

# Breaking the Silence on Racism

*Catherine Lynch*

## Introduction

Racism is a persistent and increasing problem in the European Union and it is a problem from which Ireland is not exempt. Racist incidents are an everyday occurrence in Ireland, but this is a reality that remains invisible to most of the population.

As a State, we have not yet developed the means to adequately deal with the issue. Racism is a violation of human rights and also a barrier to integration – it is clear that attempts to integrate or participate fully in Irish society will never be completely successful as long as racism persists.

This article outlines why monitoring racist incidents is an important element of any comprehensive strategy to address racism. Such monitoring gives a voice to people who experience racism; it also gives a voice to the silent majority who do not support racism.

In making the argument for effective monitoring I draw on international research and on a project to develop standards and a framework for monitoring racist incidents undertaken by the Irish Network Against Racism (ENAR Ireland), the co-ordinating body in Ireland for the European Network Against Racism (ENAR), which is based in Brussels.

## Incidence of Racism

We find ourselves in the curious position that both direct experience and research findings testify to the reality of racism and an increase in incidents in this country, but official data suggests that racism is not such a major problem.

This situation reflects the absence of a comprehensive monitoring system and means that the problem of racism is not being given the attention it merits, in particular at political and policy levels.

## Official Data

Official data on racist incidents in Ireland can be obtained through two main sources. The Central Statistics Office (CSO) publishes data, collected by An Garda Síochána, recording racist motivation in crimes and other incidents. In addition, complaints of discrimination (in the areas of employment and access to goods and services) on the basis of three of the nine grounds specified in Irish equality legislation – ‘race’,<sup>1</sup> ‘religion’ and ‘membership of the Traveller Community’ – are relevant to obtaining a picture of racism in Ireland.

Table 1 below shows the number of racist incidents reported to An Garda Síochána since the recording of such incidents began in 2003.

As Table 1 shows, there was a marked rise in the number of incidents recorded between 2003 and 2007 (an increase of 234 per cent). There followed a drop in recorded incidents in 2008 and an even greater fall in 2009, although the number then was still double that in 2003. The downward trend continued in 2010 and 2011.

However, the decline in recorded incidents is at odds with the experience of people involved in NGOs and community groups: *their* experience suggests that there has been an increase in both the extent and severity of racist incidents since the onset of the recession in 2008. Furthermore, NGOs in Ireland would argue that there are continuing limitations in the legal framework with regard to racist and hate crimes, which result in the racist element of some crimes not being officially acknowledged.<sup>2</sup>

In practice, the official statistics may tell us more about the level of State support for anti-racism action than about the actual level of racism. Prior to 2009, data on racist incidents was also available from the independent recording mechanism of the

**Table 1: Yearly Reported Racially Motivated Incidents 2003–2011**

Year	2003	2004	2005	2006	2007	2008	2009	2010	2011
Reported Incidents	64	68	100	173	214	172	126	122	114

National Consultative Committee on Racism and Interculturalism (NCCRI) but this ceased with the closure of that organisation in December 2008. The National Action Plan Against Racism 2005–2008, *Planning for Diversity*, also came to an end in 2008, with no coordinated follow up. Disproportionate cuts to the equality infrastructure and in supports for the community sector combined with other restrictions on public service expenditure, including communications, have resulted in a drastic reduction in equality awareness-raising campaigns and diminished supports to individuals. Such mechanisms and systems play a key role in the vindication of equality rights.

### ***ENAR Ireland Data***

NGOs have been clear in identifying the negative consequences of the absence of an independent monitoring system. Arising from this concern, ENAR Ireland developed an independent mechanism to monitor racist incidents, by devising a framework to enable the standardised recording of information regarding such incidents, which can be reported face to face, by telephone, or online.<sup>3</sup> In addition to ENAR itself, local NGOs in Ireland have signed up to receive reports of incidents, recording them in line with the guidance and framework provided by ENAR Ireland.

In 2011, a total of 149 incidents were reported to ENAR Ireland and its partners. By the end of the nine-month period to September 2012, the number of incidents reported had already exceeded the total for 2011. Three-quarters of the incidents reported in 2011 involved racist violence or crime.

