

Submission to the Cork City Garda Policing Plan 2013



6th February 2013

Introduction

Nasc, the Irish Immigrant Support Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change.

Nasc was founded in 2000 in response to the rapid rise in the number of asylum seekers and migrant workers moving to the city of Cork. It is the only NGO offering legal information and advocacy services to immigrants in Ireland's second city. Nasc's legal team assist some 1,000 immigrants annually in navigating Ireland's protection, immigration and naturalisation systems. Our campaigning agenda is informed by our day-to-day work with migrants and the issues that arise from our legal clinics.

We also assist migrants and ethnic-minority Irish people who encounter community-based and institutional racism and discrimination. As a lead organisation in the Cork City Integration Strategy Nasc has worked in partnership with other Cork-based organisations including An Garda Síochána, Cork City Council, Cois Tine, Cork City Partnership and Cork Migrant Centre to promote integration in Cork City.

Nasc welcomes the opportunity to make a submission for inclusion in the Cork City Garda Policing Plan for 2013. Based on our work with migrants, we have identified a few key areas – based on the priorities where we believe An Garda Síochána could improve its policing service and promote the integration of migrant communities in Cork City.

Policing Communities

Racism and Racist Crimes

Cork is an increasingly multicultural and diverse city, and racism is a widespread problem. Nasc recently published a short report on racism, *Stop the Silence: A Snapshot on Racism in Cork* (available to download from our website at www.nascireland.org). Findings from the report indicated that 55% of people in Cork think racism is a problem and that the Black African community were most at risk of experiencing racism.

Nasc was one of the first NGOs in Cork to pilot third party racist reporting, a confidential reporting initiative originally designed by Community Garda Sgt. Trevor Laffan to promote broader reporting of racist incidents. Many types of racist incidents do not constitute a crime under Irish law and they are not recorded as such in the Garda PULSE system. The racist reporting mechanism emerged as a result of low levels of official reporting of racist incidents. A lack of “minority ethnic community confidence”¹ in the police and other criminal justice agencies and the role the Gardaí play in immigration, as well as other factors, contribute to low levels of reporting among migrant and ethnic minority communities.

The *Stop the Silence* report was based on analysis of our reporting mechanism to date. Nasc also conducted a broad survey of people’s attitudes to racism in the city, and the findings of this survey were included in the report. In the report, Nasc recommends legislative reform to account for racially aggravated offences in line with Ireland’s obligations under the EU Framework Decision on Combating Racism and Discrimination. We would also like to see the incorporation of racism as a category in the Garda PULSE reporting system. In the interim however, we recommend that the Gardaí receive training on the existing policy and legislation on hate crime, as well as receive multicultural and diversity training to ensure Gardaí are not profiling or stereotyping based on race or ethnicity. In addition, we recommend Gardaí be encouraged to incorporate racist aspects of crimes in official reporting.

Recommendations:

- Training on existing legislation and policy in relation to racism for all Gardaí.
- Multicultural and diversity training for Gardaí.
- Racism to be included as a category in the PULSE system.

¹ Taylor, Responding to Racist Incidents and Racist Crimes in Ireland: An Issues Paper for the Equality Authority (Maynooth: NUI Maynooth, 2010), p. 33

The Roma Community

In our work with the Roma Community in Cork, Nasc has found that a significant number within the Roma community have consistently been found to be in breach of the Criminal Justice (Public Order) Act 2010, which restricts the activity of begging in the State. In their experience, a member of An Garda Síochána consider them to be begging in a prohibited location or in a manner considered to be obstructive.

The Act prohibits harassment or intimidation of members of the public by persons who engage in begging and confers power on members of An Garda Síochána to give directions to persons to desist from begging. Begging within certain circumstances is permitted. The limitations outlined relate to the location where the begging takes place (Section 3 (2)) and the behavior of the individual engaging in the activity (Section 2). Section 3 outlines the powers granted to An Garda Síochána² and Section 4 outlines the Power of arrest afforded to members of An Garda Síochána:

4.—(1) A member of the Garda Síochána may arrest without warrant any person whom he or she suspects, upon reasonable grounds, of having committed an offence under section 2 or 3.

(2) A member of the Garda Síochána may require a person whom he or she suspects of having committed an offence under section 2 or 3 to inform the member of his or her name and the address at which he or she resides.

Members of the Roma community believe they are begging within the remit of the Act. Additionally there have been cases of repeated arrests of the same individual. We are concerned that there appears to be some targeting of this community. We would recommend some clarification of the ‘reasonable grounds’ required to allow a member of An Garda Síochána to arrest without warrant any person he or she suspects of committing an offence under the Act, to ensure that this is not functioning as a means of discriminating against a particular community in Cork. Also, we believe information sessions relating to the types of begging permitted for the Roma community would be beneficial.

