



# **A Manual on Anti-Racism Training for An Garda Síochána**

Developed by Nasc, the Irish Immigrant Support Centre

As part of the Cork City Social Inclusion Project ©2015

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## About Nasc

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

Nasc was founded in 2000 in response to the rapid rise in the number of asylum seekers and migrant workers moving to the city of Cork. 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. Our campaigning strategy is informed by the issues emanating from our legal case work and our day-to-day work with migrants.

Racism is a reality for migrant and ethnic minorities living in Ireland. Racism is a significant barrier to integration and limits opportunities for building a cohesive and connected society based on mutual respect and equality. Nasc has worked for several years to promote integration and combat racism. Nasc's third party racist reporting mechanism emerged as a result of concerns about underreporting of racist incidents and was designed to complement official reporting channels.

In November 2012, Nasc published a report, *Stop the Silence; A Snapshot of Racism in Cork*, which analysed the racist reports received by Nasc since the establishment of the mechanism in 2011 and included a snapshot survey on people's attitudes to racism in Cork. The report also included a critical analysis of the existing legal and policy framework in Ireland, and its failures in addressing the persistent problem of racism and under-reporting of racist incidents. The findings in the report showed significant failures in the existing criminal provisions for prosecuting racist and hate crimes.

## 1.0 Introduction

### 1.1 The Idea

This training manual outlines the development and delivery of anti-racism training developed by Nasc in collaboration with Cork Community Policing and the Garda Racial Intercultural and Diversity Office (GRIDO) for members of An Garda Síochána. The training focuses on raising awareness and promoting discussion about the impact racism has on migrant and ethnic minority communities and how to prevent discriminatory ethnic profiling. The development of the training formed part of the Cork City Social Inclusion Project, which was funded by the European Integration Funds and administered by Pobal.

Nasc has had a long-standing and strong relationship with Cork Community Policing since we implemented a third party racist reporting mechanism which was originally developed by Community Garda Sgt. Trevor Laffan in 2008 (more details on this are in Section 2). After operating this racist reporting mechanism for several years and working closely with Cork Community Policing to provide support and redress for victims of racism, and through our work with migrants and ethnic minorities coming into our legal clinics, Nasc became increasingly aware of issues concerning the intersection between racism and ethnic profiling and An Garda Síochána. In two reports, *Stop the Silence: A Snapshot of Racism in Cork* (2012) and *In from the Margins – Roma in Ireland* (2015), we had documented our concerns with reports of racism and ethnic profiling coming from not only An Garda Síochána but also other service providers in Cork, as well as a lack of response to reports of racism and racial abuse from Gardaí, which was resulting in a lack of confidence in the police force amongst migrant and ethnic minority communities and low levels of reporting of racist incidents to An Garda Síochána. Both of these reports made recommendations that anti-racism training for An Garda Síochána was necessary to help promote greater confidence in the police amongst migrant and ethnic minority communities and to help tackle ethnic profiling within An Garda Síochána.

Our own evidence has been corroborated on a national level through the iReport online racist reporting system operated by ENAR Ireland, the Irish Network Against Racism, of which we are members. The quarterly reports produced by ENAR Ireland over the last year and a half have highlighted that racist incidents are occurring at a greater rate than what is being reporting to the Gardaí and that incidents involved Gardaí are also occurring. ENAR Ireland as a network also call for anti-racism training to be delivered to An Garda Síochána as an essential tool in tackling racism within the police force, as well as promoting greater trust of the force amongst ethnic minorities. In addition, concerns have been raised by international bodies, including the UN Committee on the Elimination of All Forms of Racial Discrimination, the Fundamental Rights Agency, the Universal Periodic Review, and the European Commission on Racial Intolerance.<sup>1</sup> A report produced by

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<sup>1</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *Consideration of reports submitted by States parties under article 9 of the convention: Concluding observations*, 10 March 2011, CERD/C/IRL/CO/3-4  
European Union: European Agency for Fundamental Rights, *EU-MIDIS: European Union Minorities and Discrimination Survey - Main Results Report* (9 December 2009)

Children's Ombudsman Emily Logan in the wake of two Roma children being removed from their homes in 2013 also identified ethnic profiling to be a an issues and made recommendations concerning anti-racism training and the need to build trust and strengthen relationships between An Garda Síochána and the Roma community.<sup>2</sup> Minister for Justice Frances Fitzgerald accepted all of the recommendations in that report and committed to implementing them as soon as practicable.

It is within this climate of increased awareness about the risks and impacts of racism on Irish society as a whole, as well as the lack of a coordinated response from the Irish government, that we applied for European Integration Funds to launch the Cork City Social Inclusion Project. The project was aimed at tackling racism and promoting integration in Cork and included youth-focused awareness raising and participation, as well as anti-racism training for An Garda Síochána, and expanding Nasc's third party racist reporting mechanism, which provides support and redress for victims of racist incidents.

## 1.2 Developing and Delivering the Training

Nasc worked in partnership over several months with Cork Community Garda Sgt. John O'Connor, Sgt. David McNerny of GRIDO and Superintendent Karl Heller to develop the training, which also had the full support of the Garda Commissioner's Office and Cork City Chief Superintendent Michael Finn. The core group of facilitators met on several occasions to develop the aims and objectives of the training and determine how the training would be delivered. We had regular written correspondence with Garda Commissioner Noirín O'Sullivan informing her of the developments and receiving her input.

The aims of the training were determined by the group to be:

- To improve awareness about racism and the risk of ethnic profiling amongst Gardaí against migrant and ethnic minority communities in Ireland
- To increase knowledge about the equality and human rights policy and legislative framework in Ireland for tackling racism and promoting integration of ethnic minorities and third country nationals
- To challenge people to think beyond stereotypes and perceptions about the link between certain communities and criminality
- To share knowledge and expertise on racist reporting and anti-racism measures

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UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review : Ireland*, A/HRC/19/9 (21 December 2011)

Council of Europe: European Commission Against Racism and Intolerance (ECRI), *ECRI Report on Ireland (fourth monitoring cycle) : Adopted on 5 December 2012*, CRI(2013)1 (19 February 2013)

<sup>2</sup> Children's Ombudsman Emily Logan, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order* – Report Submitted to the Department of Justice and Equality 2013 (2014) P. 109

The group determined that there were several positive values to the training for An Garda Síochána that should be highlighted. The group agreed that the training would: reduce complaints of racism/harassment; build stronger relationships with migrant communities; develop better customer service within An Garda Síochána; reduce the possible risk of anti-social behaviour amongst migrant and ethnic minority communities; and reduce complaints from the business community.

It was determined that there should be several outcomes of the training, to provide a sense of 'ownership' of the training by the participants, to allow us to refine the training based on the feedback, and to be able to measure and evaluate the training's effectiveness. These outcomes included: a certificate for participants; an Declaration of Commitment for participants to take away and implement, and evaluations conducted on the day and an additional follow up 6 weeks later.

The training was divided into four main sessions, which would rely on a combination of lecture-style presentations with PowerPoint, a few exercises to promote learning, and discussion to ensure participation. The sessions can roughly be categorised as:

1. Garda-led session, on basic issues and expectations and human rights and anti-discrimination foundations, which was co-facilitated by Cork Community Policing and GRIDO
2. Nasc-led session on racism and ethnic profiling, which included input from migrant speakers on their experiences
3. Cross exchange and discussion
4. GRIDO-led presentation on Ethnic Liaison Officers (ELOs) and the Garda Racial Intercultural and Diversity Office

It was discussed in the very early stages of the development of the training that as a joint NGO/Garda training on anti-racism had never been done before, and because the training itself would be very challenging for participants in terms of the content and material, that we would first deliver a pilot training and use the feedback from that pilot to develop the final version. In developing the pilot, our target group was ELOs and frontline Gardaí, with a target number of 20 Gardaí. The training was innovative in that it was developed and facilitated jointly by Nasc staff and representatives of GRIDO, and included the participation of migrant speakers.

