

# spectrum

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The Journal of the National Consultative Committee on Racism and Interculturalism



**NCCRI**

The Muslim Community in Ireland  
Tackling Racist Crime Through Legislation  
CERD Reports on Ireland

**What is the NCCRI?**

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998. The role of the NCCRI is to act as an expert body to develop an integrated and strategic approach to racism and its prevention and to foster interculturalism within Ireland. It also seeks to inform policy development and to build consensus through dialogue in relation to the issues of racism and interculturalism. It is core funded by the Department of Justice, Equality and Law Reform. Spectrum is a publication of the National Consultative Committee on Racism and Interculturalism.

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Opinions expressed by contributors to Spectrum do not necessarily represent the views of the National Consultative Committee on Racism and Interculturalism.

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## NCCRI News

Anna Visser, Research and Policy Officer is leaving the NCCRI on the 15th of July. She has made an enormous contribution to the work of the NCCRI over the past two years and the NCCRI wish her well in her future career.

Anastasia Crickley, Chairperson of NCCRI, has been appointed Special Rapporteur on Racism by the Organisation for Security and Co-operation in Europe. This is a great honour and will complement her role as Chairperson of the European Monitoring Centre on Racism and Xenophobia (EUMC).

# National Action Plan Against Racism Update

Phillip Watt, Director, NCCRI

There has been significant progress in developing the first (establishment) phase of the National Action Plan against Racism (NPAR). These can be summarised as follows:

## January

Publication and launch of the NPAR by the Taoiseach and Minister and Minister of State for Justice, Equality and Law Reform

## March

Establishment of the Strategic Monitoring Group (SMG) to oversee the implementation of the NPAR, chaired by Lucy Gaffney

## April

Establishment of three working groups to progress the NPAR:

**Protection:** Chaired by Philip Watt (NCCRI)

**Inclusion and Provision:** Chaired by Sr. Breege Keenan (Vincentian Refugee Centre)

**Recognition and Participation:** Chaired by Chinedu Onyejelem (Metro Éireann)

## May-June

Development of PR materials

Focus on the Immigration and Residence Discussion Paper

Preparation of scoping paper on needs of groups representing minority ethnic groups

Development of research terms of reference on combating racist crime

Establishment of inter-departmental liaison committee.

The main focus of the past few weeks has been establishing the structures through which the NPAR will be developed, including three working groups and a liaison committee with Government Departments. These working groups are now identifying the priorities under the five themes of the NPAR:

- 1 Effective **PROTECTION** and redress against racism, including a focus on discrimination, threatening behaviour and incitement to hatred;
- 2 Economic **INCLUSION** and equality of opportunity, including focus on employment, the workplace and poverty;
- 3 Accommodating diversity in service **PROVISION**, including a focus on common outcomes, education, health, social services and childcare, accommodation and the administration of justice;
- 4 **RECOGNITION** and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism;
- 5 Full **PARTICIPATION** in Irish society, including a focus on the political level, the policy level and the community level.

In addition a number of the commitments in the NPAR are beginning to be rolled out, including:

- The development of an ethnicity question in Census 2006.
- The launch of intercultural guidelines for primary schools by Mary Hanafin, TD, Minister for Education and Science.
- The announcement of additional resources for the Labour Inspectorate by Michael Martin TD, Minister for Enterprise, Trade and Employment.
- Establishment of an expert group to consider more effective responses to racist incidents and commissioning of research.

### **Chairperson: Lucy Gaffney**

Lucy Gaffney, Chairperson of the NPAR strategic monitoring group has been a non-executive director at Digicel Jamaica and Digicel Caribbean Limited since 2001. Lucy's experience in telecommunications includes work with Esat Telecom in Ireland, where she helped the company through its acquisition by British Telecom Group plc in January 2000. She is Chairperson of Servecast, a provider of broadband video solutions to the enterprise, Government, sports and entertainment sector. She joined the board of Ulster Bank Limited as a non-executive director in May 2004. She also currently serves as chairperson of two Dublin radio stations and non-executive director of First Active plc, a building society in Ireland. Lucy was also a Director of the 2003 Special Olympics World Games hosted in Dublin.

### **Membership of Monitoring Committee**

**Aiden Lloyd**  
Area Development Management Ltd

**Sr Breege Keenan**  
Vincentian Refugee Centre

**Lynn Jackson**  
Holocaust Memorial Day Committee

**David Joyce**  
Irish Congress of Trade Union

**Philip Watt**  
NCCRI

**Niall Crowley**  
Equality Authority

**Michael Farrell**  
Irish Human Rights Commission

**Niamh Mc Crea**  
Community & Voluntary Pillar

**Maria Cronin**  
IBEC, Director of European & Social Policy

**Dr Peter Humphreys**  
Institute of Public Administration

**Dr Mazhar Bari**  
Minister's Nominee

**Lucy Gaffney**  
Chair

**Mary McGreal**  
Irish Farmers Association

**John Haskins**  
Reception & Integration Agency

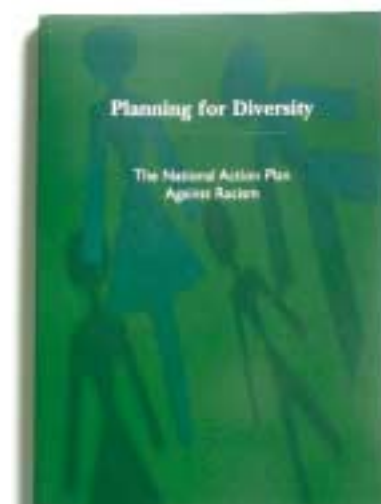
**Chinedu Onyejelem**  
Minister's Nominee

**Daniel Pelou**  
Minister of State Nominee

**Traveller Rep**  
Minister of State Nominee



Lucy Gaffney, Chairperson NPAR Monitoring Group



Planning for Diversity - The National Action Plan Against Racism

# Report of the Committee on the Elimination of All Forms of Racial Discrimination

Anna Visser, Research & Policy Officer, NCCRI

Anna Visser considers the opportunities for change presented by the UN's consideration of Ireland's combined first and second report under the UN Convention on the Elimination of All Forms of Racism Discrimination.



Observers at the UN CERD committee meeting in Geneva. (March 2005). Photo: NCCRI.

In the August 2003 edition of this journal the NCCRI provided an overview of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In that article we outlined the key elements of the Convention and the process surrounding the reporting obligations of the Irish state under the Convention.

Ireland's combined first and second report under the Convention was considered by the Committee on the Elimination of all forms of Racial Discrimination (ICERD) on 2 and 3 March 2005 in Geneva.<sup>1</sup> The Concluding Observations (COBs) were published on 10 March 2005.<sup>2</sup> The session was broadly considered to be very successful by both government and nongovernmental actors. It may seem surprising that a process such as this one could be regarded by both government and NGOs as a positive experience (this is certainly not always the

case), and perhaps this is down to the skills of the Committee and in particular the designated country rapporteur for Ireland, an Austrian Mr. Kurt Herndl.

Like other UN monitoring mechanisms, CERD is an important process in that it brings international and domestic attention to key human rights issues in the state concerned. However the proof of the pudding is in the eating, so to speak, and the value of Ireland's first report will be judged by how the process is used to promote anti-racism and interculturalism in Ireland. There are three broad areas for action in the coming years which will serve to underpin the relevance of CERD. The first and perhaps most significant is the implementation of the specific recommendations of the Committee; this process is already in place and the National Action Plan against Racism provides for action on the majority of recommendations for change. The second is the use of Article 14 to bring individual and group complaints to the attention of the Committee, this is a slow process but it has the potential to encourage change and progress key issues. The final area of activity concerns the new follow-up mechanism of the Committee; it is up to both governmental and non-governmental actors to actively engage with the coordinator on follow-up in order to promote ongoing dialogue between the Irish Government and the Committee. These opportunities provide a context for realising practical change at a national level.

