	1
	Incitement to Hatred – other offences	0	0	1
	Public mischief	0	0	1
	Public order offences	0	0	7
	Robbery from the person	0	0	1
	Sexual assault	0	0	1
	Unauthorized taking (vehicle	0	0	1
	Total	0	0	102
2003	Arson	0	0	2
	Assault causing harm	0	0	8
	Assault minor	0	0	15
	Attention and complaints	0	0	3
	Burglary	0	0	1
	Criminal damages (not arson)	0	0	27
	Harassment	0	0	1
	Possession of offensive weapons	0	0	1
	Incitement to Hatred - Section 2	0	0	1
	Incitement to Hatred – other offences	0	0	1
	Public order offences	0	0	6
	Robbery from the person	0	0	1
	Theft from person	0	0	1
	Total	0	0	68
	Total 2000-2003	1	5	278

Source: PULSE

Table 4: Counts of proceedings for racially motivated incidents.

Type	Year	Total
Racism	2000	17
Racism	2001	22
Racism	2002	107
Racism	2003	25
Xenophobia	2000	4

Source: PULSE

Table 5: Conviction details for racially motivated incidents.

Year	Sentence	Fine	Bound	Community	Probation	Taken
2000	8	3	0	0	5	0
2001	3	3	3	0	2	5
2002	21	14	8	2	8	9
2003	0	0	0	0	0	2

Source: PULSE

Table 6a: Racially motivated incidents by nationality and gender of victim.

Year	Nationality	Male	Female	Note Recorded
2000	Canadian	1	0	0
	English	4	1	0
	French	1	0	0
	Gambian	1	0	0
	German	0	1	0
	Irish	7	0	0
	Japanese	0	1	0
	Kenyan	1	0	0
	NOT RECORDED	29	12	0
	Nigerian	6	1	0
	Pakistani	1	0	0
	Scottish	2	0	0
	Spanish	0	1	0
	Unknown	0	1	0
2001	Albanian	1	0	0
	Chinese	1	0	0
	Ghanaian	1	0	0
	Irish	1	0	0
	Italian	1	0	0
	NOT RECORDED	21	8	0
	Nigerian	2	1	0
	Portuguese	1	0	0
	Tanzanian	1	0	0
	Unknown	0	0	2
	Zimbabwean	1	0	0
2002	American	1	0	0
	Chinese	1	0	0
	German	0	1	0
	Irish	1	1	0
	NOT RECORDED	54	26	0
	Nigerian	7	3	0
	Pakistani	2	0	0
	Romanian	1	0	0
	Somalian	2	0	0
	Unknown	2	0	0

Table 6b: Racially motivated incidents by nationality and gender of victim.

Year	Nationality	Male	Female	Note Recorded
2003	Angolan	1	0	0
	Chinese	1	1	0
	French	1	0	0
	NOT RECORDED	39	11	0
	Nigerian	4	0	0
	Pakistani	2	2	0
	Romanian	3	1	0
	South African	1	0	0
	Unknown	0	0	1
	Zimbabwe	0	1	0

*Source: PULSE***Table 7: Racially motivated incidents by age of victims.**

Year	Gender	<10	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89
2000	F	0	2	8	4	4	0	0	0	0
2000	M	0	3	9	16	16	4	1	0	0
2001	F	0	1	3	3	1	0	1	0	0
2001	M	1	3	10	10	4	2	1	0	0
2001	NR	0	0	1	0	0	2	0	0	0
2002	F	0	2	15	11	1	2	0	0	0
2002	M	1	6	28	23	5	3	2	1	0
2003	F	0	0	6	8	1	1	0	0	0
2003	M	1	5	20	16	5	1	0	0	0
2003	NR	0	0	0	0	1	0	0	0	0