### **1.3 The Learning**

To date, Nasc has delivered two trainings to over 50 Gardaí in collaboration with GRIDO and An Garda Síochána in Cork City. The pilot training was delivered to over 40 Gardaí in Blackpool Community Library on 11 September 2014. The pilot participants were from a wide variety of policing units, including Ethnic Liaison Officers, Immigration Officers, Child Protection Officers, etc. Five migrant speakers from diverse communities, including the Roma community, the Muslim community and the African community participated in the training to share their personal experiences and take part in the discussion. We were pleased to have Deputy Commissioner Jack Nolan attend the pilot training on behalf of Garda Commissioner Noirín O'Sullivan. He provided very

supportive comments to close the morning session that reiterated the Commissioner's Office's commitment to looking at issues of discrimination and racial profiling and the importance of developing positive relationships with migrant communities. Evaluations and verbal feedback from participants were positive and very constructive in working to enhance and refine the training for future delivery. Later feedback was very positive, with reports of ongoing engagement between ELOs and migrant communities.

The main feedback we received from participants and our own analysis related to the numbers who attended – even though we had originally sought 20 participants, the training was oversubscribed and 40 Gardaí attended on the day. In addition to Deputy Commissioner Nolan, several senior Gardaí from Cork also came for the morning session to show their support for the training, including Chief Superintendent Michael Finn. Although we were delighted with the support and the interest amongst Gardaí for the training, we determined after the pilot that 40 people was entirely too many for a successful training and determined that in the subsequent trainings we would only seek 10-15 participants to ensure that the training was productive and participatory. It was suggested that it could possibly enhance the training to ensure that the participants are all of approximately the same rank, as having different ranks may inhibit some Gardaí from feeling comfortable participating fully in the discussions.

The Gardaí who participated in the pilot training seemed genuinely interested in improving relationships with migrant and ethnic minority communities. There was however some reticence in coming to terms with issues of discrimination amongst An Garda Síochána, for instance a significant number of participants were unwilling to acknowledge that racism is an issue in policing. The kind of change in awareness and behaviours we are seeking in the long term through this training will not happen overnight. To increase our own capacities to deliver a challenging training, Nasc sought out advice and training for trainers session with experienced trainers, who helped us to concretise and strengthen the learnings from the pilot in the development of the training and gave us advice on the delivery of challenging content to a reticent audience. What we learned from the pilot is that objectives for such a challenging training need to be agreed by the participants. In addition, we determined that the baseline expectations of the participants need to be defined at the beginning of the training, as the anti-racism and ethnic profiling sessions of the training rely on an acceptance amongst participants that racism is an issue in Irish society and ethnic profiling is a problem for Irish policing. We also needed to ensure a respectful but challenging environment, that recognised the challenges facing Gardaí in the delivery of good policing, while still ensuring that the realities of migrants' and ethnic minorities' experiences of racism and ethnic profiling are allowing Gardaí to reflect on their own biases, behaviours and practices in the safe space that the training provides.

The aspect that was the most effective in the pilot training was promoting better relationships between An Garda Síochána and migrant and ethnic minority communities. All of the feedback we received from the Gardaí and from the migrant participants was that this aspect of the training was very successful and continues to be so. This was a direct result of the input of the migrant speakers, and we determined that this personal input was indeed essential for any future training. However, we also believed this aspect was the most successful because it was the least challenging to the

Gardaí. We had worked with the migrant speakers in advance of the pilot training, to build their capacities to participate in the training and lessen any anxieties about speaking about racism to Gardaí, but we learned during the pilot that we should have given clearer guidance on the issues that would be highlighted in the training so that their input could be more targeted to focus on intersections with policing and less about general issues migrants experience when coming to Ireland. We determined that in future trainings, we would use guiding or leading questions to ensure that speakers were comfortable and confident in public speaking in a potentially challenging setting, but also to ensure that what they spoke about was targeted to the objectives of the training.

Based on the feedback and the learning, the facilitator group met again and revised the structure of the training accordingly. The content of the training and the breakdown of the training into four main sessions remained principally the same with some new inflections and more focus. The second training was delivered to 10 Ethnic Liaison Officers (ELOs) from Cork City on 25 November 2014, with two migrant speakers participating. We were extremely pleased with how this first formal delivery of the training went, and we received very positive and constructive feedback from the participants, both on the day and from the six week evaluation. The migrant speakers were asked direct questions that allowed them to feel more confident in speaking more closely to the stated objectives of the training about their experiences and interactions with the Gardaí, while still being respectful and mindful of the challenges facing Gardaí, and this aspect of the training was more effective in that respect. We are conscious that because this training was delivered solely to ELOs, we were not coming across some of the same challenges if it had been a mixed group with participants from a range of different units and experience, but we have learned from Community Garda Sgt. John O'Connor that he has seen a significant increase in community engagement as a result of both of the trainings, which we believe is the best endorsement the training could receive. For future trainings we will be attempting to source a mixed groups of Gardaí to ensure the most productive learning environment, and we will be particularly looking to target Gardaí who work patrolling the streets, as in our experience, this is where a lot of the potentially negative interactions between Gardaí and migrant and ethnic minority communities can occur.

## **1.4 The Training Manual**

This training manual is designed to outline the key issues raised in the anti-racism training and to correspond with the presentation slides utilised in the training sessions that were facilitated by Nasc (see Appendix 4.1 for the presentation slides). The sessions delivered by GRIDO, which include topics such as Human Rights and Anti-Discrimination Foundations and the Role of Ethnic Liaison Officers and Community Policing, are delivered by GRIDO Officers in other settings so they have not been included in this manual. The manual is mainly to be used as a guide and resource for community and non-governmental organisations and individuals in the development of similar NGO-Gardaí joint trainings on the issue of racism and ethnic profiling. Obviously, any training should be developed in co-operation with local Gardaí for it to be effective, so this manual can only function as a template to be tailored to suit the particular training and the group at whom it would be targeted.



## **2.0 Garda Training**

This section outlines the sessions Nasc delivered as part of the Garda anti-racism module. The subsections correspond with the presentation slides, which are included in the Appendices Materials which may be useful to facilitators, include: PowerPoint projector and presentation slides (Appendix 4.1). Racism and Ethnic Profiling leaflet (Appendix 4.2), facilitation paper and markers.

### **2.1 Training Objectives and Expectations**

At the beginning of the training, there is an introductory session where everyone in the room introduces who they are, their experience working with migrant and ethnic minority communities (if any), and what they want out of the training. These ideas should be noted on facilitation paper by facilitator.

The training objectives and expectations for the day are outlined, defined and agreed by participants. It is emphasised that all the discussion will be confidential and respectful.

