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# Towards a National Action Plan Against Racism in Ireland

Department of Justice, Equality and Law Reform

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Towards a

A Discussion

National

Document to

Action Plan

Inform the

Against

Consultative Process

Racism

in Ireland

## Preface

The development of a National Action Plan Against Racism in Ireland (NPAR) represents a significant opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland and to identify new priorities, aspirations and areas of work that can be drawn together into an overall, cohesive plan.

A number of factors provide a strong rationale for developing a NPAR at this point in time in Ireland:

- The increased recognition of the serious challenges posed by racism at global, regional and national levels and the need for greater consistency and effectiveness on how these challenges are addressed.
- Increased awareness of the value of cultural diversity at global, regional and national levels and the need to build inclusive, intercultural and equality priorities into public policy.
- The specific outcomes from the World Conference Against Racism, in particular Irish government commitments to the Declaration and Programme of Action arising from the Conference.
- The increased potential of strengthening North/South co-operation and partnership in addressing racism within Ireland.

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Minister for Justice,  
Equality and Law  
Reform

John O Donoghue, TD

## Foreword

It gives me great pleasure to launch the consultative phase of the preparation of a National Action Plan against Racism.

The preparation of a National Action Plan is a commitment emerging from the World Conference against Racism held in Durban, South Africa, in September, 2001. A key element of Ireland's successful participation in the Conference was the truly representative nature of the Irish delegation including as it did, Government and Opposition parliamentarians, trade unionists, members of ethnic minorities, Travellers, representatives of non-Governmental organisations, specialised and other national bodies as well as civil servants from the relevant Government Departments. I hope to continue that successful participation through the process of preparing the National Action Plan.

The Government has set as a priority the tackling of racism and, given that it has implications for a wide variety of Departments, has designated the Cabinet Committee on Social Inclusion to have oversight of the preparation of the National Plan.

The aim of the planning process is to produce a strategy for tackling racism and for promoting an inclusive society, by defining what integration actually means in practical terms, pulling together existing policies and identifying new initiatives to achieve the goal of integration.

The purpose of this Discussion Document is fourfold:

- To set out the overall process, including the consultative process, for the development of the National Action Plan Against Racism
- To outline a draft framework for the Plan, which will be developed as an outcome of the consultation process.
- To provide contextual information for the development of the Plan.
- To identify existing government commitments to addressing racism as a basis for inclusion and further action in the development of the Plan.

I am proud of what has been done to date in Ireland since the European Year Against Racism in 1997. I recognise that we face new challenges, and new responses will be needed, not only by Government but also by the social partners, local authorities, community and voluntary groups and religious organisations.

I look forward to receiving your contribution to this national debate.



John O'Donoghue T.D.  
Minister for Justice, Equality and Law Reform.  
March, 2002.

# Introduction

The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) was held in Durban, South Africa in September 2001 under the aegis of the Office of the United Nations High Commissioner for Human Rights. For the first time in the history of the United Nations, a global conference on racism successfully concluded with significant agreement among the participating countries. It reflects the shared realisation that if racism is to be effectively challenged, it requires a coherent and effective response within States and between States

The consensus that was reached in Durban was all the more remarkable because of the political conflict and divisions that exist at a global level, most notably the on going crisis in the Middle East. The WCAR was also remarkable for the support it received from countries that are still dealing with the historical legacies of colonialism and slavery, issues which have posed insurmountable barriers to previous global summits on racism.

The impact of the WCAR will eventually be measured by the extent to which action is taken at national, regional and global levels on the commitments contained in the key texts arising from the conference, which are the Declaration and Programme of Action.

One of the key commitments entered into by participating States, including those from Europe, was the development of national action plans against racism. The WCAR Programme of Action urges States ‘to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance’<sup>1</sup>

The Programme of Action further urges States to ‘create conditions for all to participate effectively in decision-making and realise civil, cultural,

economic, political and social rights in all spheres of on the basis of non-discrimination’<sup>2</sup>

The Programme of Action is also clear about the role for specialised, other bodies and more broadly civil society in ‘designing, implementing and evaluating policies and programmes’ related to addressing racism<sup>3</sup>.

The aims of this discussion paper, which also determines its structure, are as follows:

- To set out the overall process, including the consultative process, for the development of the National Action Plan Against Racism (NPAR) in Ireland.
- To outline a draft framework for the Plan, which will be developed as an outcome of the consultation process.
- To provide contextual information for the development of the NPAR in Ireland.
- To identify existing Government commitments to addressing racism as basis for inclusion and further action in the development of the NPAR in Ireland.

The outcomes of the World Conference Against Racism contain important and in parts historic commitments to address racism at global, regional and national levels. While it is remarkable that final consensus was reached, it is also the case that many governments, Non Governmental Organisations (NGO’s) and specialised bodies would have preferred the text to be stronger and more specific in key sections.

This was not possible because of the need to build and maintain consensus at a global level in fragile political circumstances. In short, the Political Declaration and Programme of Action, which are the specific outcomes from Durban, should be viewed as a base rather than a ceiling for the development of effective measures to address racism, including the development of National Action Plans.

<sup>1</sup> Paragraph 66 of the WCAR Programme of Action

<sup>2</sup> Paragraph 99 of the WCAR Programme of Action

<sup>3</sup> Paragraphs 99 and 191 of the WCAR Programme of Action



## The Overall Process

There are a number of overall steps to be taken in the drawing up of the NPAR in Ireland. These are summarised as follows, with indicative timescales, which may be subject to change.

<i>Phases of the Overall Process</i>	<i>Timescale (Indicative)</i>
<i>Consultative Process:</i> For details, see next section.	March-July 2002
<i>Finalisation of the NPAR:</i> Content, approach, resource implications.	October 2002
<i>Submission of the NPAR to Government:</i> Endorsement by the Government.	November 2002
<i>Publication, and laying before the Oireachtas:</i> Dissemination/highlighting of key commitments.	January 2003
<i>Setting up of implementation and monitoring structures:</i> Details to emerge from the consultative process.	February-March 2003
<i>Annual review/evaluation of implementation of NPAR</i> Annual report, monitoring and evaluation.	Annual/Continuing

## Consultative Process

There are strong commitments in the WCAR texts to the involvement of civil society, including NGO's and specialised and other bodies in the development of a NPAR. The following is an outline of the proposed consultative process, leading to the development of the NPAR in Ireland.

### National Consultative Conference, March 28th 2002

A national conference 'Towards the Development of a National Action Plan to Address Racism in Ireland' which will take place in the Royal Hospital Kilmainham on March 28th 2002. The conference is being organised by the Department of Justice, Equality and Law Reform and the Department of Foreign Affairs in association with the Equality Authority, the Irish Human Rights Commission and

the National Consultative Committee on Racism and Interculturalism (NCCRI). The aim of the conference will be to commence the consultative process of the national action plan and will include inputs from the Office of the Irish Government, representatives from national specialised and expert bodies and representatives from NGO's working with minority ethnic groups in Ireland. This discussion paper is aimed at helping to inform the discussions at the national consultative conference and subsequent regional and thematic meetings.

### Regional and Thematic Consultative Seminars

Following the national consultative conference, there will be a number of regional and thematic seminars, with the aim of both broadening and deepening the consultative process. It is intended that the outcomes from the national conference

will help to inform the focus and structure of the thematic and regional seminars.

### **Written Submissions**

During the consultative phase, written submissions from interested parties will also be encouraged. Closing date for the receipt of written submissions is July 31st 2002.

### **Establishment of a steering group**

A steering group will be established to oversee the development phase of the plan, up to the establishment of a monitoring mechanism to oversee the implementation and review of the NAPR. The composition of the steering group will reflect the need to be inclusive of Government, specialist and other bodies and more broadly, civil society.

