



ENAR SHADOW REPORT 2004 IRELAND

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This report is funded by the European Commission, DG Employment and Social Affairs and the Compagnia di San Paolo.

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Message from the President

ENAR's 2004 European Shadow Reports cover a period of 12 months. They are not a scientific study of the state of racism or discriminatory practices in EU Member States, but a compilation of information and data collected and provided by a vast network of NGOs working with antiracism, protection of human rights and provision of legal help and moral support to victims of discrimination, unequal treatment and marginalisation in the European Union.

This commendable work is done by many dedicated individuals, groups and organisations, who every year put a lot of effort in piecing together vital information in preparing reports from each EU country. Since official reports often paint a rosier picture of the local situation by excluding what NGOs say or experience, ENAR's reports have the added value of providing an overall picture from the ground.

EU institutions can use this information to check the performance of Member States and ask them to live up to the letter and spirit of Directives and Guidelines. In 2003, many international organizations, journalists, institutions of higher learning, European and non-European students and sister NGO networks utilized these reports.

ENAR wishes to highlight the fact that a number of diverse groups who live in the EU do not enjoy the socio-economic rights, equal opportunities and even legal protection they are entitled to. This lack of equality is not only a strong barrier in the process of mutual integration of these communities in society, but is also a tremendous financial loss to local economies.

Situations vary from country to country. Some have a long tradition of living with ethnic minorities, while others have only a few years experience. Some countries have good and functional anti-discrimination legislation in place, while others are still hesitant to comply.

Populist political statements and distorted media coverage has not helped to better the situation. Politicians hide behind "freedom of speech" to get away with the most hateful propaganda against certain groups, while the media holds the microphone. Mainstream media not only indulge in the generalisation of minorities but are also

steadfast in denying any responsibility in creating an atmosphere in which racism thrives.

EU institutions have taken many important steps to rectify this situation through directives, information campaigns and even legal steps against some countries have been taken. ENAR is hopeful that by being a bridge between ethnic minorities, NGOs and EU institutions, it can help to create a Europe where all its inhabitants can live in harmony. Our expertise is there as well as our resolve. We are here to help because we believe in truth, justice and even-handedness.

I was pleasantly surprised when I was introduced to a prominent journalist from India at a conference in Brussels recently. When he was told that I was the Chair of ENAR, he smiled and said, “I wish we also had such an organisation in Asia that can bring civil society’s wishes to the decision makers.”

Bashy Quraishy
President – ENAR

Contents

Executive Summary.....	9
Introduction.....	13
1. Description of victim groups	16
1.1 Developments in the national census	16
1.2 Traveller community	17
1.2.1 Roma	17
1.3 Asylum seekers and refugees.....	18
1.4 Migrant workers	19
1.5 Religious minorities	21
2. Specific areas in which racism is visible	23
2.1 Employment.....	23
2.1.1 Domestic Workers.....	27
2.2 Housing	27
2.2.1 Traveller accommodation	28
2.2.2 Direct provision	29
2.2.3 Private rented sector.....	30
2.3 Education	31
2.4 Health	33
2.5 Racist violence/racist crime	35
2.6 Internet	39
3. Legislative/Policy Developments.....	40
3.1 Implementation of the Article 13 directives	40
3.2 Citizenship	41
3.3 Intoxicating Liquor Act 2003	42
3.4 Social Welfare (Miscellaneous Provisions) Act 2004	43
3.5 Traveller community as an ethnic group	43
3.6 Review of the Prohibition of Incitement to Hatred Act 1989.....	44
3.7 International human rights mechanisms	45
3.8 National Action Plan against Racism (NPAR).....	45
3.9 Possible discrimination in migration laws	46
3.10 Immigration Act 2004.....	47
3.11 Exemptions under the Equality Act 2004.....	47
3.12 Work permit system	48
3.13 Family reunification.....	48
4. Good Practice by NGOs.....	50
4.1 Coalition against the Deportation of Irish Children	50
4.2 MRCI Domestic Workers Support Group	51

4.3 NGO Alliance	51
Conclusion	53
Bibliography	57

Tables

Table 1: Individual claims made under the Employment Equality Act 1998 and the Equal Status Act 2000, Source: The Equality Tribunal.....	24
Table 2: Casework activity of the Equality Authority (employment), 2003, Source: Equality Authority	25
Table 3: Casework activity of the Equality Authority (equal status), 2003, Source: The Equality Authority	28
Table 4: Racially motivated incidents 2003 (provisional August 2004), Source: An Garda Síochána.....	36
Table 5: Summary of the Intercultural Framework underpinning the NPAR.....	46

Figures

Fig 1: Asylum applications, Source: Department of Justice, Equality and Law Reform	18
Fig 2: Work Permits, Source: Department of Enterprise, Trade and Employment	20
Fig 3: Summary of incidents reported to the NCCRI to October 2004	37

Abbreviations

CADIC	Coalition against the Deportation of Irish Children
CERD	Committee on the Elimination of All Forms of Racial Discrimination
CSO	Central Statistics Office
CTA	Common Travel Agreement
DWSG	Domestic Workers Support Group (MRCI)
ECRI	European Commission against Racism and Intolerance
ERHA	Eastern Regional Health Authority
FAS	Foras Áiseanna Saothair
HRC	Habitual Residence Condition
ICCL	Irish Council for Civil Liberties
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICI	Immigrant Council of Ireland
IHRC	Irish Human Rights Commission
IRC	Irish Refugee Council
ITM	Irish Travellers Movement
MRCI	Migrant Rights Centre Ireland
NCCRI	National Consultative Committee on Racism and Interculturalism
NPAR	National Action Plan against Racism
NTACC	National Traveller Accommodation Consultative Committee
ORAC	Office of the Refugee Applications Commissioner
PPSN	Personal Public Service Number
PSNI	Police Service for Northern Ireland
PULSE	Police Crime Recording System
RIA	Reception and Integration Agency
WCAR	World Conference against Racism

Executive Summary

During 2004, a number of public attitude surveys emerged which indicate that racism remains a serious problem in Irish society. The government's Know Racism campaign¹ published research findings on racism and attitudes to black and minority ethnic groups in February 2004. 48% of respondents believed that Irish society is racist to some degree. 48% of respondents disagreed with the statement that the Traveller community make a positive contribution to Irish society, while 72% agreed that the settled community is not willing to accept the Traveller community living among them.² Another survey found that while 56% of people in Ireland believe that racism is a serious problem in the country, only 26% of the public says the Government is doing enough to combat the rise of racism in Ireland.³

This report is intended as an update on the *2003 Shadow Report* prepared for ENAR in 2004, and consequently should be read in conjunction with that report which provides significant background data on the Irish context.⁴ The report is divided into four broad parts: demographic data and groups which suffer from racism in Ireland; specific areas where racism is visible; legislative and policy developments; and examples for good practice developed by NGOs.

Part one begins with a discussion on developments in the field of demographic data in Ireland. The Government has decided to include an ethnicity question in the next census in 2006. While racism is experienced regardless of legal status, four main categories of black and minority ethnic groups are particularly vulnerable: the Traveller community, asylum seekers and refugees, migrant workers, and religious minorities. Deep-seated prejudice against members of the Traveller community is evident both through everyday experiences of racism, as well as in the provision of services and the disparity of outcomes suffered by Travellers when compared to the

¹ The government's three-year Know Racism public awareness campaign came to an end in 2004, though it is expected that the activities of the campaign will be continued through the implementation of the National Action Plan against Racism.

² Millward Brown IMS, *Presentation of Research Finding on Opinions on Racism and Attitudes to Minority Groups*, 26 February 2004, Know Racism, 2004, Dublin.

³ Survey figures were produced by Lansdowne Market Research (fieldwork March 22-31 2004) for Amnesty International. Press Release available at: www.amnesty.ie (24.09.2004), Lansdowne Market Research, *National attitudes towards multicultural Ireland*, LMR, 2004, Dublin, quoted in: NGO Alliance Briefing Update, December 2004 – February 2005.

⁴ The 2003 report can be found at: http://www.enar-eu.org/en/national/shadow_report_ireland2003_en.pdf.

general population. Asylum seekers and refugees remain another key victim group - asylum seekers face both institutional barriers to the realisation of their rights as well as high levels of prejudice from the general population. 2004 has seen increased debate regarding experiences of exploitation and discrimination facing the most vulnerable groups of migrant workers in Irish society, those in low skilled jobs. Perhaps the most at risk are women working in private homes. While religious discrimination has not occupied the same level of consciousness in Ireland as in other European countries, anecdotal evidence continues to demonstrate experiences of both Islamophobia and anti-Semitism. The experiences of these victim groups manifest at all levels of society, but are perhaps most immediately evident in five key sectors: employment, housing, education, health, and racist crime.

Part two considers specific areas in which racism is visible, it provides an update on the sectors considered in the *2003 Shadow Report*, and introduces the nascent debate in Ireland concerning racism on the internet. Employment continues to be one of the most significant areas where racism and discrimination are visible. Data from the Equality Tribunal and the Equality Authority demonstrates an increase in the number of cases that they have dealt with on the grounds of race. The picture in relation to the Traveller community remains unclear, there are low levels of participation by members of the Traveller community in the mainstream labour market; the small number of cases which have emerged indicate very serious problems of discrimination in accessing the labour market.

Housing appears to be an increasingly serious issue for black and minority ethnic groups in Ireland. Data from the Equality Authority demonstrates a 70% increase in housing cases on the grounds of race and membership of the Traveller community. Official targets in relation to accommodation provision for Travellers have not been met, and the Government itself has acknowledged that it has failed to secure adequate outcomes in this regard. Direct Provision continues to be a serious impediment to the full realisation of the rights of asylum seekers, problems with individual centres are made worse by a context where care payments to asylum seekers have not been increased since they were introduced in 2000. Migrants and other ethnic minority groups face discrimination in accessing private rented accommodation, as well as racism from neighbours and landlords.

Data is not available to facilitate analysis of outcomes of black and minority ethnic groups from the educational system, though evidence from the 2002 census does demonstrate that Travellers are chronically disadvantaged in terms of securing educational outcomes. There are systemic barriers facing other black and minority ethnic groups, for example non-EU nationals are not entitled to third level

maintenance grants. In addition, informal data collection demonstrates individual experiences of racism and discrimination in the education system.

Initiatives to better understand the experiences of black and minority ethnic groups in the health sector are underway and there has been acknowledgement that minorities face specific barriers in accessing their full rights within the health system. In particular, problems are evident in accessing primary health care, such as general practitioners.

There has been some contradiction in the emerging data relating to racist crime, with official police statistics indicating that racist crime is decreasing. Other sources and NGO analysis contradict this picture, and it is likely that evidence in relation to racist crime and violence continues to be undermined by underreporting. The National Consultative Committee on Racism and Interculturalism (NCCRI) drew particular attention to the fact that there appears to have been a link between an increase in the incidents and their seriousness, and the Citizenship Referendum held in June 2004.

Part three considers the significant number of policy and legislative developments during 2004, not least the implementation of the Article 13 directives. While the implementation of the directives through the Equality Act 2004 was broadly welcomed, a number of commentators have suggested that the Irish government missed an opportunity to implement a comprehensive anti-discrimination framework.

