

STOP THE  
SILENCE:

A Snapshot  
of Racism  
in Cork



Acknowledgements	2
Foreword	3
Executive Summary	4
Key Findings	5
Racism	5
Discrimination	5
Reporting	5
Awareness of Laws	5
<b>Introduction</b>	6
About Nasc	6
Outline of the Report	6
<b>Racist Reporting</b>	7
A Background to Racist Reporting	7
Developing the Nasc Racist Reporting Mechanism	8
<b>Racism in Ireland</b>	9
Irish Studies on Racism	9
Summary of EU MIDIS Survey	10
<b>Overview of Irish Policy and Legislation on Racism and Discrimination</b>	12
The Irish Constitution	12
Equality Legislation	12
Criminal Legal Provisions	13
<b>Findings</b>	14
Research Aims and Objectives	14
Data and Methodology	14
Results	14
Ethnic Origin/Nationality/Age/Religion Breakdown	15
Racism	16
Discrimination	18
Reporting	19
Awareness of Rights and Laws	22
Nasc: Racist Reporting Breakdown – July 2011 to October 2012	23
Verbal Abuse	23
Physical Assault	23
Online Racism	24
Discriminatory Treatment by An Garda Síochána	25
Discrimination	26
Criminal Damage	26
Roma	26
Conclusion	26
<b>Conclusions and Recommendations</b>	27
Summary of Findings	27
Concluding Remarks	27
Recommendations	27
Statutory	27
NGOs	28
Community	28
<b>Appendices</b>	29
Appendix I: Additional Survey Results	29
Appendix II: Racism Survey	30
Footnotes	32

Nasc, the Irish Immigrant Support Centre's Mission Statement:

Enabling migrants to access justice and human rights and to work to ensure a just, inclusive and integrated society.

Copyright © 2012 Nasc, The Irish Immigrant Support Centre

The information contained in this publication is subject to copyright by Nasc. You may reproduce this document for non-commercial use however we do ask that you please acknowledge Nasc's ownership.

Disclaimer:

The information provided in this publication is provided in good faith and every effort is made to ensure that it is accurate and up to date. The contents of this training guide are intended for informational purposes only and should not be relied upon as a substitute for legal advice. Nasc does not accept liability for the use or misuse of the information contained in this leaflet. Thank you for your co-operation.

#### ACKNOWLEDGEMENTS

We would like to take this opportunity to thank the organisations and individuals who have worked with us developing the racist reporting mechanism and with the compilation of this report. Firstly, a very special thank you to our Racist Reporting Officer Simon Prim for researching and compiling the report. Other individuals and organisations we must thank include: Cois Tine, Cork City Partnership, An Garda Síochána, ENAR Ireland, Pearse O'Halloran, Sorina Gabor, Kwabena Prempeh, and Millward Brown Landsdowne. We would also like to thank our funders Atlantic Philanthropies and the One Foundation for their support, and especially the Sisters of Mercy for their generous contribution to this report and our racist reporting initiative through their Solidarity Trust Fund. We also must thank everyone who participated in the survey and who has contributed a racist report. And finally, we would like to thank those who have participated in helping us launch the report, including the Lord Mayor John Buttimer, Seán Óg Ó hAilpín, Community Garda Sergeant Trevor Laffin, Councillor Mick Barry, Irish Network Against Racism Co-ordinator Catherine Lynch, Naomi Fein of Animation Space and the young people who produced the 'Enjoy Diversity' animation.



Stamp Out Racism Poster Campaign, 2012

## FOREWORD

**“Prejudice is a burden that confuses the past, threatens the future and renders the present inaccessible.”**

MAYA ANGELOU

Racism and racially motivated crimes are among some of the most insidious acts as they attack the very dignity of the human person. As such robust responses are required. The impact of racism is not confined to the victim but has a detrimental impact upon communities and undermines social cohesiveness. Through our work with victims of racism we have seen firsthand the harm that is caused to both the individual and the community at large. With this in mind, Nasc decided to undertake and publish a review of incidents reported to our service and to take a snapshot of attitudes to racism in Cork.

We have long contended that the under-reporting of racism and racist crime was a problem in the city. This view was supported by the local community Gardaí who were proactive in devising an innovative and accessible reporting mechanism to tackle this issue head on. We are very grateful for their support and cooperation over the last year. However, as this report demonstrates, racism remains an issue in our city.

Cork has always been characterised as an open and welcoming city. However as our report shows some introspection and work is required if we are to put true meaning to this view. Cork has benefited greatly from inward migration and is now a vibrant and multicultural city. We cannot now permit racism and prejudice to threaten our very bright future. We need to tackle it head on. It is hoped that the publication of this report will highlight these issues and bring them squarely into the public domain.

**Fiona Finn**

CEO, NASC, THE IRISH IMMIGRANT SUPPORT CENTRE

## EXECUTIVE SUMMARY

*Stop the Silence: A Snapshot of Racism in Cork* emerges from the work of Nasc, the Irish Immigrant Support Centre in promoting integration and tackling racism in Cork. Racism is a widespread problem in Ireland and a significant barrier to integration for ethnic minorities and migrants. Racist discrimination and racially motivated crimes negatively impact individuals and undermine community solidarity and cohesion. Cork is an increasingly multicultural and diverse city and as a non-governmental organisation working in this area, we are committed to working closely with statutory bodies, An Garda Síochána, community groups and individuals to collectively combat racism and promote integration.

This report forms part of Nasc's re-launch of our Racist Reporting Mechanism, a third party reporting initiative originally designed by Community Garda Sergeant Trevor Laffin and piloted by Nasc and other NGOs in the city working with ethnic minorities and migrants. Third party racist reporting by NGOs such as Nasc has become an effective complement to official reporting procedures, as many racist incidents that occur in Ireland do not constitute a crime. Also, many people experiencing racism do not want to officially report for a variety of reasons.

The report documents the development of our racist reporting mechanism. It includes an overview of major studies on racism and discrimination conducted in Ireland and Europe over the last decade and a summary of the legislative and policy framework on racism. This study provides a 'snapshot' overview of peoples' perceptions of and experiences with racism and discrimination in Cork City and County based on a survey on racism and analysis from our racist reporting mechanism. The findings of this report indicate that there remain many issues that need to be addressed in relation to victimisation and discrimination of ethnic minorities and migrants living in Cork. Key themes that emerged in the report:

- Racism is widespread but vastly under-reported
- Racism is perceived to be on the increase as a result of the economic downturn
- Third party racist reporting must be strengthened and expanded
- People know there are legislative mechanisms to protect them but the legislative and policy mechanisms are inadequate
- Greater awareness of racist reporting and anti-racism measures must be promoted amongst particularly vulnerable and invisible ethnic minority communities

A multi-faceted approach is needed to tackle racism and promote integration. The commitment and input of statutory agencies, NGOs and communities are required to bring about the real and effective integration of ethnic minorities and migrants into Irish society. Budget cuts must not function to increase levels of racism or stifle anti-racism and integration strategies and initiatives at all levels of society. Raising awareness of racism, promoting reporting of racist incidents and campaigning for institutional, legislative and policy change are all integral components in making Cork a truly diverse, multicultural and welcoming city.

## KEY FINDINGS

### Racism

- 55% of those surveyed believe racism is an issue in Cork. This figure rose to 62.3% of respondents of African origin.
- Immigrants of African origin are more likely be victims of racially motivated attacks.

### Discrimination

- 45% of those surveyed experienced discrimination in at least one area of everyday life.
- 38.5% experienced discrimination when engaging with a service provider, making it the area where respondents were discriminated against most.
- Housing and employment remain areas where migrants are heavily discriminated against.

### Reporting

- 82.8% of those surveyed who had experiences of racism and discrimination did not report the incident. Almost half believed that nothing would happen or change by reporting the incident.
- The results showed that 20.5% of respondents did not know how or where to report an incident where they had been racially attacked or discriminated against.
- Of the respondents who reported, 30.8% were extremely unsatisfied with the response.

### Awareness of Laws

- An encouraging 69.1% of respondents from an ethnic minority background said they were aware that laws are in place to protect victims of discrimination.

# Introduction

*Stop the Silence: A Snapshot of Racism in Cork* emerged from the work of Nasc, the Irish Immigrant Support Centre in the areas of promoting integration and tackling racism. As a lead organisation in the Cork City Integration Strategy Nasc has worked in partnership with other Cork-based organisations including An Garda Síochána, Cork City Council, Cois Tine, Cork City Partnership and Cork Migrant Centre for several years on these issues. Racism is a significant barrier to integration and limits opportunities for building a cohesive and connected society based on mutual respect and equality. *Connecting Communities, the Cork City Integration Strategy (CCIS) 2008-2011* (2008) set out to positively challenge discrimination and promote an inclusive, intercultural city in which all people are valued, regardless of nationality, religion or ethnic background. The Strategy sets the agenda for cultural and ethnic diversity to be welcomed and celebrated in Cork. This report and the racist reporting mechanism is part of Nasc's ongoing work to promote integration and tackle racism, and reflects the Strategy's vision, ethos and goals.

## ABOUT NASC

---

Nasc, the Irish Immigrant Support Centre is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change. Nasc was founded in 2000 in response to the rapid rise in the number of asylum seekers and migrant workers moving to the city of Cork, Ireland. It is the only NGO offering legal information and advocacy services to immigrants in Ireland's second largest city. Nasc's legal team assist some 1,200 migrants annually in navigating Ireland's protection, immigration and naturalisation systems. A considerable amount of our work involves reuniting families that have been separated through migration. We also assist migrants and ethnic-minority Irish people who encounter community based and institutional racism and discrimination.

## OUTLINE OF THE REPORT

---

This report is laid out as follows: the next section discusses the background to the racist reporting mechanism and its ongoing development, and includes a look at racism in Cork, as well as the wider Irish and European context. The report then moves to an examination of the legislative and policy context for racism and hate crimes in Ireland. Next, the findings from the racist reports and survey are presented and discussed. And finally, the report concludes with a summary of the findings and remarks on the importance of reporting racist incidents and raising awareness about racism, as well as recommendations on how to tackle racism, promote integration and make Cork a truly multi-cultural city.

## A BACKGROUND TO RACIST REPORTING

---

According to the United Nations Convention on the Elimination of All Forms of Racial Discrimination:

*The term “racial discrimination” shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

The Macpherson Inquiry<sup>1</sup> was set up in the UK in the aftermath of the racially motivated murder of Stephen Lawrence, a black British teenager from Eltham, southeast London, in 1993. The Stephen Lawrence inquiry resulted in a major examination of institutional racism in the UK. According to ENAR Ireland, the Irish Network Against Racism:

*Institutional racism can be described as the network of institutional structures, policies and practices that create advantages and benefits for the majority ethnic group and discrimination, oppression and disadvantage for people from targeted racialised groups and minority ethnic groups. The advantages created for the dominant group are often invisible to them.<sup>2</sup>*

The Macpherson inquiry also led to the development of the definition of racism that is now employed by An Garda Síochána, Nasc and the Irish Network Against Racism (ENAR Ireland), namely that a racist incident is any incident that is perceived by the victim to have been racist. The adoption of this victim-centred definition by An Garda Síochána and other statutory bodies and non-governmental organisations is a positive development. Experiences in Ireland, the UK and elsewhere throughout Europe have demonstrated that “low-level” racism, such as name-calling or racist bullying, can escalate quickly into violent acts, need to be addressed and cannot be ignored.

