

Developing a National Action Plan against Racism A Submission by the Citizens Information Board (July 2021)

Introduction

The publication of the Interim Report of the Anti-Racism Committee and the related public consultation is welcomed by the Citizens Information Board (CIB). The Interim Report is an important stage in the necessary development of a new National Action Plan against Racism for Ireland. The strategic context for developing and implementing an Action Plan has been set out clearly and comprehensively in the Interim Report.

The observations made in this Submission are based on the experience of CIB delivery services, including National Traveller MABS, and draw on previous CIB submissions¹ related to the topic. Citizens Information Services (CISs) are widely used by the migrant population and some 20% of clients nationally come from this population group.² A number of CISs specifically engage with migrant communities through outreach services and a number have recruited migrants and people from diverse ethnic backgrounds as members of their service delivery teams. Travellers are also users of CIS and Money Advice and Budgeting Services (MABS). In addition to advocating for financial inclusion for Travellers, National Traveller MABS supports the development of a collaborative working relationship between local MABS, local Travellers and other relevant organisations.

CIB supports the Immigrant Council of Ireland to provide a specialist back-up service to CISs and the Citizens Information Phone Service on complex queries relating to immigration.

Contextual considerations relevant to the new Action Plan

Much important work has already been done in recent years to create a social and cultural context where people of different ethnic and race groups are more integrated into Irish society – the Migrant Integration Strategy and some related local initiatives and the Traveller and Roma Integration Strategy 2017-2021. However there has been a lack of sufficient progress in bedding down these strategies to ensure that stereotyping and institutional barriers are removed.

It is important to take into account the fact that many people who are not Irish are playing an increasingly important role in Irish society. Many migrants are already well integrated into the community at both local and national levels, and live in communities where there is relatively little focus on ethnicity, colour or race. However, as highlighted in the Interim Report, there continues to be an under-current of negative attitudes to people based on their race or ethnic origin which manifests itself on a recurring basis. It is also the case that, despite the recognition

¹CIB Submission to the Seanad Public Consultation Committee,
https://www.citizensinformationboard.ie/downloads/social_policy/submissions2019/Traveller_Equality_Submission_to_Seanad_Public_Consultation_Committee.pdf

CIB Submission on National Traveller and Roma Inclusion Strategy,
https://www.citizensinformationboard.ie/downloads/social_policy/submissions2016/National_Traveller_and_Roma_Inclusion_Strategy_Sep2016.pdf

CIB Submission on the Migrant Integration Strategy,
https://www.citizensinformationboard.ie/downloads/social_policy/submissions2014/Migration_Integration_Strategy_Submission.pdf

² Country of origin is a non-mandatory data field but is recorded for over 60% of CIS users.

of Travellers as a specific ethnic group in Ireland, there continues to be prevailing negative attitudes and failure to realise basic rights for Travellers across many sectors of society, most notably in the housing and accommodation area.

The new National Action Plan will be required to address the fact that, despite many policy reports, legislation and strategies, there has been a failure by Irish society to deal with Traveller exclusion. While the Irish Government's recognition of Travellers as an ethnic minority and the National Traveller and Roma Integration Strategy 2017-2021 were significant developments, research³ shows that Travellers continue to experience significant barriers to the enjoyment of their rights to healthcare, adequate and culturally appropriate housing, education, and meaningful work. Some migrants to Ireland are likely to experience similar exclusion. CIB is of the view that this inequality of access to services contributes significantly to a social climate within which racism and racial abuse by a minority of the population can flourish.

The European Commission (EC) Directive 2000/43/EC (Race Equality Directive)⁴ implements the principle of equal treatment between persons irrespective of racial or ethnic origin. It states that any direct or indirect discrimination based on racial or ethnic origin should be prohibited throughout the Community. It prohibits discrimination on the grounds of race and ethnic origin and covers the areas of employment and occupation, vocational training, membership of employer or employee organisations, social protection, social security, health care, education and access to goods or services. These provisions, as well as the Equal Status Acts⁵, must be at the centre of the Action Plan.

Collecting data on ethnicity

It is noted that the Interim Report identifies data collection relating to ethnicity as a priority recommendation and indicates that the National Action Plan will further highlight gaps in data gathering and use, and consider what changes could help to make better use of data in the fight against racism. CIB supports the view that ethnic equality monitoring is a key tool for public policy formulation in uncovering the prevalence of racial discrimination and its impact on people's lives. It is essential to the development of effective counter measures. International Human Rights reviews have repeatedly called on Ireland to adopt a consistent approach to the collection of ethnically disaggregated data by public service providers and others.