## Section Two

# Outline Framework for the National Action Plan Against Racism

This section sets out an outline framework for the development of the National Action Plan Against Racism (NPAR), to be completed following the consultative process outlined in section one. The Framework is based on the 'Checklist of Areas for National Action Plans' developed by the Council of Europe and adapted to the suit the context in Ireland. The final structure of the NPAR may be different to this checklist, following the consultative process.

The final plan will also seek to take into account and learn from other national action plans being developed in other jurisdictions and national plans in other areas of concern in Ireland, including the National Plan for Women and the National Anti Poverty Strategy.

The Outline Framework of the NPAR is proposed as follows. Parts one to four will be developed from the outcomes of the consultative process, this discussion paper and the key texts referred to in section three. Part five outlines the key themes of the proposed NPAR. The headings are indicative and will be revised if necessary to take into account the outcomes of the consultative process. Under each heading it is intended to develop quantifiable targets, where appropriate, against which progress will be measured as the plan is implemented.

The themes and paragraphs referred to are drawn from the Programme of Action of the WCAR. However, it is also intended to draw from the European Conference Against Racism and the Ireland National Preparatory Conference in the development of the NPAR in Ireland.

1. Introduction, background and contexts
2. Aim and Objectives of the Ireland NPAR
3. Overall Approach
4. The Forms and Manifestations of Racism in Ireland
5. Government Strategy
  - 5.1 **Legislation**


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    - Legislative. Judicial, regulatory, administrative and other measures (paras 66-74).
    - Ratification of the effective implementation of the relevant international legal instruments (paras 75-83).
    - Prosecution of perpetrators of racist acts (paras 84-89).
    - Establishment and reinforcement of independent specialised national institutions and other bodies (paras 90,91).
  - 5.2 **Policy and Practices**


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    - Data collection and disaggregation, research and study (paras 92-98).
    - Policies, including positive action, to ensure non-discrimination in areas such as social services, employment, housing, education, health care etc (paras 99-102).
    - Employment (paras 103-108).
    - Health, environment (paras 109-111).
    - Equal participation in political, economic, social and cultural decision-making (paras 112, 113).
    - Role of politicians and political parties (para 115)
  - 5.3 **Strategies to build an inclusive and intercultural society**


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    - International framework (para 177)
    - Co-operation (paras 182, 183, 186, 187, 188, 191)

- NGOs (paras 213, 214)
- Private sector (para 215)
- Youth (paras 216, 217, 218)

#### **5.4 Education and Awareness Raising**

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- Access to education without discrimination (paras 121, 124)
- Human Rights (paras 121, 123)
- Education for children and youth (paras 129, 132)
- Awareness raising for public officials and professionals (paras 133, 139)

#### **5.5 Information, Communication and the Media, including New Technologies**

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#### **5.6. Provision of Effective remedies, recourse and redress**

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- Legal assistance (paras 160-162)
- National legislation and programme (paras 163, 164)
- Remedies (paras 165-166)

### **6. Implementation of the NPAR**

- Including resources, monitoring structures, summary of targets.
- North/South dimension

### **7. Review and Evaluation Indicators, research, further consultation**

## Section Three

# Contexts

The structure of this section is divided into two parts. The first part provides a brief overview of racism in Ireland. The second part provides a profile of diversity in Ireland.

### 1. Racism In Ireland

In recent years there has been a commencement of a public debate and dialogue about racism in Ireland. To date, this debate has often been robust, and at times conflictual, but has generally been constructive and reflective of the widely held concern by representatives of Government and broader civil society that racism deprives people of their basic human rights, dignity and respect and is a threat to social and economic cohesion within States.

The public debate about racism has sometimes been limited in scope, with racism sometimes reduced to, or equated with a discourse concerning issues around immigration, refugee and asylum policy. These issues have a centrality to the present debate, but a narrow focus on these policy issues on their own only provides us with an incomplete picture and understates other forms of racism in Ireland.

Reducing the discourse on racism to a discussion on migration and asylum policy can also have the, albeit often unintentional, outcome of reinforcing the perception that racism is only experienced by recent migrants and that ethnic and cultural diversity in Ireland is solely as a consequence of recent migration.

There are different forms of racism in Ireland, which are identified as:

- Racism experienced by Travellers on the basis of their distinct identity and nomadic tradition.
- Racism experienced by recent migrants, which includes migrant workers, refugees, asylum seekers and students studying in Ireland.
- Racism experienced by ‘people of colour’ and minority ethnic groups, including black people on the basis of their skin colour and ethnic and/or national identity, irrespective of their legal status.
- The intersection between racism and other grounds of discrimination, including gender, disability and sexual orientation.<sup>4</sup>

The blaming of minority ethnic groups for creating racism in Ireland and the adoption of racist slogans such as ‘Ireland for the Irish’ and the use of emotive language that refers to ‘invasions’ and ‘colonisation’ by a small number of groups and individuals in Ireland, has a resonance with the language adopted by extreme organisations in other European countries. To date, there has been little evidence of such groups being widely supported, although some others may quietly share their views

It is to be welcomed that there is a broad consensus within political parties in Ireland to address racism. All the parties in the Oireachtas have signed and reaffirmed an anti racism protocol governing the conduct of elections, which gives a commitment to sending a clear and positive message to their constituents that they reject racism.

The potential for racism to be perpetuated through the systems or structures of institutions is an issue that is also beginning to receive attention in Ireland. A number of statutory bodies are aware of this potential and are actively developing awareness raising programmes and training for staff and bringing in anti racism commitments as part of a broader approach to equality.

<sup>4</sup> These intersections were recognised as an important issue in the WCAR Programme of Action.

## Manifestations of Racism in Ireland

There are at least two overall manifestations of racism in Ireland can be summarised as follows:

### Racism at an Individual Level

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Examples of racism at an individual level include assault and abuse directed at people from minority ethnic groups. A number of high profile cases highlighted by the media in recent months, reports of harassment and the distribution of racist literature indicate that individuals are experiencing this form of racism.

### Racism at an Institutional/Systemic Level

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There is increasing recognition of the need to address racism at an institutional/systemic level. This form of racism, often unintentional, can be caused through ignorance and lack of thought or adequate planning. The outcome of these processes can contribute to failure in or weaker service provision to minority ethnic groups. The potential for institutional /systemic racism to impact on service provision was highlighted by the MacPherson Report into the Metropolitan Police in Britain.

## Attitudinal Surveys

A recent review of all existing surveys<sup>5</sup> of attitudes toward minority ethnic, surveys of minority experiences of discrimination made a number of conclusions, including:

- The degree of hostility expressed toward minority ethnic groups, has increased measurably and is particularly strong in relation to particular groups, including black people, Roma and Travellers and refugees and asylum seekers.
- Profiles of respondents show that levels of hostility are evident at all levels of society of society and in both a rural and urban context.
- Negative attitudes experienced by minority ethnic groups now appears to be an everyday feature of many people's lives.

## 2. Profile of Diversity in Ireland

The following part of the discussion report, provides a brief overview of diversity in an increasingly multicultural Ireland.

### Minority Ethnic Groups, Including Travellers in Ireland.

The Traveller community, an indigenous Irish group, has an estimated population of 22,000 people and remains the largest minority ethnic group in Ireland.

There has been a long established Jewish community and growing Islamic, Asian and Chinese communities in Ireland. There are now refugees and asylum seekers from over 100 countries in Ireland including Vietnam, Bosnia, Kosovo, Nigeria, Romania, Algeria, Congo, Somalia and from ethnic groups that transcend geographical boundaries, such as the Roma and the Kurds.