### A successful hearing

Ultimately the success of Ireland's engagement with ICERD, will be judged in how the COBs are implemented and the enhancement of the fight against racism in Ireland, however a few short months after the session a number of key markers highlight the experience of the Irish report as a beneficial one. The first, which was commented on by the Committee, is the level and quality of engagement by the Irish government in the process. The Irish government came late to CERD, only ratifying the Convention in December 2000, however it produced a comprehensive first report which included some consultation with civil society. The government sent a high level and comprehensive delegation to Geneva,<sup>3</sup> and provided the Committee with detailed answers to its questions, both orally and in writing. In addition to consulting with civil society, the Department of Justice, Equality and Law Reform provided financial support to NGOs in terms of producing shadow reports, travelling to Geneva for the session, and follow-up activities. The government also expressed its willingness to engage with the Committee's coordinator on follow up, Mr. Morten Kjaerum.

Another measure of success is the level of engagement by the NGO community in the CERD process. A wide range of comprehensive and detailed shadow reports were produced, and over 20 representatives of civil society attending the session. Eleven of the members of ICERD attended an NGO lunch time briefing session which was held on 2 March. Not only did the process serve to bring Irish civil society actors together, but it provided valuable networking opportunity both domestically and internationally.

The experience of Ireland's first report demonstrates the value of active engagement on the part of both government and civil society in the human rights monitoring mechanisms of the United Nations. The hearing brought significant attention to the question of racism in the Irish media, and sparked renewed energy and thinking concerning the problems

facing Irish society. It acted to focus the Government, bringing a range of government departments together to consider their response to CERD specifically, but also to racism more generally. In this regard the production of the State report and its consideration acted as a benchmark in the fight against racism in Ireland, against which future developments can be measured and evaluated. The opinions of the Committee provide valuable material for those seeking to influence the development of anti-racism policy in Ireland. However these benefits will be short lived, if the Concluding Observations are not fully implemented.

#### Shadow Reports submitted to ICERD

- Centre on Housing Rights and Evictions.
- Educate Together.
- Irish Human Rights Commission.
- Irish Travellers Movement.
- National Consultative Committee on Racism and Interculturalism.
- National Travellers Women's Forum, Galway Travellers Support Group, Community Workers Co-operative, and Galway Refugee Support Group.
- NGO Alliance.

#### Concluding Observations

The COBs recognised the positive developments which have taken place in the Irish context, as well as make a broad range of recommendations for action. The COBs represent an important document in the fight against racism in Ireland, in that they place a number of key challenges in the broader human rights framework, and provide a reference for those working on anti-racism and interculturalism.

The CERD process came shortly after the publication of the National Action Plan against Racism (NPAR), a development which the Committee particularly welcomed. Taken in this context the COBs will act as a benchmark against which to measure the implementation of the NPAR over the next three years. Ireland's second report is due in January 2008, and is likely to be heard after the end of the 2005-2008 Action Plan. The table accompanying this article provides a

brief overview of the key elements of the NPAR as they relate to the conclusions of the Committee; of the 16 COBs listed in the tables measures can be identified in the NPAR for 12 of them. It is these conclusions which the Committee will use to measure progress in Ireland when it considers the next report.

#### Individual and group complaints

Article 14 of the Convention establishes a procedure that makes it possible for an individual or a group of persons claiming to be the victim of racial discrimination to lodge a complaint with the Committee on the Elimination of Racial Discrimination against the State concerned. This may only be done if the State is a party to the Convention and has declared that it recognizes the competence of CERD to receive such complaints. States that have made the declaration may also establish or indicate a national body competent to receive petitions from individuals or groups who claim to be victims of violations of their rights and who have exhausted other local remedies. Only if petitioners fail to obtain satisfaction from the body indicated may they bring the matter to the Committee's attention.

Forty-five countries, including Ireland, have signed up to Article 14. As of March 2005 the Committee has considered 33 cases; the Committee issued views or opinion in 13 cases the majority of which concern Denmark (13 Cases).<sup>4</sup>

In Ireland's declaration under Article 14, the government recognised the competence of the Committee to hear complaints from individuals or groups. It recognised this competence on the basis that the complaint is not being considered by another international body, but the declaration does not refer to domestic remedies and bodies.<sup>5</sup>

During the consideration of Ireland's report the Committee members drew attention to the potential for using Article 14 in the Irish context, and in the COBs the Committee stated its hope that "adequate measures will be taken within the State party to give it adequate publicity amongst the general public". The Irish government's decision to allow for

individual complaints provides a valuable opportunity to bring issues to the attention of the CERD Committee, particularly where it is felt that these issues are not being addressed adequately in the domestic context.

#### **Mandate of the ICERD Coordinator on Follow-up**

In March 2004 the Committee approved a text on its follow-up procedure to add a new paragraph to rule 65 of the Rules of Procedure allowing the Committee to appoint a coordinator for a period of two years who would work in cooperation with country rapporteurs.

According to the terms of reference, adopted on 10 March 2005, the follow-up coordinator can: (1) monitor the follow-up by State parties on the COBs; (2) ask the State party to submit specific information, and send reminders concerning the submission of this information; (3) with the Country Rapporteur, analyse the material supplied by the State party; (4) make recommendations for appropriate action by the Committee; (5) submit a progress report to the Committee; and (6) include findings in the chapter of the annual report on follow-up activities.

The Committee's consideration of Ireland's combined first and second report under CERD provides a real opportunity to advance the fight against racism and promote interculturalism in Ireland. The NPAR is inextricably linked to this process, and ultimately progress of both agendas will be considered by the Committee when it hears Ireland's combined third and fourth periodic reports, which are due to be submitted on 28 January 2008. The engagement of the follow-up coordinator and the potential for the Committee to hear individual and group complaints on Ireland, represent real opportunities to forward this agenda.

The Irish government and civil society actors have come late to CERD, however the level of energy and engagement which they brought to the process bodes well for future engagement with the Committee, and more generally for promoting an intercultural society.



Minister of State Frank Fahey, TD who represented the Irish Government in Geneva with delegates.

- <sup>1</sup> The Irish report is available at:  
<http://www.justice.ie/80256E010039C5AF/vWeb/pcJUSQ5ZDD7C-en>
- <sup>2</sup> A full report on the session is available from the NCCRI, while the COBs can be found at: [www.ohchr.org](http://www.ohchr.org)
- <sup>3</sup> The State delegation consisted of 18 representatives of various government Departments, including Minister of State Frank Fahey, T. D. and the Irish Permanent Representative to the United Nations in Geneva, Ambassador Mary Whelan
- <sup>4</sup> The jurisprudence of the Committee is available at:  
<http://www.unhchr.ch/tbs/doc.nsf/FramePage/TypeJurisprudence?OpenDocument&Start=1&Count=15&Collapse=3>
- <sup>5</sup> The text of Ireland's declaration can be found at:  
<http://www.ohchr.org/english/countries/ratification/2.htm#reservations>



## Summary of issues raised compared to UN concluding observations from CERD (OB's) and measures in the National Action Plan Against Racism

Issues	CERD: OBs	National Action Plan Against Racism: Measures
Legal protections against racism.	Incorporate CERD into the Irish law.	
Incitement to hatred.	Withdraw the reservation under Article 4 of the Convention.	<b>1.3</b> Ensure effective protection against incitement to hatred. <b>1.3.1</b> Complete the review of the Prohibition of Incitement to Hatred Act.
Criminal law.	Introduce aggravating sentencing for crimes which have a racist motivation.	<b>1.2.1</b> Consider the introduction of aggravated offences, and consideration of the concept of 'crimes of hate'.
Funding.	Adequately fund and support statutory agencies and NGOs concerned with racism.	<b>8.1.4</b> Continued funding to support existing strategic partnership initiatives, including anti racist workplace week and international day against racism. <b>8.3.2</b> Positive action measures within existing funding/grant initiatives for arts/cultural initiatives. <b>9.3.1</b> Provide continued support for the role and work of anti-racism bodies. <b>9.5</b> Enhance the participation of cultural and ethnic minorities in community and local development.
Asylum seekers.	Avoid negative consequences of the asylum process and promote participation.	<b>4.6</b> Enhance the participation of refugees and asylum seekers in education up to 18 years of age. <b>6.4</b> Ensure there is an equitable approach to the provision of accommodation for asylum seekers. <b>7.4.1</b> Continue the development of intercultural strategies and a charter within the ORAC, the RAT and the RLS.
Migrant workers.	Protect non-citizens from discrimination in the workplace and considering reviewing the work permit system.	<b>2.2</b> Inclusion through employment rights, responsibilities and workplace policy. <b>2.5</b> Inclusion of migrant workers, consistent with the requirements of policy on immigration, employment and equality. <b>2.5.1</b> Develop a comprehensive policy on the integration of migrant workers.
Detention of deportees.	Provide additional information in the next report.	<b>7.1</b> Mainstream an intercultural strategy within the Prison Service.
Border security.	Review security practices at points of entry.	
Complaints against the police.	Monitoring and collect data on racially motivated police misconduct.	<b>1.2</b> Develop a new multi-faceted strategy to provide a more effective and coordinated response to racist incidents. <b>1.5</b> Develop effective monitoring and analysis of data on racist incidents.

