**SUBMISSIONS TO THE COMMITTEE ON THE ELIMINATION OF RACIAL**

**DISCRIMINATION (CERD) – CONSULTATION WITH CIVIL SOCIETY**

**by**

**Immigrant Council of Ireland**

**November 2016**

**INTRODUCTION**

The Immigrant Council of Ireland (ICI) is an independent human rights organisation. We advocate for the rights of migrants and their families, and act as a catalyst for public debate and legislative and policy change. We are also an Independent Law Centre. The organisation was set up by Sr Stanislaus Kennedy in 2001 to develop innovative responses to Ireland’s changing society. Through our Racist Incident Support and Referral Service, the ICI offers information, support and appropriate referrals for people who have experienced or witnessed racist incidents in Ireland.

1. **What are the key challenges and issues of racial discrimination in your country/region today and how do you work to address them?**

Lack of Hate Crime legislation and a centralised support services for victims of racism

Racist incidents and violence is on the rise in Ireland. As the [Central Statistics Office has reported in October 2016](http://www.irishtimes.com/news/social-affairs/one-hate-crime-reported-to-garda-every-day-figures-show-1.2831615) the number of racist incidents has doubled in the last year compared to the previous year. A similar pattern has been recorded by our anti-racism services. The far reaching consequences of racism are profound on the victim and the communities that they belong to. However victims of racism in Ireland are on many occasions left without appropriate assistance. The lack of effective and appropriate hate crime laws and a centralised support services for victims of racism creates a vacuum where victims are being further isolated and have no access to justice. Ireland does not offer an effective and sufficient legal protection to victims and their families against racist harassment and violence. The lack of appropriate hate crime laws creates a gap where victims are left on their own to deal with the direct and indirect results of racist harassment and violence. The lack of recognition of racism as a crime leaves many victims without the option to effectively address their concerns. Especially if the racist incident has a ‘low’ level of harm (e.g. verbal harassment), the victim has no avenue to address the issue. This sends a message to the society that this form of behaviour is acceptable as it is not being a subject of punitive measures. Even when the racist incident consisted elements considered as criminal, the racist components of the instance may not be taken under consideration in sentencing. Therefore the victim may not get any sense of justice as the essence and the motivation of the racist harassment or violence is not being addressed.

There are targeted activities being undertaken by organisations like the Immigrant Council and others to introduce appropriate legislation in Ireland to tackle hate and hostility towards ethnic minorities and other persons. Proposed hate crime legislation (information available [here](http://www.iccl.ie/news/2015/07/13/iccl-backed-study-finds-hate-crime-must-come-out-of-shadows.html)) has been launched in July 2016 with the Immigrant Council partially funding the next phase of the progression of this legislation. The ICI is also providing a year round helpline for victims of racism to help them recover from the trauma of their experience and regain confidence. The service is also providing information on their rights and it enables the victims to advocate for themselves. The service is usually accessed by individuals who are lacking the knowledge, capacity or courage to engage with authorities therefore it acts as a link between the victims, communities and authorities. The anti-racism service is also a monitoring tool on the numbers and the nature of racist incidents and violence in Ireland. We use the statistics to form further research on specific issues to form policy and practice recommendation based on evidence. We intend to commission a further research based on our client work that would benefit in creating a comprehensive approach to combating racism and supporting diversity.

Lack of culturally sensitive service provision and racial profiling

Ireland as a new country of immigration still hasn’t developed a mainstreamed approach to combating racism and positive diversity management. Throughout our previous research in the area of [taxi industry](http://immigrantcouncil.ie/files/publications/b7be3-ihrec-taxi-report.pdf), [youth integration](http://immigrantcouncil.ie/files/publications/6de97-mimen-voices-of-young-migrant-men-report.pdf), [Islamophobia](http://immigrantcouncil.ie/files/publications/e9837-islamfinal.pdf), and [other](http://immigrantcouncil.ie/files/publications/0bbf7-191680_immigrant_council_report_final_with_cover.pdf) we have found that many statutory and non-statutory agencies are still struggling with providing culturally sensitive service to the diverse public and are lacking in capacity to deal with internal diversity management.