In Ireland there are now more visible populations of black Irish and other EU and non-EU citizens living in Ireland who experience racism on the basis of skin colour and ethnic origin.

There is now a significant body of research on the level of exclusion and discrimination experienced by the Traveller community in Ireland and more recently there is a growing body of work on the refugee and asylum community. However there remains significant gaps in our knowledge in relation to Travellers, refugees and asylum seekers and even more so in respect of the experience of other black and minority ethnic groups in Ireland. There is some information on the extent and origins of people migrating into Ireland in recent years, although this information is not disaggregated on ethnic grounds.

<sup>5</sup> Garner, S and White, A. *Racist Attitudes in Ireland: Baseline Research for the Anti Racism Public Awareness Programme. Know Racism. 2002*

## Inward migration into Ireland

Between 1995 and 2000, half of the total immigration into Ireland was returned Irish migrants. The rest of the EU and the USA accounted for 38% of total inward migration with only 12% from the rest of the world (table one).

Table One: **Inward Migration to Ireland, 1995-2000 (CSO)**<sup>6</sup>

<i>Origin</i>	<i>Percentage</i>	<i>Number</i>
Returned Irish	50%	123,100
UK	18%	45,600
Rest of EU	13%	33,400
USA	7%	16,600
Rest of world	12%	29,400

## Refugees and Asylum Seekers

The number of asylum seekers to Ireland has increased in recent years and has levelled out at approximately 11,000 per year. This is slightly higher than the EU average per head of population, but it is also the case that the total number of asylum seekers and refugees in Ireland is much less than many other EU countries per head of population as there was virtually no asylum seekers coming to Ireland before 1996. The main countries of origin for asylum seekers in Ireland in 2000 was Nigeria (3,404), Romania (2,384), the Czech Republic (403), Moldova (388), Congo DR (358).

## Migrant Workers

Because of skills and labour shortages in Ireland, Irish businesses and employers have been actively recruiting outside of the European Economic Area in recent years. In 1999 there were 6000 work permits issued, in 2000 there were 20,000 issued and in 2001 this figure had increased to 36,000.<sup>7</sup> The main countries of origin are Latvia, USA, Philippines, Czech Republic and Poland. Almost

40% of migrant workers coming to Ireland in 2001 were from EU accession countries, such as Poland, Latvia and the Czech Republic. Most migrant workers in 2000 were employed in the service sector (37%), hotel and catering (22%), agriculture and fisheries (17%), industrial (10%) and the medical and nursing sector (8%). It is important to note that many migrant workers will only want to remain in Ireland for a short time, in order to remit money and to return to their home countries after a few years. Others will be in Ireland for longer periods and may seek long term residency or Irish citizenship.

## Students

Many third level institutions actively recruit students from both within and outside the European Union. Table Two highlights the origin of third level students in Ireland. It shows that North America and Europe account for 85.5% of all the foreign students in Ireland.

A recent study<sup>8</sup> has shown that 8% of these students had experienced negative attitudes and behaviour towards foreigners.

Table Two. **Origin of Non-National Third Level Students studying in Ireland (HEA)**<sup>9</sup>

<i>Origin</i>	<i>Percentage</i>
Europe	60.1%
America - North	25.4%
Asia	7.8%
Africa	5.7%
Oceania	0.5%
America - South	0.5%

<sup>6</sup> Mac Einri, P. Immigration Policy in Ireland in Farrell/Watt. Responding to Racism in Ireland. Veritas, 2001

<sup>7</sup> A significant proportion of the 36,000 permits in 2001 were from migrants renewing their work permits.

<sup>8</sup> Bourke, A and Flavin M. Occasional Papers Nos 1 and 2. ICOS, 2000

<sup>9</sup> Table excludes temporary language students.

## Section Four

# Outcomes of the World Conference Against Racism and Preparatory Phases

This section of the discussion document draws the key texts that emerged from the WCAR and the preceding national and regional conferences against racism held in Dublin and Strasbourg.

The origin of these key texts is as follows:

- The Ireland Preparatory National Conference on Racism (Dublin, 5 September 2000). The aims of this conference were to highlight the role and purpose of the WCAR and the European Conference Against Racism, to provide a forum to discuss racism and measures needed to address racism in Ireland and to draw up recommendations that would have a relevance to the European Conference and World Conference Against Racism. The conference was organised by the NCCRI in association with the Department of Justice, Equality and Law Reform and the Department of Foreign Affairs. It was attended by 240 representatives of key government and non-government organisations. The report and its executive summary are available at [www.nccri.com](http://www.nccri.com).
- The European Conference Against Racism (Strasbourg, 11-13 October 2000). The aim of this conference, which was attended by over 500 people, was to prepare at European regional level, for the World Conference Against Racism. The Conference adopted General conclusions which, together with a Political Declaration adopted by Ministers of member States of the Council of Europe were forwarded to the preparatory committee of the WCAR as Europe's contribution. The European Conference was

preceded by a Forum for Non-Governmental Organisations which also resulted in detailed recommendations for action. These reports are available at [www.ecri.coe.int](http://www.ecri.coe.int)

- The World Conference Against Racism (Durban, 31 August – 8 September 2001). The aim of the WCAR was to act as a catalyst for renewed action against racism at universal, regional and national levels. The WCAR was organised by the Office of the United Nation's High Commissioner for Human Rights. The WCAR was preceded by an NGO Forum and a Youth Summit. A Declaration made by the Ministers of participating States and a Programme of Action form the key texts arising from the WCAR. These reports are available at [www.unhchr.ch](http://www.unhchr.ch)

## Participation, Preparation and Impact of Participation from Ireland

The partnership approach adopted for the preparations in Ireland for the WCAR and European Conference Against Racism, were significantly different than many other countries that participated in Strasbourg and Durban. In many other countries it was evident that there was little contact or sharing of information between Government and non-government representatives. It became increasingly apparent that close co-operation and liaison between Government and Non-Government representatives could maximise Ireland's impact on the World Conference and its preparations. To maximise the impact of the NPAR and continuing this partnership process, it is worth identifying some of the elements that contributed to the building of this partnership, which include:

- The cooperation between Irish NGO's prior to the WCAR and the identification of key factors to enhance their participation, including access to up to date information, participation in the preparatory conferences and access to resources
- The hosting of one joint national preparatory conference in Dublin, as opposed to a separate Governmental conference and NGO Forum. As a consequence, a significant amount of Irish NGO



aspirations were adopted in the official Government position for the European and World Conference Against Racism.

The following sections seek to provide an accessible summary to the extensive texts that resulted from the Ireland Preparatory National Conference, the European Conference Against Racism and the World Conference Against Racism. Reference is also made to related texts drawn by NGO and Youth caucuses at European and Global levels

### Summary of key issues arising from the Ireland Preparatory National Conference<sup>10</sup>

The Ireland Preparatory National Conference reflected on the work of many groups on the issue of racism over the previous decade and further reflected that there was a significant degree of agreement on the need to address racism Ireland. The conference concluded that the report from the preparatory phase in Ireland should serve not only to take ideas and experiences forward to Strasbourg and South Africa, but to also act as a foundation for a future national action plan in Ireland. The themes adopted for the Ireland preparatory conference were those adapted for the Strasbourg conferences, which were as follows:

- Legal Protection Against Racism.
- Policies and Practices Against Racism.
- Education and Awareness Raising to Combat Racism.
- Information Communication and the Media.

The following were the main points agreed at the final plenary of the conference:

- Racism is a violation of human rights.
- Action against racism could valuably be island-wide and be rooted in North-South cooperation.
- The focus on racism needs to be inclusive, embracing groups whatever their legal status and taking account of groups such as Travellers and Roma.