2004 brought a fundamental change to the legal framework in relation to citizenship in Ireland. Following a constitutional referendum in June, the Government introduced an act which means that children born on the island of Ireland are no longer automatically entitled to Irish citizenship. 2004 also saw the introduction of restrictions to social welfare in the form of the Habitual Residence Condition, this restriction was introduced in reaction to moves by the UK government and fears that migrants from the EU Accession States would seek to access the Irish social welfare system.

In its first report under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD), the Government spelled out its view that the Traveller community does not constitute an ethnic group. This view is rejected by many NGO actors including Traveller organisations who argue that it represents a hardening of the Government's position.

During 2004, the Government failed to conclude the review of the Prohibition of the Incitement to Hatred Act 1989. In a worrying development a number of policy statements linked the review to the completion of negotiations on an EU Framework Decision on Racism and Xenophobia; a move which could be interpreted as shelving the national review. There have also been worrying developments in relation to the hardening of immigration law, concern was heightened by the introduction of the Immigration Act 2004 in particular.

Part four demonstrates that NGOs continued to be very active in the fight against racism and discrimination in Irish society, fulfilling a wide range of functions from information provision and awareness raising, to victim support, advocacy and lobbying. This report has identified three initiatives which were particularly significant during 2004. These are the Coalition against the Deportation of Irish Children (CADIC), the NGO Alliance Shadow Report to the Committee on the Elimination of all Forms of Racial Discrimination (CERD), and the MRCI's Domestic Workers Support Group (DWSG).

2004 saw two significant benchmarking exercises in the Irish context in the form of the development of a National Action Plan against Racism (NPAR), and the consideration of Ireland's first report under CERD. Both documents provide an opportunity to take stock of what has been achieved in recent years and provide a context for moving forward. Ireland will be judged on how it raises to the challenge of implementing the aspirations of the NPAR, and how it responds to the recommendations and conclusions of CERD.

Introduction

Ireland is a country of recent immigration, in the last ten years this has led to dramatic demographic and societal change, and it is in this context that the debate on racism has come to the fore. That is not to suggest, as some may like to think, that there was no racism in Ireland before the shift from emigration to immigration in the 1990s.

During 2004, a number of public attitude surveys emerged which indicated that racism remains a serious problem in Irish society. The government's Know Racism campaign⁵ published research findings on racism and attitudes to minority groups in February 2004. The study found that 18% of respondents had personally witnessed racist behaviour. 48% of respondents believed that Irish society is racist to some degree, while 20% believed that Ireland is not racist. 54% of all respondents agreed that most asylum seekers are abusing the asylum system and are really economic migrants. 48% of respondents disagreed with the statement that the Traveller community make a positive contribution to Irish society, while 72% agreed that the settled community is not willing to accept the Traveller community living among them.⁶

A representative study of Irish attitudes towards multiculturalism was undertaken in 2004. When the research sample was asked if racism was going to be a significant problem in the future, 57% strongly agreed that it was. A further 22% slightly agreed with this statement.⁷ 56% of people in Ireland believed that racism is a serious problem in the country; only 26% of the public said the Government was doing enough to combat the rise of racism in Ireland.⁸

This report is intended as an update to the *2003 Shadow Report* prepared for ENAR in 2004, and should be read in conjunction with that report which provides significant background data on the Irish context.⁹ This report concentrates on providing an update of developments during 2004.

⁵ The government's three-year Know Racism public awareness campaign came to an end in 2004, though it is expected that the activities of the campaign will be continued through the implementation of the National Action Plan against Racism.

⁶ Millward Brown IMS, *Presentation of Research Finding on Opinions on Racism and Attitudes to Minority Groups*, 26 February 2004, Know Racism, 2004, Dublin.

⁷ Landsdowne Market Research, *National attitudes towards multicultural Ireland*, LMR, 2004, Dublin, quoted in: NGO Alliance Briefing Update, December 2004 – February 2005.

⁸ Landsdowne Market Research, *National attitudes towards multicultural Ireland*, LMR, 2004, Dublin, quoted.

⁹ The 2003 report can be found at: http://www.enar-eu.org/en/national/shadow_report_ireland2003_en.pdf.

The report draws on a broad range of sources. Where available, it highlights official statistics relating to racism and discrimination. This picture is supplemented with reference to complementary reporting procedures such as that undertaken by the National Consultative Committee on Racism and Interculturalism (NCCRI) and analysis by non-governmental organisations. It draws on a review of four national daily newspapers: *The Irish Times*, *Irish Examiner*, *Irish Independent* and the *Irish Star*. The report also references policy initiatives and provides an analysis of official statements and parliamentary debates where these serve to enhance an understanding of issues relating to racism and discrimination in Ireland during 2004.

This report is divided into four main parts: demographic data and groups which suffer from racism in Ireland; specific areas where racism is visible; legislative and policy developments; and examples of good practice developed by NGOs. Part one of the report gives an overview of the black and minority ethnic groups in Ireland that are particularly vulnerable to racism. These are the Traveller community, asylum seekers and refugees, migrant workers and religious minorities. It also highlights developments with regard to the collection of demographic data during 2004.

Part two of the report considers the specific areas where racism is visible. It provides an update on the five main areas considered in the *2003 Shadow Report*: employment, housing, education, health, and racism crime. This part of the report also introduces a new section on the Internet, though it acknowledges that the phenomenon of racism on the Internet is not yet fully understood in the Irish context.

Part three of the report provides an analysis of developments in policy and legislation during 2004. It considers the implementation of the Article 13 directives through the adoption of the Equality Act 2004, as well as other developments such as the Citizenship Referendum, restrictions to social welfare access, the Government's position on Traveller ethnicity, the development of a National Action Plan against Racism (NPAR), and possible discrimination in the immigration system.

The final part of the report supplements the picture of good practice provided in the *2003 Shadow Report*, and in the preceding sections of this report, by highlighting three examples which were particularly active during 2004. These are the Coalition Against the Deportation of Irish Children (CADIC), the Domestic Workers Support Group (DWSG) co-ordinated by the Migrant Rights Centre Ireland, and the NGO

Alliance which co-ordinated a shadow report on Ireland's first report under the International Convention on the Elimination of Racial Discrimination (ICERD).

1. Description of victim groups

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has been, and still is, a homogeneous and a mono-cultural society or the defining of diversity solely along religious grounds (Protestant and Roman Catholic). In addition to the Traveller community, there is a long established Jewish community and growing Islamic, Asian and Chinese communities in Ireland, as well as a Black-Irish community. However, there has been a significant broadening of cultural diversity in recent years, both in terms of numbers of people, and national or ethnic origin.

The national census provides the most comprehensive view of diversity in Ireland, though to date it has not included an ethnicity question. This picture can be supplemented with reference to data available through immigration records. Racism in Ireland is experienced regardless of legal status though four broad categories of black and minority ethnic groups which can be identified in terms of specific vulnerability to racism and discrimination. These are the Traveller community, asylum seekers and refugees, migrant workers, and religious minorities.

1.1 Developments in the national census

The national census is the most comprehensive source of information on diversity in Ireland, however in terms of black and minority ethnic groups its value to date has been limited. The 2002 Census collected data on religious belief, nationality, country of birth and membership of the Traveller community. During 2004, the Central Statistics Office (CSO) piloted an ethnicity question for inclusion in the next census in 2006. The pilot was reported as successful, and the Government has decided to include it in the next census. This will prove a significant development in terms of enhancing the picture of diversity in Ireland, however the question itself is limited to four categories: White, Black or Black Irish, Asian or Asian Irish, and Other. NGOs have expressed their desire that a more comprehensive question be developed in future years.

There are now approximately 160 different nationalities living in Ireland. According to the 2002 census there were 224,261 non-Irish people usually resident in Ireland. 133,436 of which are EU nationals, 23,105 are nationals of other European countries, 20,981 are African, 21,779 are Asian, and of the remainder the vast majority are from North America and Australia. 2,340 people indicated they were of multiple nationalities, while in 48,412 cases nationality was not stated. The 2002

Census of population indicates that non-nationals make up 5.8% of the population, of which almost half were UK nationals (2.7%).

An Garda Síochána¹⁰ compile figures on the number of non-EEA nationals required to register in accordance with immigration regulations. These figures show a total of 133,957 (93,135 renewals) registrations in 2004 from over 170 countries.

1.2 Traveller community

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

The Traveller community lives a nomadic or semi-nomadic life, although some are settled. The 2002 Census indicates that there are 23,681 Irish Travellers, representing approximately 0.65% of the population. The Traveller community are a distinct group from the Roma community in Ireland; the growing Roma community is a relatively new phenomenon which reflects wider changes in Irish society.

The specific difficulties faced by the Traveller community have been recognised for some time, however government and non-government sources agree that strategies aimed at overcoming these difficulties have not been as successful as may have been hoped. As detailed in the *2003 Shadow Report*, the 2002 census demonstrated that Travellers suffer from significant disadvantage across a range of sectors including housing, education and employment. For example, according to data released by the CSO in 2004 from the 2002 census, unemployment among male Travellers measured 73% according to the self-assessed principal economic status question on the census form. The national measure of unemployment for males on a comparable basis was 9.4%. Corresponding rates for females were 63% for female Travellers and 8% for the female population overall.¹¹

1.2.1 Roma

Roma share many cultural similarities with the Irish Traveller community and there may be historical ties which have been lost. Roma are not indigenous to Ireland and have come to Ireland since the mid 1990s. While the Roma community is relatively small in Ireland, many will continue to remain as refugees or as parents of Irish

¹⁰ An Garda Síochána is the Irish police force, also referred to as the Gardaí or the Guards, www.garda.ie.

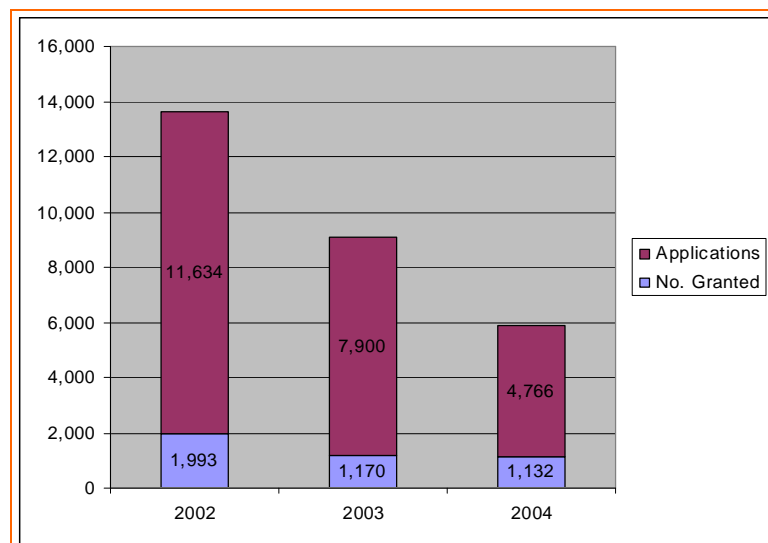
¹¹ CSO, *National Census 2002 – Irish Traveller community*, CSO, Dublin, 2004, released 29 January 2004.

citizen children; the Roma population in Ireland is currently estimated at about 2,500.¹²

1.3 Asylum seekers and refugees

According to government data the number of asylum applications in 2004 continued to decline. During 2004, 4,766 asylum applications were received and a total of 1,132 were granted refugee status.