Education.	Promote non-denominational or multi-denominational schools.	<b>4.1</b> Develop a national intercultural education strategy with reference to equality/diversity policy.
Equal Status Act.	Extend the Equal Status Act to cover the whole range of government functions and activities.	<b>3.3</b> Mainstream/develop anti racism and intercultural training in all government departments and statutory agencies.
Traveller ethnicity.	Work towards recognizing the Traveller community as an ethnic group.	
Traveller community.	Intensify efforts to fully implement the Task Force on the Traveller community: education, employment, health and accommodation.	<p><b>2.6.6</b> Develop a programme to address unemployment within the Traveller community.</p> <p><b>4.5</b> Enhance access and education service delivery to Travellers.</p> <p><b>5.6.3</b> Combat health inequalities experienced by Travellers.</p> <p><b>5.6.4</b> Expand the Traveller primary health care initiative.</p> <p><b>6.3</b> Ensure greater progress is made in the implementation of the local authority Traveller Accommodation Programmes.</p> <p><b>6.7.3</b> Ensure that the NTACC continues to play a key role in the implementation of the Traveller accommodation programme.</p> <p><b>7.5.2</b> Develop a pilot initiative involving the Irish Prison Service focussing on providing transition supports for Travellers.</p>
Political representation.	Adopt affirmative action to improve the political representation of Travellers.	<b>9.2.1</b> Consider the reservation of a seat in Seanad Éireann for a representative from a cultural and ethnic minority.
Immigration appeals.	Resolve concerns regarding immigration appeals in the proposed immigration and residence legislation.	
International instrument.	Ratify the Convention on the Protection of the Rights of all Migrant workers and their Families, and the ILO Convention No. 97.	<p><b>1.3.3</b> Ratify the Council of Europe Protocol to the Convention on Cybercrime (racism on the internet).</p> <p><b>1.7.1</b> Benchmark progress in addressing racism through the preparation of regular national reports to the Committee on the Elimination of all Forms of Racial Discrimination under CERD, including progress related to the NPAR.</p>

# Combatting Racially Motivated Crimes Through Legislation: Recent Developments in Ireland & the EU<sup>1</sup>

Phillip Watt, Director, NCCRI

This article seeks to provide an overview of recent developments, including policy developments in Ireland and the European Union in respect of crime motivated by racism (hereafter referred to as racist crime). It aims to provide an accessible overview of what is a complex issue through the medium of addressing a number of key questions:

## 1. What do we mean when we talk about 'racist crime' and how does it differ from other forms of racism?

The NCCRI in partnership with the Equality Commission for Northern Ireland has recently published a handbook on seeking advice and redress against racism which for redress purposes, divides racism into two main categories. These two categories are:

- Discrimination, which is primarily covered by the equality legislation
- Racist incidents, which are primarily covered by the criminal law.

The focus of this paper on racism is primarily on racist crime (category b) The international literature is fairly consistent about what constitutes the types of crime where racism can be involved as the main or partial motivating factor:

- Assaults, including fatal assaults
- Criminal damage
- Threatening behaviour, including verbal abuse and harassment
- Circulation and dissemination of offensive material, including graffiti and 'cybercrime' through information technology
- Incitement to hatred

## 2. What is the extent of impact of racism as a crime in Ireland?

This is a difficult question to answer with certainty for a number of reasons including difficulties and gaps in the collection of data. However a number of sources can provide us with at least a partial picture of the extent of racist crime in Ireland, including:

- Garda statistics
- NCCRI's racist incident reporting system
- Public opinion surveys
- Media reports
- Crime surveys

Existing information from these sources indicate that there is a constant underlying level of racist crime in Ireland but, the problem can fluctuate from year to year and in response to both internal and external events. They show that there have been a number of very serious incidents, including at least two fatal assaults where racism has been involved and a number of other non-fatal assaults where serious injuries were sustained as well as serious instances of criminal damage and incitement. It is worth considering some of the data sources in greater detail.

### Garda Statistics

An Garda Síochána collects statistics of racially motivated incidents through its PULSE system. The development of a definition of a 'racially motivated crime' has helped facilitate data capture. The Garda definition is:

'Any incident, which is perceived to be racially motivated by:

- The victim
- A member of An Garda Síochána
- A person who was present and who witnessed the incident
- A person acting on behalf of the victim'.<sup>2</sup>

2003 was the first full year in which racially motivated incidents was clearly defined to members of the police and in that year 81 incidents were recorded, compared with 102 in 2002 and 43 in 2001.

**Table 1: Figures for Racially Motivated Incidents in 2003.**<sup>3</sup>

Assault-harm	7
Assault-minor	16
Sexual assault	0
Public mischief	0
Arson	2

Theft from a person	2
Robbery from a person	1
Manslaughter	0
Possession of a weapon	1
Public order offence	13
Criminal Damage	27
Incitement to hatred	2
Attention to complaints	9
Harassment	0
Burglary	1
Total	81

According to the 2003 Garda Statistics, the most common form of incidents (in descending order), were: criminal damage, assault and public order offences. While the Garda data gives an indication of the type of racist incidents that are taking place it is widely recognised that there is significant under-reporting (a problem faced by police authorities in other jurisdictions). The reasons for the under-reporting include:

- Negative perceptions of police by recent migrants to Ireland as a consequence of experience of para-military type police forces in their country of origin
- A reluctance to report crime out of fear that it might jeopardise residency in Ireland
- Inconsistencies in the way Gardaí respond to racist crime.

### NCCRI Racist Incident System

The NCCRI Racist incident system is a voluntary reporting mechanism, which seeks to monitor trends and types of incidents that are taking place. The data collected is used in policy reports to Government and the EUMC in Vienna and it has informed NCCRI's work with bodies such as the Gardaí and the Courts Service.

### NCCRI Incidents relating to racist incidents<sup>4</sup>

May 2001-October 2001	4
November 2001-April 2002	40
May 2002-October 2002	67
November 2002-April 2003	48
May 2003-October 2003	46
November 2003-April 2004	42
May 2004- October 2004	70

The NCCRI cautions against simplistic explanations between the level of racist incidents and their causes but nevertheless it contends that there are linkages between internal and external events and the levels of incidents. For example there was a sharp, though relatively short rise in Islamophobia in Ireland in the wake of the 9/11 attacks on the United States. The number of incidents also appears to increase at times of heightened political discourse around issues such as immigration and citizenship, particularly in the run up to elections and referenda.

In recent months the NCCRI reporting system, the Jewish Community Watch and the Gardaí have been closely monitoring the anti-Semitic targeting of property associated with the Jewish community in Ireland. A spate of daubing of swastikas and criminal damage occurred over two periods, in November 2004 and May 2005. These appear to be the work of a small number of neo-Nazis and may have been designed to cause maximum insult around the 60th anniversary of the liberation of Auschwitz.

#### **Public Opinion Surveys**

The third source is public opinion surveys. These have been carried out by NGO's such as Amnesty International. The Government's Know Racism Programme published research findings on racism and attitudes to minority ethnic groups in February 2004. The survey concluded that 18% of respondents had personally witnessed racist behaviour in Ireland.<sup>5</sup>

#### **Other sources**

The media is a further invaluable source for information on individual racist incidents and in particular court cases. In other countries national crime-surveys have also included a focus on whether respondents have been the victim of a racist crime. There is the potential to adopt a similar approach in Ireland in the 2007 National Crime Survey. Bodies such as the National Crime Council and the Internet Advisory Board and the many NGO's working with minority ethnic groups, including Travellers, have also the potential to contribute to research in this

area. An important development in the EU context is the work of the EUMC and the national focal points in EU 25 to identify significant gaps in data collection, through the RAXEN system.