It is clear from people reporting racist incidents to ENAR Ireland, and from the findings of research conducted by An Garda Síochána, that of those who have been the victim of a racist incident no more than one person in six is likely to report this to the Gardaí. This mirrors an overall problem of underreporting world-wide and is one of the reasons it is important to ensure that NGOs working with victims are involved in the reporting process.

### ***Survey Findings – Ireland***

The findings of a number of surveys in recent years reveal a picture of a much more widespread incidence of racism in Ireland than is suggested by official data. For example, research conducted in 2008 by the EU Fundamental Rights Agency (FRA) revealed that 73 per cent of respondents in Ireland who were from Sub-Saharan Africa believed that discrimination on the basis of ethnic or immigrant

origin was ‘very or fairly widespread’ in this country.<sup>4</sup>

More than half (52 per cent) of this group reported that during the previous twelve months they had experienced discrimination ‘on ethnic grounds’; a further 17 per cent said they had been discriminated against ‘on ethnic and on other grounds’, and 3 per cent ‘on other grounds only’.<sup>5</sup> In other words, only 28 per cent of the respondents who were from Sub-Saharan Africa had *not* experienced discrimination during the previous twelve months.

Of the survey respondents who had come from Central and Eastern Europe, 25 per cent believed that discrimination on the basis of ethnic or immigrant origin was ‘very or fairly widespread’ in Ireland and the same percentage had experienced discrimination on ethnic grounds during the previous twelve months.<sup>6</sup>

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A report in 2012 by the ESRI and the Equality Authority on research conducted in 2010 showed that respondents of ‘black ethnicity’ experienced a far higher incidence of discrimination than those who were ‘white Irish’: overall, they were four times more likely to report having experienced some form of discrimination in the previous two years and over five times more likely to report serious discrimination.<sup>7</sup>

In terms of work-related discrimination, the incidence for people of ‘black ethnicity’ was over six times greater than that for ‘white Irish’ people and they were also much more likely to experience discrimination in accessing services such as housing, education, financial services, transport, shops and pubs.<sup>8</sup> Furthermore, people of ‘black ethnicity’ were the only group reporting a significant rise in discrimination between 2004 and 2010.<sup>9</sup>

A survey in 2009 of members of the Teachers Union of Ireland showed that, of those who responded, 46 per cent of teachers in community and comprehensive schools, and 40 per cent of

teachers in VEC schools, knew of a racist incident occurring in their school in the month prior to the survey.<sup>10</sup>

### **Survey Findings – EU**

The seriousness of the problem of racial discrimination right throughout the European Union EU is highlighted in the Fundamental Rights Agency (FRA) research already referred to. In terms of an overall picture, this study showed that one of every two Roma interviewees, four of every ten interviewees of Sub-Saharan origin, one of every three of North African origin, and one in every four of Turkish or Central and Eastern European origin reported that they had experienced discrimination on the basis of their ethnicity at least once in the previous twelve months.<sup>11</sup> Over 80 per cent of those who had been subject to discrimination on the grounds of their ethnicity or immigrant background did not report their last experience of discrimination either at the place where it had occurred or to any complaints body.<sup>12</sup>

The study also looked at the incidence of *crime victimisation* among minority groups during the previous twelve months; it revealed an average victimisation rate for minority groups of 24 per cent, with even higher rates for people of Sub-Saharan origin (33 per cent) and of Roma origin (32 per cent). The study showed that minorities were victims of personal theft, and assault or threat more often than majority populations.<sup>13</sup>

It also revealed that minority groups experienced

a high incidence of crimes of assault, threat of assault, or serious harassment which were considered by respondents to be ‘racially motivated’.<sup>14</sup>

### **ENAR Shadow Reports**

The yearly Shadow Reports of the European Network Against Racism (ENAR) are a compilation of information and data collected by the member organisations of ENAR, in the twenty-seven Members States of the EU. Shadow Reports aim to fill gaps in official and academic data, and to provide an NGO perspective on the experience of racism across the European Union. In addition to producing a Shadow Report for the EU as a whole, ENAR publishes country-specific reports for each of the twenty-seven Member States.