Fig 1: Asylum applications, Source: Department of Justice, Equality and Law Reform



A total of 317 family reunification applications were received in 2004 with 476 processed to completion and passed on to the Minister for Justice, Equality and Law Reform. Since 2001, a total of 1,328 family reunification applications have been received by the Office of the Refugee Applications Commission (ORAC) and 1,137 have been processed to completion with 191 still pending at the end of 2004. The top five nationalities in family reunification applications throughout the year were Nigeria, Zimbabwe, DR Congo, Moldova, and Somalia.¹³

According to the Reception and Integration Agency (RIA), as of November 2004 the 70 accommodation centres for asylum seekers had a total capacity of 7,472 (less than 0.18% of the total population of Ireland). Residents in direct provision are

¹² Pavee Point, *Irish Traveller Shadow Report*, Pavee Point, 2005, Dublin.

¹³ Irish Refugee Council, *2004 Statistical Report*, Irish Refugee Council, 2005, Dublin, available at: www.irishrefugeecouncil.ie (08.03.05).

provided with food and lodging but are only guaranteed a payment of €9.10 per adult and €9.60 per child per week, a figure which has not been increased since Direct Provision was introduced in April 2000. Asylum seekers who arrived in the country after 1 May 2004 do not receive child benefit payments for their children (see section 3.4). Approximately 850 asylum seekers (13%) had been in direct provision for over two years as of 30 November 2004. In total, around 1,600 have been in direct provision for longer than 18 months. A quarter of those living in direct provision centres are under the age of four.¹⁴

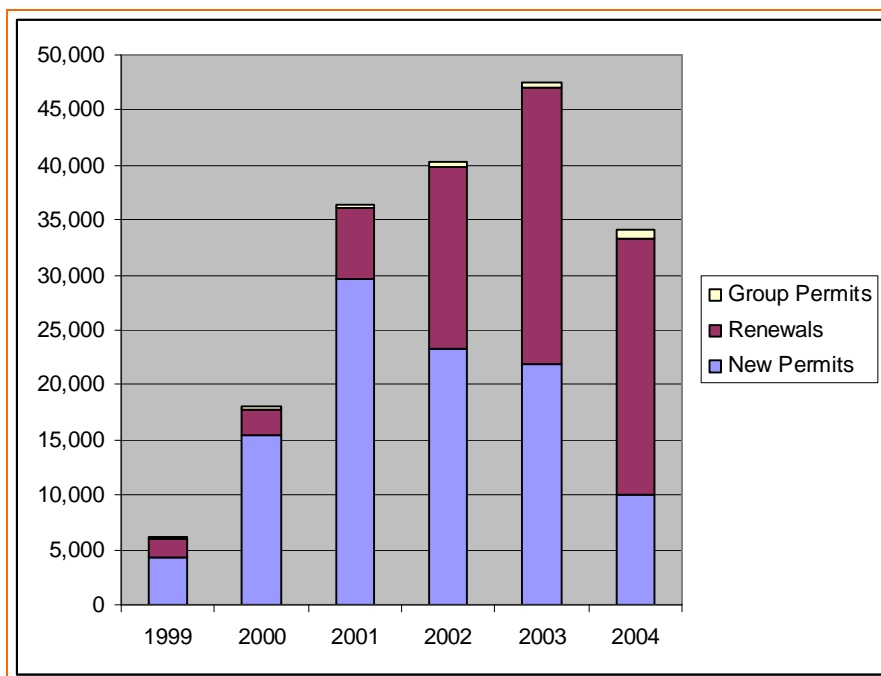
1.4 Migrant workers

Unrestricted access to the Irish labour market for Accession State nationals significantly changed the number and composition of work permit recipients during 2004. The average monthly number of work permits issued in May-July 2004 was 32% lower than the corresponding figure for January-March 2004.¹⁵ Public statements made during the year before EU enlargement clearly show that the Government expected enlargement to drastically reduce the need for migrant workers from outside the enlarged EU, especially to fill low-skilled jobs. During 2004, 34,067 work permits were issued by the Department of Enterprise, Trade and Employment, the majority of which represented work permit renewals, while just under one third were new permits. This represents a drop compared to the 2003 figure (47,551).

¹⁴ Irish Refugee Council, *2004 Statistical Report*, Irish Refugee Council, 2005, Dublin, available at: www.irishrefugeecouncil.ie (08.03.05).

¹⁵ Ruhs, M, 'Ireland: A Crash Course in Immigration Policy', Migration Policy Institute, 2004, available at: <http://www.migrationinformation.org/Profiles/display.cfm?ID=260> (15.10.04).

Fig 2: Work Permits, Source: Department of Enterprise, Trade and Employment



The top ten nationalities to which work permits were issued in 2004 were: Philippines (4,301), Ukraine, Romania, South Africa, Poland, Brazil, China, India, Lithuania, and Latvia (1,201).

Unlike the United Kingdom, Ireland does not have a registration system for migrants from the new EU States, however, according to data from the Department of Family and Social Affairs, there has been an increase in the number of social security numbers allocated to nationals from these countries in the latter half of 2002. It is estimated that the current rate of migration is running at approximately 60,000 per annum, however these figures are preliminary and it is not yet clear how these levels of migration will taper off.¹⁶ These figures are based on an analysis of the allocation of social security numbers to October 2004. In the period running from January to October 2004 Polish nationals represented approximately 50% of Personal Public Service Number (PPSN) allocations to nationals of the new EU Member States.¹⁷

¹⁶ NCCRI, *Habitual Residence Condition – Implementation Issues Paper*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

¹⁷ The trend in Ireland appears to be in line with developments in the UK and Sweden, the only two other EU Member States who did not introduce restrictions on freedom of movement after EU Accession; while there are significant numbers of migrants from the new EU countries, these migrants do not appear to be attempting to

1.5 Religious minorities

As reported in the *2003 Shadow Report*, the number of Muslims in Ireland has also changed significantly over the past 10 years. The Muslim population in Ireland has quadrupled to 19,147 from the 1991 census (3,875), making Islam the fifth largest religious denomination in Ireland.¹⁸ There continued to be some evidence of Islamophobic actions during 2004, though these do not appear to be widespread or systematic.

In its report on racist incidents for the period November 2003 to April 2004, the NCCRI noted that:

An Irish Muslim who was applying for a passport was told that she would have to change her photographs as she was wearing a headscarf. The lady in the passport office said that her hair had to be showing and that this was normal for all Muslims under Irish regulations. She complained to the Garda Intercultural Office, and an official apology was received.¹⁹

In its racist Incident report from April to October 2004, the NCCRI recorded the following incident:

An Iraqi Muslim suffered damage to her property which she considered to be an Islamophobic attack as the culprit had scraped the words “Paki shit” onto her car. During 2004 the NCCRI also received complaints that members of the Islamic community of Ireland have received abusive telephone calls and hate mail following incidents of violence by militant Islamic groups that take place internationally.²⁰

The 2002 Census demonstrated that there is now a Jewish population of 1,790 living in Ireland. This was the first increase since the 1961 Census which probably means that there are ‘new’ Jewish people, mostly labour migrants, in Ireland. Unusually, there was a series of four anti-Semitic incidents reported to the NCCRI in November

access the social welfare system to any significant degree, NCCRI, *Habitual Residence Condition – Implementation Issues Paper*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

¹⁸ The vast majority of the population in Ireland are Roman Catholic, 3,462,606 identified themselves as such during the 2002 census.

¹⁹ NCCRI, *Racist Incident Report November 2003-April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

²⁰ NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

2004. In one case a Swastika was painted on the front wall of the Irish Jewish Museum in Dublin.²¹

²¹ Reported in *The Irish Times* on 12 November 2004, available at: www.ireland.ie.

2. Specific areas in which racism is visible

This section attempts to provide an overview of some of the key areas where racism and discrimination are experienced in Ireland. Despite the lack of hard statistical data on the experiences of black and minority ethnic groups, evidence is beginning to emerge which highlights inequalities in a range of sectors including employment, housing, health and education. Racist violence and racist crime are now recorded by the Gardaí, and while there are still very significant problems in terms of under-reporting, data is beginning to emerge in the Irish context. In addition to the *2003 Shadow Report*, this section also considers racism on the Internet, though it acknowledges that there is not yet a comprehensive understanding of this phenomenon in Ireland.

This section will discuss each of these areas with reference to data on discrimination (where available), as well as by highlighting serious cases. The most recent official data on discrimination cases is from 2003, however this section will highlight qualitative sources and anecdotal evidence which focus specifically on the 2004 period.

2.1 Employment

Employment continues to be one of the most significant areas where racism and discrimination are visible in the Irish context. An issue which has come to the fore in 2004 is the question of ethnic monitoring in recruitment procedures. In a July 2004 media report, a trade union registered its concern about the recruitment procedures of a leading retail outlet, which included an ethnic monitoring form. The retailer responded that they used such procedures to monitor the effectiveness of its anti-discrimination policies.²² There is no history of ethnic minority in Ireland and this example demonstrates popular confusion as to the purpose and efficacy of such an approach.

The data collected as a consequence of the equality legislation provides information on discrimination in employment in Ireland across the nine protected grounds: gender, marital status, family status, sexual orientation, religion, age, disability, race, and membership of the Traveller community.²³ The case files of both the Equality Tribunal and the Equality Authority provide an insight into experiences of

²² O’Riordan, S, ‘HMV recruitment form ‘biased’, *The Irish Examiner*, 14.07.04, Dublin.

²³ As the legislation is still relatively recent, it is likely that there may be significant under-reporting of incidents of employment discrimination related to race and membership of the Traveller community.

discrimination in employment. According to annual reports published in 2004, case files on race under the employment legislation increased in both the Equality Tribunal and the Equality Authority.

According to the Equality Tribunal's *Annual Report 2003*, among the employment cases were 85 race discrimination cases heard in 2003, compared to 43 in 2002, a jump of 98%.²⁴ The number of cases recorded by the Equality Tribunal under the Employment Equality Act 1998 on the grounds of membership of the Traveller community continued to be very low, representing just 1% of their overall employment case load (see Table 1).

The Equality Tribunal issued 23 decisions on grounds of race in 2003, nine of which were made under the Employment Equality Act 1998. The most common context was black persons of African nationalities citing both colour and nationality, who accounted for four of the 13 cases. The case subject matter included alleged harassment in employment, selection for employment or promotion and equal pay. None of the race-based decisions in 2003 were successful for the complainant.²⁵

Table 1: Individual claims made under the Employment Equality Act 1998 and the Equal Status Act 2000, Source: The Equality Tribunal

Ground	Employment Equality		Equal Status		Total claims (race & TC)	
	2002	2003	2002	2003	2002	2003
Race	43	85	26	43	69	128
Traveller community	4	3	741	354	745	357
Total (all grounds)	300	361	989	717	1298	1078

There were 68 cases decided on the grounds of membership of the Traveller community by the Equality Tribunal in 2003, however only two of these cases were brought under the Employment Equality Act 1998. Both of these cases concerned access to employment. In the first the complainant succeeded in establishing that he was turned down summarily for employment because he was a Traveller. The second case was decided against the complainant as the Equality Officer held that the employer did not know that he was a Traveller at the time of interview and consequently could not have turned him down for this reason.²⁶

²⁴ O'Keeffe, C, 'Workplace discrimination cases up by 20 per cent, figures reveal', *The Irish Examiner*, 23.06.04, Dublin.