- The racism experienced by women needs to be specifically named and acknowledged and specific measures need to be included to address the intersection between racism and other grounds of discrimination.

### Legal Protection Against Racism

Under the legal heading, the core theme emerging was one of adequate legislation and adequate remedies. The importance of, and need for, building on and enhancing the current legislative base was stressed. Of particular interest were commitments to review the Prohibition of Incitement to Hatred Act, to transpose the EU Directive on Racial Discrimination into Irish Law and to ratify the International Convention on the Elimination of all Forms of Racial Discrimination.

### Policies and Practices Against Racism.

Under the heading of policy and practices, the need to focus on outcomes was stressed. Positive action emerged as a key theme, with the challenge to address the impact of past discrimination and to the implications of cultural diversity. Institutional change and mainstreaming is another key theme to emerge. Mainstreaming involves:

- Placing anti-racism and interculturalism as an objective of all policy making.
- Proofing decision making for impact on black and minority ethnic groups.
- Securing and researching the participation of Black and minority ethnic groups in decisions that impact on them.
- Developing a database, capable of tracking progress and identifying barriers.
- Trade, aid and debt policies can generate global inequalities that feed racist stereotypes.

<sup>10</sup> Summary by Crowley, N in NCCRI, Report of the Ireland Preparatory National Conference. 2000.

## Education and Awareness Raising to Combat Racism.

Under the heading of education and awareness raising, the strong inter-relationship and overlap between the four headings chosen for the Council of Europe Conference was highlighted. Early intervention, an anti-racist further and adult education policy and curriculum development were identified as the key themes in relation to the provision of education. A further theme that emerged under this heading related to need to change the ethos, policy and practices of institutions. The need for anti racism training, with clear standards and with clear links to institutional policy-making and practice was identified.

## Information Communication and the Media.

Under the heading of information, communication and the media, a key issue that emerged was the need for media that empowers. This is a media where black and minority ethnic reporters are employed and where Black and minority ethnic perspectives and issues are heard. A second key issue is the need to address irresponsible media. This is media where there is carelessness in the use of language, that reinforce stereotypes and which engages in hate speech. The third issue is the need to develop effective information and communication strategies as an integral part of an overall national plan to address racism.

## Summary of the issues emerging from the European Conference Against Racism.

### Legal protection

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The theme of legal protection was examined in detail at the European Conference Against Racism, including the acceptance of and compliance with obligations under relevant international and European legal instruments (in particular the International Convention on the Elimination of All Forms of Racial Discrimination and its Article 14). It

identified how other international and European human rights instruments can be used more effectively to combat racial discrimination. How recent new developments in international law, such as the International Criminal Court, the International Criminal Tribunal and (draft) Protocol No. 12 to the European Convention on Human Rights, could best be supported and implemented.

At national level, the Conference covered how the legal provisions in constitutional, criminal, civil and administrative law provide adequate protection against discrimination in everyday life (employment, housing, provision of services, etc). The implementation mechanisms needed at national level and the impact and scope of redress of national specialised bodies was also reaffirmed.

### Policies and practices

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Policies and actions were examined to determine what action could be taken to ensure that State and social institutions, such as components of the criminal justice system, schools, housing or welfare agencies, etc, do not discriminate and address cultural and religious diversity. The same consideration was also considered in relation to non-State institutions, including trade unions and private employers. Discussions focused on how equality of opportunity could be promoted in recruitment procedure, what can be done to reflect, proportionately and at various levels, ethnic diversity in public and private institutions at national and local level. Further issues included greater political participation by members of minority groups, the role of political parties, the special measures may be needed with regard to women and children and in respect of Roma/Gypsies and Travellers.

The impact at national level of phenomena of the late 20th century such as increased migration, international mobility and globalisation was also considered in relation to racism and discrimination and the conference focused on special measures to

protect human rights of migrants and indigenous minorities in this context.

### **Education and awareness-raising**

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This part of the conference focused on the importance of human rights education and the need to promote a human rights culture. Key issues covered included the role of the State and of non-State institutions and the implementation of education and awareness programmes.

### **Information, communication and the media**

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Information, communication and the media, as well as new technologies, can be used to positive effect. However, 'hate speech' persists, in written and broadcast media and, more recently, disseminated through new technologies. The conference looked at what could be done in these areas of concern the role of media proprietors, editors, writers, programme makers, journalists and advertisers needs to be examined as well as that of politicians. Legal and technical measures for the screening of abuse of internet communications were also considered.

### **NGO Concerns (European Conference Against Racism)<sup>11</sup>**

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The Forum of Non Governmental Organisations met in Strasbourg prior to the European Conference Against Racism. Many of the concerns found some expression in the governmental texts from Strasbourg although not to the extent to which NGO's would have sought Key points that were highlighted in the NGO report were as follows:

- The resurgence of racism and the persistence of a climate of intolerance and acts of violence.
- The recent electoral success in Europe of political parties disseminating and promoting racist and xenophobic ideology.
- The growth of violent racism towards migrants, refugees and Gypsies, Roma and Travellers.
- Limited attention being paid at European level to racism in other regions of the world.

- Concern about the current form of globalisation and the policies of international and financial institutions which leads to the deterioration of social and economic conditions and which can foster racism in many countries.
- The need for more effective implementation of International instruments in the fight against racism.

### **Summary of the issues emerging from the World Conference Against Racism**

The Programme of Action arising from the WCAR discusses the sources and causes of racism, racial discrimination, xenophobia and related intolerance and calls for concrete action to eradicate them. A large part of the document is devoted to prevention, education and protection measures at the national level, including the concept of national and regional plans to address racism. The Programme of Action in effect provides a set of principles and a partial checklist of some of the key elements that need to be adopted to develop effective overall strategies to address racism.

There were a number of issues included in the Programme of Action in the WCAR which groups in Ireland had been active in promoting in the preparatory phases of the conference. Some of these originated in Ireland and in many other instances representatives from Ireland were active in supporting and strengthening wording of commitments during the conference. These included:

- The concept of a national plan to be developed by States setting out how they would propose to address racism.
- The importance of the participation of civil society in general and the community and voluntary sector in particular in the follow up to the World Conference Against Racism and in the development of national plans
- The role of expert and specialised bodies and the leadership role of governments in

<sup>11</sup> Report from the Forum of Non Governmental Organisations. End Racism Now!. Prior to the European Conference Against Racism. Available at [www.ecri.coe.int](http://www.ecri.coe.int)

addressing racism, which is emphasised in different parts of the texts.

- The recognition in the Programme of Action that Roma, Sinti and Travellers experience racism. Representatives from Ireland lobbied to ensure that the racism experienced by these groups would be acknowledged at both a European and global level and the text presented by Irish representatives at the Strasbourg preparatory Conference remained intact at the conclusion for the World Conference.
- Of further Irish interest are the commitments in relation to migrants, asylum seekers and refugees and indigenous groups. States are urged to adopt or continue to apply all necessary measures to promote, protect and ensure the enjoyment by indigenous people of their rights; to facilitate family reunification, which has a positive effect on integration of migrants; and to take all possible measures to promote the full enjoyment by all migrants of all human rights.
- The document further encourages States to develop strategies to address discrimination against refugees; and to end impunity and prosecute those responsible for crimes against humanity and war crimes, including crimes related to sexual and other gender-based violence against women and girls.
- States are encouraged to develop or implement effective legislation to ensure that migrant workers, where appropriate, are covered by the existing equality and labour protection legislation provided for all workers, with special attention to people engaged in domestic work and trafficked persons; to ensure accountability for misconduct by law enforcement personnel motivated by racism; to eliminate racial profiling; and to protect the privacy of genetic information.
- The Programme of Action further urges States to prohibit discriminatory treatment against foreigners and migrant workers; to enact laws

against trafficking in persons, especially women and children; and to compile and publish reliable statistical data to assess the situation of individuals and groups who are victims of discrimination.