Furthermore, our various researches[[1]](#footnote-1) reveal the negative interactions that members migrant and minority communities can experience while accessing public services and especially in their interaction with the police forces. It can be in the context of being singled out for special attention or through the perception, held by some participants in our researches, that Irish police will offer preferential treatment to those they perceive as Irish. It’s been also reported on numerous occasions by our service users and participants of our researches that they feel that members of the police forces are not taking racism seriously. The experience of poor responses have the potential of stopping the victims from reporting even serious racist incidents to the police or may prevent the victims from interacting with the police altogether. Furthermore international bodies notes[[2]](#footnote-2), there are reports that many people perceived to be non-Irish are subjected to police stops and are required to produce identity documents, which in practice can result in racist incidents and the profiling of individuals on the basis of their skin colour. It is highly recommended that the application of the Immigration Acts 2003 and 2004, in particular as regarding allegations of racial profiling is monitored on a regular basis. Furthermore, it should be consider adopting legislation prohibiting any form of racial profiling. Concern has been also expressed relating to the treatment of foreign nationals at ports of entry to the state, in particular relating to adequate safeguards against arbitrary detention.

Our [ongoing work with the public transport sector](http://diversityinleadership.citizensforeurope.org/newsletter3/#dublin3) in terms of training in diversity management and culturally sensitive service provision has proven that targeted support can go a long way. In 2014 we have published a tool kit for the transport industry that provides a resource on anti-racism training and diversity management. We believe that the tool kit could be amended and replicated in other sectors like education, sport, health etc.

We also advocate that obligatory diversity awareness, intercultural competency, and anti-racism training should be extended to all statutory bodies to ensure a whole state approach to diversity management and anti-racism. The goal is to provide services that are applicable and accessible to all residents of Ireland regardless of their ethnic, cultural or religious background. This is especially important for the police forces in Ireland. Perceptions of discriminatory and disproportionate policing, coupled with perceived disinterest and lack of action in response to reports of racism coming from people of ethnic minority background, can have a very negative impact on the relationship between the police and ethnic minority communities.

Anti-immigrant and anti-refugee sentiments

Ireland has been an exception in Europe in terms of absence of neo-fascist and openly racist movements and associations. However, a worrying trend of small scale political mobilisation against immigration and especially Muslim communities has emerged. A new right-wing and openly anti-immigrant political party (Identity Ireland) has been launched that was followed by the establishment of an Irish branch of pan-European anti-Islamic movement (Pegida Ireland). Although both groups have encounter a strong oppositions and criticism from anti-racism and migrant rights organisations as well as many individuals, their presence is entrenching anti-immigrant and Islamophobic sentiments in the public sphere.

Although none of the members of the mentioned political players have been successful in being elected to a public position the context of the refugee emergency in the Mediterranean and increasing immigration is crucial in developing further sentiments toward refugees and immigrants. Ireland has responded to this emergency with a deployment of the Navy with numbers of search and rescue mission and the [ICI is repeatedly calling for continuations of this effort](http://immigrantcouncil.ie/pages/articles/2016). Furthermore, in response to [public protest](http://www.thejournal.ie/refugee-welcome-march-dublin-2327481-Sep2015/) the Government agreed to accept 4,000 refugees. However the positive attitudes of Irish public could be shifted by the presence of organised anti-immigrant and anti-Muslim groups who could potentially find new electorate using the recent terrorist attacks as incentives. Additionally the current [housing crisis](http://www.irishexaminer.com/ireland/esri-housing-crisis-will-continue-for-years-372188.html) in Ireland that is most likely to continue for another couple of years creates a framework of competition for scarce resources. Housing for relocated Syrian refugees has the potential for triggering hostile attitudes and tensions in the society, this perspective has been mention in a recent study conducted by the Immigrant Council of Ireland on racism in social housing (to be published in January 2017).

However it is not immigration *per se* that creates the fears and frictions, it is the perception of immigration that lays ground for the feelings of resentment and division. The debate about immigration is polarised and it is lacking a safe space to discuss in an open and honest way the benefits and costs of this phenomenon. Especially discussion that would take into consideration in particular the local impact of immigration in very much needed.