Many types of racist incidents do not constitute a crime under Irish law, and they are not recorded as such in the Garda PULSE (Police Using Leading Systems Effectively) recording system. The original racist reporting mechanism emerged as a result of low levels of official reporting of racist incidents. The mechanism was the brainchild of Cork-based Community Garda Sergeant Trevor Laffin based on his concerns that ethnic minorities and migrants, particularly refugees and asylum seekers, were not comfortable reporting racist incidents to An Garda Síochána. Reasons for ethnic minorities not reporting included what Taylor has termed “minority ethnic community confidence”<sup>3</sup> in the police and other criminal justice agencies, the role of the Gardaí in immigration, as well as an inherent distrust of police and other authority figures amongst people coming from areas of the world that would be characterised by high levels of corruption and abuse of authority. This original reporting mechanism commenced as a short pilot in 2008, which coincided with the demise of the National Consultative Committee on Racism and Interculturalism (NCCRI) and their racist incidents reporting and data collection system.

‘Third party’ racist reporting was thus developed, where organisations such as Nasc that work with ethnic minorities and migrants on a regular basis and have established trust relationships with minorities communities, become intermediaries between victims and witnesses of racist incidents and official reporting mechanisms when reporting racist incidents. Ethnic minorities and migrants can feel safe reporting confidentially to ‘third parties’ and be supported in taking these reports to official channels if the situation merits it and they desire to take the reporting further. Third party reporting was developed without funding. The racist reporting form was designed to complement the Garda PULSE system and was piloted in Nasc, Cois Tine and Welcome English Centre. This was an innovative and ground-breaking mechanism which returned an element of control to the victim. All reported incidents were followed up and formal incidents which were criminal in nature were recorded on the Garda PULSE system and investigated accordingly.



## DEVELOPING THE NASC RACIST REPORTING MECHANISM

---

Some of the main themes that emerged in the Mid Term Review of the Cork City Integration Strategy, undertaken by the Cork City Integration Strategy Monitoring Group in 2011, were that:

- 1 Discrimination is a common experience for immigrant and ethnic minority residents, particularly in the field of employment;
- 2 Awareness of the equality infrastructure remains low, particularly among immigrant and ethnic minority residents; and
- 3 Real experiences of racism and discrimination are not reflected in official statistics, as they are rarely reported by victims.

The Review noted that there was a lack of awareness on where people could report when they had experienced racism, abuse or discrimination on the grounds of ethnicity. The Review concluded that “there is a need to refocus / re launch third party reporting of racist incidents in the City to ensure there is effective protection and redress against racism in the city” and the need for “improved reporting of racist incidents”.<sup>4</sup>

In response to this finding, Nasc sought and was granted funding from the Cork City Council in 2011 to revive the 2008 pilot project. As an active member of the Irish Network Against Racism (ENAR Ireland, or INAR), who themselves are affiliated with the European Network Against Racism (ENAR), Nasc also records incidents of racism on INAR’s central database. This provides INAR with a clear evidence base to raise awareness about racism and lobby for reform of our current legal framework to adequately address racially motivated crimes and incidents.

Nasc began its new reporting mechanism in July 2011. The mechanism has a number of clear objectives:

- 1 To monitor incidents of racism in the city
- 2 To provide redress to the victims through our civil legal system, Garda Ombudsman, or other relevant avenues
- 3 To support victims of racism
- 4 To refer any formal complaint to the Gardaí for further investigation

Additionally, it provides evidence that racism is a very real issue in Cork today and enables Nasc to work closely with local and Community Gardaí to help address the issue.

When the cycle of funding from Cork City Council ended earlier this year, Nasc received generous support from the Sisters of Mercy Solidarity Trust Fund to research and write this report on racism in Cork, which would include analysis of the racist reports Nasc has collected to date, as well as a snapshot survey conducted on people’s attitudes to racism in Cork. In addition to the report, the Sisters of Mercy have also funded us to re-launch our racist reporting initiative. The re-launch of the reporting mechanism will include a new poster, flier and business card campaign with the aim a creating more public awareness and information about Nasc’s reporting mechanism for both victims and witnesses of racism. In addition to this, a revised INAR mechanism will also allow victims and witnesses of racist incidents to submit their own report to the INAR Reporting Racism website, to be launched in the new year.

Racism is a reality for many people living in Ireland. In addition to Travellers, Black Irish, religious and other ethnic minority Irish citizens, Ireland has become an increasingly diverse society with a significant proportion of our workforce now migrants – 15% according to the 2011 Census.<sup>5</sup> A number of studies conducted over the last decade indicate that racism and discrimination toward ethnic minorities and migrants is a persistent problem in Ireland.

In October 2012, the Central Statistics Office's (CSO) press release on Migration and Diversity from the 2011 census showed that the number of migrants living in Ireland now stands at 544,357, representing 199 separate nations. This shows an increase of 124,624, or 30%, migrants living in Ireland since the previous census in 2006. Contrasting this even further with the 2002 Census, the figure for migrants living in Ireland then stood at 224,261, thus showing an increase of 143% in just nine years. Although migrants make up only a portion of Ireland's ethnic minorities, this rapid growth in immigration gives a marked indication of Ireland's ever growing multi-cultural and diverse society.<sup>6</sup>

In a Cork context, the figures show that the city and county experienced some of the highest growths in migrants living within its borders. In the 2011 Census the number of migrants living in Cork County stood at 42,886, an increase of 10,518 since 2006 and placing Cork County third on the list of administrative counties with the highest number of migrants in terms of absolute numbers, behind Dublin City and Fingal. Remarkably, there are fifteen towns in County Cork where the migrant population exceeds 20%.<sup>7</sup> In Cork City the census disclosed that there are a total of 14,611 people of different nationalities living here, bringing the total between City and County to 57,497.<sup>8</sup>

## IRISH STUDIES ON RACISM

---

As far back as 2001, a survey conducted by Amnesty International Ireland reported that almost 80% of ethnic minority groups in Ireland had experienced some form of racism or discrimination.<sup>9</sup> Other research has noted a link between economic recession in Ireland and racism and discrimination towards ethnic minorities. A study conducted by the Migrant Rights Centre Ireland (MRCI) in 2010 stated, with reference to the second Lisbon Treaty referendum in 2009 that:

*Growing hostility towards migrants is a worrying development in the current recession. The role of the tabloid media and some right wing anti-Lisbon Treaty groupings circulating anti-migrant and racist propaganda was particularly evident in the lead up to the Irish vote on the EU Treaty.<sup>10</sup>*

This association was highlighted by the Committee on the Elimination of Racial Discrimination (CERD). The CERD committee report on Ireland in 2011 concluded that:

*Economic recession that has confronted the State party threatens to reverse the achievements that have been made in the State party's efforts to combat racial discrimination at all levels. The Committee expresses grave concern over the disproportionate budget cuts to various human right institutions mandated to promote and monitor human rights such as the Irish Human Rights Commission, the Equality Authority and the National Consultative on Racism and Interculturalism.<sup>11</sup>*

There is also a widespread perception amongst the public and decision-makers that racial crimes are on the rise. For instance, a 2012 Millward Brown survey found that nearly half of the TDs who answered believed that the frequency of racial incidents are increasing (45% perceived an increase in 2012 versus 28% in 2011).<sup>12</sup> Half of the public surveyed were in agreement that the frequency of racially motivated incidents has increased since the economic downturn.<sup>13</sup>

However the same survey found that there is only mixed familiarity with anti-racism and diversity strategies, and that there is "no clear understanding as to who should drive the roll out of integration strategies" amongst the TDs surveyed.<sup>14</sup> Clearly more work must be done to build awareness of racism and to promote integration strategies. This includes getting commitments from politicians and statutory bodies for funding of anti-racism and integration initiatives.

The Central Statistics Office (CSO) annually publishes data on nationally reported racially motivated incidents drawn from the Garda PULSE system. Information provided by the CSO in 2012 showed that there were a total of 122 racist incidents recorded in 2011, representing a fall in race crimes for the fourth consecutive year. There is unfortunately no published disaggregation of the data in terms of the types of incidents or profiles of

the victims and perpetrators. The PULSE system does not include a distinct category for recording the racist aspect of a reported incident. According to Séamus Taylor, this means that “a lot depends upon the victims reporting and insistence on identifying the racist aspect, and furthermore a lot depends on Garda discretion as to what is written into the narrative section of the PULSE recording system”. We believe the PULSE system should be revised to include racism as a distinct category.<sup>15</sup>

The CSO data must also be considered in the context of other reporting mechanisms, such as the Equality Authority, the Equality Tribunal, ENAR Ireland and NGOs such as Nasc that conduct third party reporting. These organisations receive many reports that are never input into the PULSE system, either because they were not deemed to be criminal or because the victim or witness did not wish to officially report. It could be argued that third party reporting may be more successful at collecting information about racist incidents, as NGOs such as Nasc have good relationships with members of ethnic minority and migrant communities, who may feel more comfortable reporting in a ‘safe space’. Further under-reporting of racist incidents is prevalent in Ireland. In terms of reporting a racist incident, the ENAR Shadow Report 2010-2011 notes, “An Garda Síochána research indicates that only 18% of people were likely to report a racist incident, clearly suggesting that under-reporting, an international issue, is also an issue in the national context”.<sup>16</sup> Clearly, the demise of the National Consultative Committee on Racism and Interculturalism and its reporting mechanism has had an impact on the awareness of and response to racist incidents. Nasc strongly recommends that the government renew funding for an independent body to collect, analyse and disseminate reports of racist incidents.

## SUMMARY OF EU MIDIS SURVEY

---

In 2009, the European Agency for Fundamental Rights (FRA) released the results from their European Union Minorities and Discrimination Survey (EU-MIDIS) carried out in 2008. 23,500 people of immigrant and ethnic minority backgrounds were surveyed face-to-face in all 27 EU Member States on their experiences of discrimination, racism and policing. The survey also scrutinised minorities’ awareness of rights in place to protect against discrimination and the area of reporting discrimination and racially

motivated crime. The findings revealed “beyond any doubt that discrimination on the basis of ethnicity is a major problem for many minorities in the EU”.<sup>17</sup>

The EU-MIDIS asked respondents had they experienced discrimination in nine domains of everyday life at least once over a 12 month period. The areas covered were:

- when looking for work
- at work
- when looking for a house or an apartment
- by healthcare personnel
- by social services
- by school personnel
- when entering a shop
- at a café, restaurant or bar
- when trying to open a bank account or get a loan

Alarming, the survey found that Sub-Saharan Africans living in Ireland ranked as the 6th highest discriminated group throughout the EU. 54% answering that they had experienced discriminatory treatment at least one area in the previous 12 months.<sup>18</sup> Employment was an area that was particularly highlighted, where 26% of Sub-Saharan Africans living in Ireland experienced discrimination at work and 19% encountering discrimination while looking for work.

EU-MIDIS also reported criminal victimisation of Sub-Saharan Africans living in Ireland to be proportionally higher than that of the EU average. The survey covered five crime types: property crime; burglary, theft of personal property and vehicle crime and in-person crime; assaults or threats and serious harassment. The EU average rate of criminal victimisation among all surveyed was 24%. The figure rose to 41% among Sub-Saharan Africans living in Ireland, the 5th most victimised group inclusive of all crime types covered in the survey. The area of serious harassment being particularly worrying, where 94 for every 100 Sub-Saharan African surveyed in Ireland said they had been the victim of serious harassment at least once over a 12 month period.