- The Programme further urges States to implement policies and measures designed to prevent and eliminate discrimination on the basis of religion or belief that many people of African descent experience. The document further calls on States to ensure full and effective access to the justice system for all individuals, particularly those of African descent.
- The intersection between gender and racism and multiple or aggravated forms of discrimination are also highlighted in the Programme of Action texts.

### NGO and Youth Concerns (World Conference Against Racism)

The reports of the NGO and Youth Summit only partially succeeded in impacting on the Governmental WCAR in Durban. Because of the tone and content of a small number of controversial paragraphs referring to genocide and the Middle East, the General Secretary to the Conference, Mary Robinson, was unable to commend the conclusions from the NGO conference to the Governmental Conference. However, there are parts of the NGO texts which are relevant to the drawing up of National Action Plans, including sections related to criminal justice; health related issues; the position of undocumented migrants; multiple forms of discrimination; young people and the girl child and trafficking.

The main outcome Youth Summit, which is reflected in the Programme of Action of the WCAR, is the need to ensure that strategies to address racism, including National Action Plans, must seek to include a youth dimension.

## Section Five

# Existing Government Commitments to Address Racism

This section seeks to identify existing government commitments to addressing racism as basis for inclusion and further action in the development of the NPAR in Ireland. The commitments are arranged along the under the key themes from the WCAR, adapted and tailored to the Irish context<sup>12</sup>:

1. Legislation.
2. Policies and strategies to address racism.
3. Policies and strategies to promote integration and interculturalism.
4. Education, Awareness Raising and Communication.

## 1. Legislation

### National Legislation

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#### *Anti-discrimination legislation*

Ireland has comprehensive and integrated anti-discrimination protection under the equality legislation. The Employment Equality Act outlaws discrimination and harassment in relation to and within employment on nine grounds, including 'race' and membership of the Traveller community. The Act was passed in 1998 and commenced operation in October 1999. The Equal Status Act (2000) prohibits discrimination and harassment on the race and Traveller ground in the supply of goods or services, education or accommodation. The Equal Status Act commenced operation in October 2000.

#### *Prohibition of Incitement to Hatred Act and the Public Order Act*

The use of words, behaviour or the publication or

distribution of material which is threatening, abusive or insulting and are intended, or are likely to stir up hatred are prohibited under the Prohibition of Incitement to Hatred Act, 1989. Furthermore the Public Order Act, 1994 may be used in some cases to combat racist acts on public order grounds. The Prohibition of Incitement to Hatred Act is currently being reviewed in the Department of Justice, Equality and Law Reform with a view to improving its effectiveness.

#### *Offences against the State Act*

The provisions of the equality legislation and the Prohibition of Incitement to Hatred Act, 1989 together with the provisions of the Offences against the State Act, 1939 prohibits organisations that promote and incite racial hatred and discrimination. Membership of such proscribed organisations is a criminal offence.

#### *Video Recording Act*

The Video Recording Act, 1989, which aims to prevent generally undesirable video works from being supplied to the public. Among the grounds on which the Official Censor can conclude that a video recordings should not be classified as fit for viewing (and so should not be issued with a supply certificate) are that the viewing of the video would be likely to stir up hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins.

### International Legal Instruments.

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#### *UN Convention on the Elimination of All Forms of Racial Discrimination (CERD)*

The 1965 UN Convention on the Elimination of All Forms of Racial Discrimination is the most important multilateral treaty embodying obligations on UN Member States to ban racial discrimination. Ireland's ratification in December 2000 of the Convention entered into force on 28 January 2001. The terms of the Convention require

<sup>12</sup> Aide Memoire for the Development of National Action Plans for the Implementation of the Conclusions of the World Conference Against Racism, Racial Discrimination, Xenophobia and related intolerance. Council of Europe. February 2002.

State parties to have in place at domestic level an effective means of redress for those who may experience racial discrimination.

Ireland had not ratified this UN convention before then as our legal advisors had advised that Ireland could not effectively ratify until the necessary domestic anti-discrimination legislation was in place. With the introduction of anti-discrimination legislation and the infrastructure to support it, Ireland was in a position to ratify and implement the convention effectively.

Like other common law countries, Ireland has a so-called “dualist” system under which international agreements to which Ireland becomes a party are not automatically incorporated into domestic law. Article 29.6 of the Constitution provides that “No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas”. When Ireland wishes to adhere to an international agreement it must, therefore, ensure that its domestic law is in conformity with the agreement in question.

In ratifying the UN Convention, Ireland was one of a small number of countries that opted for Article 14. Article 14 allows a right of individual petition to the United Nations, all local remedies having being exhausted.

### **Other International Instruments**

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Ireland has signed the major universal and European human rights instruments and complies fully with their terms. In November 2000 in Rome, Ireland signed Protocol No. 12 (on anti-discrimination) to the European Convention on Human Rights. Work on the incorporation of the European Convention on Human Rights into national law is continuing. The Council of Europe Framework Convention for the Protection of National Minorities was ratified by Ireland in September 1999.

The obligations under “Discrimination (Employment and Occupation) Convention 1958 No. 111 of the International Labour Organisation (ILO) which Ireland ratified on 22 April 1999 are met through our Employment Equality Act. Minimum rates of pay are required to be paid under the minimum pay legislation. (Migrant workers are entitled to the protection of the law including labour law).

### **EU Directives**

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Two EU directives have been adopted by the EU Council pursuant to Article 13 of the Treaty establishing the European Community. The directives allow the community to take action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. The first directive, known as the “Race Directive”<sup>13</sup>, binds EU Member States to implement the principle of equal treatment between persons irrespective of racial or ethnic origin in the employment and non-employment areas. Ireland must adapt its present equality legislation to comply with this directive by July 19, 2003.

## **2. Policies and Strategies to Address Racism**

### **Establishment of National Bodies**

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The establishment of specialised and expert bodies in the area of equality, anti racism and human rights, has been an important development in recent years. These are summarised as follows:

*Equality Authority* (Government funding in 2002: €5.029m)

The Equality Authority was established in October 1999. The functions included in the mandate of the Equality Authority, under the Employment Equality Act, 1998 and the Equal Status Act, 2000 include:

- To work towards the elimination of conduct prohibited under the equality legislation, (i.e. discrimination and harassment on the grounds

<sup>13</sup> Directive for Equal Treatment, irrespective of Race or Ethnic Origin. 2000/43/EC. 29 June 2000.

of gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community).

- To promote equality of opportunity in relation to the matters covered under the Employment Equality Act and the Equal Status Act and to provide information to the public on the workings of the two Equality Acts.

Anti Racism in the Workplace Initiatives is a joint venture between The Equality Authority, IBEC, ICTU and the Construction Industry Federation (CIF) and takes place over a week in November. The National Anti-Racism Awareness Programme provided €199,000 funding in 2001 towards a joint advertising campaign to increase the profile of the week.

The Equality Authority has also focussed on issues related to race and membership of the Traveller community through strategic initiatives, including:

- Developing Equality proofing measures.
- Data collection across the nine grounds.
- The Development of the National Focal Point against Racism in Ireland in partnership with the NCCRI (see below).
- Developing an equality dimension to the Quality Customer Services element of the Strategic Management Initiative.

***National Consultative Committee on Racism and Interculturalism. NCCRI, (Government funding in 2002: €0.34m)***

The National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the Department of Justice, Equality and Law Reform. Its functions are:

- To act as an expert body to develop an integrated and strategic approach to racism, and its prevention, and to foster interculturalism within Ireland.
- To inform policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism to promote the understanding and celebration of cultural

diversity within Ireland.