²⁵ Equality Tribunal, *Legal Review 2003*, Equality Tribunal, 2004, Dublin.

²⁶ Equality Tribunal, *Legal Review 2003*, Equality Tribunal, 2004, Dublin, p. 22.

Equality Authority case files provide further insight into the scale and nature of discrimination experienced in employment.²⁷ Both the race and Traveller community grounds continued to be very significant in the casework activity of the Equality Authority during 2004. The Equality Authority's *Annual Report 2003* states that:

Discrimination on the race and Traveller grounds dominate the casefiles of the Equality Authority under both the Employment Equality Act, 1998 and the Equal Status Act, 2000. The extent and seriousness of the issues raised in the casefiles highlight the necessity for a comprehensive implementation of the EU Race Directive.²⁸

For the first time, the race ground was the largest category in the employment area, representing 30% of all case files. The growth in the number of files from migrant workers was significant, with working conditions and dismissal being the two largest categories of complaint. The files revealed breaches of employment protection legislation including excessive working hours, no payment for overtime, illegal deduction from pay, lack of holiday pay, harassment and dismissal (see Table 2).²⁹ The report particularly highlights discrimination against migrant workers who work in private households.

Table 2: Casework activity of the Equality Authority (employment), 2003, Source: Equality Authority

Employment Act	Race	Traveller community	Total
Access to employment	22	5	83
Access to promotion	1	0	38
Access to training	3	0	7
Working conditions	77	0	178
Harassment	8	0	41
Dismissal	34	4	103
Equal pay	12	0	35
Sexual harassment	0	0	28

²⁷ Anyone who feels that they have been discriminated against can apply to the Equality Authority for information and assistance in bringing proceedings under the Employment Equality Act 1998 and 2004. It should be noted that these are instances of casework by the Equality Authority and consequently do not necessarily refer to legal cases. A large amount of claims are not supported by the Equality Authority due to their selection criteria for representation.

²⁸ Equality Authority, *Annual Report 2003*, Equality Authority, 2004, Dublin, p. 19.

²⁹ Equality Authority, *Annual Report 2003*, Equality Authority, 2004, Dublin, p. 19.

Victimisation	2	0	15
Advertising	1	0	5
Advice	5	0	27
Enforcement	1	0	1
Total	166	9	561

During 2003 race was cited in 11 dismissal cases referred to the Labour Court, and membership of the Traveller community in one such case. There was no change on these figures from 2002. Of the 26 appeals of decision of the Director of Equality Investigations under the Employment Equality Act 1998, five were under the race ground and two under the Traveller community ground.³⁰

In a decision issued in July 2004 in the case of *Campbell Catering vs. Aderonke Rasaq*, the Labour Court found that:

In the case of disciplinary proceedings, employers have a positive duty to ensure that all workers fully understand what is alleged against them, the gravity of the alleged misconduct and their right to mount a full defence, including the right to representation. *Special measures* (emphasis added) may be necessary in the case of non-national workers to ensure that this obligation is fulfilled and that the accused worker fully appreciates the gravity of the situation and is given appropriate facilitates and guidance in making a defence. In such cases, applying the same procedural standards to a non-national workers as would be applied to an Irish national could amount to the application of the same rules to different situations and could in itself amount to discrimination.³¹

A more informal source of data related to discrimination in employment is through the system of reporting racist incidents established by the NCCRI. In its report covering the period from October 2003 to April 2004, one case related to a workplace incident whereby an Irish Muslim complained that her employer would not let her wear a headscarf, stating that no religious clothing was allowed in the workplace.³²

³⁰ Labour Court, *Annual Report 2003*, Labour Court, 2004, Dublin.

³¹ Labour Court, *Campbell Catering vs. Aderonke Rasaq*, Labour Court, 2004, Dublin, Available at: <http://www.labourcourt.ie/labour/labour.nsf/lookuppagelink/HomeRecommendations> (15.10.04).

³² NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

In its second report in 2004 (April to October) the NCCRI recorded the following incidents:

- A South African national had an argument with her work colleague in a Dublin city centre canteen and was subjected to racial verbal abuse. Later on she saw an offensive note pinned to the staff notice board that she knew was meant for her. The next day she was laid off.
- The *Star* (newspaper) reported in October that a man was fined after he made racist and threatening remarks to a foreign fast food worker.
- An African refugee reported ongoing racist verbal harassment and threats by his colleagues at his workplace. He reported it to his supervisor and manager and they said that there was nothing which could be done.³³

2.1.1 Domestic Workers

Domestic workers are one of the most vulnerable groups of immigrants in Ireland today. A report published by the Migrant Rights Centre Ireland (MRCI) in 2004 concluded that:

The women who participated in this study sought support from the MRCI in relation to a range of problems which they faced as domestic workers. Their experiences demonstrate that the unregulated nature of this work in Ireland is causing increased vulnerability and hardship for this group of migrant workers. The women told stories of problems relating to recruitment, job descriptions, the variety of work they were expected to undertake, pay, working hours, holiday and leave, privacy, legal documentation, employment rights, leaving employment, accessing social services, and experiences of racism and discrimination.³⁴

The Equality Act 2004 restricted the exemption for discrimination against domestic workers to recruitment (see sections 3.1 and 3.10.2). While this is a welcome development, the vulnerability of this group of workers highlights the significance of ensuring that they have full protection under the equality legislation in Ireland.

2.2 Housing

Housing continued to be a problematic area for many black and minority ethnic groups during 2004. Complaints have been made in relation to discrimination in

³³ NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

³⁴ Migrant Rights Centre Ireland, *Private Homes: A Public Concern*, MRCI, 2004, Dublin, p. 40.

accessing private rented accommodation, racist incidents in residential contexts, direct provision arrangements for asylum seekers and ongoing concerns relating to the provision of Traveller accommodation. During 2004, the Minister of State for the Environment acknowledged that while there had been improvements in accommodation provision for Travellers there were still too many families waiting for permanent accommodation.³⁵

During 2003, the Equality Authority recorded ten cases relating to discrimination in the provision of accommodation on the race ground and 26 on the Traveller community ground. Combined, these two grounds represent over 70% of cases relating to accommodation (see Table 3).³⁶

Table 3: Casework activity of the Equality Authority (equal status), 2003, Source: The Equality Authority

	Race	TC	Total casework
Private accommodation	4	2	14
Public housing	6	24	36

2.2.1 Traveller accommodation

A review of media articles in 2004 demonstrates continuing concern regarding accommodation provision for the Traveller community. Documented cases refer to inappropriate housing conditions and experiences of racism and discrimination by members of the Traveller community.

The experience of the local and European elections in June 2004 demonstrated that issues relating to the Traveller community and accommodation remain high on the local agenda, with concern being expressed regarding the actions of a number of local election candidates. For example, a complaint was received by the NCCRI in relation to an article in a local newspaper which quoted a councillor urging his council to evict Travellers from their land as they were creating an “eyesore on their doorsteps.”

In August 2004, the *Irish Examiner* reported that a settled Traveller family suffered a series of attacks and feared for their lives after ignited firelighters were placed under the back wheels of their car outside their house. This incident followed others

³⁵ Humphreys, J, ‘More Travellers being housed, days Minister’, *The Irish Times*, 19.03.04, Dublin.

³⁶ Equality Authority, *Annual Report 2003*, Equality Authority, 2004, Dublin.

such as name-calling and verbal threats. The town council for the area were assisting them in relocating.³⁷

In October 2004, a local authority in the Dublin area erected a barrier blocking Dunsink Lane. The authority claimed that the barrier was a response to concerns regarding illegal dumping. The barrier at Dunsink Lane blocked the primary access route for 400 members of the Traveller community living on the site and was erected without consultation. The incident led to protests by the Traveller community led by Pavee Point Travellers Centre. Riot police were called in and a Traveller community leader was arrested. A compromise was reached following negotiation between representatives of the Traveller community and Dublin City Council. The incident was widely reported in the media.

2.2.2 Direct provision

The majority of asylum-seekers are accommodated through a system of direct provision. There have been a number of cases of unsatisfactory standards in direct provision centres for asylum seekers. In August 2004 for example, about 100 asylum seekers were moved following an inspection by the Reception and Integration Agency (RIA), which found the accommodation to be sub-standard.³⁸ A recent study found that refugees and asylum seekers generally found their experience of reception centres to be negative.³⁹ In the NCCRI racist incident report for the period from November to April 2004, 'an asylum seeker reported that he was verbally abused by a member of staff at a direct provision centre'.⁴⁰ Media reports during 2003-2004 continued to highlight resistance of local populations to the location of asylum centres in their area.⁴¹

There have also been incidents of attacks on direct provision centres. In a case recorded by the NCCRI for instance, a centre in Cork was broken into and vandalised - residents were threatened and racist graffiti was sprayed on the emergency door.⁴²

³⁷ NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

³⁸ Holland, K, 'Killiney asylum seekers are rehoused locally', *The Irish Times*, 14.08.04, Dublin.

³⁹ Holland, K, 'Refugees face discrimination from landlords', *The Irish Times*, 01.03.04, Dublin.

⁴⁰ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

⁴¹ 'Campaign against asylum centre fails', *The Irish Times*, 01.05.01, Dublin.

⁴² NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

2.2.3 Private rented sector

There is a significant level of discrimination in the private rented sector. A study by the Vincentian Refugee Centre found that refugees and asylum seekers face huge problems in finding and securing rented accommodation. 26% of the Centre's clients experienced discrimination and racism while looking for accommodation.⁴³ Respondents often described bad-quality accommodation as the only type they could secure in the private sector.⁴⁴

In March 2004, national daily newspapers reported that a house for rent advertisement in a local paper in Galway had stipulated 'no coloured' need apply. The newspaper apologised for printing the advertisement claiming that it was a misprint. One report carried a comment by a representative of a local NGO who alleged that he knew of several cases where rental accommodation was already let when a black person applied, only to find they were still available when someone else called about the advertisement.⁴⁵

A national housing agency warned that foreigners are more likely to face illegal evictions by landlords. The agency stated that landlords are still carrying out illegal evictions and that foreigners are particularly vulnerable. These comments were made after a court case where a Sri Lankan couple was awarded €25,000 after being thrown out on the street by their landlord.⁴⁶

In the period November 2003 to April 2004, the NCCRI recorded a number of incidents relating to residential contexts:

- A Ghanaian family in County Dublin reported harassment from their neighbours. The abuse was both verbal and physical. The neighbours also threatened the family with deportation and said that they were watching them.

⁴³ Melia, P, 'Refugees face racism barrier in search for rented housing', *Irish Independent*, 01.03.04, Dublin.

⁴⁴ Kenna, P and MacNeela, P, *Housing and Refugees: The Real Picture*, The Vincentian Refugee Centre, 2004, Dublin. This research involved a mixed-method design to carry out an exploratory study based on a sample of eighteen refugees and asylum seekers visiting the Centre.

⁴⁵ Khan, F, 'No Coloured' ad for house to rent sparks equality watchdog probe', *Irish Independent*, 04.03.02, Dublin.

⁴⁶ Brennan, M, (2004) 'Foreigners more vulnerable to illegal evictions', in *Irish Examiner*, 31.03.04, Dublin.