Table 2 below presents a snapshot comparison of the situation across the EU as a whole and within Ireland in relation to six key issues (the impact of the economic crisis; racism in the political arena; racist violence and crime; implementation of the EU Racial Equality Directive; multiple discrimination; racism affecting Roma and Travellers). The data for this Table is derived from ENAR Shadow Reports 2009/2010.<sup>15</sup>

### **Importance of Monitoring Racism**

As long as limitations in data collection mechanisms obscure the full picture of racism, the problem will not be adequately considered at societal and political level or accorded an adequate response.

**Table 2: Snapshot of Issues Relating to Racism, EU and Ireland**

<b>Issue</b>	<b>EU</b>	<b>Ireland</b>
Economic Crisis	Risk factor for increase in racism	Impacts disproportionately on ethnic minorities
Racism in the political arena	Rise of far right; racist discourse from mainstream	Invisibility of anti-racism on the political agenda
Racist violence and crime	On the increase	Limited capacity to record and respond to racist incidents
Implementation of legislation, including EU Racial Equality Directive	Some improvement and evidence of impact	Previously a ‘champion’ of the Directive – but exemptions in equality legislation problematic; budget of Equality Authority halved since 2008
Multiple discrimination/intersectionality	Evidence of problem but limited capacity to respond	Evidence of problem; some acknowledgement but struggling to respond
Roma and Travellers	Target	Target. No recognition of Traveller ethnicity by the State

Recording racist incidences is, in the first instance, essential to securing redress for those affected. Furthermore, accurate and comprehensive recording of racism can provide an evidence base for policy and legal development, as well as contributing to the prevention of racially motivated crime, to the effective operation of equality legislation and to the promotion of integration.<sup>16</sup> Effective monitoring of racist incidents is therefore recognised internationally as a key action in any strategy to address racism.

### **Challenges**

Definitions are crucial in the process of monitoring racism: it is important to reach agreement on what constitutes a racist incident. The definition used by An Garda Síochána is as follows: ‘Any incident which is perceived to be racist by the victim or any other person’.<sup>17</sup>

Public perceptions are clear about violent, individual incidents of racism, but it is likewise important that there is public recognition and acknowledgment that racist incidents can also occur in terms of access to goods and services and in the area of employment.<sup>18</sup>

It is also important to identify and understand the factors that serve as barriers to reporting racist incidents; such barriers include lack of access, lack of trust and poor outcomes. If they are to be effective, monitoring systems must have the capacity to overcome these barriers and in this the involvement of community organisations may be the key.

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### **Facilitating Effective Monitoring**

Research indicates that a number of principles and components need to be evident if an approach to monitoring racist incidents is to be comprehensive and effective.

A cornerstone is the presence of an *independent mechanism* whereby people can report racist incidents confidentially. Building the trust and confidence of ethnic minorities, including

Travellers, in the system is crucial to ensuring that racist incidents are reported.



*Refusing to see racism*

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Access is increased by providing *different ways of reporting* racist incidents. Local organisations play an important role both by encouraging people to report incidents and collecting reports which can inform the national picture. New technologies offer some potential to improve the rate of reporting.

It is important also that the recording of racist incidents is built into the *existing reporting and monitoring mechanisms* of statutory bodies. Ultimately, data collection must have a purpose – effectiveness can only be truly measured in outcomes.

*Supports at the individual, organisational and community levels are required.* At the individual level, a number of aspects of ‘victim support’ are crucial.<sup>19</sup> Those who receive reports need to understand racism and have adequate information about the issue. People making a report will expect something to be done. In some instances, the fact that the report is recorded may be considered by the person who has experienced racism to be sufficient action – sometimes people just need to tell their story and be believed. The systems in place need to recognise and make clear that *witnesses* can report a racist incident – they may not face the same difficulties as people who have actually experienced the incident.

*The local, national and European contexts are complementary.* As EU institutions and NGOs strive to ensure comparability of data, it is important to bear in mind how the data collection process might facilitate comparison in the EU context, given that many equality measures are instigated at a European level.