The survey highlighted that non-reporting continues to be an issue across Europe. An EU average of 82% of people who were discriminated

against did not report the incident. In Ireland 84% of Sub-Saharan Africans and 79% of Central or Eastern Europeans did not report. The most prominent reason given was the belief “that nothing would happen”, it was “too trivial, not worth reporting” or they “didn’t know how or where to make a report”.

Similar issues emerged in cases of criminal victimisation, where there were high levels of non-reporting of assault, threats and, serious harassment. According to the survey, “Not reporting to police about assaults or threats seems to be the normal response among members of vulnerable minority groups, and is even worse when it comes to incidents of serious harassment”. 75% to 90% of incidents involving serious harassment went unreported to the police, depending on the group. While in each of the groups surveyed the predominant reason for not reporting was a lack of confidence in the police.

Minorities’ experiences of police stops, ethnic profiling and trust in police were also highlighted in EU-MIDIS. The results of the survey showed that there were very high levels of police stops among minority groups. EU-MIDIS asked respondents “Thinking about the last time you were stopped in this country, when was this? Was it in the last 12 months or before then?": The results revealed that 59% of Sub-Saharan Africans living in Ireland had been stopped at least once by police in the previous 12 months, the highest percentage of police stops inclusive of all groups surveyed.

This body of evidence would suggest racism in Ireland is a persistent problem which needs continued focus and redress, both from our politicians and our law enforcing authorities. Yet as we shall see, many difficulties and issues remain with tackling racism, particularly from a political and legal framework.

# Overview of Irish Policy and Legislation on Racism and Discrimination

Unlike other jurisdictions, there is no specific offence in our criminal law to deal with racially aggravated offences. Opinion is divided on the effectiveness or otherwise of the introduction of a specific offence to deal with racially motivated crime. Taylor cogently notes that “concern with racist crime and with what are often termed hate crimes more widely is a particularly modern policy and legislative concern in western societies. That said, the offending behaviour which racist crime provisions seek to address is age old in its occurrence and in its multiple manifestations”.<sup>19</sup> If we accept Taylor’s argument we could conclude that the robustness nor otherwise of a state’s policy and legislation in this sphere serves as a barometer of a states “concern” with racist crime. In this section we will give an overview of the Irish state’s policy and legislation in this area and will briefly assess the state’s commitment to tackling the issue of racism and discrimination in this jurisdiction. It is submitted that adequate legislation to tackle racism and discrimination is but one weapon in a state’s arsenal to address racism. A strong legal framework sends out a clear signal that racism will not be tolerated in a modern liberal democracy.

## THE IRISH CONSTITUTION

The earliest commitment to equality can be found in Article 40.1 of the Irish Constitution which provides; “[a]ll citizens shall as human persons be held equal before the law. This shall not be held to mean that the State shall in its enactments have due regard to differences of capacity, physical and moral and of social function.”<sup>20</sup> This is a liberal and progressive equality declaration given its historical context. Not only does it guarantee equality to all citizens but it also embodies “differences”. It was summarised by Walsh J. in *de Burca and Anderson v Att. General*:<sup>21</sup> “Article 40 does not require identical treatment of all persons without recognition of differences in relevant circum-stances but it forbids arbitrary discrimination. It imports the Aristotelian concept that justice demands that we treat equals equally and unequal’s unequally”. It is beyond the scope of this report to provide an in-depth analysis of the Irish court’s interpretation of the provision but it is contended that the constitutional guarantee of equality has not been fully addressed and developed, nor has inequality been effectively remedied by the Irish courts.<sup>22</sup> However, it is worth noting here that any reform of our criminal legal legislation<sup>23</sup> to deal with racism and in particular expression offences will have to be looked at

through the lens of the constitutional guarantee of equality.<sup>24</sup>

## EQUALITY LEGISLATION

There are two distinct pieces of legislation in place in Ireland which set down distinct rights and specifically outlaw discrimination when it occurs. The Employment Equality Acts 1998-2011 and the Equal Status Acts 2000-2011 prohibit discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services. Specifically, goods and services include professional or trade services; health services; access to accommodation and education; facilities for banking, transport and cultural activities. Discrimination has a specific meaning under the Acts.

Equality legislation provides for different categories of discrimination including indirect discrimination, discrimination by imputation and discrimination by association. Direct discrimination is defined as the treatment of a person in a less favourable way than another person is, has been or would be treated in a comparable situation on any of the nine grounds which - exists; existed; may exist in the future; - or is imputed to the person concerned. An instruction to discriminate is also prohibited.<sup>26</sup> Indirect discrimination happens where there is less favourable treatment in effect or by impact. It happens where people are, for example, refused employment or training not explicitly on account of a discriminatory reason but because of a provision, practice or requirement which they find hard to satisfy.<sup>27</sup>

Under equality legislation discrimination based on any one of nine distinct grounds is unlawful. These grounds are; gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community. Whilst the equality provisions provide a good framework and clearly articulate the states commitment to equality and anti discrimination it must be noted however that a number of exemptions exist that serve to dilute the effectiveness of the legislation.

The Equality Authority is the body charged with the promotion of equal treatment in Ireland. The state was required under Article 13 of Council Directive 2000/43/E.C, commonly referred to as the “race directive”, to establish such a body. It is questionable whether such a body would have been established or retained during these straightened economic times were we not under a legal obligation to do so. This contention is borne out by the fact

that as a cost cutting measure, the current Government have merged the only other Human Rights Body, The Irish Human Rights Commission with the Equality Authority. This merger of the two bodies coupled with the abolition of the National Consultative Committee on Racism (NCCRI), the National Action Plan Against Racism, which was not redrafted or monitored past 2008, the removal of the Office of the Minister for Integration and a deletion of Ministerial post charged with promoting integration were clearly viewed as luxuries that the state could ill afford in times of austerity. There is now a significant vacuum in Government policy arising from the fact that there is no longer an expert body to advise on anti-racism and integration and no longer a dedicated plan to deal with these critical issues. These acts clearly question the states “concern” or commitment to deal with racism and racist crime.

## CRIMINAL LEGAL PROVISIONS

There is a link between discrimination in employment and access to goods and services which are dealt with the civil legal provisions outlined above, and racist crime.<sup>28</sup> Both emerge from the same ideology of bias, prejudice, and stereotyping. Taylor contends that:

*[t]he enduring stereotyping of minority groups provides the justification for day to day discrimination in employment and services. At the same time, these same enduring ideas and stereotyping facilitate the targeting of groups and individuals via hate crime – the stereotypes help dehumanise groups and thereby provide some form of perverse rationale for such activities as denying someone a job, failing to provide an appropriate service through to such potentially criminal acts as racial attacks.<sup>29</sup>*

Racial attacks are very serious in their nature; they impact not only on the individual but on communities as a whole, and serve to severely undermine societal cohesion. A clear, robust legislative response is required to send out a clear signal racism will not be tolerated.

The only legislation in Ireland that deals specifically with racially motivated behaviour is *The Prohibition of Incitement to Hatred Act 1989*.<sup>30</sup> This was enacted to ensure compliance with our international legal obligations, in particular Article 20.2 of the United National International Covenant

on Civil and Political Rights (ICCPR) which provides that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. The provisions in the Act are confined to what is termed “expression offences” and was never intended to deal with criminal acts where incitement is not a factor. The Act criminalises behavior and expression if they are intended to provoke hatred against a group of person on account of their race, colour, nationality, religion, ethnic or national origins, and membership of the travelling community or sexual orientation. The Act is silent on a definition of both incitement and hatred and critically, to secure a conviction under the act the prosecution is required to prove the acts were intended to stir up or incite hatred. It is insufficient that the material, expression or behavior itself was likely to incite hatred. This high threshold goes some way to explaining the Acts underuse and paucity of convictions.<sup>31</sup>

In the absence of a specific provision in our criminal law to deal with racially aggravated offences prosecutions of this nature are usually brought under a number of other criminal legal provisions, which include: The Criminal Justice (Public Order) Act (1994), The Non-Fatal Offences Against the Person Act (1977) and The Criminal Damage Act (1991). Here, criminal acts borne out of racial hatred are treated in the same manner as acts committed without a hate or race element. It is only at the sentencing stage that racist motivation can be considered as an aggravating factor, which could lead to a harsher sentence being imposed. In the absence of sentencing guidelines or binding precedent this consideration is entirely at the discretion of the judge.

It is not contended that reform of our criminal law is the panacea that will cure the ill that is racism in our society; a multifaceted approach is required here. However, the introduction of a specific provision to deal with racially aggravated offences coupled with clear sentencing guidelines covering racially motivated crimes would send out a strong signal that racism is not tolerated in this jurisdiction. In addition, it is our contention that the introduction of a provision is required to ensure states compliance with the E.U. Framework Decision on Combating Racism and Xenophobia (2008). This decision requires member states to have “an effective proportionate and dissuasive penalty where racist or xenophobic motivation is an aggravating circumstance”. Such a penalty is absent from our current legislative framework.

## RESEARCH AIMS AND OBJECTIVES

This study reports and presents the results of all of the racist reports collected by Nasc since July 2011, as well as the results of a survey conducted by Nasc in October 2012 in Cork City and County.

The Nasc reporting mechanism has been able to assist over 52 victims of racism in a relatively short period. We have provided redress for victims through the relevant bodies and referring criminal incidents to the Gardaí. The level of reporting to Nasc is high when compared to the 122 incidents nationwide reported by the CSO based on the Garda PULSE system. This suggests third party reporting by NGOs is effective, but this needs to be properly resourced and cannot replace a formal national reporting structure. The majority of reports have been made at our offices at Nasc from victims living in Cork, though it is not uncommon to have people contact Nasc from other areas of Ireland. While it is certainly positive that these victims contacted Nasc, it does perhaps beg the question as to why these victims did not feel they have an outlet to report their experiences closer to their location.

Our survey assessed peoples' perceptions and experiences of racism and discrimination in Cork and had a total of 171 respondents. The sample size of our survey (171) compares favourably with the most recent survey completed by Cork City Integration Strategy (CCIS) in 2011 (143) on issues of racism and discrimination in Cork City.

Respondents took the survey either online on Survey Monkey ([www.surveymonkey.com](http://www.surveymonkey.com)), or through face-to-face surveys carried out in Cork City, Nasc, Kinsale Road Accommodation Centre and Cois Tine (see Appendix II). The survey was open to all residents in the city and county, and did not solely focus on ethnic minorities' or migrants' experiences of racism. Almost 40% of respondents were Irish. The respondents were asked to describe their ethnic origin in the survey, to enable us to disaggregate, compare and contrast the results.

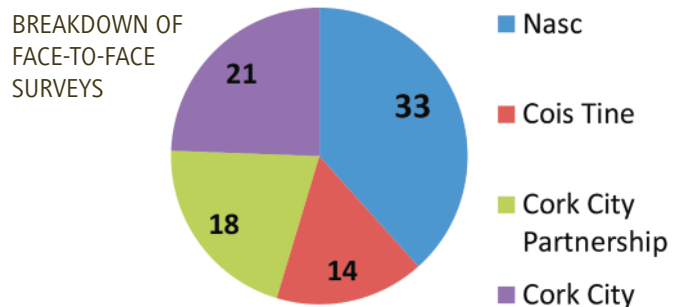
## DATA AND METHODOLOGY

The EU-MIDIS survey provided us with a good template which we used as a model to base our questions. Our survey consisted of seventeen short and negotiable questions into the issues for consideration. We designed a short, succinct and to the point survey to gain the highest number of respondents.