*Source: PULSE***Table 8: Racially motivated incidents by age of perpetrator.**

Year	Gender	<10	10-19	20-29	30-39	40-49	50-59	60-69	70-79	80-89
2000	F	0	11	0	0	0	1	0	1	0
2000	M	0	38	24	10	9	3	0	1	0
2001	F	0	4	3	0	1	0	0	0	0
2001	M	0	7	11	4	0	1	0	0	0
2002	F	0	1	4	0	0	0	0	0	0
2002	M	0	22	27	8	5	1	0	0	0
2003	F	0	3	2	1	0	0	0	0	0
2003	M	0	8	10	4	4	1	0	0	0

Source: PULSE

Table 9: Case Work of the Equality Authority 2000-2002

	Employment Equality Act			Equal Status Act		
	2000	2001	2002	2000*	2001	2002
Race	15	64	43		26	40
TC	4	1	9		340	89
All Grounds	202	405	489		490	305

Source: Equality Authority

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

	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

Source: ODEI – The Equality Tribunal

Table 11: Number of racist incidents recorded by the NCCRI May 2001-April 2003

Report	Number of Incidents
05/01-10/02	41
11/01-04/02	40
05/02-10/02	67
11/02-04/03	48

Source: NCCRI

Table 12: Travellers classified by sex, age group and marital status 2002

Age Group	Total	Single	Married	Separated	Widowed
0-4 years	3,408	3,408	–	–	–
5-14 years	6,593	6,593	–	–	–
15-24 years	4,850	3,725	1,040	79	6
25-34 years	3,386	976	2,090	291	29
35-44 years	2,332	335	1,688	250	59
45-54 years	1,458	187	1,069	132	70
55-64 years	878	97	604	68	109
65 years and over	776	116	347	21	292
Total	23,681	15,437	6,838	841	565

Source: CSO

* The Equal Status Act 2000 was first implemented in October 2000, and as such figures for 2000 represent the limited number of complaint made at the end of 2000. Consequently it is not possible to compare these figures with subsequent years. The Equality Authority first annual report for 2000 noted that towards the end of that year there were high levels of interest in the Equal Status Act

Table 13a: Persons usually resident and present in the state on census night classified by nationality 2002

Nationality	Persons	Males	Females
Total Irish	3,584,975	1,778,590	1,806,385
<i>of which</i>			
Irish	3,535,676	1,754,716	1,780,960
Irish-English	20,491	9,997	10,494
Irish-American	12,387	5,721	6,666
Irish-European	4,172	2,046	2,126
Irish-Other	12,249	6,110	6,139
Non Irish	224,261	112,593	111,668
EU	133,436	64,647	68,789
<i>of which</i>			
Austria	553	222	331
Belgium	789	391	398
Denmark	631	287	344
Finland	876	285	591
France	6,363	3,059	3,304
Germany	7,216	3,200	4,016
Greece	253	149	104
Italy	3,770	2,145	1,625
Luxembourg	16	9	7
Netherlands	3,108	1,638	1,470
Portugal	687	428	259
Spain	4,436	1,732	2,704
Sweden	1,262	425	837
UK	103,476	50,677	52,799
Rest of Europe	23,105	12,863	10,242
<i>of which</i>			
Romania	4,978	2,836	2,142
Russia	2,703	1,399	1,304
Poland	2,124	1,275	849
Lithuania	2,104	1,091	1,013
Latvia	1,797	974	823
Ukraine	1,420	828	592
Czech Republic	1,103	713	390
Other	6,876	3,747	3,129
Africa	20,981	11,039	9,942
<i>of which</i>			
Nigeria	8,969	4,271	4,698
South Africa	4,185	2,167	2,018
Other	7,827	4,601	3,226

**Table 13b: Persons usually resident and present in the state on census night
classified by nationality 2002**

Nationality	Persons	Males	Females
Asia	21,779	12,014	9,765
<i>of which</i>			
China	5,842	3,424	2,418
Philippines	3,900	1,383	2,517
Pakistan	2,939	1,891	1,048
India	2,534	1,668	866
Malaysia	1,686	907	779
Other	4,878	2,741	2,137
America	15,383	7,223	8,160
<i>of which</i>			
USA	11,384	5,196	6,188
Canada	1,932	870	1,062
Brazil	1,087	713	374
Other	980	444	536
Australia	3,706	1,752	1,954
<i>of which</i>			
New Zealand	1,637	858	779
Other Nationalities	1,894	1,096	798
Multi Nationality	2,340	1,101	1,239
No Nationality	847	482	365
Not Stated	48,412	24,558	23,854
Total	3,858,495	1,916,223	1,942,272