- To establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and International levels.

Project initiatives of the NCCRI include: -

- A system of reporting and responding to racist incidents and the publication of a report of these incidents every 6 months.
- Developing the training and resource unit that has been actively involved in delivering anti racism training both to Government and Non Government agencies. Publication of a range of materials, resources and publications on addressing racism in Ireland.
- In partnership with the Equality Authority, to act as the National Focal Point for Racism in Ireland by the EU Monitoring Centre on Racism based in Vienna.
- To develop public awareness initiatives, including contributing to the implementation of the National Anti-Racism Awareness Programme (Know Racism)
- To continue with policy submissions and round tables, which will contribute to policy development through the participation of the NGO sector.
- To inform policy in relation to the drawing up of a National Action Plan against Racism. The Monitoring of the Anti Racism Protocol for Political Parties while continuing to highlight the protocol at Government and cross-party levels.
- To develop initiatives on a North/South basis and implement awareness raising initiatives and events through continued liaison with the Equality Commission for Northern Ireland in areas of concern such as education and health.
- Supporting and advocating an anti racism dimension to the National Anti Poverty Strategy.
- Supporting community development through a specialised unit within the NCCRI.

- Capacity building and leadership training for groups representing ethnic minorities.

**Director of Equality Investigations** (Government funding in 2002: €1.803m)

The Office of the Director of Equality Investigations was established in October 1999. It provides redress for victims of discrimination on any of the grounds in the Equality Legislation in employment and in the area of provision of goods and services. Anyone who feels that they have been discriminated against may lodge a complaint to the Director. The findings of the Director in each case are published. The percentage of referrals during 2001 on the grounds of race and membership of the Traveller community was as follows: 57% (629 cases) Traveller and 4.2% (46 cases) Race.

**Irish Human Rights Commission** (Government funding in 2002: €1.292m)

Arising from the Belfast Agreement, the Human Rights Commission was formally established under the Human Rights Commission Act, 2000. The Commission is a powerful new independent body charged with the task of keeping under review the adequacy and effectiveness of our laws in relation to the protection of human rights in their widest sense. It will be within the competence of this body to commission surveys on discrimination. To date the IHRC has been active on the issue of racism through:

- The establishment of a sub committee on racism drawn from its own membership and the members of the Northern Ireland Human Rights Commissions
- Participating in the development of the National Action Plan Against Racism.

**Garda Racial and Intercultural Office**

The Garda Racial and Intercultural Office was established in July 2000. The Office operates under the auspices of the Garda Community Relations Section and is responsible for coordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity. The Garda Síochána has developed a working

definition of a “racial incident”, which takes into account the views of victims and is currently developing a system for capturing data on racially motivated crimes. The Garda Racial and Intercultural Office won an award of €30,000 as an innovation prize from the EU. The office has developed a training video that informs members of the force about sensitivities to the cultures of ethnic minorities.

### Strategies to Address Racism: Organisational Policies and Training.

**NCCRI Anti-Racism Training Unit**

In 2000, the National Consultative Committee on Racism and Interculturalism established a training unit which has provided anti-racism awareness training to over 30 Government departments and statutory agencies, to national media organisations, to the equality authorities, to trade unions and to employer and community organisations. The training unit is currently developing best practice guidelines for anti-racism training and resource materials on building a ‘whole organisation’ approach to addressing racism.

**Garda Síochána Initiatives.**

As a core part of the training of new recruits to An Garda Síochána in Templemore there is a module regarding obligations under international human rights instruments including CERD. The Garda Racial and Intercultural Office have an ongoing anti-racism training programme for immigration officials (who are members of the force). As part of the Council of Europe human rights and policing initiative, the Gardai have also established a working group to develop policy and practice on human rights and policing issues. This is being developed in partnership with specialised and expert bodies and representatives from minority ethnic groups.

**Immigration Officers**

Immigration officers at points of entry to the State are members of the Garda Síochána which provides training as outlined above. Members of the Garda



Siochana assigned to immigration duties are subject to the normal Garda standards of conduct (including the Garda Siochana Complaints Act) and accountable through local Garda channels of command. The Garda National Immigration Bureau has an overall coordinating role in relation to controls at point of entry.

#### *Staff working with Asylum Seekers*

Comprehensive training is provided to staff working in the asylum process. Staff are trained to deal with applicants for asylum in a sympathetic manner and with respect and sensitivity and a full awareness of cultural differences. This training includes procedures to be followed when dealing with sensitive matters such as gender issues and victims of trauma and violence.

#### *Racism in The Workplace Week*

As part of Anti Racism in the Workplace Initiatives, a joint venture between The Equality Authority, IBEC, ICTU and the Construction Industry Federation (CIF), the Equality Authority provided contact details about trainers who undertake anti racism training and examples of good practice in the Irish workplace.

#### *Prison Service*

Anti-racism initiatives are taking place in the prisons. The Director General of the Irish Prisons Service introduced proposals for the development of a research and training project for staff and inmates of the prison system to increase their awareness of cultural diversity and aspects of racism that are potentially in each prison. The aim of the initiative is to ensure that the Prisons Service will be in a position to head off most problems of racism and to deal speedily and effectively with any problems which may arise.

#### *Department of Social, Community and Family Affairs*

In recent years the Department of Social, Community and Family Affairs has developed a comprehensive range of training and awareness raising programmes to support its staff who deal with the public.

An integrated Customer Service Training Programme has been delivered to approximately 2,600 staff that work directly with the public, whether face-to-face, by telephone or correspondence. The programme included disability awareness and anti-discrimination training, which was delivered to departmental trainers by external trainers expert in these areas.

#### *Health Sector*

The National Health Promotion Strategy 2000-2005 recognises that there exists within our society many groups with different requirements which need to be identified and accommodated when planning and implementing health promotion interventions. The Strategy acknowledges the challenge involved in being sensitive to the potential differences in patterns of poor health among these different groups. The Strategic aim is to promote the physical, mental and social well being of individuals from these diverse groups including Travellers, refugees and asylum seekers.

The National Strategy on Traveller Health was launched in February 2002 and provides a comprehensive over view and set of priorities to address Traveler health status, including the development of primary health care initiatives in partnership with NGO's working with Travellers.

The Irish Health Services Management Institute in partnership with the NCCRI has developed a range of initiatives focussing on supporting cultural diversity and tackling racism in the health sector. These initiatives include the development of guidelines on cultural diversity in the health sector, anti racism training and awareness initiatives such as posters and seminars.

### **National Strategic Initiatives**

#### *Equality Proofing Initiatives*

In line with a commitment in the Programme for Prosperity and Fairness, a Working Group on Equality Proofing was established by the Minister

for Justice, Equality and Law Reform in September, 2000 to commence a learning period on how to incorporate an equality perspective to all policies. The aim is to devise a comprehensive impact assessment method for public policy making across all nine discriminatory grounds including the grounds of race and membership of the Travelling community in the anti-discrimination legislation including the grounds of race and membership of the Traveller community, rather than devising individual mechanisms to ensure equality for each target group. Pilot projects in the areas of education and training have been selected.

### *National Anti Poverty Strategy*

The review of the National Anti Poverty Strategy under the Programme for Prosperity and Fairness was published in February, 2002. It includes specific chapters on groups vulnerable to poverty, including Travellers and migrants and ethnic minorities.

The overall objective in relation to Travellers is to improve the life experience of Travellers through the provision of appropriate education, health and housing services and to remove any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country.