#### **Impact on the Victims of Racist Crime**

Both major and relatively minor incidents can have a disproportionate impact, not only on the individuals/families concerned but also the communities to which they belong.

#### **3. What legislation is presently in place to deal with racist crime and is this legislation sufficiently effective, proportionate and dissuasive?**

In terms of public debate, much of the focus on redress to racism as a crime has centred on the Prohibition of Incitement to Hatred Act, 1989 and the current on-going Government review of the Act. Yet a cursory review of media reports of court hearings would indicate that the majority of racist crime is primarily dealt with under a range of other legislation, in particular the Criminal Justice (Public Order) Act, 1994, Non Fatal Offences Against the Person Act, 1997 and Criminal Damage Act, 1991.<sup>6</sup>

So have we been barking up the wrong tree in terms of focusing most of our attention on incitement? I would argue yes and no. Incitement is a very serious form of racism, which is recognised as a 'headline' crime in Ireland. It is defined as conduct intended by the accused to persuade, coerce or cause a person or persons an offence. The Prohibition of Incitement to Hatred Act, 1989 states that 'any advocacy of national, racial or religious hatred that constitutes incitement to hatred, hostility or violence shall be prohibited by law. Hatred means hatred against a group of persons on account of their 'race', colour, nationality, religion ethnic or national origin, membership of the Travelling community or sexual orientation.'<sup>7</sup>

In its First and Second Report under CERD, the Irish Government has restated its commitment to the ongoing review of the

Prohibition of Incitement to Hatred Act, in light of concerns regarding its effectiveness. However the Government has pointed out that prior to the announcement of the review in September 2000 there had been no successful prosecutions under the Act. However since then 18 cases have been taken resulting in 7 convictions. The Government has concluded that this growing body of case-law under the Act suggests that application of the legislation is adapting to the problems of racism in Ireland.

This may or may not be the case. In fact it is very difficult to obtain case law relating to the Prohibition of Incitement to Hatred Act as no cases in the District Court and few cases in the Circuit Court are formally written up. The sole records that occur are largely in the form of media reports. This is a very unsatisfactory situation in itself, which would merit further investigation by a body such as the Irish Human Rights Commission.

In the absence of such basic data, we do not know the reasons why judges have decided to begin convicting people under the incitement legislation when there had been no previous convictions and ipso facto, if convictions should suddenly cease, we would also be none the wiser.

In short we have insufficient data to make definitive judgements as to the effectiveness or otherwise of the Prohibition of Incitement to Hatred Act in recent years other than to say there has been an increase in convictions. However it is worth emphasising that the incitement legislation was never *intended* to cover a wide range of criminal offences where incitement is not a factor, including the majority of cases involving assaults, harassment including verbal abuse and criminal damage. As pointed out, these criminal acts are for the most part dealt with under existing public order, criminal damage and offences against the person legislation. The weakness in this approach is that such general legislation in Ireland does not recognise racism as an aggravating circumstance when it comes to sentencing.

#### 4. What are the recent policy developments in Ireland and the European Union to address racist crime?

##### Policy Developments in Ireland

It is to be welcomed that under the National Action Plan against Racism a committee has been established under the theme of 'Protection' and Redress against Racism to further consider these issues, including the concept of racism as an aggravating factor. In light of the absence of previous research into this area in Ireland and the problems with data outlined in this paper, this expert committee has recently decided to commission research to review the effectiveness of existing legislation in Ireland to address racist crime.

By way of explanation, 'Racially Aggravated Offences' is a concept which is not presently in Irish law, but which recognises that when racist crime (assaults, threatening behaviour, incitement and criminal damage) occurs it effects the individual and their family and can generate a climate of fear across the whole community that has been attacked. It generally allows the court to apply higher sentences. A crime counts as being racially aggravated if it can be shown that it was motivated *wholly or partly* by racism.

The Protection working group under the NPAR is also considering the most effective ways of improving the collection and analysis of data related to racist incidents. In particular it is to be noted that the Central Statistics Office will be working in partnership with the Gardaí in the collection and analysis of crime statistics.

##### Policy developments in the European Union

The most recent major policy development in the European Union has been the reopening of discussions on the proposal for a Council Decision on Combating Racism and Xenophobia. The overall objective of the Framework Decision is to ensure that across the EU racism is punishable by effective, proportionate and dissuasive criminal penalties that can give rise to extradition and to improve and encourage judicial

cooperation. The proposal started life in 2001 but has effectively been in the EU legislative freezer from 2003 until the beginning of 2005 when the Luxembourg Presidency of the European Union re-opened negotiations.

Unfortunately it is back in the freezer because the European Ministers for Justice and Home Affairs did not reach an agreement on the Framework Decision during their meeting in Luxembourg on 2 June 2005.

The European Network against Racism stated on this failure to make agreement "Without the Framework in place, perpetrators of racist crimes in one country can move to another to escape prosecution through legal loopholes and can incite hate crimes in countries other than their own - this is a standing insult to the victims of crime and it brings the law of individual countries into disrepute. Furthermore, it sends out the signal that the European Union as a whole is not genuinely committed to the core values in its charter of fundamental rights."

The NCCRI has recently learned that a new draft Framework Decision is due for publication at the end of 2005, in time for consideration at the Austrian Presidency.

##### Conclusion

In conclusion racist crime is a problem in Ireland, which can range from assaults to harassment to incitement and to criminal damage. The full extent of the problem is not fully clear because of gaps in the present data collection system and the lack of compatibility of data with other countries in the EU on which comparisons could be made. Certainly from anecdotal evidence, the extent of racist crime appears to be more widespread in countries such as Britain, Germany, France and the Netherlands. It is unclear whether the existing incitement and general legislation in Ireland is sufficient to provide effective, proportionate and dissuasive penalties against this form of crime. The NCCRI believes that there is

strong merit in considering the concept of racially aggravated crime in respect of sentencing policy in Ireland, including learning from the experience in other jurisdictions. The adoption of such a measure following due consideration, could send out a powerful signal on Government intent regarding this issue. The forthcoming research under the NPAR should help to provide some further answers to these issues.

<sup>1</sup> Presented at the recent roundtable 'Combating Racially Motivated Crime through Legislation. IHRC/Amnesty (Ireland)/NCCRI. See [www.ihrc.ie](http://www.ihrc.ie)

<sup>2</sup> An Garda Síochána. Racial and Intercultural Newsletter. Issue No. 3

<sup>3</sup> An Garda Síochána, August 2004 in NCCRI/Equality Authority National Annual Report to the EUMC, October 2004

<sup>4</sup> NCCRI, (2004). Reported incidents relating to racism. Incidents recorded relate to the crime, discrimination and concerns related to the media

<sup>5</sup> Millward Brown IMS, (2004). Presentation of Research Findings on Racism and Attitudes to Minority Groups. Know Racism. [www.knowracism.ie](http://www.knowracism.ie)

<sup>6</sup> NCCRI and the Equality Commission for Northern Ireland, (2005). Seeking Advice and Redress Against Racism in Ireland. [www.nccri.ie](http://www.nccri.ie)

<sup>7</sup> NCCRI and the Equality Commission for Northern Ireland, (2005). Seeking Advice and Redress Against Racism in Ireland, p24 (Ireland section)

# An Intercultural Approach to Education

Barbara O'Toole, Project Co-ordinator of DICE

Barbara O'Toole provides an overview of intercultural developments in the primary and secondary education sectors in Ireland.

*"A sudden military coup has taken place and you have to leave the country quickly...  
That night you receive a phone call from a former associate who is loyal to the new regime but is concerned about your family. He says he has seen your name on a list of people to be arrested the next morning, and advises you to leave the country tonight.  
You have an hour to gather some belongings and pack. You can only take hand luggage so are restricted to necessary items..."*

Luckily, most Irish people today will never have the experience described above, having to leave their own country at short notice and start again somewhere else. This is part of a visualisation exercise which we have used with student teachers in colleges of education as a means of evoking empathy for the feelings of displacement and powerlessness that are at the heart of the refugee experience. Empathy can be described as the ability to imaginatively enter into the emotional experience of another, and according to the Irish Primary Curriculum it is one of the key skills that children will develop in the primary school. For example, the guidelines for Social, Personal and Health Education (SPHE) state:

"Developing empathy is [also] fostered at all levels in the school, as it is essential for handling and managing relationships, promoting compassion and sensitivity, and appreciating diversity". (Page 12, Teacher Guidelines SPHE)

Given that the development of empathy is seen as crucial for children in the primary school, it suggests the importance of having an experiential learning approach in the colleges, so that student teachers can develop their own empathic ability, hence the value of an exercise such as this visualisation.