A Pavee Point report, *Policy and Practice in Ethnic Data Collection and Monitoring*⁶ argued that the interests of minority groups "cannot be well served if we do not have evidence based policymaking. It stated that "accurate data and ethnic monitoring is required in the struggle to protect the human rights of potentially discriminated minorities and to promote equality and counter discrimination. It should be used in the design of appropriate anti-discrimination policies and to assess their effectiveness over time" (p.3).

³ See, for example, ESRI and Irish Human Rights and Equality Commission Report, *Who experiences discrimination in Ireland?* <https://www.esri.ie/system/files?file=media/file-uploads/2017-10/BKMNEXT342.pdf>

Pavee Point, various reports and Immigrant Council of Ireland, various reports.

⁴ European Equality Directive, <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32000L0043>

⁵ CIB welcomes the recent announcement of the Government intention to review the Equality Acts and their effectiveness in combatting discrimination and promoting equality.

⁶ Pavee Point, *Policy and Practice in Ethnic Data Collection and Monitoring*, https://www.paveepoint.ie/wp-content/uploads/2016/04/Counting-Us-In-A4_WEB.pdf

The Pavee Point report also stated that the lack of an ethnic identifier across official data collection systems results in “a significant knowledge gap about the situation and needs of minority ethnic communities in Ireland and an absence of evidence-based policies and practices to ensure the needs of those communities are met.” It advocates the collection of disaggregated data on the basis of ethnicity within a human rights framework.

Section 42 of the Irish Human Rights and Equality Commission Act 2014 gives public services funded by government a “positive duty” to eliminate discrimination, promote equality of opportunity and to promote the human rights of its service users and staff. Collecting reliable data on usage of public services by ethnicity group is an essential component of this.

Involving people from ethnic minorities in data collection

The National Action Plan needs to reference the Council of Europe’s Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data⁷ which states that:

- Data should be obtained and used in a respectful way;
- Data should only be retained for a clear and well-founded purpose and may only be used for the stated purposes;

An important consideration in collecting ethnicity data is that the ethnic group that each person chooses as theirs is based on self-identity. This is particularly important in that it allows for the active involvement of people in identifying and sharing their ethnic identity and also enables service providers to respect any such identity.

It is important to pilot and evaluate new data collection protocols relating to ethnicity and to include diverse groups in that process. Frontline service delivery personnel also need to be consulted. There is a need to involve people from different ethnic backgrounds during data collection phases and in consultation groups.⁸ Individuals and groups need to feel comfortable and to feel that there is a clear purpose and merit in collecting such data.

Nature and extent of racism in Ireland

The Irish Network against Racism (INAR) 2020 report⁹ shows that there was an overall increase on 2019 figures in the reports of anti-racism, particularly criminal offences, hate speech and graffiti. Ongoing repeat harassment, serious threats, thefts and workplace racism continued albeit at a slightly lower level than in the previous year. INAR noted in its report that the high rate of assaults observed in 2019 continued in 2020.

The findings of an Immigrant Council of Ireland (ICI) research report¹⁰ which documented experiences of racism in neighbourhoods is centrally relevant. Study respondents reported sleep disturbance, anxiety, fear of leaving their home or of leaving children to play outside as a result of the racial abuse and harassment suffered in social housing. The report concluded that,

⁷Council of Europe’s Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52018PC0449>

⁸ Rooney, C. and Canavan, J. (2019), *Exploring ethnic data collection for the Child and Family Agency*, https://www.tusla.ie/uploads/content/Ethic-Data-Final-Report-2_230819.pdf

⁹ Irish Network against Racism 2020 Report, <https://inar.ie/inars-2020-ireport-ie-reports-of-racism-in-ireland-published/>

¹⁰ Dr Bríd Ní Chonaill and Teresa Buczkowska (2016), *Taking Racism Seriously*, <https://www.immigrantcouncil.ie/sites/default/files/2017-10/AR%202016%20Taking%20Racism%20Seriously%20-%20social%20housing.pdf>

in addition to the impact on the individual victim, racism and racially motivated anti-social behaviour, particularly when carried out by neighbours, has a corrosive effect on community relations which can undermine social cohesion and integration.