*Structural barriers need to be removed.* The mechanism for recording racist incidents developed by ENAR Ireland has the potential to address barriers to reporting, through the involvement of community organisations and relevant authorities. However, certain structural factors need to be addressed by Government in order to create the conditions for this work to reach its potential. In particular, two key issues which need to be resolved by the Irish Government are:

**Legal framework:** The law needs to deal with racism if there are to be outcomes for individuals who report racist incidents. Across the country, weaknesses in the criminal law are noted as a barrier to reporting racist incidents. The Government needs to reform the law to adequately recognise racist crime,<sup>20</sup> thereby sending a clear message that racism is not acceptable. In two judgments in the past decade, the European Court of Human Rights has determined that States Parties to the European Convention on Human Rights have a positive obligation (under Article 14) to thoroughly investigate possible racial motives for crimes; this obligation applies whether the acts are perpetrated by agents of the state or by private individuals.<sup>21</sup>

**Recognise Traveller ethnicity:** There are ambiguous messages from Government and officials regarding Travellers' experience of racism. While Travellers are protected under Ireland's equality legislation, some argue that since Travellers are not recognised as an ethnic group they cannot experience racism; this will remain an issue as long as the Government fails to recognise the ethnic identity of Travellers.

## Conclusion

Racism is a motivating and contributing factor in criminal acts of every level of severity from harassment to murder and it is a factor also in discriminatory behaviour in relation to employment and access to goods and services.

Effective recording of racist incidents not only opens the possibility of securing redress for the individuals affected, but provides an evidence base that can inform the development and implementation of appropriate legislation and public policy. However, the under-reporting of racist incidents is a serious problem, which occurs at local, national and European levels. Barriers to reporting include lack of access, lack of trust and

lack of an effective response. These barriers need to be overcome if the problem of under-reporting is to be addressed. It is also important that there should be awareness-raising and education regarding racism, and engagement with 'data holders' (for example, policy makers).

An independent, confidential and comprehensive reporting mechanism is the cornerstone to effective monitoring of racism. NGOs and community organisations have an important role to play in breaking through access barriers and must be seen as key partners in developing and implementing an effective monitoring system.

Reports of racism must be taken seriously and there needs to be leadership and political will in relation to the issue of racism, if the phenomenon as it exists in Irish society is to be fully recognised and a clear message sent that racist behaviour will not be tolerated.

Denying the problem of racism will not make it go away; instead, we need to prevent racism, and to respond effectively where it occurs, and so we must be able to measure it. Not only are anti-racism and equality key to economic recovery but ignoring racism and inequality at this time has the potential to create social conflict and harm from which it could take decades to recover.

## Notes

1. There is only one race, the human race. However, the term 'race' is used in inverted commas in this article where reference is made to Irish equality legislation which continues the use of the term.
2. Exemptions provided for in Irish equality legislation are also problematic. For example, certain controlling duties and other functions carried out by An Garda Síochána are not covered by the legislation.
3. Further information about the initiative is available at: [www.enarireland.org](http://www.enarireland.org). The website also enables reports of a racist incident to be made (see: [http://enarireland.org/racist\\_incident\\_report/](http://enarireland.org/racist_incident_report/)).
4. See European Union Agency for Fundamental Rights (FRA), *European Union Minorities and Discrimination Study, Main Results Report*, Vienna: FRA, 2009, p. 84 ([http://fra.europa.eu/sites/default/files/fra\\_uploads/664-eumidis\\_mainreport\\_conference-edition\\_en\\_.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/664-eumidis_mainreport_conference-edition_en_.pdf)).
5. *Ibid.*, p. 88.
6. *Ibid.*, p. 116.
7. Frances McGinnity, Dorothy Watson and Gillian Kingston, *Analysing the Experience of Discrimination in Ireland: Evidence from the QNHS Equality Module 2010*, Dublin: ESRI and The Equality Authority, 2012 (<http://www.esri.ie/UserFiles/publications/BKMNEXT223.pdf>).
8. *Ibid.*, p. 23.
9. *Ibid.*, p. 81.
10. Teachers' Union of Ireland, *Results of the Behaviour and Attitudes (B&A) Survey on Racism, Interculturalism, and Resources for Minority Ethnic Students incorporating*