#### **The objectives for the training are:**

- Strengthen effectiveness in policing
- Develop cultural competency
- Build awareness of the impact of racism and stereotyping on migrant and ethnic minority communities
- Share knowledge of anti-racism measures and practices
- Support stronger relationship between police and migrant and ethnic minority communities

#### **The expectations for the training are that it will benefit Gardaí in the following ways:**

- Enhance their ability to police effectively and respectfully
- Increase trust and relationships with migrant communities
- Improve awareness of migrant communities and issues that impact them

### **2.2 Racism**

This section opens with the internationally recognised definitions of racism, and engages with participants on how they would define racism and if participants believe racism is an issue in Ireland. It then goes into some research on racism in Ireland, where it is happening and how it impacts Irish society. This section relies on a combination of presentation and discussion to ensure that participants are fully engaging with what can be very difficult and challenging concepts. It allows for participants to engage in some self-reflection on their own biases and how those biases may be impacting their own behaviours and attitudes towards migrant and ethnic minority communities.

This section attempts to come to an agreed outcome where all participants agree that racism is an issue – this is an essential outcome for the learnings from this training to be effective.

## What is racism?

According to the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD): “The term ‘racial discrimination’ shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”<sup>3</sup>

- **How would you define racism?** This is an opportunity for participants to discuss how they understand the definition of racism. This discussion should be facilitated to ensure that it is respectful and terms raised in the discussion should be written down on facilitation paper.
- **McPherson definition – ‘Any incident which is perceived to be racist by the victim or any other person (victim-centred):** This is the definition that is widely recognised as best practice because it is victim-centred, and has been widely adopted by agencies and organisations in Ireland, including An Garda Síochána. It comes from the McPherson Inquiry into the death of Stephen Lawrence in the UK in 1998.<sup>4</sup>

## Questions for group discussion:

- Do you think racism is a problem in Ireland?
- Have you ever witnessed or experienced racism?
- Have you ever received a report of racism?
- Was it investigated / prosecuted?

It would be useful in this discussion to bring in any personal experiences of racism or discrimination, for instance that Irish people may have experienced in the UK or elsewhere, as a way to promote self-reflection and develop empathy.

## Is Racism an Issue in Ireland? – Reporting Racism

Despite evidence that racism is happening in Ireland, which will be discussed in more detail in the next section; there is a low level of official reports of racist incidents. The *Garda Inspectorate Report* (2014)<sup>5</sup> noted that the levels of race and homophobic crime were very low. It further noted that those Garda questioned by the Inspectorate reported that they had never recorded such a crime or investigated an offence.

<sup>3</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, United Nations, Treaty Series, vol. 660, (21 December 1965) p. 195

<sup>4</sup> Sir William McPherson, *The Stephen Lawrence Inquiry* (UK Home Department, 1999)

<sup>5</sup> Garda Inspectorate, *Crime Investigation: Report of the Garda Inspectorate* (2014)

This contradicts a growing amount of evidence from third party reporting mechanisms such as the one operated by Nasc or by our network partners ENAR Ireland, that racism is a reality. How do we reconcile the low levels of official reporting with the growing evidence coming from third party reporting?

### **Nasc's Racist Reporting Mechanism**

In this section we introduced our third-party racism reporting mechanism to highlight the disparity between what was happening on the ground and the official Garda figures.

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. Our original reporting mechanism came about as a result of low levels of official reporting of racist incidents. The mechanism was the brainchild of Cork-based Community Garda Sergeant Trevor Laffan based on his concerns that ethnic minorities and migrants were not comfortable reporting racist incidents to An Garda Síochána. Reasons for not reporting are based in what can be termed low 'minority ethnic community confidence' in the police and other criminal justice agencies, which includes:

- Low levels of confidence in the Garda response to racist crime
- Negative policing experiences in home countries
- Negative policing experiences with the Garda Immigration policing function
- Experiences of racism from the Gardaí<sup>6</sup>

The original reporting mechanism commenced as a pilot in 2008, which coincided with the demise of the National Consultative Committee on Racism and Interculturalism (NCCRI) and their racist incidents reporting and data collection system. 'Third party' racist reporting was thus developed, where organisations such as Nasc that work with ethnic minorities and migrants on a regular basis and have established trust relationships with minority communities, become intermediaries between victims and witnesses or racist incidents and official reporting mechanisms. Ethnic minorities and migrants can feel safe reporting confidentially to 'third parties' and be supported in taking these reports to official channels if the situation merits it and they desire to take the report further. The racist reporting mechanism was piloted by Nasc, Cois Tine and Welcome English Centre in Cork. It was an innovative and ground-breaking mechanism which returned an element of control to the victim. All reported incidents were followed up and incidents which were criminal in nature were recorded on the Garda PULSE system and investigated accordingly.

In 2011, Nasc secured funding from Cork City Council to revive the project and we have been operating the mechanism ever since, most recently as part of the EIF-funded Cork City Social Inclusion Project. The objectives of the mechanism are to:

- To monitor incidents of racism in the city
- To provide redress to victims

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<sup>6</sup> See Seamus Taylor, *Responding to Racist Incidents and Racist Crimes in Ireland: An Issues Paper for the Equality Authority* (Maynooth, 2010).

- To support victims of racism
- To refer any formal complaint to Gardai for further investigation
- To provide a safe space for reporting

Additionally, the mechanism provides evidence that racism is a very real issue in Ireland and enables Nasc to work closely with Community Gardaí to help address the issue. As a member of the Irish Network Against Racism (ENAR Ireland), Nasc's reports are also fed into the iReport online reporting system so are included in ENAR Ireland's Quarterly Reports on racist incidents.<sup>7</sup> This data provides organisations with a clear evidence base to raise awareness about racism and lobby for reform of our current legal framework to adequately address racially motivated crimes and incidents.

### Racist Reports – The Numbers

In this section we drew from our work to highlight and provide evidence of the nature and extent of racism or discriminatory practice.

As of the end of 2014, Nasc had received 111 racist reports since 2011, including 67 individual cases and 44 institutional. These included: verbal abuse (22), criminal damage (8), incitement (10), online racism (13), physical (9), non-verbal (5), education (7), employment (4), Garda (11), goods (11), healthcare (2), housing (3), social services (6).

On a national level, ENAR Ireland's first quarterly report documenting the numbers of reports made to its online iReport system in the first 3 months of its existence (from July 2013 to September 2013) included 97 incidents.<sup>8</sup> The 4<sup>th</sup> Quarterly Report (April to June 2014) included 105 incidents.<sup>9</sup> International human rights bodies, such as the Committee on the Elimination of All Forms of Racial Discrimination<sup>10</sup> and the Fundamental Rights Agency (FRA)<sup>11</sup>, have also documented levels of racism in Ireland and the discrepancy between official reporting and third party reporting. The 2009 EU-MIDIS Survey produced by FRA found that Sub-Saharan Africans living in Ireland ranked as the 6<sup>th</sup> highest discriminated group in the European Union, as well as the 5<sup>th</sup> most criminally victimised group. The Survey also found that an EU average of 82% of people who were discriminated against did not report the incident; in Ireland that number rose to 84%. The most prominent reasons given for not reporting were the belief that 'nothing would happen', it was 'too trivial, not worth reporting', or they 'didn't know how or where to make a report'.<sup>12</sup>

<sup>7</sup> [www.ireport.ie](http://www.ireport.ie)

<sup>8</sup> Shane O'Curry & Dr. Lucy Michael, ENAR Ireland, *Reports of Racism in Ireland: First Quarterly Report of Ireport.ie*, July-August-September 2013

<sup>9</sup> Shane O'Curry & Dr. Lucy Michael, ENAR Ireland, *Reports of Racism in Ireland: Fourth Quarterly Report of Ireport.ie*, April-May-June 2014