The overall objective in relation to migrants and members of ethnic minority groups is to ensure that members of ethnic minority groups resident in Ireland are not more likely to experience poverty than majority group members.

The overall policy approach is to tackle barriers to the integration of ethnic minority residents, and in particular:

- Tackling racism, racial discrimination and related intolerance.
- Providing the resources for fair, efficient and transparent asylum applications process for asylum seekers.
- Developing a new immigration legislative framework to meet the changing needs of Irish society.

- Commitment by the State and social partners to the rights to equal treatment under the equality legislation irrespective of race, religion, colour, nationality or ethnic or national origins.

The absence of disaggregated data means that it is not possible to define specific targets for these groups, except for Travellers, where there are commitments on the issues of life expectancy, participation rates at primary, secondary and tertiary levels of education, and fulfilment of the five year accommodation plans by local authorities by the end of 2004.

### *Customer Service Initiative*

The Principles of the Quality Customer Service for customers and clients of the public service which were published in July 2000, give a commitment under the Equality/Diversity heading, to:

- Ensure the rights to equal treatment established by equality legislation.
- Accommodate diversity, so as to contribute to equality for the grounds covered by the equality legislation.
- Identify and work to eliminate barriers to access to services for people experiencing poverty and social exclusion, and for those facing geographic barriers to services is also given.

The Department of the Taoiseach SMI team and the working group convened by the Equality Authority have overseen the development of this initiative

## **Other measures**

### *Anti-Racism Protocol for Political Parties*

Early in 2000, the National Consultative Committee on Racism and Interculturalism (NCCRI) introduced an Anti-Racism Protocol for Political Parties and a Declaration of Intent for Candidates for Elections. This is stronger than a similar European wide initiative. The Protocol has been signed by all the political parties in the State and was formally launched by the Minister for Justice, Equality and Law Reform in June 2001.

Signatories to the Protocol have undertaken to ensure that election campaigns including campaigns for local elections, general elections and elections to the European Parliament are conducted in such a way that they do not incite hatred or prejudice on the grounds of 'race', colour, nationality or ethnic or national origins, religious belief and membership of the Traveller community. These are grounds included under the Employment Equality Act, 1998 and the Equal Status Act, 2000. One of the clauses of the Protocol calls for the use of appropriate and inclusive language when referring to people of different ethnic backgrounds, in order to avoid creating prejudice or confusion.

### 3. Policies and Strategies to promote integration and interculturalism

#### *Funding and Support for Ethnic Minority Groups*

Projects related to Reception of Asylum Seekers and Integration of Refugees. In 2001, a total of €1,270,000 was allocated to seventeen organisations and groups under the European Refugee Fund for projects related to the reception of asylum seekers and the integration of refugees. The purpose of this EU fund is to support and encourage the efforts made by EU Member States in receiving asylum seekers, refugees and displaced persons. The Reception and Integration Agency is the designated responsible authority for administration of the fund in Ireland.

Examples of the type of initiatives being grant-aided include the development of a whole school approach to the integration of refugees, immigrants and ethnic minorities; the provision of support for single mothers and separated children; and development of a specialist centre for the care and rehabilitation of those who have survived torture in their pre-migratory environments.

In 2002, €787,238 will be available under the same fund. Advertisements for the scheme will be appearing in the national press shortly.

#### *Community Development*

The National Consultative Committee on Racism and Interculturalism with the support of the Department of Social, Community and Family Affairs, established a Community Development Unit in August 2000 to provide assistance and support for community groups working with refugees and asylum seekers. The Department of Social, Community and Family Affairs, under the Community Development Programme, produced, in November 1999 a Code of Practice, which provides a framework for community development projects to address racism and promote equal outcomes for minority ethnic communities, including Travellers. The Department supports local projects, funded under the Programme, to implement this code of practice through provision of funding for training courses, etc. and through its continued support for the NCCRI and Pavee Point as a central resource to projects within the programmes. In addition, since its establishment, the NCCRI has assisted over 90 organisations through its small grants scheme with funding ranging from €380 to €1016.

One of the Government Decisions approved under the White Paper on Supporting Voluntary Activity was the allocation of an additional €8.9 million in funding for the Community and Voluntary infrastructure and supports. It included an annual allocation of €2.5 million to support the role of national federations and umbrella bodies in providing technical supports such as training, research, evaluation support and information dissemination, to their members groups. Grants will be available on a three-year contract basis for core costs associated with the provision. A further decision was to initiate an ongoing review of funding programmes and schemes to be carried out by the Implementation Group working under the aegis of the Cabinet Committee on Social Inclusion, to bring about a more coherent and user friendly system of funding and support for the voluntary sector.

### *Traveller Community*

A number of measures have been taken to improve the situation of the Traveller community. A Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community was established in June 1998. The Monitoring Committee published its first progress report in April 2001. The Committee will continue to monitor developments and publish further reports over the coming years.

A sum of €1.5 million has been allocated by the Government to fund a Traveller communication programme, entitled “Citizen Traveller”. The objective of the programme is to promote a greater understanding between Travellers and the settled community and to address the underlying causes of mistrust between both communities.

A mediation service for the Travelling Community has been developed by Pavee Point Traveller Centre. One of the objectives of the mediation service is to bring together the various stakeholders, including local authorities, Travellers and Traveller support groups and resident group and to encourage such people to develop new and constructive approaches to the resolution of disputes and conflicts. The Department of Justice, Equality and Law Reform provides €127,000 funding per annum for this service.

The Department of Social, Community and Family Affairs operates the Community Development Programme (CDP). Under the CDP scheme of grants for locally-based community and family support groups and a category of funding within that scheme for core-funding of more developed community groups, the Department is committed to targeting particular support to Travellers groups. The aim of this support is to raise awareness of Travellers issues and contribute to development initiatives by Travellers themselves.

## 4. Awareness Raising, Education and Communication

### *Awareness Raising*

The three year National Anti-Racism Awareness Programme was officially launched by An Taoiseach, Mr. Bertie Ahern T.D. on 24 October ([www.knowracism.ie](http://www.knowracism.ie))

The initial strategy adopted by the steering group in the first phase of the Awareness Programme was to (a) to engage with community groups and (b) to embark on a number of partnership ventures.

### *Support for Local Awareness Initiatives - Grant Schemes*

The first major initiative of the Steering Group was to launch two grant schemes in May to assist community groups (including minority ethnic groups) and non-government organisations with anti-racism awareness initiatives. Following the success of the first round, the Steering Group launched a second round of grant schemes in October. A total amount of €635,000 was paid out in grants during the year to 300 successful projects in 23 counties.

Grant applications were received from community and voluntary groups, religious organisations, trade unions, sporting bodies, partnerships in disadvantaged areas, youth and education projects and projects organised by minority ethnic groups themselves.

### **Partnership Ventures**

*Anti-Racism Workplace Week:* The Steering Group provided €199,000 from the Awareness Programme to fund an advertising campaign to increase the profile of the Anti-Racist Workplace Week (a joint venture between the Equality Authority, IBEC, ICTU and the Construction Industry Federation). Providing support for the Workplace Week was the first major partnership initiative of the Steering Group. Due to the funding provided by the Programme this week had a higher profile and media coverage was extensive.

***International Day Against Racism, March 21 2002.***

The Steering Group provided €50,000 to maximise the impact of International Day against Racism and the related European Week Against Racism 18-22nd of March. The coordination of this initiative is on a North/South basis and involves the NCCRI and the Equality Commission for Northern Ireland in association with the Know Racism Programme. Over 120 events took place in Ireland, North and South, during this period. The key focus of the week in 2002 was on the education/youth sector and the health sector, North and South.