Nasc released the survey on the 5th of October 2012 with a deadline date for completion of all survey results of October 30th. The survey was made available online through the Nasc website, Social Media outlets such as Facebook and Twitter, and through Nasc employees sharing with other organisations. Hard (paper) copies of the survey were available at Nasc's drop-in clinic, Cois Tine and Cork City Partnership where face-to-face surveys took place. A number of face-to-face surveys were also carried out by a Nasc volunteer on two afternoons during October in different areas around Cork City.

Despite the short timeframe for the survey, we were pleased with the level of response by the public. In total, 171 respondents completed the survey. There were a total of 85 online respondents and 86 surveys were completed face-to-face.

### The breakdown of face-to-face surveys is as follows:



## RESULTS

All results were input into the database which enabled us to disaggregate the data in terms of ethnicity, age, sex and religion. In compiling our list of choices for "Ethnic background", we used the categories that appeared in the 2011 Census. We also included some of the ethnic backgrounds from whom Nasc have the most interaction and engagement with, and an option for the respondent to state his or her ethnic background if the survey choices overlooked this.

The following results are disaggregated for the majority of questions by respondent's ethnic origins. We did this to compare Irish respondent's attitudes and experiences of racism to that of respondents from a different ethnic background.

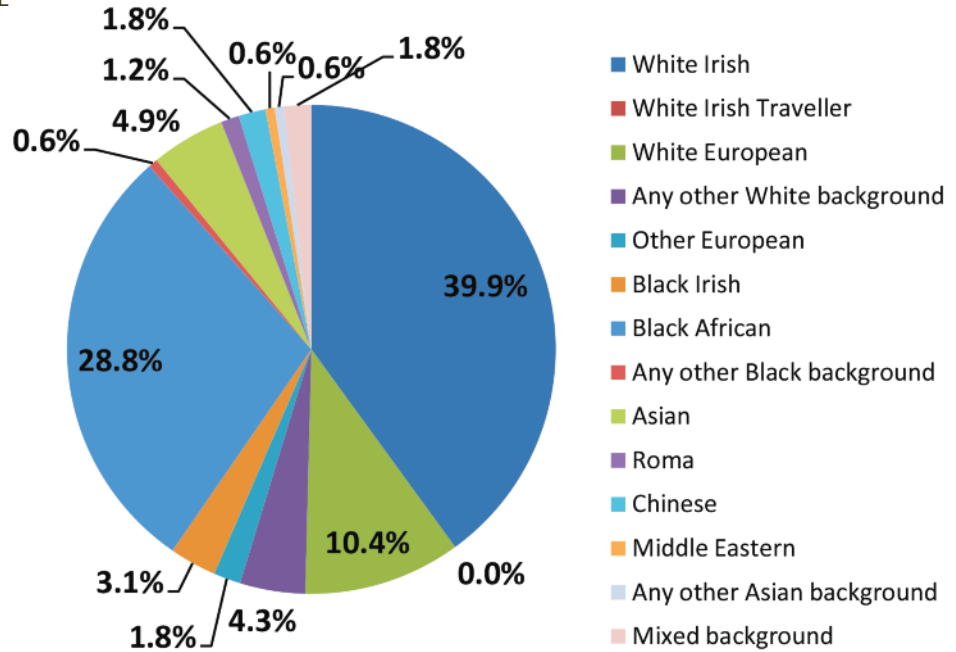
We also felt it important to disaggregate the results of immigrants of African origin living in Cork in order to compare with the findings in the EU-MIDIS survey, which identified this group as being a particular target of racially motivated acts.

### Ethnic Origin/Nationality/Age/Religion Breakdown

The following pie-chart illustrates the breakdown of the ethnic origin of our respondents:

HOW WOULD YOU DESCRIBE YOUR ETHNIC ORIGIN?

Of those who answered "Other", the respondents described their ethnic origin as Afro-Caribbean, Latino and Hispanic. For a breakdown of nationalities, see Appendix I.



The religious breakdown was as follows:

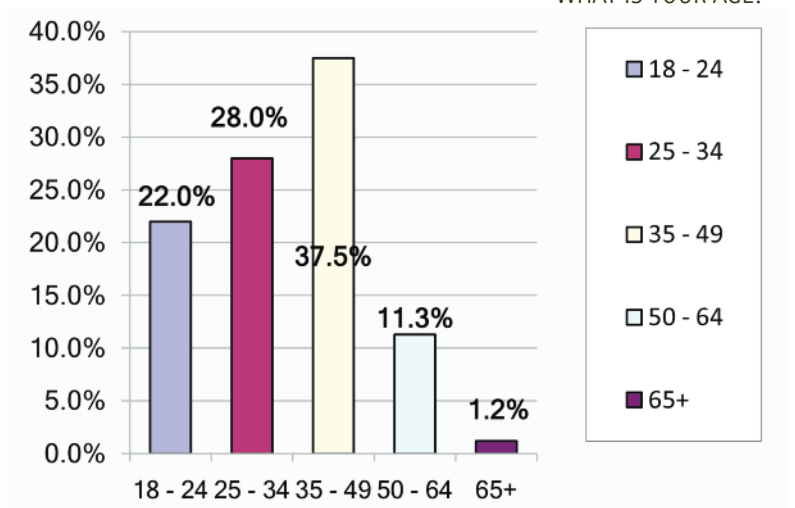
Roman Catholic	30.4%
Church of Ireland	2.5%
Presbyterian	1.3%
Methodist	1.3%
Other Christian	20.3%
Muslim	15.8%
Jewish	0%
Buddhist	4.4%
Atheist	6.6%
Not Religious	18.4%

Those who answered in the "Other" category included Monotheist, Hindu and Mormon.

A summary of the age breakdown was as follows:

The majority of respondents were between the ages of 35-49.

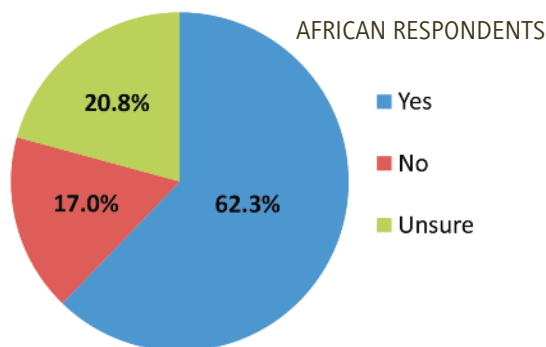
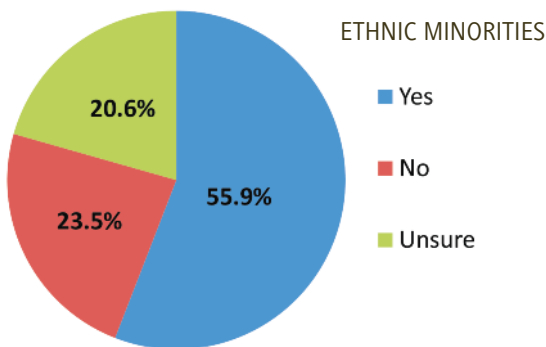
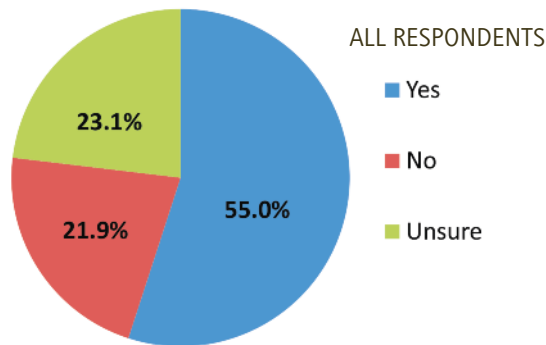
WHAT IS YOUR AGE?





## Racism

DO YOU BELIEVE THAT RACISM IS AN ISSUE IN CORK?

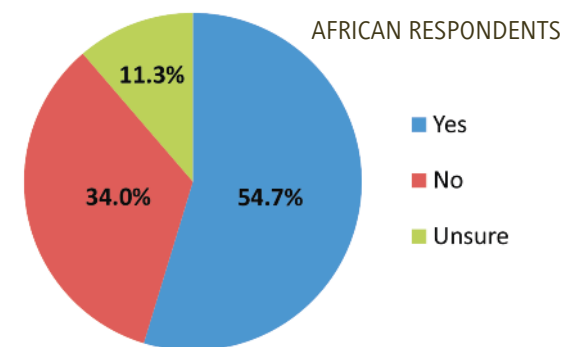
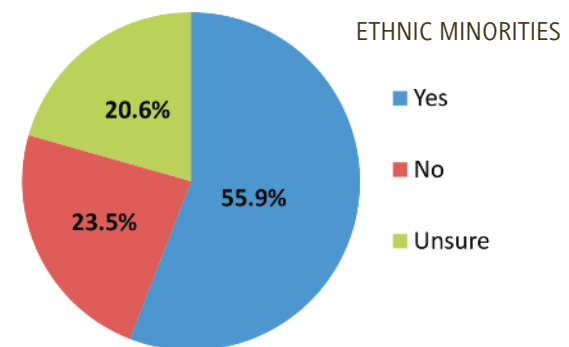
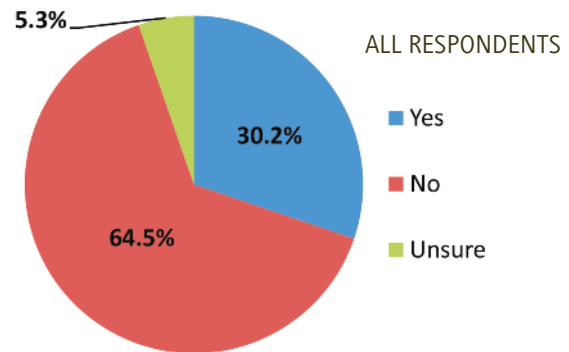


### The first question was “Do you believe that racism is an issue in Cork?”

In total, 55% of all respondents felt that racism is an issue in Cork, 21.9% did not believe it was an issue, while 23.1% were unsure. A marginally higher percentage, 55.9%, of ethnic minority respondents considered racism to be an issue, with 23.5% answering “No” and 20.6% “Unsure”.

Overall this revealed a positive result when contrasted with the previous citywide survey<sup>32</sup> where 67.6% of all respondents and 72.7% of

HAVE YOU EVER BEEN THE VICTIM OF A RACIST ATTACK?



respondents from an ethnic minority background believed racism to be an issue in Cork. Considering Cork’s increasing diversity as shown in the latest CSO figures discussed above, coupled with the perception that the economic recession has led to an increase in racist sentiment these findings are on the face of it an improvement on the most recent Cork City Integration Strategy Mid Term Review results. However, when we looked at the views of black African respondents the figure rose to 62.3% (see chart above). It was beyond the remit of the

study to enquire as to whether or not this belief was based upon experience or perception, but subsequent results point to a finding that stems from experience.

**We asked the question “Have you ever been the victim of a racist attack?”**

Of those surveyed 30.2% were a victim of a racist attack. This figure rose to 42.6% when the results were disaggregated to exclude Irish respondents and again increased to 54.7% when this question was put to African respondents.

The significant rise in victimisation of black African respondents is comparable to EU-MIDIS findings on Sub-Saharan Africans living in Ireland, suggesting that racially motivated attacks is a considerably larger problem for more visible minorities.

We then asked respondents what type of attack they were the victim of: verbal attack, physical attack or another specified attack.