<sup>10</sup> UN Committee on the Elimination of Racial Discrimination (CERD), *Consideration of reports submitted by States parties under article 9 of the convention: Concluding observations*, CERD/C/IRL/CO/3-4 10 (March 2011)

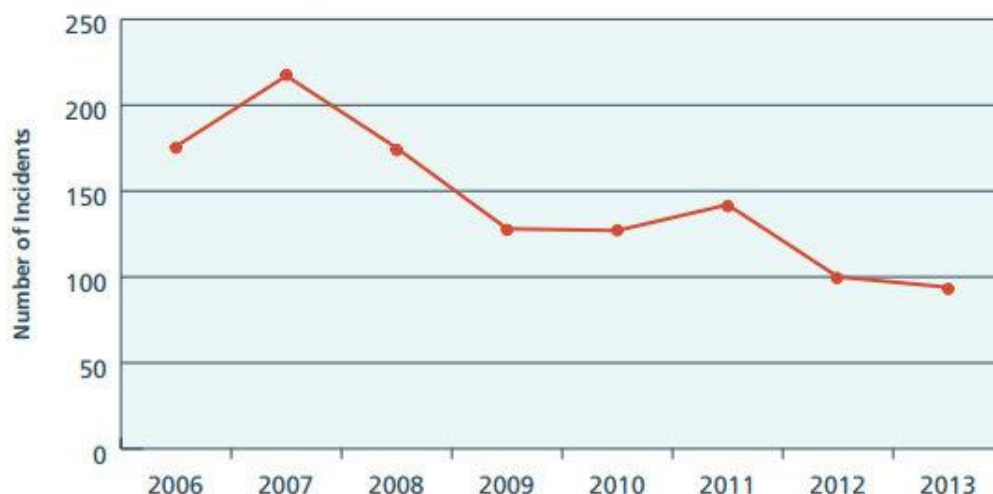
<sup>11</sup> European Union: European Agency for Fundamental Rights, *EU-MIDIS: European Union Minorities and Discrimination Survey - Main Results Report* (9 December 2009)

<sup>12</sup> European Union: European Agency for Fundamental Rights, *EU-MIDIS: European Union Minorities and Discrimination Survey - Main Results Report* (9 December 2009) P.54

These numbers stand in contrast to the numbers of racially motivated crimes reported to Gardaí between 2006 and 2013 (peak of 217 in 2007 to 94 in 2013)<sup>13</sup>:

Chart 6.17

**Racially Motivated Crime In Ireland 2006 - 2013**



Source: CSO data.

## Stop the Silence Report

In 2012, Nasc published a report, *Stop the Silence: A Snapshot of Racism in Cork*, which analysed the racist reports received by Nasc since the establishment of the mechanism in 2011 and included a snapshot survey on people's attitudes to racism in Cork. The report also included a critical analysis of the existing legal and policy framework in Ireland, and its failures in addressing the persistent problem of racism and under-reporting of racist incidents. The findings in the report showed significant failures in the existing criminal provisions for prosecuting racist and hate crimes.

The report detailed the following:

- Racism is widespread, but under-reported
- Perceived to be on the increase as a result of economic downturn
- People know there are legislative mechanisms in place to protect them, but these are seen to be inadequate
- Greater awareness of anti-racism measures must be promoted amongst particularly vulnerable ethnic minority communities – e.g. Roma

The survey findings included:

- 55% of surveyed believe racism is an issue in Cork (62.3% of respondents of African origin)
- 45% experienced discrimination in at least one area of everyday life

<sup>13</sup> Taken from Garda Inspectorate Report (2014)

- 38% when engaging with a service provider
- 83% who had experienced racism and discrimination did not report it
- 53% believed nothing would happen if they did
- 20% did not know how or where to report
- 31% extremely unsatisfied with response

## **Racism is a Reality**

The evidence shows that racism is a reality in Cork and throughout Ireland, and it is being reported to Nasc that Gardaí can be involved in racist incidents, both as perpetrators and by not investigating crimes with a racist motivation or element when they are reported. Further, there is clearly a disconnect between those experiencing racism and An Garda Síochána as very few incidents are being reported or investigated.

For example, in relation to members of the Roma community specifically:

- Members of the Roma community report widespread individual and institutional racism
- One Roma man made 7 separate racist reports to Nasc over the course of 2012 varying from verbal abuse to criminal damage – none of these were ever investigated as crimes
- Roma respondents to our Stop the Silence survey had experienced both significant verbal and physical racial abuse

## **Online racism**

We are particularly concerned that we are seeing an increase in reports of online racism that there is little redress available for victims. Over the last several years, we have made a number of reports to Gardaí about online racism against members of migrant and ethnic minority communities, but have had little success in having those incidents properly investigated or prosecuted. In one instance, we were informed by Gardaí that there was little in the way of legislative protections for victims of online racism, as the Incitement to Hatred Act, 1989 is difficult to enforce. This is particularly concerning in the context of recent events in Waterford in 2014, where online racism on social media against members of the Roma community resulted in a rapid escalation to physical violence and abuse, where families had to be relocated for their own protection from what can only be described as mob violence.

## **The Impact of Racism**

We have established that racism is an issue in Irish society and that it negatively impacts migrant and ethnic minority communities. The reality is that we receive a significant amount of reports that people are receiving discriminatory treatment from a variety of sources, including the Gardaí, especially those who are 'visible' such as Roma women or Sub-Saharan Africans. Whether or not this discriminatory treatment is given consciously or unconsciously, the impact is the same – that person or group is excluded from that service and thus from society.

Bias or prejudice against an individual or group because of their perceived race/ethnicity or nationality can be conscious or unconscious. Everyone has biases – we all tend to relate better to people who seem ‘like us’. If we are conscious that bias can impact our actions then we are better prepared for when our unconscious bias may impact the decisions that we make.

There is a link between discrimination against a community and the stereotyping of a vulnerable or minority group as a ‘problem’, as ‘criminals’, or as a group that requires regulation or control. ‘Reasonable grounds’ to stop someone or pull them aside on the street cannot be based on generalised beliefs about the criminality of a community, for example in relation to the Roma community. It is knowing that the decisions you are making are made because of objective intelligence about an individual case and not because of generalised beliefs about a community. When a decision is made based on generalised beliefs, it is at risk of becoming ethnic profiling.

## 2.3 Ethnic Profiling

This section outlines ethnic profiling: what it is, where it happens, why it must be identified and tackled, and what Gardaí can do to prevent it from becoming a policing tool. This section is primarily presentation with a small bit of discussion. The Racism and Ethnic Profiling Leaflet (Appendix 4.2) is a useful resource for this session. The content in this section can be very challenging and difficult for participants and should be handled respectfully.

### **What is ethnic profiling? Questions for Discussion:**

- How do participants define ethnic profiling?
- What kind of training on ethnic profiling have they received?
- Do participants ever feel like they have engaged in discriminatory ethnic profiling? Have they witnessed any other Gardaí engaging in it?

This discussion should be noted on the facilitation paper. We found that although participants had a fairly good grasp of what ethnic profiling is, there is little acceptance at this stage in the training that it is happening within An Garda Síochána, and it is often more associated with other jurisdictions, for example the United States. This perception may be due to the fact that we do not operate a formal “stop and search” regime in Ireland but in reality this occurs under the guise of Road Traffic, Illegal Drugs or Immigration Law.

In our second training we prompted this discussion by noting that a ‘typical’ example might be stopping a member of the Roma community on suspicion of committing a crime because they are a member of that community. While an extreme example would be the registration system set up in the US by Homeland Security for Muslim males from certain countries post September 11 – it only lasted 6 months and was deemed a failure after a year.