Source: CSO

Table 14: Population classified by religion and sex

Religious Denomination	Persons	Males	Females
Roman Catholic	3,462,606	1,702,522	1,760,084
Church of Ireland(inc. Protestant)	115,611	56,894	58,717
Christian (unspecified)	21,403	10,115	11,288
Presbyterian	20,582	10,516	10,066
Muslim (Islamic)	19,147	11,726	7,421
Orthodox	10,437	5,666	4,771
Methodist	10,033	5,012	5,021
Jehovah's Witness	4,430	2,031	2,399
Buddhist	3,894	2,052	1,842
Evangelical	3,780	1,721	2,059
Apostolic or Pentecostal	3,152	1,473	1,679
Hindu	3,099	1,970	1,129
Lutheran	3,068	1,164	1,904
Baptist	2,265	1,097	1,168
Jewish	1,790	913	877
Pantheist	1,106	523	583
Agnostic	1,028	626	402
Quaker (Society of Friends)	859	413	446
Latter Day Saints (Mormon)	833	428	405
Lapsed Roman Catholic	590	287	303
Atheist	500	356	144
Baha'i	490	248	242
Brethren	222	122	100
Other stated religions	8,920	4,903	4,017
No religion	138,264	82,262	56,002
Not stated	79,094	41,124	37,970
Total	3,917,203	1,946,164	1,971,039

Source: CSO

Table 15: Average annual estimated net migration per 1,000 population

Intercensal Period	Per 1,000 Population
1926-36	-5.6
1936-46	-6.3
1946-51	-8.2
1951-56	-13.4
1956-61	-14.4
1961-66	-5.7
1966-71	-3.7
1971-79	4.3
1979-81	-0.7
1981-86	-4.1
1986-91	-7.6
1991-96	-0.5
1996-2002	6.8

Source: NCCRI

Table 16: Population – total, natural increase and net migration, 1996-2002. Change on previous years in thousands

Year	Population (000s)	Total Change	Natural increase	Net Migration	Out migration	In migration
1995	3601	15	17	-2	33	31
1996	3626	25	17	8	31	39
1997	3661	35	20	15	29	44
1998	3705	44	21	23	21	44
1999	3745	40	21	19	29	48
2000	3787	42	22.3	20	22	42
2001	3839	52	26	26	20	46
2002	3897	58	29	29	19	47

Source: CSO

9. ANNEX 2: CURRENT IMMIGRANT AND MINORITY POPULATIONS

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has been and still is a homogeneous and a 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. In Ireland there are now more visible populations of black Irish and other EU and non-EU citizens.

The Traveller community is Ireland's only nomadic community. Its members live a nomadic or semi-nomadic life, although some are settled. The 2002 Census indicates that close to 24,000 Irish Travellers, representing 0.65 percent of the population.⁵⁸ The Traveller community are a distinct group from the Roma community in Ireland; the growing Roma community is a relatively new phenomenon which reflects wider changes in Irish society. Table 12 provides a break down of the Traveller population by sex, age and marital status, this demonstrated that the Traveller community is a relatively young population 77 percent are under 34 years of age.

There are approximately 160 different nationalities living in Ireland. The number of non EEA nationals registered in the State in 2002 was 116,588 (Table 13a + 13b: Persons Usually Resident in the State on Census Night 2002 by Nationality). The 2002 Census of population indicates that non-nationals makeup 5.8 percent of the population, of which almost half were UK nationals (2.7 percent). 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.