## **The Intercultural Classroom**

We have used the exercise described above as an introduction to a session on 'The Intercultural Classroom', in which student teachers move from the visualisation into planning the kind of classroom that would provide a welcoming and containing experience for a child who has moved to Ireland from overseas. Of course, the main principles here could equally be entitled 'The Inclusive Classroom', as they are based on a social justice approach involving parity of esteem for all members of the school community, and thus will benefit all children.

As well as its curriculum suggestions, the NCCA Guidelines on Intercultural Education (2005) provide an extremely useful

framework for establishing an inclusive classroom environment, exploring three main aspects:

- Planning the physical environment
- Planning the social environment
- Choosing resources

While some of the following points may seem minor, they form part of what is known as the 'hidden curriculum' of a school, those intangible aspects of an ethos or environment which convey so much information about what an organisation values. For example, planning the physical environment involves giving attention to the types of displays on the walls, ensuring that these reflect a range of cultures and do so in a positive way, and that they reflect the achievements and interests of all the children in the school whatever their gender, social class or ethnic origin. It involves making sure that the selection of toys and play equipment available for the children in the classroom is representative of all cultures present, with dolls of different skin colour, and a range of household utensils in the 'home corner'.

Planning the social environment will include giving thought to the needs of children who may be new to the English language - providing opportunities, if possible, for a child to work alongside someone who speaks their own language may be invaluable for the initial period of transition. Having a daily classroom routine that newcomers can easily understand and follow can also ease feelings of bewilderment in a new environment.

There is a rich reservoir of resources now available to assist teachers in curriculum planning, as well as in stocking the class library and in building a collection of reference books. Development Cooperation Ireland have produced a catalogue which has over 90 titles listed, while 'Changing Faces, Changing Places' is a guide to multicultural books for children produced specifically for Ireland.

## **Development Education**

Development education provides a broad global context to intercultural education. It enables us to understand the causes of global inequality. In a classroom context, children can discover for example, that a refugee crisis or a pattern of economic migration do not exist in a political vacuum, but can be the outcome of decisions made by richer nations about issues of trade and aid, or can be the result of historical factors such as invasion, colonisation and centuries of exploitation.

In this way, children learn about the connections between local and global events and begin to reach an understanding of local situations in a wider context. They also begin to develop the necessary skills and knowledge, such as the skill of critical thinking, to interpret events affecting their lives, and this can be so useful in negotiating the modern media. The concept of interdependence is central to development education, and is one that children can relate to quite easily, especially when they consider the various nations that have produced their everyday belongings such as clothes, toys, mobile phones – as well as the contents of their food cupboards at home or their lunch boxes in school.

The primary school curriculum now has provision for learning about other countries from infants onwards, with a strand unit entitled 'People and places in other areas' the aim being that the young child will become aware of links between the school or local community and people in other places. For senior classes (5th and 6th) there is a particular strand unit in the geography curriculum entitled 'Trade and development issues', and this, as well as the history curriculum with topics such as colonisation and nomadism, helps to give children insight into wider global political issues. Learning about Ireland's long history of economic migration helps children put our current role as host nation into perspective and as children discover how Irish people have contributed to building other societies in the past, they can appreciate how Ireland stands to become enriched by its new communities.

#### **Development and Intercultural Education**

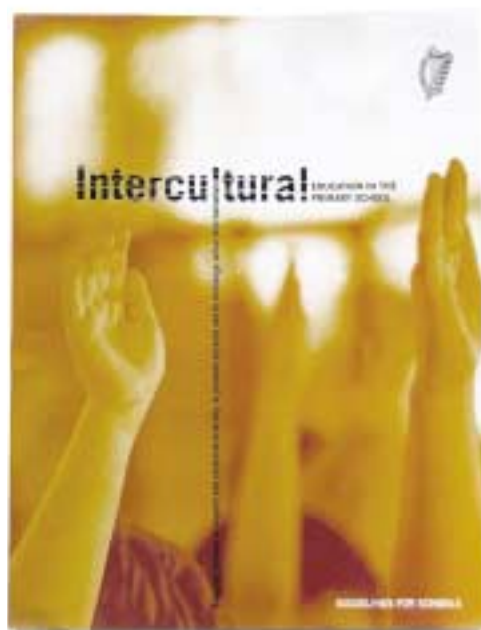
Development education is therefore underpinned by a human rights approach grounded in equality, and as such provides a broader 'political' framework for an intercultural classroom. The work of the DICE project in teacher education brings these two aspects together – the broader global context as well as the here-and-now diversity of the Irish classroom. One provides the necessary context for the other, and each is grounded in a rights based approach – in the essential equality of cultures and individuals. The Development & Intercultural Education (DICE) Project is committed to the promotion of both perspectives – development and intercultural education, and is working alongside college staff to embed these dimensions in initial teacher education.

#### **The 'DICE Project' (Development & Intercultural Education)**

DICE works across five colleges of education in the Republic of Ireland. (Coláiste Mhuire, Marino; Froebel College of Education, Blackrock; St Patrick's College, Drumcondra; The Church of Ireland College of Education, Rathmines. DICE also has links with Mary Immaculate College in Limerick.) Our current work involves the integration of development and intercultural perspectives in initial teacher education on a sustainable basis. DICE is a partnership project of Development Cooperation Ireland at the Department of Foreign Affairs. The views expressed here are those of DICE and can in no way be taken to reflect the official opinion of DCI.

DICE can be contacted at [dice@cice.ie](mailto:dice@cice.ie) Tel. 01 4970033.  
Barbara O'Toole (Project Coordinator); Barbara Gill and Claire O'Neill (Education Officers).

**Department of Education & Science. Intercultural Guidelines in the Primary School launched by Mary Hannifin, TD. May 2005. Copies available from NCCA. [www.ncca.ie](http://www.ncca.ie)**



# European Civic Citizenship & Inclusion Index

Yan Niefesen, Director, Migration Policy Group

Yan Niefesen provides a summary of the main conclusions from the recently published European Civic Citizenship & Inclusion Index.

The need for immigrant inclusion in Europe is unavoidable. 13 million EU residents in the fifteen old Members States (3.4% of the population) are non-naturalized immigrants. Globalization, labour market and demographic pressures make inward migration a fact of life for the EU Member States. If Europe is to meet its targets under the Lisbon Strategy regarding employment and jobs, maintain cohesive, healthy societies, and live up to its founding values of equality and openness, then it must take a close look at its policies governing inclusion and civic citizenship.

The European Civic Citizenship and Inclusion Index (2005) was conceived to fill a knowledge gap on civic citizenship policies and inclusion at a European level. It is important for Member States to think about issues of immigrant inclusion from a European perspective, in order to keep up with the reality of EU-level policymaking, and the rapidly emerging EU Common Space of Justice, Freedom and Security.

The aims of the Index were to present data on civic citizenship and inclusion policies in the EU in a way that allows for comparison between Member States and against EU averages; to enable monitoring of the extent to which Member States are implementing principles of civic citizenship and inclusion agreed to by all of them; to identify examples of good practice amongst Member States and to allow for comparison over time, by updating the Index annually.

The Member States policies were compared to a common normative framework. The normative framework sets out a formulation for immigrant inclusion, which argues that immigrant inclusion requires:

- 1 Labour market inclusion
- 2 Family Reunion
- 3 Long Term Residence
- 4 Naturalization
- 5 Anti-Discrimination

In each of these five areas, a number of specific policy indicators were developed and each Member State scored against each policy indicator. The indicators were based on the existing commitments of Member States to give immigrants rights and obligations comparable to EU citizens. There are almost 100 policy indicators. The data to score the EU-15 against the policy indicators were collected from migration experts in the EU-15.

