

29th March 2012

Contribution to the anti-discrimination section of the Office of the High Commissioner for Human Rights on positive discrimination practices

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. We also assist migrants and ethnic-minority Irish people who encounter community-based and institutional racism and discrimination through our third party racist reporting mechanism.

Nasc welcomes the opportunity for NGOs to make contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) Anti-Discrimination Database, which will provide information on practical means to address and combat all forms of racism. As part of our work promoting integration, we would have considerable experience in working with statutory bodies, other NGOs and the community in tackling racism, racial discrimination and xenophobia.

Third Party Reporting Mechanism

Nasc operates a third party reporting mechanism that allows victims of racism to report an incident confidentially and to receive support and redress. Nasc's racist reporting mechanism emerged as a result of low levels of official reporting of racist and discriminatory incidents. There were concerns that ethnic minorities and migrants, particularly refugees and asylum seekers living in the Cork region, were not comfortable reporting such incidents to the Irish police (An Garda Síochána) and other criminal justice agencies. Reasons for ethnic minorities not reporting include the role of An Garda Síochána in

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immigration matters and fear of adversely affecting a citizenship application, as well as an inherent distrust of police and other authority figures amongst migrants coming from areas of the world characterised by high levels of corruption and abuse of authority.

Nasc discovered a number of different issues which contributed to under-reporting racist incidents after the inception of the reporting mechanism. A great number of migrants, especially more 'visible' migrants who come to Nasc to make a racist report, have experienced racist and discriminatory behaviour towards them at the hands of An Garda Síochána and other state institutions. Furthermore, migrants who made complaints regarding racist and discriminatory behaviour to An Garda Síochána and other criminal agencies were, in the majority cases, highly unsatisfied with their response. Thus creating the perception that reporting racist and discriminatory behaviour is ineffective in Ireland.

Nasc's third party reporting mechanism has a number of clear objectives:

- To monitor incidents of racism and discrimination.
- To provide redress to victims of racism through our civil legal system, the Equality Authority, the Garda Ombudsman, or other relevant avenues.
- To refer any formal complaint to the Gardaí for further investigation if the victim wishes to do so.
- To support victims of racism.

The mechanism allows ethnic minorities and migrants who have built up strong and trusting relationships with our organisation to report racist incidents in an environment in which they feel safe. If necessary Nasc liaises with An Garda Síochána, the Equality Authority or the Ombudsman on behalf of the victim or witness.

In terms of positive anti-discrimination practice and preventative anti-racist and anti-discrimination measures, third party reporting allows Nasc to highlight incidents of racism which may very easily otherwise go unnoticed. As an active member of the Irish Network Against Racism (ENAR Ireland), who themselves are affiliated with the European Network Against Racism (ENAR), Nasc records incidents of racism and discrimination on INAR's central database. By taking reports and monitoring incidents of racism and discrimination, Nasc provide ENAR Ireland with a clear evidence base to raise awareness and lobby for reform of the current legal framework to adequately address racially motivated crimes, as Nasc believes current legislation in Ireland to tackle racist crime is inadequate.

Nasc also functions as an intermediary between victims and witnesses of racism and official reporting channels. Third party racist reporting has become an effective complement to official reporting

procedures, as many racist incidents that occur in Ireland do not officially constitute a crime and are not recorded in the Garda PULSE (Police Using Leading Systems Effectively) recording system.

Since the beginning of the initiative in July 2011, Nasc has aided up to 70 victims of racism, discrimination and xenophobia.

Stop the Silence Report on Racism

In late 2012, Nasc published a report, entitled *Stop the Silence: A Snapshot of Racism in Cork*, that analyses the racist reports we have received to that date and makes recommendations on how to improve integration and combat institutional and individual racism in Ireland.¹ A PDF of the report can be downloaded from our website or from the footnote below and we invite the OHCHR to include it in the database.

Further Information

For further information or clarification of any of the above, please do not hesitate to contact Simon Prim, Racist Reporting Officer, Nasc, the Irish Immigrant Support Centre at: +353 (0) 214317411 or simon@nascireland.org.

¹ The report is available for download from our website at: <http://www.nascireland.org/wp-content/uploads/2012/02/NASC-Report.pdf>