Understanding 'racism'

In order to be effective, it is critically important that the National Action Plan identifies mechanisms to address socially and culturally embedded inequality related to race and ethnicity. There is a need for a strong public information campaign about what racism is and how in practice it can permeate a range of social and institutional structures. CIB broadly agrees with the understanding of 'racism' outlined in the Interim Report with particular reference to "... those structural and institutional arrangements, practices, policies and cultural norms, which have the effect of excluding or discriminating against individuals or groups, based on their identity..."

Since racism is deeply embedded in our societal and institutional structures, it is necessary to address it at many different levels – legislative and regulatory Instruments; monitoring and redress structures; national and agency strategies and policies; professional codes of practice; formal and informal inter-agency agreements and partnerships and initiatives including training, awareness, educational and professional development programmes and campaigns.

The reference in the Interim Report to the intersectionality between racism and other forms of oppression based on gender, sexuality, gender identity, disability and socio-economic circumstances and to the fact that women, children and men experience dimensions of racism differently is an important one. These cross-cutting domains of inequality and discrimination must be reflected in the Action Plan and linkages made with other national strategies in relation to social inclusion, housing, gender based violence etc.

Understanding and combating hate crime

*The Garda Síochána Diversity and integration Strategy 2019-2021*¹¹ is important and its provisions and approach should be reflected in the National Action Plan against Racism. The Strategy commits An Garda Síochána to engage proactively and respectfully with all members of society, including those from minority groups and diverse backgrounds. Very importantly, the Strategy contains a hate crime definition as "Any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender". This definition and understanding should permeate the entire service delivery infrastructure, public and private and should inform the Action Plan.

Racism and disability

CIB has a specific role in providing information, advice and advocacy services to people with disabilities, both through the National Advocacy Service for People with Disabilities (NAS) and through CIBs. The cross-over between experience of having a disability and being of a different colour or ethnic group almost certainly results in greater exposure to discrimination. International literature suggests that the "minority model" framework of disability rights has

¹¹ Garda Síochána Diversity and integration Strategy 2019-2021, <https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf>

been focused primarily on the experience of white disabled people. It has been argued¹² that this approach has marginalized the experiences of disabled people of colour. This suggests the need for more Irish-based research to determine how racism and disability intertwine and interact to generate unique forms of inequality and discrimination. This is an area that might usefully be included in the Action Plan.

Consultation Themes

The following are some general observations in relation to the specific and general themes identified in the Consultation Document.

The Action Plan evidently needs to be multi-faceted and integrated and cover a range of intervention levels across the political, policy and regulatory landscapes. In this regard, the approach adopted by the Irish Association of Social Workers in its Anti-Racism Strategic Plan 2021-2023¹³ is useful, in that it outlines a five-strand strategic context outlining broad thematic areas that could usefully be addressed in the new National Action Plan – these include political/institutional, economic, social, technological and the regulatory environment.

Education and training

Education to promote a better understanding of multi-culturalism is, CIB believes, an essential long-term intervention required to combat racism and ethnic stereotyping. At the overall societal level, there is a clear need to deepen our understanding of the socially constructed nature of race and racism, first and foremost through our educational system. There needs to be a particular curricular focus on what racism means, how it has become embedded in our culture and how it can be eliminated.

There is a clear need for a stronger focus on multi-cultural awareness throughout the whole of the Irish educational system in order to develop an awareness of diversity and promote a sense of respect and tolerance for all cultures and races. Better provision needs to be made for the promotion of inclusion of anti-racism modules in school curricula. These modules should be designed to enable students to examine their own behaviour and promote respectful relationships among all students.

This will require innovative and imaginative thinking and real and effective participation by all groups, including Travellers, other ethnic minorities, people from different racial backgrounds as well as the white Irish population.

CIB notes that the Immigrant Council of Ireland provides training courses and workshops to businesses, services, schools and organisations covering a wide suite of topics related to immigration, migrant rights, anti-trafficking, as well as diversity and inclusion in the workplace. This approach could usefully be extended to include proactive involvement by organisations such as IBEC and ISME.