The number of asylum seekers entering Ireland in 2002 was 11,634. Most asylum applications came from persons originating in Nigeria (41 percent), followed by Romania (11 percent), DR Congo (4 percent), Moldova (3 percent) and Iraq (3 percent).⁵⁹ In 2002, applications were received from persons originating in 103 different countries.⁶⁰ However of the overall increase in inward migration to Ireland in recent years only 10 percent are asylum seekers and almost half of all recent migrants to Ireland are returning Irish emigrants.

There were 40,321 work permits issued in 2002 to immigrants seeking work in Ireland which was an increase of 11 percent over the previous year. The top five countries from which these work permits originated are: Latvia, Lithuania, Philippines, Poland and

⁵⁸ This figure is likely to be an underestimation and population estimated closer to 28,000 have been posited

⁵⁹ Integrating Ireland (2003), Sanctuary No. 23 (May 2003), available at: www.integratingireland.ie, (22.07.03) [PUBIE0137]

⁶⁰ Know Racism (2003), Cultural Diversity in Ireland [PUBIE0145]

Romania. The top five categories of employment sought were the service sector, hotel and catering, agriculture and fisheries, industrial, and medical and nursing.⁶¹

The number of Muslim people in Ireland has also changed significantly over the last 10 years. The number of Muslim people in Ireland has quadrupled to 19,147 from the 1991 census, making Islam the fifth largest religious denomination in Ireland. The Muslim community is well organised with a number of mosques, schools and societies. According to the ECRI report on Ireland (2001), Muslims are faced with prejudice and discrimination on the basis of their religion, and it has been reported that Muslim girls wearing the hijab have been refused entry in schools.⁶²

The number of Orthodox Christians has increased from 400 in 1991 to 10,437 in 2002, representing migrants from Eastern Europe and the former Soviet Union, the sixth largest religious denomination in the State. The 2002 Census demonstrated that there is now a Jewish population of 1,790 living in Ireland (Table 14: Population Classified by Religion and Sex 2002). A report conducted for the EUMC covering the period May/June 2002 found that:

there is no discernible increase in anti-Semitic violence or rhetoric...many incidences reported are considered to be once off and unusual occurrences, with no evidence of systematic targeting of the Jewish community in Ireland.⁶³

Incidents of anti-Semitism, relations between settled society and Travellers, and the North-South divide, all point to historic and ongoing societal difficulty with the idea of religious and social diversity. The EU survey, the 'Eurobarometer' (2001) shows that there is a degree of suspicion in Irish society towards ethnic diversity. Amnesty International's Report on Racism in Ireland (September 2001) paints a stark picture: 78 percent of members of ethnic minorities have experienced racism, while over 80 percent of respondents agreed that racism is a serious problem in Ireland.

⁶¹ Know Racism (2003), *ibid.* [PUBIE0145]

⁶² ECRI (2001), *ibid.*, p. 18

⁶³ NCCRI (2002), Recent Anti Semitic Acts and Attitudes in Ireland, report to the EUMC.

10. ANNEX 3: LEGISLATION AND POLICY ON IMMIGRATION

Ireland is traditionally a country of emigration, however emigration levels have declined significantly since the late 1980s and Ireland has become a country of net inward migration for only the second period since the foundation of the State in 1929 (Table 15: Average Annual Estimated Net Migration per 1,000 Population, see also Table 16: Population, Total, Natural Increase and Net-Migration 1996-2002).⁶⁴

The pattern of inward migration in relation to the origin of migrants has also changed significantly in recent years and is continuing to change. Returning Irish nationals still account for almost half (46 percent in 2002) of all immigration into Ireland, although this proportion has declined from a highpoint of 55 percent in 1999. There has been a period of active recruitment of workers from both the EEA and non-EEA countries.