Other awareness initiatives include:

- Compact Disc on anti-racism, featuring major Irish and international artists.
- Co-Funding of TV Multicultural Programme. The RTE Mono Programme.
- Support for political parties in implementing the anti racism protocol for political parties.

Activities planned for 2002 include:

- An Advertising Campaign
- Launch of Know Racism badge designed by John Rocha
- Mail Shot of KNOW RACISM Leaflet
- Research into Attitudes
- Grant Schemes - Third Round

***Initiatives in the education sector***

The revised Irish Primary School Curriculum has begun the process of addressing issues such as respect, cultural diversity, equality and racism. The Post-Primary Curriculum further develops student appreciation of this whole area. The White Paper on Adult Education, published in July 2000, entitled, "Adult Education in an Era of Lifelong Learning", acknowledges the challenge of providing an intercultural education. The Paper recommends that adult education should be underpinned by three core principles - two of which are equality and interculturalism. Equality of access, participation and outcome for participants is a key priority. Other initiatives include:

- The Curriculum Development Unit in partnership with the NCCRI has developed resource materials for the CSPE programme focussing on cultural diversity, equality and racism.
- The Higher Education Equality Unit is currently developing anti racism guidelines for Third level institutions.
- The focus of International day Against Racism in 2001 and 2002 has been on the education and youth sector, including the development of a North/South resource pack.

## Annex One

# Easy Reference Guide to Outcomes of the Strasbourg and Durban Conferences

The following is an easy guide to documents adopted by the WCAR and the results of the European Conference Against Racism, according to the five main headings from the WCAR. Following the table there is a summary of the key points arising from the conferences, which have particular relevance to Ireland. This section also seeks to take into account the outcomes from the NGO conferences and the Youth Forum in Durban. The headings adopted by the UNHCHR are as follows:

- Sources, causes forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.
- Victims of racism, racial discrimination, xenophobia and related intolerance.
- Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia, and related intolerance at national, regional
- Provisions of effective measures, recourse, redress, compensatory and other measures at national regional and international levels.
- Strategies to achieve full and effective equality, including international co-operation and enhancement of the United Nations and other international mechanisms in combating racism.

## *Themes*

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I. Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance

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II. Victims of racism, racial discrimination, xenophobia and related intolerance

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III. Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at national, regional and international levels

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IV. Provisions of effective remedies, recourse, redress, compensatory and other measures at national, regional and international levels

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V. Strategies to achieve full and effective equality, including international co-operation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance

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## Annex Two

# Glossary of key terms and concepts

The following is intended to be an accessible glossary of some of the key terms and concepts in this discussion paper and which are used in the wider debate on racism. The use of language and the conceptual basis of racism is important in this debate and the following guide reflects an increasingly broad consensus about their meaning that has emerged in recent years.

### What is Racism?

Racism is a specific form of discrimination and exclusion faced by minority ethnic groups. Racism is based on the false belief that some 'races' are inherently superior to others because of different skin colour, nationality, ethnic or cultural background. Racism deprives people of their basic human rights, dignity and respect. There are different forms of racism and manifests itself at different levels.<sup>14</sup>

This definition is derived from the most widely acknowledged definitions of racism which are the UN International Convention on the Elimination of all Forms of Racial Discrimination (1969) and the UNESCO Declaration (1978), see annex two for further information.

### What is an Ethnic group and ethnicity?

An ethnic group is a group of people sharing a collective identity based on a sense of common history and ancestry. Ethnic groups possess their own culture, customs, norms, beliefs and traditions. Other relevant characteristics shared in common could be language, geographical origin, literature or religion. An ethnic group can be a majority or minority group within a larger community. Ethnicity

is a cultural phenomenon that has displaced and is distinct from the concept of 'race'. Race has been extensively critiqued as being a residual and anachronistic concept from the nineteenth century, although it is still used in both legal and other contexts in Ireland, North and South and in other countries, including the United States.

### Why is interculturalism replacing the outmoded concepts of multiculturalism and assimilation?

The development of an intercultural approach to policy implies the development of policy that promotes interaction, understanding and integration among and between different cultures and ethnic groups on the principle that ethnic diversity can enrich society, without glossing over issues such as racism. Interculturalism is replacing the concept of multiculturalism which valued diversity, but which was criticised for not promoting interaction, for glossing over racism and for emphasising that it was up to minority ethnic groups to change and adapt with out concomitant responsibility on the State to respond positively to cultural diversity and to bring in adequate protection against racism. The concept of interculturalism has also replaced the concept of 'assimilation' which viewed cultural diversity as divisive and conflictual, This approach promoted the absorption of minorities with the aim of making them and their rights and needs as invisible as possible.

<sup>14</sup> See Section Two, Background and Contexts for further discussion on the forms and levels of racism.



## Annex Three

# International And European Legal Instruments Relevant to Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance

### At universal level:

- The Convention on the Prevention and Punishment of the Crime of Genocide (New York, 9 December 1948)
- The Universal Declaration of Human Rights (New York, 10 December 1948)
- Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (Geneva, 12 August 1949)
- Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (Geneva, 12 August 1949)
- Convention (III) relative to the Treatment of Prisoners of War (Geneva, 12 August 1949)
- Convention (IV) relative to the Protection of Civilian Persons in Time of War (Geneva, 12 August 1949)
- The Convention relating to the Status of Refugees (28 July 1951) and its Additional Protocol (16 December 1966)
- Convention (no. 111) concerning Discrimination in Respect of Employment and Occupation (Geneva, 25 June 1958)
- The Convention against Discrimination in Education (Paris, 14 December 1960)
- The International Convention on the Elimination of All Forms of Racial Discrimination (New York, 21 December 1965), including the Declaration under its Article 14 recognising the competence of the Committee on Racial Discrimination to consider communications from individuals or groups
- The International Covenant on Civil and Political Rights (New York, 16 December 1966), its Optional Protocol allowing for the consideration of communications from individuals (New York, 16 December 1966) and its second Optional Protocol aiming at the abolition of the death penalty (New York, 15 December 1989)
- The International Covenant on Economic, Social and Cultural Rights (16 December 1966)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (Geneva, 8 June 1977)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (Geneva, 8 June 1977)
- The Convention on the Elimination of All Forms of Discrimination against Women (New York, 18 December 1979) and its optional protocol recognising the competence of the Committee on the Elimination of Discrimination against Women to receive and consider communications from individuals and groups (New York, 6 October 1999)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (New York, 10 December 1984)
- Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries (Geneva, 27 June 1989)
- The Convention on the Rights of the Child (New York, 20 November 1989) and its optional

protocols on the involvement of children in armed conflicts and on the sale of children (New York, 25 May 2000), child prostitution and child pornography (New York, 25 May 2000)

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (New York, 18 December 1990)
- The Statute of the International Criminal Court (Rome, 17 July 1998)

### At European level:

- The Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950), including its Protocols
- The European Convention on Establishment (Paris, 13 December 1955)
- The European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe (Paris, 13 December 1957)
- The European Social Charter (Turin, 18 October 1961) and its Additional Protocols
- The European Convention on the Legal Status of Migrant Workers (Strasbourg, 24 November 1977)
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Strasbourg, 26 November 1987)
- The Convention on the Participation of Foreigners in Public Life at Local Level (Strasbourg, 5 February 1992)
- The European Charter for Regional or Minority Languages (Strasbourg, 5 November 1992)
- The Framework Convention for the Protection of National Minorities (Strasbourg, 1 February 1995)
- The European Social Charter (Revised) (Strasbourg, 3 May 1996)
- The European Convention on Nationality (Strasbourg, 6 November 1997)

Department of Justice, Equality and Law Reform,  
43 Mespil Road,  
Dublin 4  
(01) 663 2694