There were a total of 53 respondents. Verbal attacks were the most common at 92.5% with 17% of victims subjected to a physical attack and 15% cited other forms of racism. The question allowed for multiple answers and the findings indicate that some respondents were subject to more than one form of attack. These findings are deeply concerning and clearly show that verbal abuse or the expression of racist comments forms part of the lived experience of almost all of the black African respondents. The volume and nature of these attacks go some way to justify the calls for changes to the law to adequately address this.

**Have you ever witnessed a racist attack?**

52.1% of all respondents were witness to a racist attack. This figure rose to 54.5% among respondents from an ethnic minority background and to 61.5% among respondents from an African origin. Indicating that respondents of African origin were more likely to witness a racist incident.

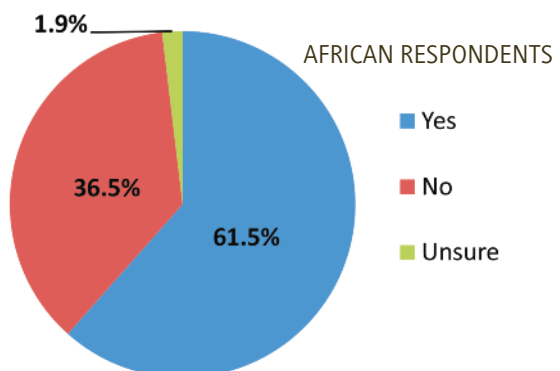
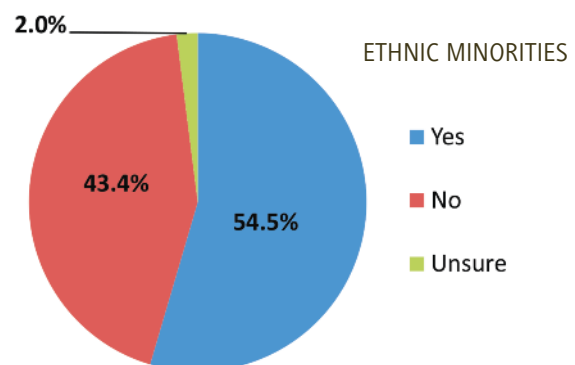
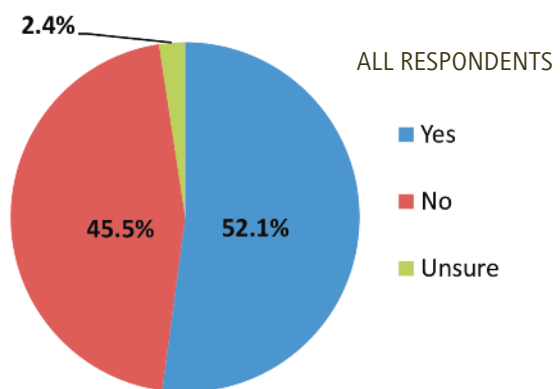
We then asked what type of the respondent had witnessed, again giving the options of: verbal attack, physical attack or another specified attack. Again this question allowed for multiple answers, hence the reason why the percentages exceed 100%.

There were a total of 87 respondents:

- 93.1% (81 / 87) of those surveyed witnessed verbal racism
- 19.5% (17 / 87) witnessed a physical attack
- 8% (7 / 87) respondents stated witnessing another specific attack. One respondent commented that he sees racism “everywhere with Romanian people

These findings correlate with the previous findings from victims of a racially motivated attack.

HAVE YOU EVER WITNESSED RACIST ATTACK?



## Discrimination

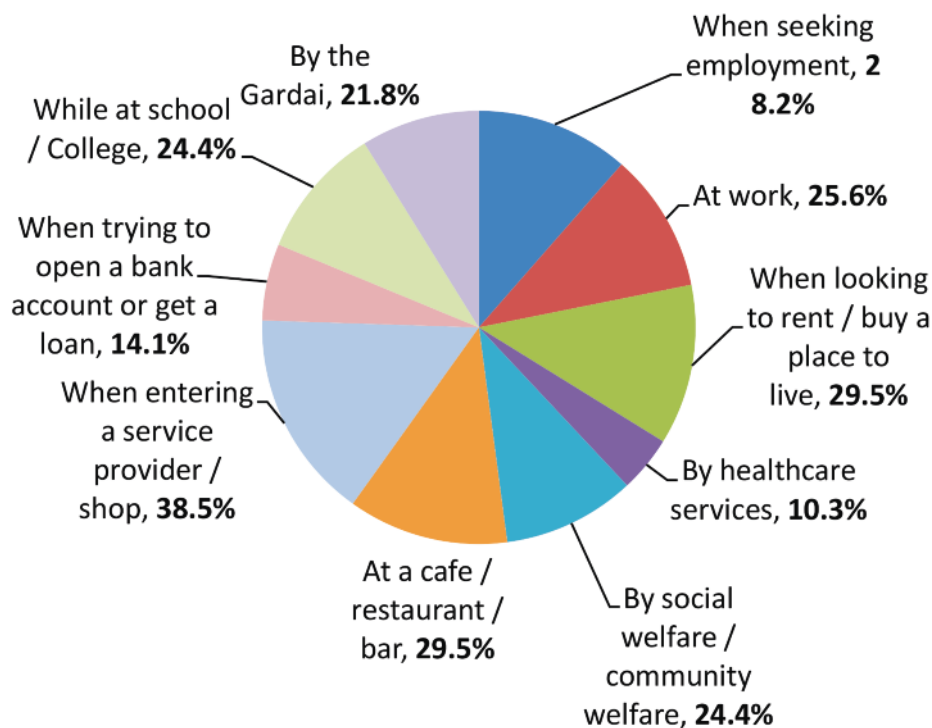
The survey then moved on to look at discrimination. Here we gave respondents a number of options including whether or not they had experienced discrimination from An Garda Síochána, the Department of Social Welfare, Community Welfare Officers, HSE or while in education. The respondents could select as many areas that applied to them.

An alarmingly high percentage of ethnic minority respondent and Black African respondents claimed to have been discriminated against, 70% and 72% respectively. These findings would indicate that institutional racism is clearly an issue in the city and the findings also point out that ethnic minorities experience multiple discrimination. Again, these findings correlate with the EU-MIDIS who found that people belonging to ‘visible’ minorities in Europe, such as people of African origin and Romani people “Are more likely to suffer multiple discrimination ... than other minorities”.<sup>33</sup>

The most common experience of discrimination occurred when accessing good and services. This paints a very bleak picture as these are basic

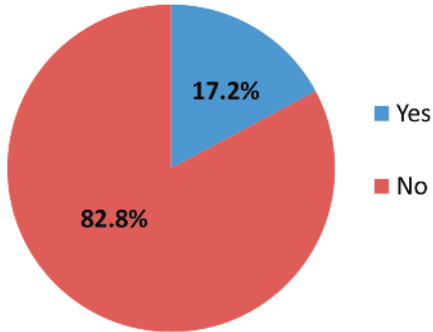
everyday interactions, and experiencing this kind of everyday racism can make life extremely difficult for ethnic minorities. The results also showed continuing problems with discrimination towards ethnic minorities when seeking housing and seeking employment as highlighted in ENAR’s 2010-2011 Shadow Report.<sup>34</sup> Housing and employment are basic necessities of life, requirements for being able to effectively participate fully in society and key drivers for integration. It sends a clear message of who is deemed to belong and who is deemed to be an outsider.

HAVE YOU EVER EXPERIENCED DISCRIMINATION BASED ON YOUR RACE, ETHNICITY, IMMIGRATION STATUS, RELIGION IN ANY OF THE FOLLOWING AREAS:



## Reporting

IF YOU HAVE ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, HAVE YOU REPORTED THE INCIDENT?



Our survey revealed 82.8% of respondents who had experienced racism or discrimination had not reported the incident. This finding of under-reporting has long been cited as a problem that needs to be addressed. Under-reporting is not just an issue that is confined to Cork but is a national and European wide issue. EU-MIDIS found that under-reporting was the norm from every minority group throughout Europe. Their findings on Ireland almost mirror the Nasc findings, so nothing has changed in three years. A strong institutional response is required here. The State cannot continue to discharge its obligations to NGOs working in the area. High levels of under-reporting have very serious ramifications; it creates a perception that racism is not taken seriously and can also serve to undermine our equality infrastructure. It provides the State with a "get out of jail free card". If the State does not effectively and comprehensively monitor racism and collect all of the evidence, then the impetus to change our legislation and policy is effectively diminished. Victims are rendered silent, powerless and disaffected.

### If yes, who have you reported to?

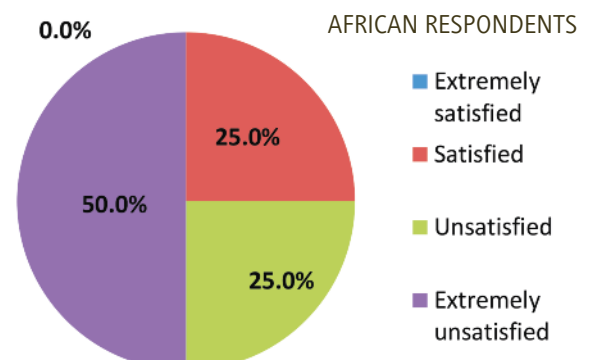
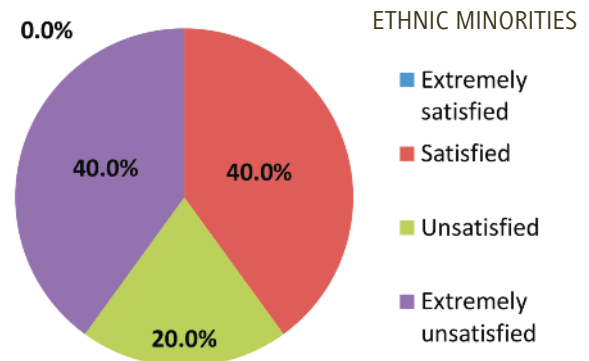
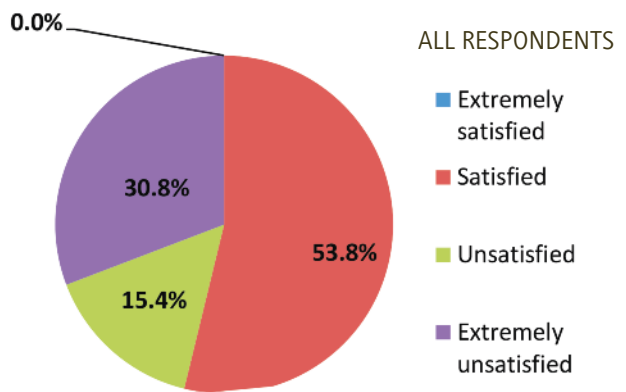
This question had a total of 14 respondents, the breakdown is as follows:

An Garda Síochána	9 Reports
Garda Ombudsman	1 Report
College Authorities	1 Report
Social Welfare	1 Report
Equality Authority	1 Report
Manager at a service provider	1 Report

### If yes, how satisfied were you with the response?

Levels of satisfaction varied from group to groups. 100% of Irish respondents who reported to the authorities were satisfied with the response. Results from ethnic minority respondents were less positive showing an overall dissatisfaction. Just 40% claimed to be satisfied with the response, 20% unsatisfied and 40% extremely unsatisfied. High

IF YES, HOW SATISFIED WERE YOU WITH THE RESPONSE?