According to the NCCRI,

Irish policy on immigration has developed in a rather piecemeal way over several decades. In effect, in recent years the admission of immigrants has moved away from an almost zero immigration control policy to a largely market-led approach, with a relaxation and liberalisation of the rules taking place in 2000/2001, followed by a retightening of the rules in 2002 as a result of fears and forecasts of a significant downturn in the Irish economy.⁶⁵

The Department of Justice, Equality and Law Reform is responsible for immigration law and immigration controls in Ireland. This department is also primarily responsible for the Irish contribution to developing EU and international policy on immigration and related issues, though other departments also have a role to play. The Department of Enterprise, Trade and Employment is responsible for the issuing of work permits. The Department of Foreign Affairs is responsible for certain operational aspects of the Ireland's immigration and visa regulations outside the country. In one specific field, that of programme refugees⁶⁶ the Department of Foreign Affairs has been involved in a key capacity, while it also retains a 'watching brief' on human rights-related aspects of Ireland's immigration policy in general.

Historically the most significant legislation governing the admission of foreigners into Ireland was the Aliens Act 1935. In this Act the word "alien" meant a person who was not a citizen of Saorstát Eireann (the Irish Free State, forerunner to the present state of Ireland). The Act was extremely wide-ranging and conferred sweeping executive powers on the Minister for Justice. The Aliens Order 1946 extended the powers given to police and other authorities. Since that time various measures have been introduced which defined new rights for certain classes of people wishing to come to Ireland, such as the Common Travel Area (CTA) between Britain and Ireland. The CTA continues to this day

⁶⁴ NCCRI (2002), *Migration Policy in Ireland Reform and Harmonization*, Dublin: NCCRI p. 6 [NFPIE0062]

⁶⁵ NCCRI (2002), *ibid.*, p.14 [NFPIE0062]

⁶⁶ In the period 1999-2002 Ireland has resettled 124 individuals under the UNHCR's Refugee Resettlement Programme. The Irish government currently has a quota of ten cases per annum under the scheme.

and largely explains why Ireland and Britain have jointly stayed out of the most of the arrangements put in place after Schengen.⁶⁷

The Irish Nationality and Citizenship Act 1956 (modified in 1986) codified rights to Irish citizenship through birth, descent and naturalisation, including the right to citizenship through an Irish grandparent. The Act created a general although discretionary eligibility for citizenship through naturalisation after a period of five years. With Ireland's membership of the European Community on 1 January 1973 came the right of freedom of movement of workers and, more recently (the Treaty of Maastricht 1993), the right of freedom of movement of all citizens of the European Union. Moreover, all citizens of EEA countries, which apart from EU member states also include Liechtenstein, Iceland and Norway, have had essentially similar rights since 1992.⁶⁸

In May 2002, following the general election, the Irish Government renewed its promise to review immigration and residence policy. The government subsequently published the Immigration Bill 2002, which was enacted in July 2003. This new law facilitates a number of changes in Irish Law governing immigration and asylum, including the introduction of a carrier liability provision, and provision for the Minister for Justice, Equality and Law Reform in consultation with the Minister for Foreign Affairs to 'designate a country as a safe country of origin'.⁶⁹

⁶⁷ Ireland and the UK are in a unique position in the European Union because on the one hand they need to ensure bilateral harmonisation of immigration policy in order to preserve the CTA between Britain and Ireland and on the other hand they need to ensure multilateral harmonisation with other EU States in order to preserve existing commitments arising from EU Treaties.

⁶⁸ Mac Éinrí, P. (2001), *Immigration into Ireland: Trends, Policy Responses, Outlook*, available at: <http://migration.ucc.ie/irelandfirstreport.htm> (19.07.03) [PUBIE0134]

⁶⁹ Ireland (2003) *Immigration Act 2003*. The carrier liability and the introduction of the SCO principle through last minute amendments, have been criticised in the media and by lobby groups and NGOs. The Minister subsequently designated the ten EU accession states and Hungary and Bulgaria as 'safe'.

11. ANNEX 4: OVERVIEW OF INTEGRATION AND DIVERSITY POLICIES

This report advocates an intercultural approach to accommodating cultural diversity rather than the more dated 'integration' concept or the discredited assimilation approach. However this report recognises that the term 'integration' continues to be used at both national and EU level.