The key findings of the Index are as follows:

- 1 **There is a glaring lack of data collected by Member States in the area of immigrant inclusion and citizenship.** Diverse migration experiences are no longer a sufficient explanation for the lack of comparable data on migration policy and conditions. The EU-15 systematically collect and share data on a range of social policy issues which has equally diverse contexts.

- 2 **The Member States implement their common commitments in diverse ways.**

A common legislative framework, basic principles, statements, declarations and good intentions do exist at EU level but Member States are implementing their inclusion policy inconsistently. The issue of monitoring and comparing data at EU level could be resolved through a reform of the Open Methods of Coordination (OMC)<sup>1</sup> to comprehensively and systematically refer to the inclusion of migrants or a new separate OMC could be developed to refer specifically to policies relating to migrants.

- 3 **Member States tend to score consistently high or consistently low across the five areas of policy.**

This highlights that Member States inclusion policies, or lack of them, are not due to accident or neglect. Rather they reflect the deliberate policy choices of countries with respect to the migrants who live within their borders.

- 4 **There are no major differences in policy between countries with long and short migration histories.**

The EU-15 have diverse migration histories. Some countries such as Ireland and Finland have only very recently become countries of net inward migration while other countries such as France, Germany and the UK have experienced mass immigration since the Second World War. However the Index does not show any



correlation between the migration history of a Member State and its inclusion policy today.

- 5 **Although statuses for immigrants are relatively difficult to acquire and weakly protected, they have significant rights associated with them.** An analysis of the dimensions reveals that countries of the EU-15 tend to confer generous rights on a status such as Long Term Residence but that the status itself is relatively difficult to acquire.
- 6 Although comprehensive anti-discrimination legislation has been adopted, its implementation is lagging behind and discrimination based on nationality is badly covered.
- 7 **Naturalization remains one of the most problematic areas for Member States.** The lowest EU-15 average of all the policy areas is naturalization. However naturalization is also the area with the weakest Treaty base and therefore the area in which the EU competencies are weakest. This reflects the ongoing debate over whether migration should be seen as a long-term or temporary phenomenon. Member States have not yet decided whether to view migration as a temporary solution to labour market gaps or as a permanent phenomenon with positive benefits to, for example, the pension system. They are therefore undecided on whether to create

legislation to give labour migrants more permanent status or whether to continue with short-term statuses.

The results of the Index reveals that there are clear opportunities for Member States to create more favourable conditions for immigrant inclusion. Overall the EU-15 scores in the 'less favourable' category for all the strands. The framework for improving existing policies already exists – Member States now need the political will to further implement their commitments. It is intended that the Index will be published annually in order to monitor developments in Europe's attitudes to rights, citizenship and economic fairness.

**The European Civic Citizenship and Inclusion Index was conceived and managed by British Council Brussels, Foreign Policy Centre and Migration Policy Group. The research was designed and co-ordinated by Professor Andrew Geddes, University of Sheffield and Jan Niessen, Director, Migration Policy Group. To view the Index log onto [www.migpolgroup.com](http://www.migpolgroup.com)**

#### **European Migration Dialogue**

The "European Migration Dialogue - linking the national and European debates on integration and integration policies", is a project co-ordinated by the Migration Policy Group based in Brussels and sponsored by the European Commission. The aims of the project are to foster the European Migration Dialogue (EMD) as a European network of

civil society organisations working on immigration and integration; to provide a platform for exchange of information and good practice and for the design of policy options; to engage non-governmental stakeholders in debates at national and European level and to develop an organisational model for continuous consultation and co-operation.

The NCCRI is Ireland's partner in the European Migration Dialogue. For further information on the project contact Jacqueline Healy, NCCRI.

<sup>1</sup> The European Commission has developed the mechanism of 'Open Methods of Coordination' to monitor and improve the performance of Member States in a given area. OMC are based on agreed common objectives and use indicators and periodic reporting to monitor progress. The OMC promotes peer review, transnational exchange of good practice and policy cooperation

# Schools Against Racism Poetry Competition

To mark International Day Against Racism the NCCRI and the Equality Commission for Northern Ireland (ECNI) in association with Poetry Ireland held a schools poetry competition on the theme of anti-racism and interculturalism. The competition was open to the pupils of all secondary schools in Ireland, North and South and its aim was to raise awareness among school goers of the need to combat racism in all its manifestations. There were over 1,300

entries to the competition and the award ceremony was held at the end of April. The organisers of the event would like to especially thank Paula Meehan, Colette Nic Aodha and Tope Omoniyi, three well-established poets who judged the competition and undertook the difficult task of selecting winners. Due to the success of the event, it is planned to hold the competition again in 2006.



Colette Nic Aodha, poet and competition judge.  
Photo: Derek Spiers.



Paula Meehan, poet and competition judge.  
Photo: Derek Spiers.

## First Prize

### Don't Touch Eric Lee

by Kristian Boyd, Grosvenor Grammar, Belfast.

From the first day, we walked to school together  
I heard the taunts, I saw his name daubed in yellow on the wall  
They called him, "Lammas, the yellow man." I felt his pain. My face  
was flushed with heated red.

We lined up in the austere assembly hall, waiting with trepidation,  
the menacing silver needle.  
Various shades of pink, white flesh, unveiled from under waves of  
rolled up sleeves.  
His blood was red. The Exocet needle made everyone wince.

Holiday in Hong Kong. I missed him, he brought me a new Pink  
Floyd CD

Back Home? Home to school, the familiar spittle stains, punch  
marks on his kind face.  
I was outraged. Silently outraged. O how I regret my silent song!

Crowd, boots, blood pool where he lay, crimson still  
I cradled his wounded crown, that "Black September" day  
Was he alone?, the policeman asked. Was he alone? I asked myself.  
In moments of  
Life's fever I still ask myself, Was he alone?

What was his name?, Eric Lee. In my mind, his mother, his house,  
Chinese tea.  
The sickening outrage, my unfettered tongue, loosed to stand.  
Against the crowd, as guilty in white silence as the bully was when  
loud

Crimson body, bruised, distorted, barely grips my hand  
Silent outrage, shattered forever. Speak up, take a stand  
Don't touch Eric Lee, Don't touch Eric Lee  
This is not acceptable, Don't dare touch Eric Lee



L-R: Jim Glackin, Equality Commission for Northern Ireland, Kerri Ward (3rd prize), Kristian Boyd (1st prize), Emma Lui (2nd prize) and Philip Watt, NCCRI.  
Photo: Derek Spiers.

### Second Prize

#### The Collection

by Emma Lui Victoria College, Belfast.

Swatches and swathes of Oriental scarlet  
Silk and satin smooth  
Assorted glass beads of iridescent sheen  
Rescued from the frenzied Mardi Gras stampede  
Of Cajun spiced streets enraptured in heedless pleasure

Stately English cotton; pure and valley white  
Intricate French velvet so decadent and dark  
A fragrant pink cherry blossom bloom, serenely  
Framed against the breeze and boundless Fuji landscape

The crude and carved Mokande figure  
Murmurs whispered yearnings of home and the African plains  
A tanned brown leather moccasin, prickly and cracked  
Tastes of the searing scorched sands of Canyon dust

His treasures, lovingly embellished with Indian gold  
Now mine  
My grandfather's attic-  
Traces of sea-men tobacco still softly linger  
Huskily interlaced with fragments of home

Peace  
Draw breath and the Irish linen drapes  
And shun the cold approaching shroud of evening

Peace.  
All the world is home.

### Third Prize

#### Desperate Measures

by Kerri Ward, Assumption Secondary School, Walkinstown, Dublin.

In the busy, bustling street  
The atmosphere was charged and tentative.  
At one point, the flow of human traffic slowed and parted  
To reveal the homeless African man who sat each day by the railings,  
Arms outstretched, dripping with white paint.  
Everyone else dodged to one side,  
Muttering comments to their colleagues,  
Their voices frustrated  
But with the same underlying tone of unease that laced the air.  
The man flung his arms to the heavens,  
Throwing a shower of the chalky solution in all directions.  
Every inch of his dark skin was coated in titanium white  
It clung to his clothes and dripped from his fingertips as he made wild  
hand gestures,  
Trying to get the attention of the passers-by.  
He cried out to us,  
The look in his eyes that of an animal wounded and driven mad by pain.  
Agitated, the populace quickened their pace,  
Ignoring the spectacle before them.  
Someone called the police.  
Before long they arrived and the man was bundled away quickly and  
routinely.  
A few moments on and the scene was forgotten,  
The only traces left the spatters of white on the dirty ground, the  
dented, discarded paint-can  
And the reflection of guilt in the onlookers' eyes as the man's last  
screamed words echoed in their minds'  
"Now will you accept me?"