- A South African woman reported ongoing racist incidents in a city centre housing estate. She had suffered verbal abuse, as well as local youths throwing stones at her and her child.⁴⁷

In the period from May to October 2004 the NCCRI recorded the following incidents:

- A Pakistani woman reported that she and her child were at home in their rented apartment in a local housing complex when people tried to break into her apartment. She rang the Gardaí (police) and fled to the street. The two men who tried to gain entry to her apartment followed her, accompanied by a third person, and directed racist comments and threats at her. One of the men struck her in the face.
- A Filipino national and her child reported that they had been subjected to ongoing racist verbal abuse from their neighbour in County Galway. The abuse was constant over a period of many months until the family were compelled to report it to the Gardaí.
- In June, the *Star* reported that four Chinese students had to leave their flat in fear after suffering a number of racist attacks. The first attack involved racist verbal abuse, while one of the students received facial injuries from a stone thrown at him. More recently, a brick was thrown through a window of the students' flat.
- In October, the *Star* reported the story of a Nigerian mother and her family who were placed in local authority housing and were forced to move over written racist threats being slipped into their letterbox and their windows being broken.
- A migrant family was threatened with eviction from their rented premises by their estate agent as he had received complaints from their neighbours regarding noise. The family claimed that they were very quiet and there had been no noise emanating from their flat. The family felt that they were being discriminated against on the basis of race.⁴⁸

2.3 Education

As reported in the *2003 Shadow Report*, there are no baseline figures to assess the outcomes for black and minority ethnic groups from the Irish education system. There is, therefore, no quantifiable means of assessing the extent to which existing

⁴⁷ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

⁴⁸ NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

education strategies are benefiting minorities nor of effectively evaluating new strategies. Beyond nationality enrolment figures, very little is known about the experience of black and minority ethnic groups.

At its 11 March 2004 meeting, the Joint Oireachtas (Parliament) Committee on Education and Science considered the issue of the provision of educational services in a multi-ethnic/multicultural society. In its report, the Committee made a number of recommendations to the Department of Education and Science including that: limits of teacher numbers for additional language support should be abolished; dictionaries should be provided for students where English is not their first language; a national co-ordinator to support schools facing growing diversity should be appointed; additional training for teachers should be supported; unaccompanied minor asylum seekers should be allowed to remain in health board provided accommodation while they are in school; school admission policies should be monitored; and the potential of non-formal education provision to promote multiculturalism should be developed.

Issues which received attention over 2004 include the provision of education to unaccompanied minor asylum seekers. It emerged that when a child reaches the age of 18 they are moved from health board funded accommodation to an adult direct provision centre. Many of these young people may still be in school preparing to sit their final exams. A number of NGOs and teachers have expressed their concern that this policy undermines the educational provision to these individuals.

In a Traveller specific policy development, the Department of Education and Science initiated a consultation process on a Traveller Education Strategy during 2004. In 2004, the working group on the Traveller Education Strategy revised the existing provision and inputs, the quality of outcomes and the experience of Travellers in the education system. The Traveller Education Strategy is due to be published in 2005.

In 2004, the Irish Traveller Movement published a review of existing national educational policy and education work by Traveller organisations. The report recognises that in recent years there has been a significant improvement in the participation of Travellers in mainstream educational provision, however problems still remain. The report concludes with recommendations for the Department of Education and Science, individual schools and Traveller organisations.

Though there is no direct monitoring of racist incidents and discrimination in the Irish education system, the nature of both direct and indirect discrimination can be

analysed with reference to recorded incidents, and through anecdotal evidence and qualitative research.

In the case *Two Complainants v Department of Education and Science*, recorded in the Equality Tribunal's *Annual Report 2003*, the complainants challenged the legality of an adult education maintenance grant scheme whose non-statutory rules provided that the grants were only available to EU nationals or persons with official refugee status. The Equality Officer found that the complaint was out of his jurisdiction as the refusal was dated before the Equal Status Act 2000 came into force. He stated however that in his view, the scheme did contravene the Act. The law was amended in the Equality Act 2004, so that the Minister for Education and Science does not discriminate where he or she requires grants to be restricted to persons who are nationals of a member state of the European Union (see section 3.1).

Schools and other educational establishments are responsible for the second highest number of cases lodged with the Equality Authority under the Equal Status Act 2000. During 2003, the casework activity of the Equality Authority included 12 cases relating to education under the race ground and 16 cases relating to education under the Traveller community ground. Combined, these represent 36% of all education-related cases, 15% of race ground cases and 5% of Traveller community ground cases respectively.

Evidence from alternative and complementary data collection mechanisms also suggests that racist abuse continued to be a problem for minority ethnic communities. For example, in the NCCRI's racist incident report for the period October 2003 to April 2004, a 17-year-old Congolese boy suffered racist verbal abuse in school.⁴⁹

2.4 Health

The general lack of data generally on the experiences of black and minority ethnic groups in Ireland makes it difficult to draw conclusions about the health sector. There are some indications however which suggest that minorities are disadvantaged in the Irish health sector. As described in the *2003 Shadow Report*, black and minority ethnic groups face specific disadvantages in relation to health care in Ireland.

⁴⁹ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

Generally, the Irish health sector underwent a significant reform process in 2004, there has been much public debate on the future of the sector.⁵⁰ While some attention has focused on the provision of health services to black and minority ethnic groups, developments have been dominated by the broader discussion.

There continued to be evidence of experiences of racism and discrimination in the health sector in Ireland. In its report from November 2003 to April 2004, the NCCRI noted a that:

A Romanian woman reported that a doctor she visited made remarks about her nationality and marital status.⁵¹

In a separate incident recorded in the May to October 2004 report, the NCCRI noted that:

A Polish national reported that she had received ill treatment from personnel at a maternity hospital. When she asked to be treated by a female doctor after being treated in a humiliating way by a male doctor she was refused the request and told that she would receive no treatment if she did not concede to be treated by a male doctor.⁵²

Another issue which has come to the fore of the public debate in 2004 is access to general practitioners by black and minority ethnic groups. Concern has been expressed, particularly in relation to members of the Traveller community and asylum seekers, that general practitioners are failing to take them on as new patients. During the consideration of Ireland's combined first and second report under CERD, the Government acknowledged that this had been an issue and outlined steps which are underway to address the issue.

⁵⁰ On 1 January 2005 the Health Service Executive (HSE) took over full responsibility for running the country's health and personal social services. This means that from 1 January 2005 all health boards in Ireland were abolished. Up until January 2005, health and personal social services were delivered by ten health boards, located around the country. At present, health and personal social services in Ireland continue to be delivered by what are known as Health Service Executive Areas (i.e. former health boards). Each Health Service Executive Area is responsible for the provision of health and social services in its area. They provide many of the services directly and they arrange for the provision of other services by health professionals, private health service providers, voluntary hospitals and voluntary/community organisations. Available at: http://www.oasis.gov.ie/health/health_services_in_ireland/health_boards.html (08.03.05).

⁵¹ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

⁵² NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

From December 2004 to July 2005 Cairde and Community Action Network (CAN) ran a joint Community Development and Health Training Programme, supported by FÁS⁵³ and the Northern Area Health Board. The course is for people from ethnic minority community backgrounds who are active in their community and who have an interest in health issues. The aim of the course is to assist people from ethnic minority communities to be better able to influence policies, services and issues which impact on their community's health.⁵⁴

The Minister of Health and Children launched a Regional Health Strategy for Ethnic Minorities in September 2004. The Eastern Regional Health Authority (ERHA) developed this strategy to respond to the unique health and special social support needs of black and minority ethnic groups living in their area. The strategy includes the development of an interpretation service and support and resourcing of non-governmental organisations to work in partnership with people from ethnic minority communities so that their own skills and expertise inform health-service planning.⁵⁵

2.5 Racist violence/racist crime

While the introduction of an official system for recording racist incidents in 2002 has led to the development of some data on racist crime and racist violence, as reported in the *2003 Shadow Report*, anecdotal evidence and qualitative studies indicate that there is significant underreporting of racist crime in Ireland. In particular, there appears to be significant discrepancies in terms of reporting rates amongst the general population and reporting rates amongst black and minority ethnic groups.

There were a number of important policy developments in the area of policing and racist crime during 2004. Significantly, the Minister for Justice, Equality and Law Reform announced a reform of the recruitment procedure to An Garda Síochána (national police force). One of the aims of the review is to target invisible barriers facing members of minority ethnic communities. The Minister highlighted the current Irish language requirement in particular.⁵⁶ In a separate development, An Garda Síochána and the Police Service for Northern Ireland (PSNI) announced a joint training initiative. An Garda Síochána and the PSNI have joined forces to assist

⁵³ FÁS is Ireland's national training and employment authority.

⁵⁴ Further information available at www.cairde.ie.

⁵⁵ Further information available at www.erha.ie.

⁵⁶ Minister for Justice, Equality and Law Reform, Press Release, 'Advertisement Campaign to recruit additional Gardaí as step to increase Force to 14,000', Department of Justice, Equality and Law Reform, 25.11.04, Dublin, available at: <http://www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ673KVC-en> (08.03.05).

in dealing with policing in ethnic communities and to reduce the number of racist attacks on minority groups. The joint diversity training programme, funded by the EU, will be drawn up in consultation with representatives from black and minority ethnic groups.

In July, a crime victimisation survey carried out by the CSO revealed that incidents of personal crime, including theft and assault, had doubled over the past five years. Figures also showed that non-nationals were more likely than nationals to experience crime. 6.9% of non-EU nationals were victims of personal crimes in 2003, compared to 5.8% in 1998. 74% of violent theft victims who were non-EU nationals did not report to the Gardaí.⁵⁷

2003 was the first full year in which racially motivated incidents were clearly defined to members of the force and recorded through PULSE (crime recording system). According to An Garda Síochána, 81 racially motivated incidents were recorded in 2003. This compares to 102 in 2002, 43 in 2001, 65 in 2000, and 12 in 1999. The most common forms of incidents were criminal damage, assault and public order offences (see Table 4).

Table 4: Racially motivated incidents 2003 (provisional August 2004), Source: An Garda Síochána

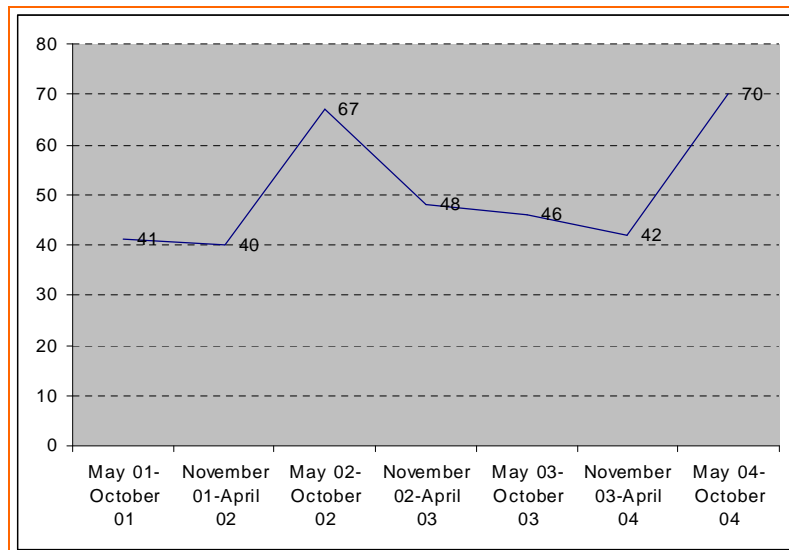
Assault - harm	7
Assault - minor	16
Sexual assault	0
Public mischief	0
Arson	2
Theft from person	2
Robbery from person	1
Manslaughter	0
Possession of weapon	1
Public order offence	13
Criminal damage	27
Incitement to hatred	2
Attention and complaints	9
Harassment	0
Burglary	1

⁵⁷ Central Statistics Office, 'Module on Crime Victimisation Q4 1998 and Q4 2003, released 29 July 2004', CSO, Dublin, 2004, available at: http://www.cso.ie/newsevents/pr_qnhscime03.htm (08.03.05).