The Government established an Interdepartmental Working Group in November 1998 to examine the best means of integrating recognised refugees and others granted permission to remain in this country. Representatives of the Departments of Environment and Local Government; Social, Community and Family Affairs; Education and Science; Enterprise, Trade and Employment; Health and Children; Justice, Equality and Law reform, and Foreign Affairs came together to formulate a framework for integration policy in Ireland. DASS, which was established by the Government in November 1999, is responsible for co-coordinating and implementing the recommendations in the Working Group's Report (2000), and for developing a comprehensive strategy for the integration of all refugees in Ireland.

The RIA is responsible for co-ordinating the services provided to asylum seekers. These services include the provision of accommodation, health care, and education. It also has responsibility for the integration of refugees into Irish society.

Government officials have highlighted the role of the NPAR in promoting integration. The NPAR is expected to be published by the end of 2003.

There continue to be real concerns about the nature of Irish integration policy, for example Mac Éinrí argues that, failure to address the integration needs of migrants and other minority groups, as well as refugees and asylum seekers, will undermine the objective of achieving an intercultural society.⁷⁰ In its 2001 report on Ireland the ECRI concluded that:

Although integration measures such as language training exists for recognised refugees, the Report of the Interdepartmental Working Group on the Integration of Refugees revealed a lack of co-ordinated national integration policy, with programmes described as being only 'partially successful'.⁷¹

⁷⁰ Mac Éinrí, P. (2001), *ibid.* [PUBIE0134]

⁷¹ ECRI, (2001), *ibid.*, p. 15

12. ANNEX 5: ANTI RACISM PROTOCOL FOR POLITICAL PARTIES IN RELATION TO THE CONDUCT OF ELECTION CAMPAIGNS

Preamble

Political parties who are signatory to this Protocol undertake to ensure that election campaigns⁷² 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 Travelling Community.⁷³

Political parties agree:

- To send a consistent and clear message to their constituents that they reject racism.
- To condemn any campaign materials or statements susceptible to incite hatred or express prejudice on the grounds of 'race', colour, nationality or ethnic or national origins, religious belief and membership of the Travelling Community.
- To guarantee that when engaging in on-going debate in relation to groups which are the potential targets of racism, such as asylum seekers and refugees and Travellers, that such debate is conducted in a responsible way and with respect to the dignity and rights of minority ethnic groups.
- To use appropriate and inclusive language and words when referring to people of different ethnic backgrounds, in order to avoid creating prejudice or confusion.⁷⁴
- To inform all party-political campaigners about the intent and contents of this protocol.
- To request that candidates standing for election sign the appended 'Declaration of Intent'.

⁷² Including local elections, general elections, and elections to the European Parliament.

⁷³ These are the relevant categories in the Equal Status Act 2000 and the Employment Equality Act 1998.

⁷⁴ For example, the terms 'asylum seekers', 'refugees' and 'economic migrants' are not interchangeable. The use of pejorative terms such as 'bogus asylum seekers' and 'itinerants' should be avoided.

13. ANNEX 6: NCCRI RACIST INCIDENTS REPORTS MAY 2001 TO OCTOBER 2002

The NCCRI consistently records a significant number of racist assaults and harassment.⁷⁵

In its report covering the May – October 2002 period recorded racist incidences included:

- There was a suspected arson attack on a Nigerian family in a city centre location. The entrance to the apartment block where the family were living was set on fire in the middle of the night. The fire brigade was called and the fire was put out. Two days later, the landlord asked the family to leave the apartment as he had received a call from the perpetrator of the attack, clearly indicating that the attack was motivated by racism. The family were forced to move as a result.
- A Zimbabwean man was seriously assaulted and verbally abused with racist insults by a man in the queue for the cloakroom at a nightclub in Dublin. Subsequent to the attack, the man received a number of stitches in hospital.
- Two Sudanese men were attacked with wine bottles and subjected to racist verbal abuse in Wexford Street, Dublin by a group of young people. The Sudanese men received hospital out patient treatment for their injuries.
- Two Chinese men were verbally abused with racist comments, attacked and sustained knife wounds in a Dublin City Centre location.
- A family living in Tallaght have been subjected to sustained levels of harassment from some other residents in the area, including damage to property and physical abuse. This involved the throwing of stones at cars and house windows and the shouting of abuse.
- A Nigerian living in Dundalk had fire extinguisher powder sprayed through his letterbox.
- 20 Traveller families living in a temporary site near Laytown, County Meath were attacked during the night by a person driving agricultural machinery. Their trailers were covered with effluent from the spray unit and there was substantial damage to their property.
- In the case of a woman of Asian ethnic origin who was attacked by a group of youths in Dublin city centre, a taxi driver and a group of bystanders came to her assistance and the taxi driver drove her home.
- In 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. Two men have since been charged in relation to this incident. 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 media reported that the President of the Irish-Chinese Association said that there had been an increase in racist attacks on the Chinese community in recent months (media report).