# Habitual Residence Condition

Anna Visser, Research & Policy Officer, NCCRI

**The Habitual Residence Condition (HRC) was introduced on 1 May 2004 to 'protect' the Irish welfare system in light of EU accession. In the twelve months since its introduction serious questions have been raised as to the efficacy of the condition and the impact that it is having on Black and minority ethnic groups, including the Traveller community. The impact of the HRC is, of course, much broader than minority ethnic groups, however it has a disproportionate effect on those groups in society who are most vulnerable. Over the last year the NCCRI, with a range of other organisations, has been working with the Department of Social and Family Affairs to highlight implementation concerns with regard to the HRC.**

All existing EU States were able to impose transitional restrictions for up to seven years on freedom of movement of the labour force of the 10 new EU Member States prior to accession on 1 May 2004. In practice all EU States, despite in some cases assertions that they would not do so, introduced some form of restriction. In general the arguments for such restrictions focused on two main concerns: (1) impact on the labour market; and (2) concerns with regard to potential abuse of the social welfare system or 'welfare shopping'.<sup>1</sup> In Ireland these 'protections' manifested as the Habitual Residence Condition.

## Habitual Residence Condition

Habitual Residence is a condition which every applicant must satisfy in order to qualify for certain social welfare assistance payments and Child Benefit. This condition took effect from 1 May 2004 and affects all applicants regardless of nationality. 'Habitual residence' means an applicant must have a proven close link to Ireland or other parts of the Common Travel Area (CTA). Five factors are considered when you are habitually resident:

- 1 main centre of interest
- 2 length and continuity of presence
- 3 length and reason for any absence
- 4 nature and pattern of employment
- 5 future intention.

If a social welfare claimant does not satisfy the HRC they may qualify, under the Supplementary Welfare Allowance Scheme, for a payment to meet a once-off exceptional or urgent need; or if they have come to Ireland from another country and do not have any means of support, the Reception and Integration Agency (RIA) can assist with return to their country of origin.

## Immigration and habitual residence since May 2004

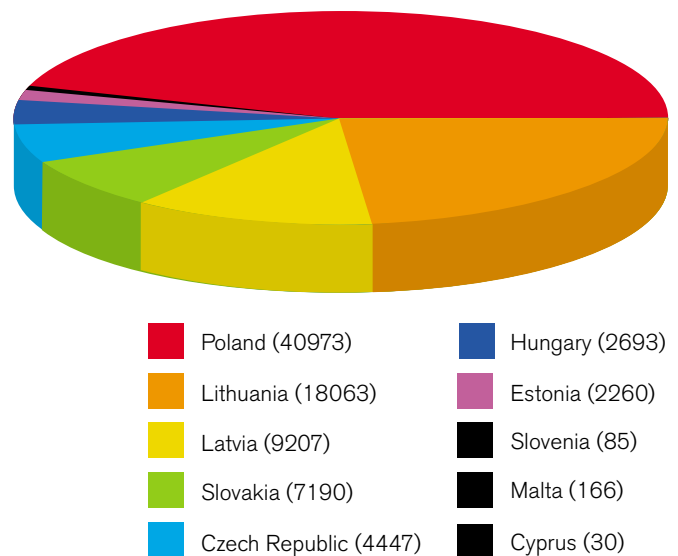
Even before the introduction of the HRC the existing evidence from the EU and the experience of earlier EU enlargements flatly contradicted the assertions that there would be a huge increase in migration to Britain, Ireland and the other existing 15 EU States.<sup>2</sup>

Experience of past enlargements indicates that emigration diminishes rather than increases, following membership of the European Union. For example, emigration from Spain to the other

EU countries fell from over 200,000 in 1970 (establishment of free trade area) to 120,000 in the late 1970s (application for membership) and about 2,000 to 3,000 in the early 1990s (post-accession). The International Labour Organisation (ILO) has stated that there is no evidence to suggest that migrants engage in 'welfare shopping', by and large people migrate to ensure a better standard of living which can only be achieved through active participation in the labour force. In the first year since EU Accession this conclusion appears to underpin the experience in Ireland, in other words the motivation for migration is employment and not access to social welfare.

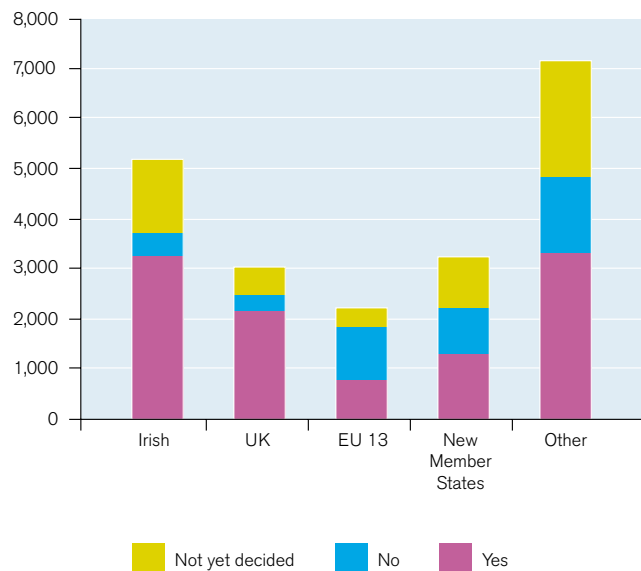
The only data available which gives an indication of inward migration from the EU-10 since 1 May 2004, are figures from the Department of Social and Family Affairs on Personal Public Service Number (PPSN) allocations. In the first year since accession it is difficult to assess whether these figures represent new migration or individuals already in Ireland. Neither is it possible to determine how much of this migration represents initial interest following Accession, as opposed to a long-term pattern.

**Figure 1: PPSN Allocation May 2004 - April 2005, Total: 85,114, Source: Department of Family and Social Affairs (June 2005)**



As of 7 June 2005 a total of 20,629 HRC applications had been submitted for decision; of which 52% were decided in favour of the claimant, 21% against, and 27% had not yet been decided. Of the total claims decided 72% were decided in favour of the claimant. 90% of applications by Irish nationals were decided in favour of the claimant, 90% of UK applicants, 36% of EU 13 applicants, 57% of EU 10 nationals and 68% of others. While the number of claims in favour of EU 10 nationals is lower than the average, it is significantly higher than claims by nationals from the old EU Member States.

**Figure 2: Total HRC applications received from 1 May 2004 to 7 June 2005, Source: Department of Social and Family Affairs**



As of April 2005 RIA had assisted less than 200 people to return to the new EU Accession State since May 2004. These figures support the view of migrant organisations that for many migrant workers returning to their country of origin is simply not an option.

This picture would seem to indicate while that there are significant numbers of migrants coming to Ireland to work from the EU 10, very few of them are attempting to access the Irish social welfare system. This experience can be paralleled with that in the UK and Sweden. In the later cases despite the fact that no new limitations were introduced to social welfare provision, in August the government announced that there was no evidence of 'social welfare tourism' (even though Sweden has one of the most generous social welfare regimes in the EU).<sup>3</sup>

The situation in the UK is a little different in that the Habitual Residence Test (HRT) does not apply to EEA nationals who are 'workers', though the UK government did introduce restrictive measures for citizens of EU Accession States prior to EU Accession. These people will have to be working as 'registered workers' in the UK for a minimum of 12 months before becoming entitled to some social welfare. A report by the UK Home Office released on 7 July 2004 found that there has been no dramatic increase in arrivals from the new EU Member States since accession, and that only a small number of immigrants attempted to access UK social security.

### European Social Policy

Questions have been raised as to the legality of the review in the context of European Union social security provisions; according to Minister Coughlan 'the proposal is within EU Law'.<sup>4</sup> The position is that changes to social welfare qualification can be made as long as they are applicable to all EU members. As stated by the Minister for Social and Family Affairs on 26 January 2005:

"The application of the habitual residence condition has to be compatible with EU law and other international and national legal obligations. It is not possible in applying the condition to discriminate in favour of any particular group or nationality."