## Some internationally recognised definitions

To deepen the participants understanding of the prevalence of ethnic profiling we then moved to explore internationally recognised definitions of discriminatory ethnic profiling.

The European Commission on Racial Intolerance (ECRI): ‘The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin, in control, surveillance or investigation activities’.<sup>14</sup>

The Fundamental Rights Agency produced a report, ‘Understanding and Preventing Discriminatory Ethnic Profiling’ (2010), which defines discriminatory ethnic profiling as:

- Treating an individual less favourably than others who are in a similar situation (in other words ‘discriminating’), for example, by exercising police powers such as stop and search;
- Where a decision to exercise police powers is based only or mainly on that person’s race, ethnicity or religion.<sup>15</sup>

From the Migrant Rights Centre Ireland’s publication, *Singled out: Exploratory Study on Ethnic Profiling* (2011)<sup>16</sup>:

- Ethnic profiling is a type of racial discrimination carried out by people in positions of authority, such as police, who target people for reasons of safety, security or public protection but rely on stereotypes about ethnicity (which can include one’s colour, nationality, religion, etc) rather than on reasonable suspicion. *People may not be aware that they are acting based on prejudice.* [emphasis added]

As with any systemic practice, ethnic profiling can be conscious or unconscious, intentional or unintentional. Ethnic profiling is by no means a ‘new’ phenomenon, but it is seen to be more prominent post 9/11, Madrid and London, as well as amidst increased concern over ‘illegal’ immigration. Ethnic profiling not only conflicts with international law and equality legislation but also has damaging social effects, damaging impact on victims of racial profiling.

## Ethnic profiling vs. criminal profiling

Ethnic profiling can sometimes be confused with criminal profiling. Criminal profiling is a valid, accepted and widely used means of identifying suspects through developing a profile which helps narrow the search for an offender. The risk is when ethnicity is included in the profile and becomes the focus, and everyone perceived as sharing that ethnicity becomes targeted.

<sup>14</sup> Council of Europe: European Commission Against Racism and Intolerance (ECRI), *ECRI General Policy Recommendation N°11 on Combating racism and racial discrimination in policing* CRI(2007)39 (4 October 2007)

<sup>15</sup> Fundamental Rights Agency, *Towards More Effective Policing. Understanding and Preventing Discriminatory Ethnic Profiling: A Guide* (2010) p. 15

<sup>16</sup> Migrant Rights Centre Ireland, *Singled Out: Exploratory Study on Ethnic Profiling in Ireland and its impact on Migrant Workers and their Families* (2011) P. 6



## Ethnic profiling in Ireland

What we were seeking to highlight in this section was how a range of legislation, when applied at the discretion of individual Gardaí, can be applied in a discriminatory manner. There is not a huge amount of data on ethnic profiling in Ireland, but there is significant evidence that ethnic profiling takes place elsewhere in Europe which suggests the same is happening in Ireland.

Where is it happening? In Nasc's experience, ethnic profiling of migrant and ethnic minority communities – particularly of 'visible' groups such as Sub-Saharan or black African, Muslims or Roma – is happening primarily in the following areas:

- Stop and search (through the use of Road Traffic Acts or illegal drugs laws)
- Begging (Roma)
- Search of premises
- Requests for ID on demand (Section 12 of 2004 Immigration Act)

Several international bodies have highlighted the issue in the Irish context. For example, the 2009 EU-MIDIS Survey found that Ireland had the second highest rate of police stops in EU: 56% of Sub-Saharan Africans reported being stopped by police in previous 12 months; 93% of these stops occurred when driving cars or motorbikes.<sup>17</sup>

The most recent Observations on Ireland from the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) (2011), the Universal Periodic Review Process, and the most recent European Committee on Racial Intolerance (ECRI) report all note a lack of legislation prohibiting discriminatory ethnic profiling.

## Current legislation in Ireland

Ethnic profiling conflicts with Ireland's Constitution and equality legislation, as well as international law and human rights. While ethnic profiling is not specifically illegal under Irish law, the act of profiling is contrary to provisions within the Constitution. Article 40 (1) states that, "*all citizens, as human persons, be held equal before the law*". Both the European Committee against Racism and Intolerance (ECRI) and the United Nations Committee on the Elimination of Racial Discrimination (UNCERD) have stated that the process of ethnic profiling is in violation of the prohibition against discrimination. ECRI have consistently made recommendations to introduce legislation prohibiting any form of ethnic profiling in their reports on Ireland.

Under section 12 of the 2004 Immigration Act, Gardaí and immigration officers have the right to demand ID from 'non-nationals' – however this section was amended in 2011 after the *E.D. v DPP* case in the High Court which found section 12 'vague'. The amendment allows for a defence for not

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<sup>17</sup> European Union: European Agency for Fundamental Rights, *EU-MIDIS: European Union Minorities and Discrimination Survey - Main Results Report* (9 December 2009) P. 102

***Excerpt from Stop the Silence: A Snapshot of Racism in Cork (2012):***

In the six reports of discriminatory treatment by An Garda Síochána, four cases involved police stops. Two reports regarding the same incident were made in which a man was stopped while driving and searched for drugs [detailed in the case study below]. The victim stated that while he was being searched, specific references were made to the colour of his skin. However, the victim was reluctant to take the case to the Garda Ombudsman, fearing any investigation would hamper his pending application for citizenship.

**CASE STUDY**

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

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

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

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

being able to produce ID and provides a requirement that ID be produced must be specifically to show the person's right to reside in the State. Nasc – and other organisations – believe there is strong risk for ethnic profiling in section 12 (even with the amendment) as there is no guidance in the legislation on how a 'non-national' is identified.

An Garda Síochána does fall under the Equal Status Acts which prohibit discrimination in the provision of goods and services on the nine grounds. However 'services' for the purposes of equality legislation is narrowly defined; police functions such as the investigation and prosecution of a crime are exempt.

According to the Gardaí's own training on the European Convention on Human Rights Act 2003, An Garda Síochána, as an 'organ of the state', is obligated to avoid discrimination on any grounds, and that actions are clearly based in law and are done by necessity and in proportionality.<sup>18</sup>

## Nasc's Roma Report

In 2013, Nasc produced a groundbreaking report on the structural discrimination experienced by the Roma Community in Ireland. The report, titled *In from the margins – Roma in Ireland*, was based on casework from Nasc's legal clinics as well as interviews and focus groups with Roma in Cork. The report found significant levels of discrimination against the Roma community, especially in the context of access to social services, such as social protection, housing and healthcare, but also interactions with An Garda Síochána. The report highlighted the role the recent changes in legislation to do with begging, the Criminal Justice (Public Order) Act, 2011 (which was anecdotally referred to as the 'Roma begging law' when the Bill was being debated in the Oireachtas), has played in sanctioning the ethnic profiling of the Roma community.

Main findings of the report include:

- Roma identified as 'problem community' – emphasis on criminality in Roma community (begging, trafficking, criminal gangs)
- 100% of Roma felt discriminated, victimised or harassed in their interactions with state bodies, especially Gardaí
- 91.6% of women and 87.5% of men had come into contact with Gardaí (begging / stop and search)

Our research indicated that a high proportion of Roma, in particular women, come into direct conflict with Gardaí. The findings from our research indicate that the Roma, from a policing perspective, are viewed as a clear threat to public order and are policed accordingly.