Access to and the provision of education

Information collected during the [Department of Education’s annual census for the school year 2013-2014](http://www.education.ie/en/Publications/Statistics/Statistical-Reports/) shows 23 per cent of Irish schools educated almost 80 per cent of children of immigrant origin. One of the reasons for the ethnic clustering may be the indirect discrimination by the school enrolment policies. Under the [Education Act 1998](http://www.irishstatutebook.ie/1998/en/act/pub/0051/), schools are allowed to draw up their own admissions policies. In areas of high demand, schools tend to give children of past-pupils priority or to enrol pupils according to their religious membership and require early expression of interest, leading to creation of waiting lists. It inevitably disadvantages children of Traveller or migrant families who have only recently moved into an area or who follow different religious order, or children, whose parents did not go to secondary school. While waiting lists are expected to be abolished, the other two criteria will remain. Recently the [Supreme Court has unanimously dismissed an appeal by a boy from the Traveller community](http://www.irishtimes.com/news/crime-and-law/courts/supreme-court/supreme-court-rejects-challenge-to-school-s-admission-policy-1.2115378?mode=sample&auth-failed=1&pw-origin=http%3A%2F%2Fwww.irishtimes.com%2Fnews%2Fcrime-and-law%2Fcourts%2Fsupreme-court%2Fsupreme-court-rejects-challenge-to-school-s-admission-policy-1.2115378) who challenged the refusal of his admission to a local school on the grounds that his father was not the pupil of the school.   
Notwithstanding some positive developments such as reversal of fee status for those becoming Irish citizens, many non-EU nationals (refugees or family members of EU nationals are exception) who do not qualify for Irish citizenship continue to pay higher fees in third level education.

1. **What has been your experience, as civil society, of engaging with CERD to date?**

The Immigrant Council of Ireland has been actively taking part in consultation process with the government on their submission to CERD in 2004 and 2012. We have also submitted a shadow reports as a member of the NGO Alliance Against Racism. The NGO Alliance Against Racism (NAAR) is a network of over fifty non-governmental organisations (NGOs) working on a broad range of anti-racist, community and human rights issues. NAAR was coordinated by the Dominican Justice Office (DJO) however this post have been transferred to the ICI as the DJO has no staff capacity to continue the work. It has not been decided in what capacity NAAR will continue its work in future.

In the previous process of writing up the shadow report NAAR received a large number of submissions from its member organisations, many of which were based on consultations held with people directly affected by the matters that arise under ICERD. These consultations and submissions have assisted in the identification of the issues dealt with in the shadow reports.

The Immigrant Council of Ireland will continue to be an active agent in monitoring the implementation of CERD recommendation for Ireland and in compiling shadow reports on same.

**How can the CERD improve and enhance its engagement with civil society, and its work on racial discrimination for greater impact on the ground?**

The work of NAAR has been funded by many charitable foundations from Ireland and abroad. Most notably the funding have been received from the Atlantic Philanthropies (AP) therefore the departure of the AP funding from Ireland creates a financial gap in the work of civil societies with CERD. This poses a particular issue for smaller organisations whose staff capacity have been reduced as a result of funding cuts. Therefore grassroots organisations that have a direct link with communities can no longer be able to monitor or document any changes in relation to racial discrimination that is happening on the ground. Therefore even if NAAR continue its work as a national focal point for CERD country shadow report, that work may be curtailed by the lack of funding.

Another issue would be the need to build the capacity of individuals, community groups, and civil society around practical engagement with mechanisms through which the Committee performs its monitoring functions. Information sessions and training on those matters would be very beneficial in terms of engagement with CERD and holding the state bodies accountable to their commitment in this matter.

Support and endorsement from CERD for the work that the civil societies are doing in the area of tackling racism would enhance the effect of that work. Also the visible links between the civil societies and CERD would strengthen the voice of the civil societies that advocate for equality and inclusion.

1. (2015) Voices of Young Migrant Men, Dublin: Immigrant Council of Ireland

   (2015) Taking Racism Seriously: Experiences of Violence, Harassment and Discrimination in the Taxi Industry, Dublin: Immigrant Council of Ireland

   (2016) Islamophobia in Dublin; Experiences and how to Respond, Dublin: Immigrant Council of Ireland

   All available on: <http://immigrantcouncil.ie/pages/publications/10/> [↑](#footnote-ref-1)
2. ECRI report on Ireland, 4th monitoring cycle 2013 <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ireland/IRL-CbC-IV-2013-001-ENG.pdf> [↑](#footnote-ref-2)