# Findings

levels of dissatisfaction with the response from authorities can lead to mistrust with authority, especially the police, among some ethnic minorities. This was also highlighted in EU-MIDIS, where “in some groups, those who reported incidents of crime ended up trusting police less than those who did not make a report”.<sup>35</sup> This also has implications for reporting, as dissatisfaction with the response from authorities may dissuade victims of racism and discrimination from reporting at another point, or they may influence under-reporting in other members of their community. It may also result in disaffection with the State and exacerbate feelings of segregation and isolation.

## If no, what were the reasons for not reporting the incident(s)? Please select all that apply?

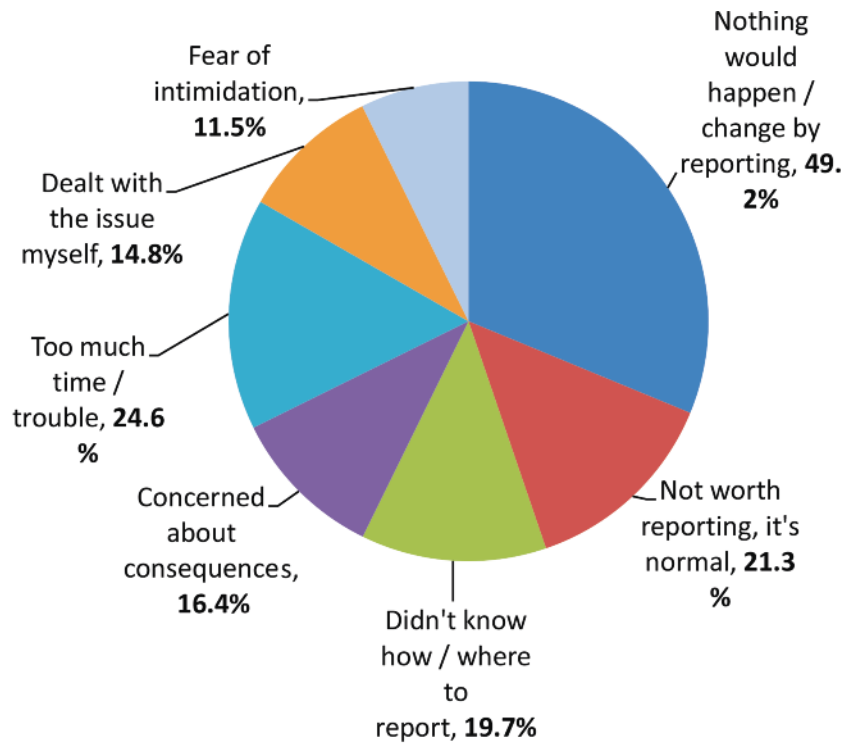
Those surveyed in this question were allowed to choose multiple answers. 49.2% of all respondents and 65.5% of African respondents answered “Nothing would happen / change by reporting”, making it the highest cited answer. This indicates a high level of resignation and an attitude among ethnic minorities that reporting is ineffectual, especially among immigrants from African origin. 23.3% felt it was too much time and trouble to report and 21.9 % of respondents answered that it was “Not worth reporting / it’s normal”, painting a

grim picture that there is a level of tolerance among some immigrants to racism and discrimination directed towards them. There was also a level of unawareness of where to report, with 20.5% answering that they “Didn’t know how / where to report”. Though this figure compares favourably with EU-MIDIS where 36% of people surveyed did not know or where to report.<sup>36</sup> 15.1% of respondents stated they were concerned about the consequences of reporting. In relation to this, the MRCI report on racism in Ireland noted that many immigrants do not report racist incidents to Gardaí as they also act as immigration officers and, as a consequence, feared jeopardising their status. The report highlighted one case in which an undocumented migrant worker who reported a racist incident was first asked for details of her immigration status.<sup>37</sup> Fear of jeopardising one’s status certainly may factor into reasons behind respondents’ concern with regard to reporting. However, as pointed out in EU-MIDIS, there may be another dynamic to this. When two answers are coupled together – “concerned about consequences” and “fear of intimidation” – totaling 26.1% of the respondents reasons for not reporting, this is “indicative of the fact that discrimination cannot be considered as a minor event for all respondents”.<sup>38</sup>

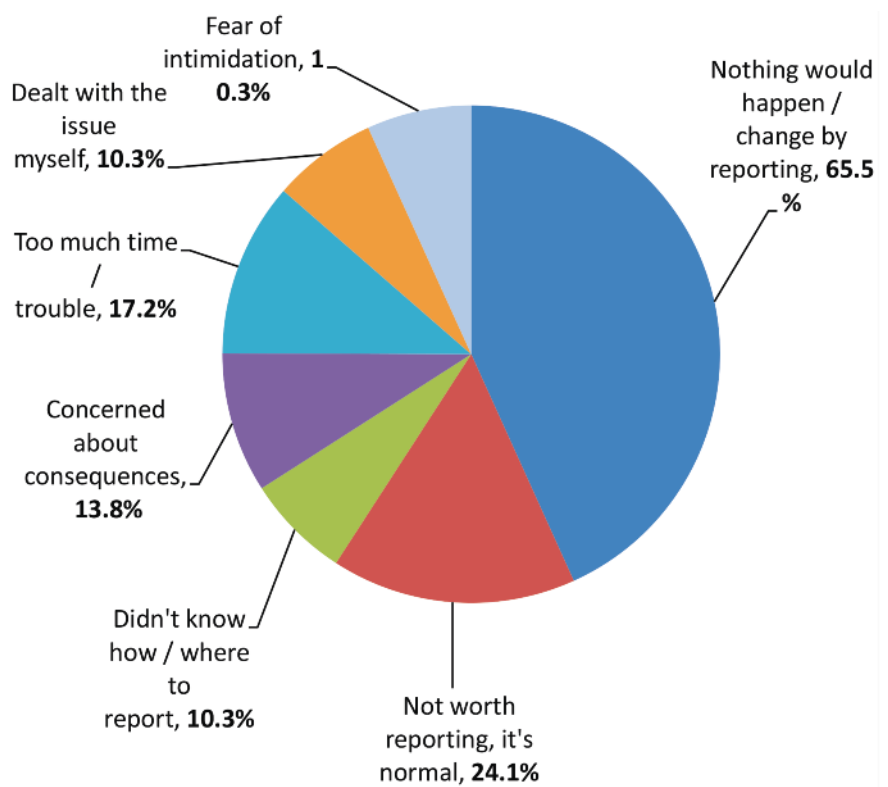
ALL RESPONDENTS: IF NO, WHAT WERE THE REASONS FOR NOT REPORTING THE INCIDENT(S)? PLEASE SELECT ALL THAT APPLY.



ETHNIC MINORITIES: IF NO, WHAT WERE THE REASONS FOR NOT REPORTING THE INCIDENT(S)? PLEASE SELECT ALL THAT APPLY.

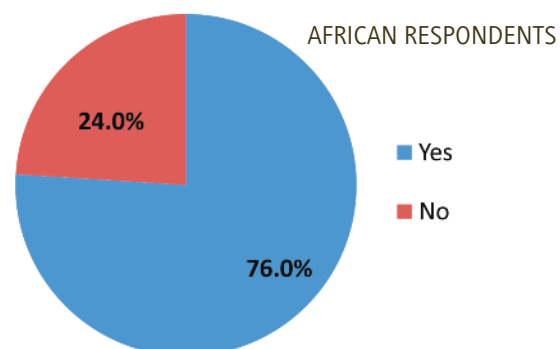
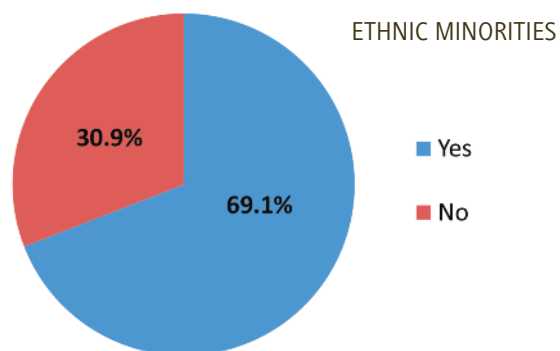
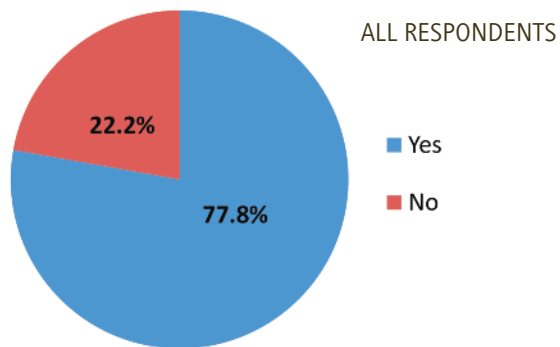


AFRICAN RESPONDENTS: IF NO, WHAT WERE THE REASONS FOR NOT REPORTING THE INCIDENT(S)? PLEASE SELECT ALL THAT APPLY.



## Awareness of Rights and Laws

ARE YOU AWARE THAT LAWS EXIST TO PROTECT YOU FROM DISCRIMINATION?



### Are you aware that laws exist to protect you from discrimination?

77.8% of all respondents were aware that laws exist to protect against discrimination. This compares favourably with EU-MIDIS where 57% of all respondents were unaware of laws that forbid discrimination in areas of employment, goods and services and housing.<sup>39</sup> The comparative results showed a slight decrease in respondents' awareness of laws that protect against discrimination, though continued with the trend of good overall levels of awareness. Conversely however, awareness of these laws does not translate into action being taken by victims against perpetrators, with reporting figures so low, again suggesting skepticism from victims of discrimination that reporting will have a positive outcome. Nevertheless, these results show encouraging improvements in immigrant's awareness of legal bodies in place to protect against discrimination. However, taking into account our survey's aim to provide just a glimpse of the current situation in Cork with regard to racism and discrimination, our questions on rights awareness "Are you aware that laws exist to protect you from discrimination?" allowed for only yes/no answers. When designing the questions, we felt that this would fit in with our mandate for a easy, uncomplicated survey. Though the results from this question revealed quite a positive outcome in terms of respondents' awareness and knowledge of laws protecting against discrimination, we had no means to test this knowledge. Thus, we would like to acknowledge the limitations of our survey in this question and recommend further research into awareness of rights.

Although responses to this section showed a positive improvement in people's awareness of legal bodies in place to protect in discrimination, we are conscious that the question was very broad and continued low levels of reporting of discrimination makes it difficult to make substantial claims as to an improvement in people's knowledge of the legal framework that exists.

## NASC: RACIST REPORTING BREAKDOWN – JULY 2011 TO OCTOBER 2012

---

The previous section of this report looked at the results of our survey into current experiences of attitudes to racism, discrimination, reporting and rights awareness. This section will look at what is actually happening on the ground, giving an overview of the nature and type of cases that presented in Nasc. We will provide a breakdown of Nasc's reporting figures, and outline of the cases dealt with.

### BREAKDOWN OF REPORTS

The breakdown of reports received by Nasc show a number of correlations with the results of our survey. The majority of the reports involved cases of verbal abuse or harassment (42%) while reports of physical assault amounted to less than 10%. Our survey also found that immigrants of African origin were more likely to be victims of racism and discrimination; in reports made to Nasc, 40% came from people of African origin. In 51 of the 52 reports, the perpetrator was described as white Irish.