Total	81
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In the latter half of 2004, the NCCRI recorded a significant increase in the number of racist incidents reported to it. It particularly highlighted the period from May to August and noted an apparent increase in the seriousness of incidents that occurred during this period. According to an interim report which was issued by the NCCRI, these incidents include assaults/attempted assaults, harassment (including harassment involving women and children) and offensive verbal abuse/gestures in public places.⁵⁸ The NCCRI has cautioned against simplistic explanations and direct causal factors being attributed to the apparent increase in the number and seriousness of incidents. Nevertheless, it concluded that the number of racist incidents appears to increase at times of heightened public discourse in relation to issues such as immigration, citizenship and asylum policy, in this particular case the Citizenship Referendum held on 11 June 2004 (see section 3.2).

Fig 3: Summary of incidents reported to the NCCRI to October 2004



In the period November 2003 to April 2004, the NCCRI recorded 42 racist incidents.⁵⁹ Examples of racist incidents that involved assault, abuse and harassment, include:

⁵⁸ NCCRI Press Release, 'Interim figures reveals upward rise in racist incidents May-August 2004', NCCRI, 2004, Dublin, available at: www.nccri.ie/pressSep04.html (27.09.2004).

⁵⁹ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

- A Nigerian candidate for local elections in Galway received hateful and abusive mail, asking her to return to her own country.
- A witness reported a racist incident where a Chinese person was beaten up by a group of teenagers. The witness believed it to be a racially motivated incident.
- A witness reported an incident in which two Irish women verbally abused two non-national males on a Dublin bus. The woman stated that the Gardaí did not treat it as a racist incident.
- A Croatian mother and daughter were reportedly attacked and jeered by a gang of children from the daughter's class. They also received racist insults.
- At the end of March 2004 the *Irish Independent* reported a shooting incident in a town in Kerry where a shot was fired through the front window of an occupied bedroom of a house belonging to a settled Traveller family. A local councillor was reported as saying that there had been a number of violent incidents in the same town in previous recent months.⁶⁰

In its second report in 2004 covering the period between May and October, the NCCRI recorded a number of serious incidents including:

- A Zimbabwean woman, a couple of nights after the (Citizenship) Referendum, was walking along the street when a group of males reportedly shouted at her and asked her if she was starting to pack her bags for home.
- A Nigerian woman was reportedly verbally abused by a man in the same queue as her in the rural post office where he shouted at her to “go home”, “stop milking the system”, “we don't want you Nigerians or your babies here.”
- A Nigerian-Irish married couple were reportedly subjected to ongoing and regular verbal abuse by members of the public in Limerick city.
- A South African asylum seeker in Limerick city was reportedly attacked in the street by a group of Irish women and was beaten on the legs and head while being insulted with racist comments.
- In May it was reported in the *Irish Independent* that a “Lotto winner” allegedly spat at an African taxi driver and called him “a black bastard.”
- In June the *Star* reported that a South African man suffered a savage attack in south County Dublin. As he was getting out of his car, a gang of youths shouted obscenities at him regarding his race as they threw bottles and cans

⁶⁰ NCCRI, *Racist Incident Report November 2003- April 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

at him. He was punched and had an iron gate smashed over his head. He was rushed to hospital where he had to undergo plastic surgery to repair a deep cut to his arm and received 12 stitches in his forehead.

- In October all the national dailies ran the story of repeated racist graffiti incidents at an African shop in Cork city with slogans such as “Burn N*****s out.”⁶¹

In 2002, the Victim Support Service identified five cases as racially motivated, this increased to eight in 2003. In the first six months of 2004, the service recorded 11 cases which were identified as racially motivated.

2.6 Internet

The significance of racism on the Internet is not yet fully understood in the Irish context. There is evidence which suggested however that racist material is being produced in Ireland and published on sites hosted in other jurisdictions. During 2004, some evidence emerged that there are Irish websites with specific racist content, however to date this problem appears to be limited when compared to other European countries. In its report covering the period May to October 2004, the NCCRI recorded that:

There were a number of complaints about the content of websites. One website was reported to contain anti-Semitic content and another contained anti-Traveller sentiments referring to the Dunsink Lane incident “big group of subhuman scum currently living in Dunsink Lane”. It was reported in the Observer on June 20 that a local authority had to shut down a bulletin board on its website because of racist comments posted there in advance of the citizenship referendum. The Gardaí were investigating the incident to ascertain who had posted the remarks.⁶²

⁶¹ NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

⁶² NCCRI, *Racist Incident Report May to October 2004*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

3. Legislative/Policy Developments

While equality legalisation in Ireland is still quite new, the implementation of the Race Directive in 2004 provided a context for ongoing debate on the role of equality legislation in promoting anti-racism and interculturalism. There have also been significant legislative developments across a range of sectors during the period under consideration, including a constitutional amendment on citizenship, and developments in immigration policy.

3.1 Implementation of the Article 13 directives

The government presented the Equality Bill 2004 on 13 January 2004 and it was signed into law as the Equality Act 2004 on 18 July 2004. The Act amends a number of provisions of the Employment Equality Act 1998 and the Equal Status Act 2000: to give effect to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation; and Directive 2002/73/EC of the European Parliament and of the Council, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women.

To date, the overall assessment of the Act has been mixed, with a number of NGOs expressing disappointment with how the Directives have been implemented. According to the Irish Council for Civil Liberties (ICCL), the Equality Act 2004 fails to fully transpose all features of the Article 13 Directives. Debate has focused on a number of key provisions including:

- The position of migrant domestic workers which was improved by the abolition of the absolute exemption in relation to employment for the purposes of private household, in this case employers can still discriminate in hiring but not in the other terms and conditions of employment.
- The scope for positive action, with the aim of promoting equality in the workplace, has been broadened considerably by the new legislation. Up to now, such action has been confined to four out of nine main grounds of discrimination set out in the Employment Equality Act 1998. Positive action is now extended to cover all nine grounds.⁶³ The provision which allows ministers, health boards, immigration officials, local and other ‘public

⁶³ ‘New equality law extends workers’ rights’, European Industrial Relations Observatory Online, available at: <http://www.eiro.euofound.eu.int/2004/07/feature/ie0407202f.html> (15.10.2004).

authorities' to discriminate against non-nationals who have applied for and have not been granted refugee status,⁶⁴ including the nationality exemption for the provision of third level education grant assistance.⁶⁵

- Weaknesses in remedies, enforcement and exemptions.⁶⁶ According to the Equality Authority, the new law fails to ensure that the redress provided for is genuinely dissuasive, and that tougher sanctions need to be built into the legislation as a sufficient deterrent.⁶⁷

3.2 Citizenship

On 11 June 2004, a referendum to change the constitutional provisions on citizenship was passed.⁶⁸ The new constitutional provision gives Parliament the power to decide the circumstances and conditions under which people born on the island of Ireland who do not have an Irish citizen parent are entitled to be Irish citizens. The effect of the passing of the 27th amendment was to remove the constitutional guarantee of citizenship for persons born on the island of Ireland, other than those who have an Irish parent. Turnout for the referendum was high at 60%. 79% voted in favour of the amendment.

During the relatively short lead up to the referendum, concern regarding the impact of citizenship provisions and racism proved a significant factor in the debate. One of the arguments posited by the 'No campaign' was that the referendum could provide a context for increased racism in Ireland by reinforcing myths and stereotypes about immigrants, refugees and asylum seekers. This argument was rejected by the Government, whose position was that the referendum was urgently needed in order to close a 'loophole' in Irish citizenship provision, and bring Ireland in line with other EU Member States.

Since the referendum, some NGO activists have alleged that there has been an increase in racist incidents. The NCCRI noticed an upward trend in the number of

⁶⁴ Barry, E, 'Equality measure is welcome, but remains flawed', *The Irish Times*, 02.04.04, Dublin. Many of these views have been supported by NGOs commentating on the implementation of the Directives, for example see: Equality Coalition (2004) Submission on the Equality Bill 2004, ICCL, 2004, Dublin.

⁶⁵ This exemption was introduced in response to the case *Two Complainants v Department of Education and Science*, described above.

⁶⁶ Barry, E, 'Equality measure is welcome, but remains flawed', *The Irish Times*, 02.04.04, Dublin.

⁶⁷ 'New equality law extends workers' rights', European Industrial Relations Observatory Online, available at: <http://www.eiro.eurofound.eu.int/2004/07/feature/ie0407202f.html> (15.10.2004).

⁶⁸ NCCRI, *Advocacy paper 3: The Citizenship Referendum: Issues, Observations and Concerns*, NCCRI, 2004, Dublin, available at: www.nccri.ie (08.03.05).

racist incidents recorded in the four months between May and August 2004 (see section 2.5).

The Irish Nationality and Citizenship Act 2004 implemented the results of the Referendum. In light of the new citizenship legislation, the Minister for Justice, Equality and Law Reform announced on 15 January 2005 a scheme whereby the parents of Irish citizen children who had had their applications for residency cancelled following the Supreme Court ruling in 2003 could apply for residency. According to the NGO Alliance, 16 families with Irish children were deported in 2004 and a further 9,000 people are currently in legal limbo or face deportation. Families who apply under the scheme do not have a right to family reunification.⁶⁹

3.3 Intoxicating Liquor Act 2003

As reported in the *2003 Shadow Report* under the Intoxicating Liquor Act 2003, Travellers and other groups who complain about discrimination by publicans and licensed premises must now take complaints to the District Court, rather than the Equality Tribunal.⁷⁰ This change of jurisdiction, which came into force on 19 September 2003, has been linked to the decrease in the number of equal status claims under the Traveller ground before the Equality Tribunal.⁷¹

In its third quarter figures the Equality Tribunal noted that there had been a significant fall in the number of complaints under the Equal Status Act 2000 following the Government's decision that jurisdiction for complaints against licensed premises be moved from the Tribunal to the District Court. Figures have not yet been made available by the Court Service as to the number of cases being brought to the District Court. It is expected that the number of discrimination cases being brought to the District Court will be significantly less than those recorded by the Equality Tribunal before the shift in jurisdiction.

⁶⁹ NGO Alliance, *Shadow Report in Response to the Irish Governments First National Report to CERD*, NGO Alliance (C/O Dominican Justice Office), 2004, Dublin.

⁷⁰ Ireland, Intoxicating Liquor Act 2003, available at: www.acts.ie.