¹² Angela Frederick and Dara Shifrer, *Race and Disability: From Analogy to Intersectionality*. https://www.researchgate.net/publication/326330829_Race_and_Disability_From_Analogy_to_Intersectionality

¹³ Irish Association of Social Workers Anti-Racism Strategic Plan 2021-2023, <https://www.ifsw.org/wp-content/uploads/2021/04/IASW-Anti-Racist-Strategy-2021.pdf>

National Action Plan priority areas

The following are identified by CIB as areas for which provision needs to be made in the new Action Plan:

- Data on ethnicity collected routinely and analysed by all public services;
- Improved, formalised and accessible mechanisms for reporting racism and racial abuse
- Clearer guidelines covering sentencing for racially motivated crimes
- The need for Local Authorities to provide timely alternative accommodation to people living in an environment of racist harassment
- More inter-agency collaboration to support victims of racism
- The adoption by all schools of anti-racism policies that identify the steps that will be taken to address racist bullying when it occurs
- Funding for information, advice, advocacy and outreach services that support victims of racist discrimination, violence, harassment anti-social behaviour
- Workplace training -- this could build on the programmes currently provided by the Immigrant Council of Ireland
- Enactment and commencement of the Criminal Justice (Hate Crime) Bill 2021;
- Progression of the Online Safety and Media Regulation Bill to address the problems arising from a digital environment which is largely unregulated in Ireland at present;
- Developing a sustained engagement with the media to promote a positive inter-cultural and inter-race dialogue and to combat negative stereo-typing, racial abuse and hate speech.

Key points

- The State has a centrally important role to play in combating racism – this requires that the Anti-racism Action Plan is supported by strong and enforceable legal provisions; for example, more focus on public sector obligations¹⁴ under section 42 of the Irish Human Rights and Equality Commission Act 2014.
- Tackling racism and promoting diversity is not just the responsibility of Government – individuals, organisations, businesses and NGOs have a responsibility to address racism and its impact on the people who experience it;

¹⁴ Including annual reporting similar to the disability target reporting required under Part 5 of the Disability Act 2005.

- Effective criminal legislation will be critical in deterring and addressing hate-motivated crime;
- Local community integration initiatives have significant potential to create more racially tolerant and inclusive communities and should be actively promoted as part of the new Action Plan;
- There is potential for Local Authorities to promote better integration of marginalised and excluded communities and, thereby, contribute to a more respectful inclusion of people from different cultural and ethnic backgrounds;
- There is a need to develop a stronger counter-narrative to intolerance and racial abuse across all media outlets – the positive aspects of social media can be built upon to help develop a counter-narrative to racism and hate speech;
- There is need for more diversification in our democratic representation at both Local Authority and Oireachtas levels to ensure that these institutions accurately reflect contemporary Ireland.
- A more culturally diverse Garda force operating in all local communities as committed to in *The Garda Síochána Diversity and integration Strategy 2019-2021*
- There is potential for much more cultural, racial and ethnic diversity on State and publicly supported TV and radio;
- Both local and national print and radio media can play a much stronger role in developing a narrative of cultural diversity, integration and inclusion

The National Action Plan against Racism can provide the necessary structure for a new approach to multi-culturalism and a related lessening of negative stereotyping that gives rise to racial abuse by locating the measures to be taken within the broader structures and processes relating to national identity and citizenship. It will also need to affirm the wealth of skills, experience and insight that people from different cultural and racial backgrounds bring to their work and to their communities, some of which has remained untapped to date in Ireland. CIB suggests that this, combined with a stronger focus on inter-cultural themes throughout the educational system, is the main foundation for combating ingrained prejudice and racism.

The promotion of equality and inclusion for ethnic minorities is a named objective within numerous government and public policy strategies. Measures to combat racism are included within the Migrant Integration Strategy and the National Traveller and Roma Inclusion Strategy. These need to be reflected in and, indeed, strengthened in the National Action Plan against Racism. Engaging the media, both traditional and new forms of social media, will be a key component of the Action Plan and will require the development of some innovative models with strong participation by ethnic groups.

There is a need for proactive campaigns by Government and by political parties, particularly at election times, to encourage and facilitate people from ethnic groups to stand for election – this could be made a central theme in the next local elections.

CIB supports the Committee on Anti-Racism recommendation that the State remove its reservation to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. This is particularly important in the context of ensuring that any incitement to racial discrimination against any race or group is clearly seen and understood by the public to be punishable by law.