Nasc has received 52 racist reports since July 2011. The full breakdown is as follows:

- Verbal Abuse / Harassment – 22 Reports
- Discriminatory treatment by Gardaí – 6 reports
- Discrimination in accessing a Service – 6 reports
- Online racism – 6 reports
- Physical assault – 5 reports
- Criminal damage – 4 reports
- Discrimination in the workplace – 2 reports
- Discriminatory treatment by a Judge – 1 report

### Verbal Abuse

In the 22 cases involving verbal abuse or harassment, 10 incidents occurred in residential areas and housing estates, mainly in Cork City, and one case where a victim made a complaint of racially motivated bullying at a Direct Provision Centre. There were 11 cases of verbal harassment on the street or in other public areas. In the majority

of these harassment cases in residential areas, verbal abuse and racially motivated threats from neighbours were reported. This shows that, not only do ethnic minorities face discrimination in accessing housing as reflected in our survey, immigrants are commonly victimized in their own neighbourhoods, which can have very serious ramifications for integration. It is also deeply concerning as ethnic minorities may not feel safe in their own home.

In these situations Nasc would offer to make a referral to Victim Support and pass on the report to the Community Gardaí, who would liaise between the victim and perpetrator in an effort to diffuse the situation before it escalated. One problem identified by Nasc was that the victim would often withhold the name of the perpetrator if it was known to them. While this still enabled Nasc to compile statistics for national and local monitoring, it made follow up impossible for the Community Gardaí. Similarly, in the case of racially motivated bullying at a Direct Provision Centre, the victim refused to name the perpetrator for fears of being singled out even further. Though these victims had reported to Nasc, refusal to take the matter further by withholding names shows a direct correlation with the results of our survey, whereby victims are concerned about the consequences of reporting for fear of further intimidation.

### Physical Assault

Nasc received five reports of physical assault since the beginning of our reporting mechanism. One of these reports has been highlighted in a case study. In one report made to Nasc, we encouraged the complainant to make a formal complaint to An Garda Síochána. Another report involving a racially motivated assault by a customer at a restaurant was made to Nasc. The victim was unhappy with the response from the hotel's management and Nasc contacted the hotel on the victim's behalf. She is now happy with their response. The victim also made an official complaint to the Gardaí. We received two reports where the victims were unwilling to take the matter to the Gardaí. One case involved a physical assault on a taxi-driver by an unknown member of the public after the perpetrator had accused the taxi-driver of overcharging. Though the victim may have had CCTV evidence, he refused to submit a formal report to the An Garda Síochána, though he did allow Nasc to file the report to ENAR. The second victim refused to make either an ENAR report or a complaint to the Gardaí as the



assault happened some time before he reported to Nasc. Nevertheless, the victim was encouraged that there was now a third-party organisation where racist reports could be made and would come to Nasc if he was a victim in the future. In all the cases that progressed to court the perpetrators were charged under the Criminal Justice (Public Order) Act (1994). Guilty pleas were entered in all cases and the racially aggravating factor was not raised.

## Online Racism

Six cases involved racist comments online, this being a growing area of concern as it is a very difficult area to monitor and prosecute. In cases of online racism Nasc encountered a number of problems. If there was a racist post on an online forum or a social media outlet such as Facebook, for example, and the comment has been deleted

and it is under 60 days from the date of delete, Gardaí would require an FBI warrant to retrieve information to prosecute as it is an American hosted website. Once it is over 60 days very little can be done, as Facebook then delete the content themselves, leaving no evidence. Nasc discovered this after reporting a complaint to the Gardaí about racist comments on a Facebook page. The Gardaí investigated the incident and identified the perpetrator, however, they were unable to prosecute due to the reason stated above.

Thus, in situations where Nasc now receive a report regarding online issues, we advise the complainant to print out the post immediately in case the perpetrator deletes the content, which we found tends to be the case due to the nature of the information. we then file our ENAR report as normal and contact the Gardaí to investigate whether the matter can be taken further.

## CASE STUDY

Ms. J, a woman of African origin attended Nasc, The Irish Immigrant Support Centre, to avail of the Racist Reporting facility in February 2012. Ms. J reported an incident that took place in September 2011 in North Main Street, Cork.

Ms. J informed she was assaulted by an man in his late thirties of Irish nationality. The man was in a drunken condition. Ms. J, who was veiled, was walking in a street in city centre when the perpetrator exited a shop and said to Ms. J, "Are you a nun?" Ms. J responded "No" and walked away. He then followed her and kicked her in the back of her thigh. Ms. J asked the perpetrator "Why?" but did not hear his response. Ms. J called a nearby Gardaí who pursued the man in question and arrested him.

The case was heard in the District Court and the defendant was sentenced to three months in prison and a fine of a €100 for being drunk and a source of danger, or 15 days in prison in default of payment. The man in question was released from prison within a week due to overcrowding. The racial motivation of the assault was not acknowledged in the course of the hearing or at sentencing.

Ms. J informed the racist reporter in Nasc that she felt safer after reporting the incident to Nasc's Racist Reporting Mechanism. She informed she found the referral to Nasc after the crime very helpful, and found the support offered very beneficial.

## CASE STUDY

Ms. M reported a racist incident to Nasc on behalf of a friend. Her friend Mr. A was driving Ms. M's car in McCurtain Street, Cork in February 2012. Mr. A was stopped by a unmarked Garda car and questioned by two plain clothes Gardaí. The Gardaí did not identify themselves.

They proceeded to take Mr. A's car keys and search his car. They informed him that they were searching for drugs. They asked Mr. A where he was going and informed him that they were looking for black people who were selling drugs. Mr. A informed the Gardaí that he did not use or sell drugs.

The Gardaí proceeded to ask him how long he had been in the country and whether he was employed. When Mr. A informed that he was currently unemployed they asked exactly what Social Welfare benefits he received and then told him that he received too much money.

At this point they resumed the search of the car and found a gardening knife which was the property of Ms. M. Mr. A explained this, but the Gardaí confiscated the knife. They also confiscated some snuff tobacco in Mr. M's possession. When searching Mr. A's wallet they found a private letter from Mr. A's ex-girlfriend and began to read it aloud. Mr. A insisted that they stop reading the letter as it was private. The Gardaí stopped reading the letter and repeated that they were looking for black people who were selling drugs. Mr. A told them that he didn't know anyone. One of the Gardaí gave Mr. A his number and told him to call him if he knew of anyone. Mr. A asked the Gardaí for their names. They both replied that their names were Fergal. The gardening knife has not been returned to Ms. M despite repeated requests for its return.

### Discriminatory Treatment by An Garda Síochána

In the six reports of discriminatory treatment by An Garda Síochána, four cases involved police stops. Two reports regarding the same incident were made in which a man was stopped while driving and searched for drugs. The victim stated that while he was being searched, specific references were made to the colour of his skin. However, the victim was reluctant to take the case to the Garda Ombudsman as his citizenship case was pending. Fearing any investigation may hamper his application for citizenship. This case is highlighted in the case study above. In the other two cases the victims again felt singled out because of their ethnic origin, yet on both occasions did not want to proceed with the matter. EU-MIDIS highlighted police stops and ethnic profiling as another problem area for Ireland.

When respondents were asked had they been stopped by police at least once in the past twelve months, 59% of Sub-Saharan Africans answered that they had ranking Sub-Saharan Africans the most likely group to be stopped by police on an EU-wide scale. The reports coming into Nasc would appear to verify this.

Nasc's other two cases of discriminatory treatment by Gardaí involved one case of discrimination at an immigration desk in Dublin Airport and one report of how a complaint of verbal and physical abuse made to Gardaí was handled by to authorities. In the former case a complaint was made to the Garda Ombudsman, though after an appeal, the Ombudsman found that there was insufficient evidence to proceed. A complaint to the Garda Ombudsman was also made in the second incident by the victim's solicitor.

## Discrimination

Five reports of service discrimination and two reports of discrimination in the workplace were made to Nasc. These reports do not go to the Gardaí but to the relevant equality authorities. Nasc have yet to bring a case of service discrimination before the Equality Tribunal due to two reasons; three of the reports made fell outside the six month timeline required to make a complaint to the Tribunal, while the other two cases Nasc felt there was not strong enough evidence to make a complaint. In the two reports made about discrimination in the workplace, Nasc assisted the victims with making a written complaint and liaised with Trade Union Representatives who proceeded to make a formal complaint to higher management.

## Criminal Damage

Four racially motivated reports of criminal damage were made to Nasc, three involved property damage and there was one report of damage to the victim's car. These cases were referred by Nasc to the Gardaí immediately for investigation. Three of these cases are still ongoing and are under investigation by Gardaí. One case had already been resolved by Gardaí before the victim made a racist report to Nasc.

## Roma

EU-MIDIS found that Roma people were the most discriminated against minority group throughout the EU. Of Nasc's 52 reports, just one report was made by a member of the Roma Community. This victim made 7 separate reports of racism over a 12 month period, with incidents varying from verbal abuse on the street, to criminal damage to his property and car. In our survey, we had just two respondents from the Roma community in Cork and their experiences are consistent with the one formal complaint made to Nasc. Each respondent experienced 5 of the 9 categories of discrimination and had been subjected to both verbal and physical racism. Clearly more needs to be done to target ethnic minority groups that are particularly vulnerable and experience high levels of racism and discrimination to build awareness about racist reporting and forms of redress for racist attacks.

## Conclusion

Nasc's racist reporting mechanism provides an essential third-party outlet for victims of racism to make both formal and informal complaints. As shown, reporting to Nasc is effective and it offers another means of reporting for victims who may not have confidence or trust in the Gardaí. This has been highlighted in a number of cases. Nasc is able to inform victims who come to us on various options available to them, be that making a formal complaint to An Garda Síochána, the Garda Ombudsman, the Equality Tribunal or other appropriate authorities. Though racially motivated incidents may not always constitute a crime, we encourage people to come forward and make an informal complaint and offer whatever support we can.

## SUMMARY OF FINDINGS

---

This report documents the development of our racist reporting mechanism. It includes an overview of major studies on racism and discrimination conducted in Ireland and Europe over the last decade and a summary of the legislative and policy framework on racism. This study provides a ‘snapshot’ overview of peoples’ perceptions of and experiences with racism and discrimination in Cork City and County. The findings of this report indicate that there remain many issues that need to be addressed in relation to victimisation and discrimination of ethnic minorities and migrants living in Cork. The report revealed that the majority of our survey’s respondents consider racism to be a problem and that there is a high level of racially motivated attacks on immigrants, be they verbal attack or physical attacks. It also highlighted several areas of discrimination that ethnic minorities continue to face, particularly in access to services, employment and housing. The report also shows that immigrants of African descent were more likely to experience a racially motivated attack, as compared to those from other ethnic minority groups. One of the most striking results of our survey was the high level of non-reporting from our respondents. In addition less than a quarter of people knew how to where to report. It is encouraging however that the majority of people surveyed are aware that legal protections against discrimination exist. What the results of this study highlight more than anything else is the importance of third party racist reporting in providing complementary data to that which is produced from official sources. It also highlights the need for additional and more comprehensive research on people’s experiences of racism in Ireland.

## CONCLUDING REMARKS

---

Racism is a barrier to integration – this fact comes clearly to the fore when looking at the impacts of racism on individuals and the community, because racism never just affects an individual but also the community at large. Although only a ‘snapshot’, this report clearly shows the many and varied impacts of racism, providing the necessary data to underpin lobbying and campaigning to raise awareness about racism and its effects and the importance of reporting racist incidents. We hope that our findings will contribute to debate and further research on racism and discrimination in Ireland.