Some comments from focus groups in relation to Roma interactions with Gardaí, taken from the report:

- *'I would say 90% of the Garda I meet , I feel the discrimination'*
- *'Some are really good while others are bad'*
- *'Gardaí regularly search my car and my home'*
- *'The Gardaí are really bad to us. Every time they see us they stop and say 'F\*\*k off Romanian and go back to your country'*

## Children's Ombudsman's Report

The findings in Nasc's report were borne out the following year with the findings of the Children's Ombudsman on the removal of two Roma children from their homes.<sup>19</sup> Children's Ombudsman Emily

<sup>18</sup> An Garda Síochána, *The European Convention on Human Rights Act 2003: A Short Guide* (2007)

Logan found Garda actions conformed to the definition of ethnic profiling in the case of 'Child A' in the following ways:

- The readiness to believe the child may have been abducted exceeded the evidence available
- Tied inextricably to the fact that the child's family was Roma
- Child A's ethnicity was influential in determining the decision to remove him from the care of his parents, with no objective or reasonable justification

Ms. Logan goes on to acknowledge that the actions happened with the firm belief that the Gardaí were acting in the best interests of the child – this is where the unconsciousness of profiling and racism can come into play – but the distress it caused both families and especially the children cannot be overlooked (one child reportedly now dyes her hair to remain inconspicuous), as well as the lack of trust it caused within the Roma community.

When the Children's Ombudsman's report was published, Minister for Justice Frances Fitzgerald and Garda Commissioner Noirín O'Sullivan apologised for the actions and the hurt they had caused to the families involved. Minister Fitzgerald committed to implementing all of the recommendations of the report, including training for An Garda Síochána on ethnic profiling and cultural competency, and steps to build trust with Roma community.

### **Impact of ethnic profiling**

International research has found that ethnic profiling has a serious impact on the people who are targeted, on their families, and also on wider society. It has been found to cause psychological damage; contribute to racism and xenophobia; to be ineffective; and to damage relationships between minority ethnic communities and police.<sup>20</sup> People who experience ethnic profiling report feeling anger, frustration, embarrassment, a sense of not belonging and powerlessness. Also conspicuous for the additional scrutiny. Frustration that there is little redress.

According to the European Network Against Racism, ethnic profiling stigmatises entire groups of people as criminals, potential terrorists or illegal immigrants.<sup>21</sup> Ethnic profiling can lead to disproportionate law enforcement attention on specific communities and thus increased presence in the criminal justice system. The ratchet effect of this is that communities then become over represented in interactions with police. This, in turn, seeds public perceptions of higher criminality among members of these communities and this perception leads to increased police attention. It has further been shown to be ineffective in tackling crime.<sup>22</sup>

<sup>19</sup> Children's Ombudsman Emily Logan, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order* – Report Submitted to the Department of Justice and Equality 2013 (2014).

<sup>20</sup> Migrant Rights Centre Ireland, *Singled Out: Exploratory Study on Ethnic Profiling in Ireland and its impact on Migrant Workers and their Families* (2011) P. 6

<sup>21</sup> European Network Against Racism (ENAR) ENAR Factsheet on Ethnic Profiling. Factsheet 40. ENAR and Open Society Justice Initiative (2009).

<sup>22</sup> Open Society Justice Initiative, *Profiling Minorities: A Study of Stop-and-Search Practices in Paris*, Open Society Institute, New York (2009). P.20

In Nasc's experience, it also generates low levels of trust in the Gardaí, which is exacerbated by the link with GNIB / immigration.<sup>23</sup> For instance, we receive reports that a person seeking to make a criminal report to the Gardaí can be asked their immigration status. People report that they do not go to guards when they experience crimes, as they do not trust that they will be treated fairly. We also receive reports that in some cases, Gardaí will not take criminal reports from members of migrant or ethnic minority groups. There is a sense that only 'certain guards' are perceived to be trustworthy (e.g. community guards, ELOs).

### **Ethnic profiling violates human rights**

Ireland is a signatory to a number of international and European human rights treaties which prohibit ethnic profiling or are incompatible with the practice of ethnic profiling, including the European Convention on Human Rights (ECHR), the UN Covenant on Civil and Political Rights (ICCPR), the UN Covenant on Economic, Social and Cultural Rights (ICESCR), the UN Convention on Elimination of All Forms of Racial Discrimination (CERD), the Durban Declaration and the European Commission on Racism and Intolerance (ECRI). In 2009 the Human Rights Committee declared police identity checks motivated by race or ethnicity contrary to human right to non-discrimination. During the 2011 Universal Periodic Review of Ireland, concerns were raised by several countries (Egypt, Uzbekistan, Brazil, Malaysia, Azerbaijan, Honduras and Iran) about the issue of racial profiling in Ireland.

### **Beyond ethnic profiling**

This section intends to highlight areas that Nasc has received reports about that do not fall within the definition of ethnic profiling, but should still raise concerns and deserve mention. In addition to the issue of ethnic profiling, Nasc clients have made reports about other ways Gardaí may be dealing with migrants and ethnic minorities in discriminatory ways:

- Reports of not being able to make criminal complaints because of being migrant / ethnic minority
- Not trusting that guards will respond to a call from a voice that isn't 'Irish'
- Being targeted by guards on the street for being migrant / ethnic minority
- Not being asked for testimony or given opportunity for defence

## **2.4 Migrant Speakers**

After the more presentation-focused section on racism and ethnic profiling is completed, we incorporated the input of migrant speakers to highlight the lived reality of racism and ethnic profiling, to embed the more academic learning of the previous section with people's personal experiences. This section provides an opportunity for Gardaí to hear firsthand the impact that

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<sup>23</sup> The Garda Human Rights Audit in 2004 found that the Garda role in immigration has brought it into conflict with minority communities and undermined good relations.

negative policing practices can have on both individuals and communities as a whole. This section is incredibly important to embed the learning of the previous section, and Nasc would highly recommend including migrant and ethnic minority speakers in any training on issues that impact those communities.

It is recommended that the speakers have some previous experience in public speaking and feel confident speaking about difficult and challenging issues in front of Gardaí. As mentioned in the Introductory section on our learning in delivering the pilot training, we determined that when utilising migrant speakers, it is very important to ensure that the speakers are given the appropriate tools to feel confident as well as safe participating in the training. We met with all of the migrant speakers before each training to brief them on the objectives of the training, the agenda for the day, and any issues or challenges that might arise. We also went through a list of sample questions with the speakers to give clear guidance on what information they could speak about.

In the pilot training, we simply went through the questions with speakers in advance of the training, but did not ask them during the training and let speakers guide themselves. In the feedback from speakers after the pilot, and from our own analysis of the pilot, we found this left the speakers feeling somewhat vulnerable, especially those speakers who may not have had a significant amount of public speaking experience. It was incredibly daunting for some of the speakers to stand in front of a room of over 40 Gardaí and speak about instances of racism and ethnic profiling. In the second training, we briefed with the speakers beforehand and gave them the sample questions, but asked questions from the list of the speakers to gently guide the speakers in their presentations. We found the speakers appreciated this method more, it made them feel more confident and safe, and it also ensured that their relevant experiences were highlighted.