Recommendations:

- Clarification of ‘reasonable grounds’ required to allow An Garda Síochána to arrest without warrant a person he or she suspects of begging.
- Information sessions on legal types of begging for the Roma community.

² <http://www.oireachtas.ie/documents/bills28/bills/2010/0710/b0710d.pdf>

Immigration

As an organisation working on behalf of migrants, Nasc is concerned that many migrants are experiencing difficulties when accessing the immigration desk at Anglesea Street. We have received a number of reports from a whole range of migrants stating that when accessing services such as registration, they are frequently dealt with in an inappropriate manner by immigration Gardaí. Migrants are extremely reluctant to make a formal complaint when they experience unfair treatment as they believe it will mitigate against them in any future interaction with immigration Gardaí and that it may impact upon the future renewal of their immigration permission.

Our experience indicates that often changes in national policy are not being carried out at local level, necessitating having to contact head office in Burgh Quay to reissue an instruction which is time consuming for all concerned. There are also reports of generally unfair and even at times belligerent treatment of migrants who are presenting in Anglesea Street, even when migrants are in possession of the correct documentation. Overall, Nasc would recommend a review of service provision at the immigration desk and a meaningful engagement with NGOs working in the area in the city, to achieve increased efficiencies and increase the confidence of the migrant community in the Gardaí. As the majority of migrants' experience of interacting with the Gardaí is in an immigration context, a negative experience here leads to a distrust of the Gardaí in general.

From a national and more long-term perspective, we would recommend that immigration services be separated from policing, as we do not believe this promotes a positive immigration experience and effectively equates immigration with crime. At the very least, it should be autonomous from other policing activities.

Recommendations:

- Improve level of service provided to people accessing the Immigration Office at Anglesea Street.
- Multicultural and diversity training for immigration officers in An Garda Síochána.
- Up to date training on immigration policy and legislation.
- Engage with key stakeholders in Cork City around immigration-related concerns.
- Separation of immigration and policing.

Domestic Violence

Migrant victims of domestic violence can be particularly vulnerable when making a report to the Gardaí. On top of the trauma of experiencing domestic violence, there may be language

and cultural barriers as well as concerns about immigration status. As a result of our day-to-day interactions with migrant victims of domestic violence, we are concerned that Gardaí are not fully cognisant of the particular issues which impact migrant victims and the specific needs they may have in seeking out An Garda Síochána.

According to recent guidelines published by the Irish Immigration and Naturalisation Service (INIS), migrant victims of domestic violence whose residency is dependent on their violent partner can apply to gain independent residency. When a migrant victim of domestic violence is making an application to the Minister of Justice to seek independent residency permission, there are several types of formal documents that can aid in their case, including a Garda report; barring, safety or protection orders; or even proof that the Gardaí have been contacted in relation to a particular violent incident.

Not only do these documents aid in a migrant victim gaining independent residency and allowing the person freedom from control and the possibility of leaving the family home, they can also aid in the victim's ability to access emergency support services such as community welfare, a medical card and refuge services. We have received reports from migrant victims that we would support that they were experiencing difficulties reporting domestic violence to the Gardaí and that when they presented at a Garda station to make a report, Gardaí were allegedly refusing to take reports of domestic violence.

We would recommend compassionate, culturally sensitive and timely treatment of a particularly marginalised category of people going through an extremely difficult time. We would also recommend up-to-date training on policies and procedures relating to migrant victims of domestic violence seeking independent residency so that the necessary documents are supplied to provide a measure of independence and safety for migrant victims of domestic violence.

Recommendations:

- Up to date training on necessary responses and procedures in relation to supporting migrant victims of domestic violence.
- Providing the necessary documents to migrant victims of domestic violence to aid in their accessing support and emergency services and independent residency for themselves and their children.

Efficient Use of Resources

Our work often puts us into contact with the community Gardaí in Cork, who we believe do excellent work in developing positive relationships in the city, tackling racism and promoting integration of migrant communities. We are concerned that budget cuts will – and have already – significantly reduced the capacities of community Gardaí to respond to issues. This is an important arena where An Garda Síochána interact with the community to prevent crime instead of respond to it, and we would recommend ensuring that community policing has sufficient resources to maintain its positive presence in the city.

Recommendations:

- Continued funding and support for community policing.

Further Information

For further information, specific data or clarification of any of the above, please do not hesitate to contact Jennifer DeWan, Communications and Campaigns Officer, at Nasc, the Irish Immigrant Support Centre at: (021) 4317411 or jennifer@nascireland.org.