ENAR Ireland and its members – which includes Nasc – continue to advocate for the introduction of effective Incitement to Hatred legislation in Ireland, and for the introduction of a criminal law amendment that would allow racism to be considered as an aggravating factor in sentencing. In the meantime, ethnic minorities and migrants in Cork are encouraged to contact Nasc to find out how they can get the support they need to record and report racist incidents, so that they can help to keep racism on the agenda.

## RECOMMENDATIONS

---

Based on our experience in racist reporting and the research data collected for this report, we submit the following recommendations for statutory agencies, NGOs and the community to tackle racism and promote integration in our city:

### Statutory

Tackling racism at a statutory level requires strong institutional and government responses and targeted funding. Budget cuts should not result in the exacerbation of racism or the stifling of funding to anti-racist and integration strategies and programmes. Specific recommendations include:

- Clear policy on role of Office for the Promotion of Migrant Integration in overseeing anti-racism and integration strategies
- Training on existing legislation and policy for Gardaí for all State bodies
- Intercultural and anti-racism training for Gardaí and all State bodies
- Reform of the Incitement to Hatred Legislation to account for online racism
- Legislative reform to account for racially aggravated offences in line with our obligations under the E.U. Framework Decision on Combating Racism and Discrimination
- Clear sentencing guidelines to cover racially motivated crimes to send out a strong signal that racism is not tolerated in this jurisdiction
- Judicial training on the impact of racism on victims
- Racism to be included as a category in the Garda PULSE system

# Conclusions and Recommendations

- Nationally funded mediating body to replace the NCCRI
- Human rights bodies should be adequately funded to facilitate the protection of human rights and particularly to address all forms of racial discrimination
- Continued funding and support for community policing

## NGOs

Our research has shown that NGOs can play a lead role in tackling racism. Organisations must be adequately funded to provide anti-racism and integration strategies. Specific recommendations include:

- Raising awareness and expanding third party reporting
- Target particularly vulnerable ethnic minorities and migrant communities that may not be aware of racist reporting and legal protections against racism
- Establishment of a national campaign for strong institutional, policy and legislative responses to adequately address racism on all fronts
- Further in-depth research on people's attitudes towards racism and the impacts of racism on communities

## Community

Communities and individuals have an important role to play in tackling racism and promoting integration. Resources need to be invested in communities to make minorities vulnerable to discrimination aware of support organisations. Specific recommendations include:

- Training on existing legislation and policy for interested individuals
- Build capacities of individuals in confronting racism in their communities
- Community integration initiatives that highlight and promote diversity
- If you experience or witness a racist incident, report it to Nasc, ENAR Ireland's Report Racism mechanism, or any of the other reporting mechanisms

# Appendix I: Additional Survey Results

## NATIONALITY BREAKDOWN – 150 RESPONDENTS

TOTAL OF 40 DIFFERENT NATIONALITIES TOOK THE SURVEY

Irish	68	Eritrean	1
Nigerian	12	Guinean	1
Cameroonian	5	Scottish	1
Ghanaian	5	Afghan	1
American	4	French	1
Congolese	4	Moroccan	1
Sudanese	4	Ecuadorian	1
British	3	Chilean	1
Thai	3	Mexican	1
Polish	2	Mauritian	1
Hungarian	2	Latvian	1
Zimbabwean	2	Cuban	1
Algerian	2	Ukrainian	1
Albanian	2	South African	1
Burundian	2	Tanzanian	1
Pakistani	2	Grenadian	1
Ugandan	2	Bolivian	1
German	2	New Zealander	1
Spanish	2	Australian	1
Ethiopian	2	Bangladeshi	1

## CITY / COUNTY BREAKDOWN – OUT OF 130 RESPONDENTS:

City	93
County	37

**Racism in Cork**

**1. How would you describe your ethnic origin?**

White Irish  
 White Irish Traveller  
 White European  
 Any other White background  
 Other European  
 Black Irish  
 Black African  
 Other (please specify)

Any other Black background  
 Asian  
 Roma  
 Chinese  
 Middle Eastern  
 Any other Asian background  
 Mixed background

**2. What is your nationality?**

Other (please specify)

**3. What is your religion?**

Roman Catholic  
 Church of Ireland  
 Presbyterian  
 Methodist  
 Other Christian  
 Other (please specify)

Muslim  
 Jewish  
 Buddhist  
 Atheist  
 Not religious

**4. What is your gender?**

Female  
 Male  
 Other (please specify)

**5. What is your age?**

18 - 24  
 25 - 34  
 35 - 49  
 50 - 64  
 65+

**Racism in Cork**

**6. In what area of Cork do you live? (Optional)**

Other (please specify)

**7. Do you believe that racism is an issue in Cork?**

Yes  
 No  
 Unsure

**8. Have you ever been the victim of a racist attack?**

Yes  
 No  
 Unsure

**9. If yes, were you a victim of (please select all that apply):**

Verbal attack  
 Physical attack  
 Other (please specify)

**10. Have you ever witnessed a racist attack?**

Yes  
 No  
 Unsure

**11. If yes, did you witness (please select all that apply):**

Verbal attack  
 Physical attack  
 Other (please specify)

**12. Have you ever experienced discrimination based on your race, ethnicity, immigration status, religion in any of the following areas (please select all that apply):**

When seeking employment  
 At work  
 When looking to rent / buy a place to live  
 By healthcare services  
 By social welfare / community welfare  
 Other (please specify)

At a cafe / restaurant / bar  
 When entering a service provider / shop  
 When trying to open a bank account or get a loan  
 While at school / College  
 By the Gardai

## Racism in Cork

13. If you have answered yes to any of the above questions, have you reported the incident?

- Yes
- No

14. If yes, who have you reported it to?

15. If yes, how satisfied were you with the response?

- Extremely satisfied
- Satisfied
- Unsatisfied
- Extremely unsatisfied

16. If no, what were the reasons for not reporting the incident(s)? Please select all that apply.

- Nothing would happen / change by reporting
- Not worth reporting, it's normal
- Didn't know how / where to report
- Concerned about consequences
- Too much time / trouble
- Dealt with the issue myself
- Fear of intimidation

Other (please specify)

17. Are you aware that laws exist to protect you from discrimination?

- Yes
- No

This survey is strictly anonymous. No personal or identifying details will be made public.

If you have experienced a racist incident, we encourage you to report it to us at Nasc. You can contact us at tel: (021) 4317411 or email: [reportracism@nascireland.org](mailto:reportracism@nascireland.org) or drop in to 35 Mary Street, Cork.



# Footnotes

- 1 Sir William Macpherson, *The Stephen Lawrence Inquiry: Report of an Inquiry* (London: Home Department [UK]), available at: <http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm> (date accessed: 19 November 2012).
- 2 ENAR Ireland website, available at: [www.enarireland.org](http://www.enarireland.org) (date accessed: 10 November 2012).
- 3 These include “low levels of confidence in the Garda response to racist crime’ negative policing experiences in home countries; negative policing experiences with the Garda Immigration policing function; experience of racism from the Garda themselves” (Taylor, *Responding to Racist Incidents and Racist Crimes in Ireland: An Issues Paper for the Equality Authority* (Maynooth: NUI Maynooth, 2010), p. 33.
- 4 *The Cork City Integration Strategy, Connecting Communities, Mid-Term Review* (2011).
- 5 Central Statistics Office, *Census 2011*, available at: <http://www.cso.ie/en/media/csoie/census/documents/Prelim%20complete.pdf> (date accessed: November 2012).
- 6 Central Statistics Office, *Migration and Diversity Press Release*, available at <http://www.cso.ie/en/newsandevents/pressreleases/2012pressreleases/pressreleasecensus2011profile6migrationanddiversity/>
- 7 Central Statistics Office, *Profile 6: Migration and Diversity*, available at <http://www.cso.ie/en/media/csoie/census/documents/census2011profile6/Profile%206%20Migration%20and%20Diversity%20Commentary.pdf>
- 8 CSO, *Profile 6: Migration and Diversity*, available at <http://www.cso.ie/en/media/csoie/census/documents/census2011profile6/Profile%206%20Migration%20and%20Diversity%20entire%20doc.pdf>
- 9 Irish Centre for Human Rights and Amnesty International, *Breaking Down Barriers: Tackling Racism at the Level of the State and its Institutions* (2006).
- 10 Migrant Rights Centre Ireland, *Racism and Migrant Workers in Ireland*, Policy Paper (2010).
- 11 Committee on the Elimination of Racial Discrimination, *Concluding Observations of the Committee on the Elimination of Racial Discrimination, Ireland* (2011).
- 12 Millward Brown Lansdowne, *Immigrant Policy Survey Commissioned by the One Foundation* (2012)
- 13 Millward Brown Lansdowne, *Public Attitudes Towards Immigration Survey Commissioned by the One Foundation* (2012).
- 14 Millward Brown Lansdowne, *Immigrant Policy Survey Commissioned by the One Foundation* (2012).
- 15 Taylor, 2010
- 16 ENAR Shadow Report 2010-2011, *Racism and Related Discriminatory Practices in Ireland* (2011).
- 17 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Main Results Report* (2009).
- 18 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Introduction to the FRA’s EU-wide discrimination survey* (2009).
- 19 Taylor, 2010
- 20 Bunreacht na hÉireann, Article 40.1
- 21 [1976]I.R. 38 at 68
- 22 See in particular *Quinn Supermarket v Att.Gen* [1972] I.r.1, *O Reilly v Minister of Environment* {1986}I.R. 143, *Denney v. Minister for Social Welfare*, (High Court July 26 1984) and *Norris v A.G*
- 23 *The Prohibition on Incitement to Hatred Act 1989*
- 24 For further reading see Schweppe and Walsh *Combating Racism and Xenophobia through the Criminal Law Dublin: National Action Plan against Racism 2008*
- 25 See Section 6 (1) *Employment Equality Act 1998* and Section 3 *Equal Status Act 2004*
- 26 See <http://www.equality.ie/en/Information/> (date accessed: 17 November 2012)
- 27 *Ibid*
- 28 *Supra* at note 26
- 29 *Ibid*
- 30 hereinafter *The Act*
- 31 For further analysis of the Act see, J Schweppe and D. Walsh (2008) *Combating Racism and Discrimination Through the Criminal Law. A Report Commissioned by the National Action Plan Against Racism 2008*, available at: <http://integration.ie/website/omi/omiwebv6.nsf/page/other-publications> (NCCRI)
- 32 *The Cork City Integration Strategy, Connecting Communities, Mid-Term Review* (2011).
- 33 European Union Agency for Fundamental Rights Press Release, “Visible minorities most vulnerable to multiple discrimination (2 Feb, 2011).
- 34 European Network Against Racism, *Shadow Report 2010-2011, Racism in Europe* (2011).
- 35 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Main Results Report* (2009), p.75.
- 36 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Introduction to FRA’s EU-wide discrimination survey*, p.9 (2009).
- 37 Migrant Rights Centre Ireland, *Racism and Migrant Workers in Ireland*, Policy Paper (2010).
- 38 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey, Introduction to FRA’s EU-wide discrimination survey*, p.9 (2009).
- 39 European Union Agency for Fundamental Rights, *European Union Minorities and Discrimination Survey Data and Focus Report, Rights Awareness and Equality Bodies* (2010).



Enterprise House, 35 Mary Street, Cork, Ireland

Tel: 021 4317411

Fax: 021 4570523

Email: [info@nascireland.org](mailto:info@nascireland.org)

Web: [www.nascireland.org](http://www.nascireland.org)

Report a racist incident at:

[reportracism@nascireland.org](mailto:reportracism@nascireland.org)