- the Recommendations of the TUI Equality Council*, Dublin: TUI, April 2010 ([www.tui.ie](http://www.tui.ie)). See also: 'TUI says 46% of teachers aware of racist school incidents in past month', *The Irish Times*, Monday, 5 April 2010; Katherine Donnelly, 'Racism on the rise among teenage pupils', *Irish Independent*, Monday, 5 April 2010; Niall Murray, 'Schools and colleges 'ill-equipped' to deal with rise in racism incidents', *Irish Examiner*, Monday, 5 April 2010.
11. European Union Agency for Fundamental Rights (FRA), *European Union Minorities and Discrimination Study, Main Results Report*, *op. cit.*, p. 8.
  12. *Ibid.*, p. 13.
  13. See European Union Agency for Fundamental Rights (FRA), *Data in Focus: Minorities as Victims of Crime*, Vienna: FRA, 2012, p. 8 ([http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf)).
  14. *Ibid.*, p. 11.
  15. Data taken from: *Racism in Europe, ENAR Shadow Report for 2009–2010* ([http://cms.horus.be/files/99935/MediaArchive/publications/shadowReport2010\\_EN\\_web\\_LR%20final.pdf](http://cms.horus.be/files/99935/MediaArchive/publications/shadowReport2010_EN_web_LR%20final.pdf)) and from *ENAR Shadow Report for Ireland 2009/2010, Racism and Discrimination in Ireland* (<http://cms.horus.be/files/99935/MediaArchive/publications/Ireland.pdf>).
  16. The local Anti-Racism and Diversity Plans (arising from the National Action Plan Against Racism) and the Peace III Programme have been notable facilitators for monitoring racist incidents at local level.
  17. The Garda definition is informed by the findings of the official inquiry, conducted by Sir William Macpherson, into 'matters arising from the death of Stephen Lawrence', which occurred in London in 1993. The report, published in 1999, found there had been a number of failures in the way the Metropolitan Police Service had investigated the murder, and also found examples of 'institutional racism' within both the Metropolitan Police and the police service in general. (Sir William Macpherson, *The Stephen Lawrence Inquiry: Report of a Committee of Inquiry*, London: The Stationery Office, 1999, Cmnd. 4262-1; see: <http://www.archive.official-documents.co.uk/document/cm42/4262/sli-pre.htm>)
  18. At present, ENAR Ireland, the national independent organisation monitoring racist incidents, monitors incidents under three general categories: racist violence and crime; access to goods and services; employment.
  19. See also Paul Iganski, *Racist Violence and Crime in Europe*, Brussels: European Network Against Racism/ Open Society Institute, 2011.
  20. ENAR Ireland has called on the Government to reform the law on racist crime. The issue of including racist motivation as an aggravating factor to be considered in sentencing has also been raised by The Committee on the Elimination of Racial Discrimination (CERD), the UN Committee which monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination, and by the United Nations Human Rights Council (HRC). A review of the criminal law in Ireland, commissioned under the National Action Plan Against Racism, concluded that: 'The Criminal Justice System can only be used as a last resort for combating racism in society. The main purpose of the criminal law in this regard is to send a clear and strong message to society that racist behaviour will not be tolerated. That said, changes must be made to Irish law to facilitate the prosecution of the most egregious forms of racist behaviour, whether this behaviour comes in the form of the expression of racist comments, where a crime is committed with a racist motivation, or where a crime is racially aggravated'. See: Jennifer Schweppe and Dermot Walsh, *Combating Racism and Xenophobia Through the Criminal Law, A Report Commissioned by the National Action Plan Against Racism*, Dublin: NCCRI, 2008, p. 189 ([http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-7UPE6D1121207en/\\$File/Combating%20Racism%20with%20the%20Criminal%20Law.pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/AXBN-7UPE6D1121207en/$File/Combating%20Racism%20with%20the%20Criminal%20Law.pdf)). A 2011 paper by Seamus Taylor for the Equality Authority offers specific recommendations. See: Seamus Taylor, *Responding to Racist Incidents and Crime: An Issues*

*Paper for the Equality Authority*, Dublin: The Equality Authority, 2011.

21. European Court of Human Rights, *Case of Nachova and others v. Bulgaria* (Applications nos. 43577/98 and 43579/98), Judgment, Strasbourg, 6 July 2005 (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-69630>); European Court of Human Rights, *Case of Šečić v. Croatia*, (Application no. 40116/02), Judgment, Strasbourg, 31 May 2007 (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-80711>). See also: European Union Agency for Fundamental Rights (FRA), *Hate Crime in the European Union*, Factsheet, published 27 November 2012 ([http://fra.europa.eu/sites/default/files/fra-factsheet\\_hatecrime\\_en\\_final\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-factsheet_hatecrime_en_final_0.pdf)).

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