⁷⁵ The NCCRI reports of Incidents relating to racism are available at: www.nccri.com (01.12.03) [PUBIE0147]

- In May 2002 the media reported that a Romanian national had his face slashed by one of a group of men in Gardiner Place, Dublin after being subjected to racist and verbal abuse (media report).
- In June 2002, two Japanese nationals were subjected to an attack by youths in the Phoenix Park in Dublin. They were punched and kicked and had their hair pulled at an event organised to mark the homecoming of the Ireland football team from the World Cup (media report).

Racist incidences recording during the period October 2001 to March 2002 included:

- The fatal assault on a Chinese student, who was attacked in Dublin in January 2002, which may have been the first death related to racism recorded in recent years.
- The other case that has received considerable publicity in recent months was the conviction of two women in Cork who were involved in a serious racist assault on a French national of Morocco background.
- Two women of Chinese ethnic origin who are 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 after the assault. 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. This attack once again shows that many racists will often target people in vulnerable circumstances, such as women on their own or men and women with children.
- A Bosnian woman single parent living in a housing estate in a western suburban area of Dublin, which was also highlighted in the first report. 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 have been broken on a regular basis by local youths and graffiti has been painted on her door.
- A Malaysian Islamic woman with her three small children who was sprayed with a foul smelling liquid in a main shopping Centre in the Dublin 24 area. Three children were involved in the assault. Three security guards came to the aid of the woman very quickly, but were unable to catch the perpetrators.
- Three incidents were 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 issue contributes to creating an environment where such attacks are more possible.

During the period May to October 2001 recorded racist incidents included:

- 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 France.

- In Tralee 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 case.
- 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.
- An Algerian asylum seeker who arrived in Ireland just after the September 11th attack requested and was granted relocation to a larger town as a consequence of his perceived fears living in a small rural town in County Cork.
- 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 property.
- A young woman of Chinese ethnic origin working in a fast food outlet in Dublin 22 was insulted and humiliated by a customer with a number of racist comments related to her ethnic origin. Her supervisor's only response was to sympathise with the customer and to repeat one of the racist comments used. (Action: Supervisor reported to the head office of the fast food outlet).
- Five teenage women assaulted a black woman outside a train station in Howth. The same woman, who lives in a private rented apartment block in Dublin 6 has also experienced sustained harassment from a small number of her neighbours for over a year. This harassment has included verbal abuse and cold-shouldering. The landlord has failed to respond to these issues despite several complaints from the complainant. (Action: Assault reported to the Gardaí)
- 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 three-week period. Every weekend a group of teenagers throw stones and bottles at her house. They have broken the windows of her car. (Action: The incidents have been reported to Gardaí but the harassment has continued.)
- A woman with young children (Dublin 7 area) who is Nigerian and an asylum seeker has had her windows broken by three men shouting racist abuse. Some other neighbours assisted the woman when the incident occurred. (Action: Reported to Gardaí).
- A man of Chinese ethnic origin, an Irish citizen, and his Irish wife and two young children had been singled out for racist harassment in a private housing estate in Dublin 9 over a number of months by one particular neighbour.
- A male teenager from Nigeria who is an asylum seeker and who is without his parents (unaccompanied minor) in Ireland was assaulted in Ennis. As a direct consequence of the assault the teenager spent four days in hospital.

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