### **Sample Questions for Migrant Speakers**

1. Introduce yourself (e.g. who you are, where you are from originally, do you have kids, do you have a job, how long have you been in Ireland)
2. How do you find Ireland? How has your experience living in Ireland been?
3. Have you had any interactions with the Gardaí? Describe them.
4. Do you feel like you have ever been targeted by Gardaí because: you are a migrant, the colour of your skin, your religion, what you are wearing? Please describe the experience.
5. How did that make you feel? How did it make you respond?
6. Do you think other people in your community are being targeted by the Gardaí? How do you think that impacts your community?
7. Do you think targeting people because of their immigration status / colour / clothing / religion, etc. is ever justified?
8. Do you think your community has a good relationship generally with the Gardaí?
9. What do you think might improve the relationship between your community and the Gardaí?
10. What changes would you like to see in how the Gardaí relate to people in your community?

## 2.5 Cross Exchange / Discussion - Building Better Relationships

In this final section of the training, it is important to end on a positive note and promote a constructive discussion about how to improve the relationships between migrant and ethnic minority communities and An Garda Síochána. The first slide in the section deals with highlighting the challenges Community Policing can experience and using Cork Community Policing as a positive model for building strong relationships between Gardaí and migrant and ethnic minority communities. It is an opportunity for the participants to share some of the challenges and issues they have experienced in their own work and how the training may impact their view of those challenges.

The final aspect of the Nasc-led session of the training is to broaden the discussion and allow for a cross-exchange between the migrant speakers and participants. In the delivery of our training, we left the slide up on the screen with questions to help promote the discussion, but left the discussion very open-ended to allow the participants and the migrant speakers to speak freely about issues that had been raised on the day and things both parties could do to help improve relationships and build trust.

### Questions for discussion

- What supports do Community Police need?
- Ways to improve relationship between migrant / ethnic minority communities and Gardai

### Some suggestions for discussion:

**Outreach** – An Garda Síochána reaching out to ethnic minority and religious groups and the recruitment of candidates from an ethnic minority background would be progressive steps in the formulation of a more robust action plan pertaining to the effects of profiling on an ethnic minority community. Everyday police engagement also has the ability to offer positive progression by avoiding the use of racially explicit information in public statements.

**Policy** – International Association of Chiefs of Police: ‘every police agency should have a policy which clearly prohibits bias policing’. Is this a possibility in Ireland?

**Data collection** – Accountability is in the best interest of a police officer and allows for every decision as an officer to be justified. An Garda Síochána do not use ‘stop form analysis’ nor are comprehensive radio logs kept. Gathering statistics through the use of stop form analysis has been shown to be an effective tool of monitoring potential instances of profiling. The premise behind the use of stop data analysis is that it is only through ethnic data monitoring that a police force can effectively monitor the levels of ethnic profiling within its force. The Fundamental Rights Agency (FRA) and the European Commission against Racism and Intolerance (ECRI) have repeatedly called for the use of ethnic data as a monitoring tool.



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UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Ireland*, A/HRC/19/9 (21 December 2011)

### **Additional Resources**

An Garda Síochána, *Diversity Strategy & Implementation Plan 2009 - 2012, "Beyond Legal Compliance"* (May 2009)

European Union: European Agency for Fundamental Rights, *Fundamental Rights-based Police Training: A Manual for Police Trainers* (2013)

Migrant Rights Centre Ireland, *Tools For Change: A Resource Guide For Community Work With Migrant Workers And Their Families In Ireland* (2008)

SALTO - YOUTH Cultural Diversity Resource Centre, *We Are Europeans* (2013)

## 4.0 Appendix

### 4.1 Presentation Slides




**Anti-Racism Training for  
An Garda Síochána**

**November 25, 2014**






**Training Objectives**

- Strengthen effectiveness in policing
- Develop cultural competency
- Build awareness of the impact of racism and stereotyping on migrant and ethnic minority communities
- Share knowledge of anti-racism measures and practices
- Support stronger relationship between police and migrant and ethnic minority communities




**How will this training benefit you?**

- Enhance your ability to police effectively and respectfully
- Increase trust and relationships with migrant communities
- Improve awareness of migrant communities and issues that impact them



**Nasc, the Irish Immigrant Support Centre**

- Our experience working with migrant communities
- Our positive and effective relationship with community police in Cork



### What is racism?

- How would you define racism?
- Mcpherson definition – ‘Any incident which is perceived to be racist by the victim or any other person’ (victim-centred)

### Racism

- Do you think racism is an issue in Ireland?
- Have you ever witnessed or experienced racism?
- Have you ever received a report of racism?
- Was it investigated / prosecuted?

### Reporting Racism

- Garda Inspectorate Report
  - Levels of race and homophobic crimes recorded very low
  - Garda questioned by Inspectorate reported that they had never recorded such a crime or investigated an offence
- Low levels of official reporting vs third party reporting

### Nasc's Racist Reporting Mechanism

- 2008 – Pilot developed by Sgt. Trevor Laffan
- 2011 – Nasc launches reporting mechanism
  - To monitor incidents of racism in the city
  - To provide redress to victims
  - To support victims of racism
  - To refer any formal complaint to Gardai for further investigation
  - Safe space for reporting

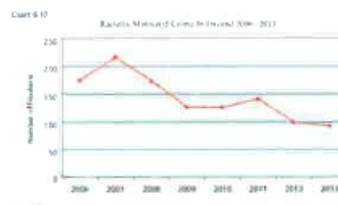
## Racist Reports to Nasc

- 111 reports since 2011; 67 individual and 44 institutional:

Individual	Institutional
Verbal Abuse: 22	Education: 7
Criminal damage: 8	Employment: 4
Incitement: 10	Garda: 11
Online: 13	Goods: 11
Physical: 9	Healthcare: 2
Non verbal: 5	Housing: 3
	Social Services: 6
<b>Total Individual 67</b>	<b>Total Institutional 44</b>
<b>TOTAL: 111</b>	

## Garda Reports

- Racially motivated crimes reported to Gardai between 2006 and 2013 (peak of 217 in 2007 to 94 in 2013):



## Stop the Silence Report

- Racism is widespread, but under-reported
- Perceived to be on the increase as a result of economic downturn
- People know there are legislative mechanisms in place to protect them, but these are seen to be inadequate
- Greater awareness of anti-racism measures must be promoted amongst particularly vulnerable ethnic minority communities – e.g. Roma

## Stop the Silence Report

- 55% of surveyed believe racism is an issue in Cork (62.3% of respondents of African origin)
- 45% experienced discrimination in at least one area of everyday life
- 38% when engaging with a service provider
- 83% who had experienced racism and discrimination did not report it
- 53% believed nothing would happen if they did
- 20% did not know how or where to report
- 31% extremely unsatisfied with response

### Racism is happening

- Members of the Roma community report widespread individual and institutional racism
- One Roma man made 7 separate racist reports to Nasc over the course of 2012 varying from verbal abuse to criminal damage – none of these were ever investigated as crimes
- Roma respondents to our Stop the Silence survey had experienced both significant verbal and physical racial abuse
- Online racism and violence - Waterford

### The impact of racism

- Conscious vs. unconscious bias
- Stereotyping
- What is discriminatory ethnic profiling?