⁷¹ Brennan, M, 'Discrimination complaints against publicans drop by 41 per cent', *Irish Examiner*, 05.02.04, Dublin. Given the backlog of cases, refusal to service in licensed premises (pubs, hotels, restaurants etc.) again accounted for a large proportion on the Equal Status cases on the Traveller ground decided by the Equality Tribunal in 2003. Other areas of goods and service provision arose, including train travel, access to shops and supermarkets, access to children's discos and the provision of telephone services to a halting site.

3.4 Social Welfare (Miscellaneous Provisions) Act 2004

On 24 February 2004 the Department of Social and Family Affairs announced that they would be proposing changes in the social welfare code in light of concerns regarding the impact of EU accession and UK moves to restrict access to social welfare. On 2 March 2004 the Minister issued a statement detailing a series of restrictions aimed at securing and protecting the social welfare system. Since 1 May 2004 a Habitual Residence Condition (HRC) has been applied to social welfare claims.

The NCCRI has argued that the HRC was introduced in response to unfounded myths and fears regarding the numbers of immigrants who would seek access to the Irish social welfare system after EU accession. In a submission to the Department of Social and Family Affairs, the NCCRI pointed out that:

“It is regrettable that many (media) articles printed served to reinforce myths and misinformation in the public mind regarding certain communities. For example, a daily tabloid in January 2004 carrying an article entitled “See You In May” claims that tens of thousands of citizens of EU accession states are poised to flock to Ireland and Britain when the EU expands on May 1. Another daily newspaper reported in early March 2004 that the new migrant law “will weed out welfare scroungers.”⁷²

3.5 Traveller community as an ethnic group

In its combined first and second report under the International Convention on the Elimination of all Forms of Racial Discrimination, the Irish government stated its position on the fact that the Traveller community was not an ethnic group, and consequently does not come directly under the remit of the Convention. The Government’s stated position is that:

“Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin.”⁷³

⁷² NCCRI, *Proposed Changes in the Social Welfare Code Arising from EU Enlargement*, NCCRI, 2004, Dublin available at: www.nccri.ie (08.03.05).

⁷³ Ireland, *First National Report as required under Article 9 of the Convention on the legislative, judicial, administrative or other measures adopted to give effect to the provisions of the Convention*, prepared by the Department of Justice, Equality and Law Reform, 2003, Dublin, available at: www.justice.ie (03.03.05).

The Government holds that this is a position of no domestic legal significance since the key anti-discrimination measures explicitly include the Traveller community ground.

NGOs and other bodies working with Travellers have rejected this argument. Traveller organisations posit that the key difficulties with the Government's position include:

- The importance of self-identification.
- International human rights imperatives, particularly the Durban Declaration.
- Limits the protections afforded to members of the Traveller community.
- Inconsistent with case law in other jurisdictions, particularly the United Kingdom where Travellers are recognized as a distinct ethnic group.
- Inconsistent with previous policy by the Government.

In a submission to the Joint Parliamentary Committee on Human Rights in March 2004, the NCCRI noted concern amongst Traveller groups at the hardening of the Government's position in this regard. During 2004, the Irish Human Rights Commission (IHRC) published its position on Traveller ethnicity which stated that:

“The Government appears to be adopting an unnecessarily narrow, literalist and defensive attitude on this issue and to have recently hardened its position. To recognise Travellers as an ethnic group or ethnic minority for the purposes of CERD and other international conventions is not to concede some fundamental political principle or to state that Travellers are a biologically separate race from the rest of the Irish population.”⁷⁴

3.6 Review of the Prohibition of Incitement to Hatred Act 1989

As stated in the *2003 Shadow Report*, the Government committed to a review of the Prohibition of the Incitement to Hatred Act in 2001. This review was not completed during 2004.

In a number of policy statements during 2004, the Government has linked this review to developments at European level including negotiations on the Framework Decision on Racism and Xenophobia. The difficulties associated with the negotiation of the Framework Decision are well documented and by linking it to the

⁷⁴ IHRC, *Travellers as an ethnic minority under the Convention on the Elimination of Racial Discrimination*, Irish Human Rights Commission, IHRC, 2004, Dublin, available at: http://www.ihrc.ie/fileupload/misc/Travellers_discussion_paper.doc, (06.03.05).

domestic review, the Government is undermining the effectiveness of its own policy in this regard. NGOs have called on the Government to complete the review as a matter of urgency.

3.7 International human rights mechanisms

The Advisory Committee to the Framework Convention on the Protection of National Minorities adopted its first opinion on Ireland at its 17th meeting on 22 May 2003. The Irish government issued its comments on the report on 23 October 2003. The Advisory Committee found that while efforts had been made to improve the situation of the Traveller community since the 1995 Report of the Task Force on the Traveller people, much remains to be done. The Advisory Committee was especially concerned about the accommodation situation of Travellers and the slow progress in meeting targets in this area. It also recognised that racism in Ireland has become an issue of increasing concern, touching not only the Traveller community but also new immigrant communities including Roma. The opinion highlighted the need to collect further statistical information concerning Travellers and other groups and involve them in the elaboration, implementation and monitoring of initiatives and policies affecting them.

Ireland submitted its first report under the ICERD as required under Article 9 of the Convention. The combined first and second report was considered by the Committee on the Elimination of Racial Discrimination (CERD) at its 66th Session on 2/3 March 2005.⁷⁵ Ireland's combined fourth and fifth report under CEDAW submitted in 2003 is due to be considered in July 2005.⁷⁶

3.8 National Action Plan against Racism (NPAR)

During 2004, the Irish government finalised its National Action Plan against Racism, undertaken as part of its commitments at the World Conference against Racism in Durban in 2001. The government launched the plan on 27 January 2005. Consequently, it falls outside of the scope of this report. The first year of the Plan's implementation will be considered in the *2005 Shadow Report*.⁷⁷

⁷⁵ Ireland, *First National Report as required under Article 9 of the Convention on the legislative, judicial, administrative or other measures adopted to give effect to the provisions of the Convention*, prepared by the Department of Justice, Equality and Law Reform, 2003, Dublin, available at: www.justice.ie (03.03.05).

⁷⁶ Ireland, *Ireland's Combined Fourth and Fifth Reports Under the UN Convention on the Elimination of All Forms of Discrimination Against Women*, Department of Justice, Equality and Law Reform, 2003, Dublin, available at: www.justice.ie (03.03.05).

⁷⁷ Ireland, *National Action Plan against Racism (NPAR)*, Department of Justice, Equality and Law Reform, 2005, Dublin, available at: <http://www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ696JGD-en> (05.03.05).

The Plan was informed by a 12 month public consultation process, overseen by a national steering group established under the aegis of the Department of Justice, Equality and Law Reform, involving a wide range of key stakeholders from Government bodies, social partners and broader civil society, including cultural and ethnic minorities.

The Plan outlines an intercultural framework which will underpin the overall approach to its implementation. The Framework is summarised in Table 5.

Table 5: Summary of the Intercultural Framework underpinning the NPAR

Protection:	Effective protection and redress against racism
Inclusion:	Economic inclusion and equality of opportunity
Provision:	Accommodating diversity in service provision
Recognition:	Recognition and awareness of diversity
Participation:	Full participation in Irish society

The Plan will be monitored through a High Level Strategic Monitoring group and will be supported by the Department of Justice, Equality and Law Reform. The Plan will be funded in three ways:

- Refocusing of existing resources through the development of an intercultural dimension to mainstream public policy
- Identification of specific resources within the annual budget process for the implementation of the Plan
- The commitment to realise aspects of the NPAR as resources become available.⁷⁸

3.9 Possible discrimination in migration laws

During 2004, there was a robust discussion on the impact of the Irish work permit and immigration system. This discussion was in the context of an expected Immigration and Residency Act during 2005 which would serve to comprehensively review the existing systems.

Migrant rights NGOs and other organisations have identified a number of key difficulties with the immigration system as it currently stands. These include restrictive legislative developments such as the immigration Act 2004, experiences

⁷⁸ Ireland, *National Action Plan against Racism (NPAR)*, Department of Justice, Equality and Law Reform, 2005, Dublin, available at: <http://www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ696JGD-en> (05.03.05).

of racism and discrimination, problems associated with the work permits system and family reunification.

3.10 Immigration Act 2004

The Immigration Bill 2004, which passed through parliament in a matter of days, was subject to severe criticism by the NGO community, both in terms of the speed at which it was introduced, as well as in terms of the content of the Bill. In particular, a number of organisations raised concerns about the powers the Bill gave to immigration officials, and the potential for the Bill to lead to discrimination.

The Act includes a wide range of provisions that would previously have been contained in the Orders made under the 1935 Aliens Act, including the appointment of immigration officers, criteria regarding entry into Ireland by non-EU nationals, the empowering of the Minister to make orders regarding visas and approved ports for landing, the imposing of limits on the duration of a non-national's stay, the imposing of certain obligations on carriers and persons landing in the State and registration requirements for non-nationals. In addition, for the first time it is made an offence for an Irish national not to comply with immigration provisions. Section 9 obliges all persons to inform the authorities if a non-national is in the State illegally and living as part of their household.

Unlike asylum procedures, there is no independent appeals procedure for immigration decision.

3.11 Exemptions under the Equality Act 2004

The 2004 Equality Act allows for ministers, health boards, immigration officials, local and other 'public authorities' to discriminate against non-citizens who have applied for refugee status. This includes a nationality exemption for the provision of third level education grant assistance (see section 3.1).⁷⁹

The Equality Act 2004 extended some protections to women working in private homes, however recruitment procedures for domestic workers are still exempt under the equality legislation.

⁷⁹ NCCRI, *Comment of the Combined First and Second Reports by Ireland under the International Convention on the Elimination of All Forms of Racial Discrimination*, NCCRI, 2005, Dublin, available at: <http://www.nccri.ie/submissions/05JanCERD.pdf> (05.03.05).

3.12 Work permit system

Of particular concern to organisations working with migrant workers is the impact of the work permit system. Under the work permit system, the permit is held by the employer and not the employee. NGOs have documented many cases where this system has led to particular hardship, for example where an employer neglects to renew a permit, having told the migrant worker they will do so. The worker can through no fault of their own become illegal. This situation is not alleviated by the fact that there are less than 20 Labour Inspectors in Ireland.

Other concerns include:

- The lack of permission for spouses of work permit holders to seek employment, unless they have secured a work permit in their own right.
- Limited family reunification entitlements under the work permit scheme.
- As a consequence of employers holding work permits, there have been a number of media reports which suggest significant under-reporting of racism against migrant workers due to fear of losing work permits.⁸⁰

In policy statements in 2004, government officials have suggested that linking the work permit to the employer secures a system of checks, and thus serves to protect the rights of migrant workers. This view is categorically rejected by NGOs working with migrant workers in Ireland.

3.13 Family reunification

The question of family reunification is often the most pressing one facing minority ethnic families in Ireland. Organisations working with migrants and refugees have raised serious concerns about the implications of the current family reunification system in Ireland. No domestic law specifically provides for a right to enter and remain in Ireland for the purposes of family reunification for migrant workers.

In the case of work permit holders, an application can only be made for a spouse to join them as a dependent after twelve months. In a recent major study commissioned by the Immigrant Council of Ireland (ICI), immigrants outlined their experiences – both positive and negative – of living and working in Ireland. The study found that a number of research participants were living without close family members because of the difficulties they had experienced when trying to get family members (including minor dependent children) to join them in Ireland.