### Ethnic Profiling

- ECRI: 'The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin, in control, surveillance or investigation activities'

### Ethnic profiling

- Criminal profiling widely used means of identifying suspects – ethnicity/race equivalent of hair colour or height
- Discriminatory ethnic profiling occurs when (intentionally or unintentionally) an officer applies his or her own biases or stereotypes when making decisions or taking action
- People may not be aware they are acting based on prejudice

### Ethnic profiling

- Conflicts with equality legislation, international law and human rights
- Not effective for combating crime
- Serious impact on people who are targeted, on families and on society
  - Psychological damage to victim
  - Contributes to racism and xenophobia, social exclusion
  - Damages relationships between minority ethnic communities and police

### Ethnic profiling

- Is ethnic profiling an issue in Ireland?
- The evidence:
  - EU MIDIS Survey (2009)
  - MRCI's Singled Out (2010)
  - CERD Report (2011)
  - UPR Process (2011)
  - ECRI Report (2013)
  - Nasc's Roma Report (2012)
  - Children's Ombudsman's Report on Roma children (2014)

### Nasc's Roma Report

- Roma identified as 'problem community' – emphasis on criminality in Roma community (begging, trafficking, criminal gangs)
- 100% of Roma felt discriminated, victimised or harassed in their interactions with state bodies, especially Gardaí
- 91.6% of women and 87.5% of men had come into contact with Gardaí (begging / stop and search)

### Nasc's Roma Report

- *I would say 90% of the Garda I meet, I feel the discrimination*
- *Some are really good while others are bad*
- *Gardaí regularly search my car and my home*
- *The Gardaí are really bad to us. Every time they see us they stop and say 'F\*\*k off Romanian and go back to your country'*

### Children's Ombudsman's Report

- Emily Logan found Garda actions conformed to the definition of ethnic profiling in the case of 'Child A':
  - The readiness to believe the child may have been abducted exceeded the evidence available
  - Tied inextricably to the fact that the child's family was Roma
  - Child A's ethnicity influential in determining the decision to remove him from the care of his parents, with no objective or reasonable justification

### Impact on Communities

- Anger, frustration, embarrassment, sense of not belonging, powerlessness, conspicuousness
- Stigmatises entire groups of people as criminals, potential terrorists or illegal immigrants
- Low levels of trust in Gardaí
- Failure to report crimes, sense that gardai won't take criminal reports
- Sense that only 'certain guards' are trustworthy (Community guards, ELOs)

### Building better relationships

- Challenges of community policing
- Relationship between Community Policing / ELOs and Roma community in Cork – a model

### Cross Exchange

- Challenges for Community Police in policing Roma community
- What supports do Community Police need?
- Ways to improve relationship between Roma community and Gardaí



## 4.2 Racism and Ethnic Profiling Leaflet

### Racism and Ethnic Profiling | 2014

**What is racism?** According to the United Nations Convention on the Elimination of All Forms of Racial Discrimination (CERD): *The term "racial discrimination" shall mean any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*

**Victim-Centred Approach.** The Macpherson Inquiry into the murder of Stephen Lawrence in the UK established a 'victim-centred' definition of racism that is widely recognised and has been adopted by agencies throughout Ireland, including An Garda Síochána. This approach defines a racist incident as *'any incident that is perceived by the victim to have been racist'*.

**What is ethnic profiling?** According to the Fundamental Rights Agency, discriminatory ethnic profiling is: *Treating an individual less favourably than others who are in a similar situation (in other words 'discriminating'), for example, by exercising police powers such as stop and search; Where a decision to exercise police powers is based only or mainly on that person's race, ethnicity or religion.*

**Is it ever justified?** Ethnic profiling is sometimes confused with criminal profiling. Criminal profiling is a valid, accepted and widely used means of identifying suspects through developing a profile which helps narrow the search for an offender. The risk is when ethnicity is included in the profile and becomes the focus, and everyone perceived as sharing that ethnicity targeted. As with any systemic practice, ethnic profiling can be conscious or unconscious, intentional or unintentional.

**Where is it happening?** Discriminatory treatment; Stop and search; Raids; Targeting (e.g. Begging); Immigration.

**Impact of ethnic profiling.** Racism and discriminatory ethnic profiling of migrant and ethnic minority communities has a serious impact on the people who are targeted, on their families, and also on wider society. International studies suggest that it can cause psychological damage; contribute to racism and xenophobia; to be ineffective; and to damage relationships between minority ethnic communities and police.

#### National and International Findings

- 2004 Garda Human Rights Audit – Garda role in immigration has brought it into conflict with minority communities and undermined good relations.
- 2009 EU MIDIS survey – Ireland had second highest rate of police stops in EU.
- 2009 Human Rights Committee declared police identity checks motivated by race or ethnicity contrary to human right to non-discrimination.
- 2010 Migrant Rights Centre Ireland's report *Singled Out* provided an exploratory study of the impact of ethnic profiling on migrant and ethnic minority communities in Ireland and made a number of recommendations.
- 2011 Committee on the Elimination of All Forms of Racial Discrimination (CERD) report on Ireland recommended adoption of legislation proscribing racial profiling.
- 2011 Universal Periodic Review: concerns were raised by several countries (Egypt, Uzbekistan, Brazil, Malaysia, Azerbaijan, Honduras and Iran) about the issue of racial profiling in Ireland.
- 2013 – ECRI Report on Ireland noted lack of legislation proscribing racial profiling; calls for monitoring of the Immigration Acts in relation to risk of racial profiling.
- 2012 – Nasc's *Stop the Silence: A snapshot of racism in Cork*: 55% believe racism is an issue in Cork; 56% of ethnic minorities have experienced racism; 21.8% have experienced racism from Gardaí; 82.8% have not reported a racist incident (49.2% said because nothing would happen).
- 2013 – Nasc's *In from the Margins – Roma in Ireland*: 90% of Roma felt they were discriminated against by agencies such as An Garda Síochána, Social Protection and the HSE. 91% of women and 87.5% of men had come in contact with Gardaí (women for begging, men for stop and search).
- 2014 – Children's Ombudsman's report on Roma children's removal from families found that ethnic profiling had been a factor in the removal of both children.

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### 4.3 Garda Training Evaluation Form



#### Anti-Racism Training Evaluation Form

Date: \_\_\_\_\_

Title and location of training: \_\_\_\_\_

**Instructions:** Please indicate your level of agreement with the statements listed below in #1-11.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
1. The objectives of the training were clearly defined.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Participation and interaction were encouraged.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. The topics covered were relevant to me.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. The content was organized and easy to follow.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. The materials distributed were helpful.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. This training experience will be useful in my work/life.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. The trainer was knowledgeable about the training topics.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. The trainer was well prepared.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. The training objectives were met.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. The time allotted for the training was sufficient.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. The meeting room and facilities were adequate and comfortable.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

12. What did you like most about this training?

13. What aspects of the training could be improved?

14. How do you hope to change as a result of this training?

15. What additional trainings in this area would you like to have in the future?

16. Please share other comments or expand on previous responses here:

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## 4.4 Garda Declaration of Commitment



### Garda Anti-racism Training – Declaration of Commitment

I completed training on racism and ethnic profiling delivered by Nasc, the Irish Immigrant Support Centre, the Garda Racial, Intercultural and Diversity Office and Cork Community Policing on 11<sup>th</sup> September 2014.

From undertaking this training, I have been made aware of issues impacting ethnic minority and migrant communities as a result of racism and discriminatory ethnic profiling and I am committed to tackling racism and ethnic profiling within An Garda Síochána and in Irish society.

As a result of this awareness, I commit to the following:

- Reflecting on my own interactions with migrant and ethnic minority communities in a policing capacity and engaging with those communities in a non-discriminatory way.
- Raising awareness among my colleagues about the risks of racism and ethnic profiling and how they impact migrant and ethnic minority communities.
- Developing a culture within An Garda Síochána that promotes and respects ethnic diversity.
- Calling for and/or putting into practice pilot measures to counteract ethnic profiling, such as documenting incidents of 'stop and search', or developing an internal protocol for 'reasonable grounds' or 'reasonable suspicion'.

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