⁸⁰ Haughey, N, 'Migrants Reluctant to Report Racism at Work', *The Irish Times*, 11.07.03, Dublin.

There are also problems of family reunification of refugees. In particular, the Irish Refugee Council (IRC) has pointed out that the process of family reunification can presently take in excess of two years from the date of application until the family member arrives in Ireland.⁸¹

There is also concern that parents of Irish citizen children will not be entitled to family reunification under the scheme introduced by the Minister in January 2005 (see section 3.2).

⁸¹ Irish Refugee Council, www.irshrefugeecouncil.ie.

4. Good Practice by NGOs

Though relatively small, Ireland has a strong non-governmental sector focused on anti-discrimination and equality. Groups range from those who are more broadly involved in human rights and equality issues to those who focus specifically on issues faced by black and minority ethnic groups. NGOs have demonstrated good practice in fulfilling a range of roles including information provision, awareness raising, network initiatives, promoting best practice, participating in partnership initiatives, and promoting data collection.

Preceding sections have highlighted examples of good practice where they relate to specific sectors where racism is visible. This section details three NGO initiatives which have been particularly active in 2004. These are the Coalition against the Deportation of Irish Children (CADIC), the Migrant Rights Centre, Ireland's Domestic Workers Support Group (DWSG) and the NGO Alliance Shadow Report to CERD.

4.1 Coalition against the Deportation of Irish Children

Formed in July 2003 in the wake of the Supreme Court ruling in the Lobe and Osayande cases of January 2003, CADIC is a coalition of several Irish non-governmental organisations. CADIC is a narrowly targeted coalition, focused around the rights of a specific group of families who have children who are Irish citizens (see section 3.2). CADIC responds to the urgent need to assist migrant parents of Irish citizens through legal advice and support and through raising public awareness of the plight of these families.

The aim and objectives of the coalition is to prevent the forced removal of Irish children from the State in violation of their rights under national and international instruments. This arises from the Irish Government's interpretation of a Supreme Court decision in January 2003 which led to the retroactive termination of the procedure whereby migrant parents of Irish children could apply for residency, leaving 11,500 adult parents, whose applications were awaiting processing at the time of judgement, facing deportation.

CADIC's strategic objectives are to:

- Ensure that the constitutional rights of Irish children, and the legal and human rights of their migrant parents are respected.

- Call for the right of residency to be given to families of Irish children who made applications for residency prior to the withdrawal of the right to apply for residency on 19 February 2003.
- Call for the establishment of a procedure whereby all families of Irish children can apply for residency that is fair, transparent, human rights compliant and places the best interest of the child as the paramount factor in the decision-making process.
- Call for free and adequate legal assistance to be made available to families of Irish children who face deportation orders.⁸²

4.2 MRCI Domestic Workers Support Group

Through its support and advocacy work, the MRCI became increasingly aware of the particular problems and challenges facing migrant women working in private homes in Ireland. Recognising the urgent need facing these women, the MRCI established a Domestic Workers Support Group. The DWSG constitutes a significant forum for migrant women employed as domestic workers seeking support and solidarity.⁸³

In December 2004, the MRCI published a report on the experiences of 20 women working in private homes in Ireland, some of whom were involved in the DWSG. This report served to highlight the vulnerability of this group of migrant workers in Ireland (see section 2.1.1).

4.3 NGO Alliance

The NGO Alliance consists of over 40 independent non-governmental organisations working in Ireland on issues such as anti-racism, community development and human rights. All the groups have a common interest in the prevention of racial discrimination, and in working together on anti-racist principle and action. The Alliance was formed in direct response to the World Conference against Racism in Durban in August 2001 and the need for Irish NGOs and civil society to engage with the process of developing a National Action Plan against Racism.

The Alliance re-activated itself in the context of Ireland's first report to ICERD, and its concerns that the report did not reflect the reality of racism in Irish society. The Alliance produced a Shadow Report through a process of consultation in late 2003 and 2004. Submissions to the Shadow Report from members of the Alliance were

⁸² See www.integratingireland.ie (05.03.05).

⁸³ Migrant Rights Centre Ireland, *Private Homes: A Public Concern*, MRCI, 2004, Dublin, p. 10.

subsequently compiled by an editing committee. It is intended that the report will not only be of use to CERD, but will act as a campaigning and lobbying tool for NGOs working against racial discrimination in Ireland.

The NGO Alliance published its Shadow Report in November 2004 and a delegation of NGOs subsequently travelled to Geneva in March 2005.⁸⁴

⁸⁴ NGO Alliance, *Shadow Report in Response to the Irish Government's First National Report to CERD*, NGO Alliance (C/O Dominican Justice Office), 2004, Dublin.

Conclusion

There has always been cultural diversity in Ireland, despite a widely held myth that racism has only become an issue since the transition from a country of emigration to one of immigration in the 1990s. It is fair to say however that immigration has led to increased diversity in Irish society, both in terms of the numbers of black and minority ethnic groups, as well as their diversity. Consequently, racism has come to the fore of public consciousness in recent years. The national census provides the most comprehensive source of information on diversity in Ireland, though to date this analysis has been limited to nationality, country of birth and religion. 2004 saw the successful pilot of an ethnicity question by the CSO however, and it is likely that our understanding of diversity will be enhanced after the next census in 2006.

As this report has demonstrated, despite the lack of comprehensive data it is possible to draw conclusions as to the significance and impact of experiences of racism and discrimination. While racism is experienced regardless of legal status, four main categories of black and minority ethnic groups are particularly vulnerable: the Traveller community, asylum seekers and refugees, migrant workers, and religious minorities.

Deep-seated prejudice against members of the Traveller community is evident both through everyday experiences of racism, as well as in the provision of services to this section of Irish society and the disparity of outcomes suffered by Travellers when compared to the general population.

Public attitude surveys during 2004 demonstrated that asylum seekers and refugees remained a key victim group. Asylum seekers face both institutional barriers to the realisation of their full rights as well as a high-level of prejudice from the general population.

2004 has seen increased debate regarding experiences of exploitation and discrimination facing the most vulnerable groups of migrant workers in Irish society, those in low skilled jobs. Perhaps the most vulnerable being women working in private homes in Ireland.

While religious discrimination has not occupied the same level of consciousness in Ireland as in other European countries, anecdotal evidence continues to demonstrate experiences of both Islamophobia and anti-Semitism. The experiences of these victim groups manifests at all levels of society, but are perhaps most immediately evident in five key sectors: employment, housing, education, health, and racist crime.

Employment continues to be one of the most significant areas where racism and discrimination are visible in the Irish context. Data from the Equality Tribunal and the Equality Authority demonstrates an increase in the number of cases dealt with on the grounds of race. Casework illustrates that there are problems in all areas of employment, from recruitment to pay and conditions as well as in leaving employment. This data particularly highlights experiences of discrimination by migrant workers. The picture in relation to the Traveller community remains unclear. There are low levels of participation by members of the Traveller community in the mainstream labour market. The small number of cases which have emerged indicate very serious problems of discrimination in accessing the labour market, the official data is underpinned by anecdotal sources, such as the racist incident monitoring procedure of the NCCRI.

Housing appears to be an increasingly serious issue for black and minority ethnic groups in Ireland. Data from the Equality Authority demonstrates a 70% increase in housing cases on the grounds of Race and membership of the Traveller community. Official targets in relation to accommodation provision for Travellers have not been met, while the Government itself has acknowledged that it has failed to secure outcomes in this regard. Policy failure is exacerbated by experiences of racism and harassment targeted at residential environments. Direct provision continues to be a serious impediment to the full realisation of the rights of asylum seekers, problems with individual centres are made worse by a context whereby care payments to asylum seekers have not been increased since they were introduced in 2000. Migrants and other minority groups face discrimination both in accessing private rented accommodation, as well as racism from neighbours and landlords.

Data is not available to facilitate analysis of outcomes of black and minority ethnic groups in the educational system, though evidence from the 2002 census demonstrates that Travellers are chronically disadvantaged in terms of securing educational outcomes. There are systemic barriers facing other black and minority ethnic groups, for example non-EU nationals are not entitled to third level maintenance grants and unaccompanied minors are required to transfer into direct provision accommodation when they turn 18, thus disrupting their academic careers. In addition, informal data collection measures demonstrate individual experiences of racism and discrimination in the education system.

Initiatives to better understand experiences of minority ethnic groups in the health sector are underway and there has been acknowledgement that minorities face specific barriers in access their full rights within the health system. In particular,

problems are evident in accessing primary health services such as general practitioners.

There has been some contradiction in the emerging data relating to racist crime, with official police statistics indicating that racist crime is decreasing. Other sources and NGO analysis contradict this picture and it is likely that evidence in relation to racist crime and violence continues to be undermined by underreporting. The NCCRI drew particular attention to the fact that there appears to be a link between an increase in incidents and their seriousness and the Citizenship Referendum held in June 2004.

There were a significant number of policy and legislative developments during 2004, not least the implementation of the Article 13 directives. While the implementation of the directives through the Equality Act 2004 was broadly welcomed, a number of commentators suggested that the Irish government missed the opportunity to implement a comprehensive anti-discrimination framework.

2004 brought a fundamental change to the legal framework in relation to citizenship. Following a constitutional referendum in June, the Government introduced an act which meant that children born on the Island of Ireland were no longer automatically entitled to Irish citizenship. In January 2005, the Minister for Justice, Equality and Law Reform introduced a scheme aimed at addressing the situation of parents who had their applications for residency on the basis of having an Irish child cancelled following a Supreme Court ruling in 2003. 2004 also saw the introduction of restriction to social welfare in the form of the Habitual Residence Condition, this restriction was introduced in direct reaction to moves by the UK government and fears that migrants from the EU Accession States would seek to access the Irish social welfare system.

In its first report under CERD the Government spelled out its view that the Traveller community did not constitute an ethnic group. This view is rejected by many NGO actors including Traveller organisations who argue that it represents a hardening of the Government's position in relation to the Traveller community.

During 2004, the Government failed to conclude the review of the Prohibition of the Incitement to Hatred Act 1989. In a worrying development, a number of policy statements linked the review to the completion of negotiations on an EU Framework Decision on Racism and Xenophobia, a move which could be interpreted as shelving the review. There have also been concerning developments in relation to the hardening of immigration law, in particular with the introduction of the Immigration Act 2004.

NGOs continued to be very active in the fight against racism and discrimination in Irish society, fulfilling a wide range of functions from information provision to awareness raising and victim support, to advocacy and lobbying. This report has identified three initiatives which were particularly significant during 2004. These are the Coalition against the Deportation of Irish Children, the NGO Alliance Shadow Report to CERD and the MRCI's Domestic Workers Support Group.

Efforts to understand and combat racism are being undermined by a lack of hard data on the experiences of black and minority ethnic groups. Lack of data however should not be used as an excuse by government to refrain from action. 2004 saw two significant benchmarking exercises in the Irish context in the form of the development of a National Action Plan against Racism (NPAR) and the consideration of Ireland's first report under CERD. Both documents provide an opportunity to take stock of what has been achieved to date and a context for moving forward in the coming years. Ireland will be judged on how it rises to the challenge of implementing the aspirations of the NPAR, and how it responds to CERD recommendations and conclusions.

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