It has recently been reported in the Irish Times (4 June 2005) that the European Commission has raised concerns regarding the HRC with the Minister for Social and Family Affairs. It seems likely that these concerns relate to freedom of movement and entitlement to social security for EU nationals.

According to the European Commission social security is a key issue for persons exercising their fundamental right to free movement in the European Union. But without coordination at European level national social security legislations may lead to disadvantages in the field of social security for European citizens and their families who move within the European Union. True free movement therefore needs protection of these rights. EU Regulation 1408/71<sup>5</sup> and implementing Regulation 574/72<sup>6</sup> offer practical solutions to most of the cross-border problems that may arise in the field of social security.

These regulations do not harmonise but co-ordinate the social security schemes of EU Member States, i.e. they do not replace the different national social security systems by a single European scheme. Therefore, Member States are free to determine the details of their own social security systems, including which benefits shall be provided, the conditions of eligibility and the value of these benefits, as long as they adhere to the basic principle of equality of treatment and non-discrimination.

The rights and entitlement of EU nationals, and particularly nationals of the EU Accession States is a specific concern regarding the HRC, however the impact of the Condition is much broader, and a wide range of issues have been identified which particularly impact minority ethnic groups in Ireland.

### Issues and concerns

The HRC has proved to be a very significant issue for a whole variety of vulnerable communities in Ireland, however it is fair to say that it is having a particular impact on minority ethnic communities, including: migrant workers, refugees and asylum seekers, and Travellers. The HRC directly impacts the most vulnerable groups in societies; those in danger of homelessness and destitution.

### **Workplace exploitation**

Serious concern has been expressed in terms of the position of migrant workers who find themselves in situations of workplace exploitation. According to organisations which work with migrants the HRC is acting like the work permit system in locking people into situations of exploitation as they feel they have no alternative. This situation is exacerbated in cases where a worker is dependent on their employer for their accommodation. Questions have been raised as to the legality of this situation, particularly if the HRC is serving to undermine employment rights. This issue is of particular concern where migrants have been recruited by Irish agencies to work in Ireland.

### **Refugees**

Those who have successfully come through the asylum process in Ireland are automatically identified as habitual residence, in recognition of the fact that while an individual is in the asylum process they are not able to establish habitual residence. This principle is also applied to those granted temporary leave to remain including the parents of Irish children.

Nonetheless a number of the organisations that work with refugees have reported that individual refugees are being subjected to the HRC, and even failing it. This is likely caused by confusion on the part of the deciding officers however it is a very worrying trend, as it can lead to significant time delays in processing applications, particularly where decisions have to be appealed. According to the Vincentian Refugee Project one of the outcomes of this is that people are reluctant to take up temporary or contract work, for fear that they will not be able to access welfare should they need to. Whether these concerns are real or perceived they are having a serious impact on the communities in question and Irish society more generally.

### **Homelessness**

Homelessness, particularly of recent migrants, is presenting as a serious problem for migrant rights organisations and as well as community and voluntary organisations working on housing and homelessness. The HRC is leading to additional pressure on voluntary and community sector organisations, particularly those who supply hostel accommodation, as limited resources are stretched even further to assist vulnerable migrants who have found themselves in extremely difficult situations. Cases have been reported where people are forced to live on the street or find accommodation with friends. Cases have been documented both of recently arrived immigrants as well as those who have been here for some time but have lost employment for some reason.

**The HRC is a cross cutting issue which impacts the work of a huge variety of organizations, including:**

Age Action

Children's Rights Alliance

Comhairle

Crosscare

Emigrant Advice

Free Legal Advice Centres

Homeless Agency

Immigrant Council of Ireland

Irish Refugee Council

Irish Traveller Movement

Merchants Quay Ireland

Migrant Rights Centre Ireland

National Consultative Committee on Racism and Interculturalism (NCCRI)

NASC

National Network of Refuges and Support Services

National Women's Council

Refugee Information Service

Safefhome Ireland

Simon Community

SIPTU

Society of St. Vincent de Paul

Vincentian Refugee Centre

Women's Aid

### **Child benefit**

One of the most concerning developments of the HRC has been the removal of the universality of the child benefit payment. This has particularly impacted asylum seekers, the vast majority of whom are in Direct Provision where they receive €19.10 a week per adult and €9.60 for a child. Prior to the introduction of the HRC asylum seekers were entitled to Child Benefit, however as they are not habitually resident this payment was cut off from 1 May 2005. As a result there are some families in receipt of child benefit with others that are not. Evidence and research is emerging which demonstrates the problems that this is causing in terms of poverty and even malnutrition.

### **Women experiencing domestic violence**

There is concern as to the impact of the HRC on women who experience domestic violence. In particular women's organisations have highlighted the potential for migrant women who experience domestic violence to find their situation exacerbated by the HRC. Traveller organizations have raised similar concerns given anecdotal evidence than a number of Traveller women, who had difficulty proving residence in the CTA, could not access refuge support.

### **Review**

The HRC was a dramatic change in Irish welfare provision, a change which has been recognised as such by the Department of Social and Family Affairs. A few months after its introduction the Department indicated that it would be reviewing the HRC in order to ascertain its effectiveness. Since June 2004 the review has been highlighted by the Department, however the outcome is still pending.

On 6 October 2004 Minister Brennan stated that:

"The habitual residence condition is a major new development in the social welfare system. As it has been in place for almost five months, a review of its efficiency and effectiveness is being carried out by my officials. The review will include an examination of the implications for various groups whose cases have come up for decision, including elderly missionaries returning to Ireland on holiday on a temporary basis.... I asked Department officials this morning to review the scheme, which has been in existence for some months, so that we can assess what we can learn from it."

This commitment to the review was restated in November 2004 and February 2005. In addition in April 2005 the review was linked to the National Economic and Social Council (NESC) review of child income support: "The issue of any new child income support payment to tackle child poverty and whether the habitual residence condition should apply would be considered at that time." It is expected that the NESC study will be with the Minister by the end of July 2005.

The Minister has indicated that the views of interested parties, including the European Commission will be taken into account in the review, which is expected to be completed later in 2005.

Following the introduction of the HRC, the NCCRI wrote to the Department of Social and Family Affairs to express its concern that the HRC had been introduced in reaction to a xenophobic campaign in the British tabloid press, which fostered fears that there would be a 'flood' of migrants from the EU 10 following Accession, with the sole intention of engaging in 'welfare shopping'. Ireland is fortunate in that it has attracted significant numbers of migrant workers from the EU 10 over the last year, these migrants have come to work and contribute to the Irish society and economy, and there is no evidence that they are attempting to access social welfare in a significant way.

The NCCRI has welcomed the review of the HRC, and has actively engaged with it. We look forward to the speedy conclusion of the review and a frank discussion of how the HRC can be amended in order to ensure that the social welfare system achieves its objective of protecting the most vulnerable groups in society. The NCCRI believes that this review is an integral part of the overall strategy identified in the National Action Plan against Racism (NPAR) to: 'develop a more inclusive, intercultural approach to social service provision' (Measure 5.3).

The introduction of the Habitual Residence Condition has had significant impact on a whole range of vulnerable groups in Irish society including returning Irish immigrants and members of the Traveller community. Though it was introduced in response to fears concerning immigration in the context of EU accession, the HRC has the potential to impact on everyone who applies for social welfare in Ireland. The work of the NCCRI and other organisations demonstrates that the HRC is serving to exacerbate the problems facing already vulnerable communities in Irish society, those groups who the social welfare system should be focused on protecting.

<sup>1</sup> 'Welfare Shopping' is the pejorative term used to articulate a concern that citizens from the new EU Accession States will take the opportunity to travel to the EU country with the best social welfare system with the intention of taking advantage of (or defrauding) that system. The terms 'benefit shopping', 'benefit tourism' and 'welfare tourism' have also been used in this context. According to the ILO there is no evidence to suggest that welfare is a pull factor for migration

<sup>2</sup> See: <http://www.eurofound.eu.int/newsroom/migration.htm>

<sup>3</sup> EU Observer, 25 August 2004

<sup>4</sup> Dáil Debate, 10 March 2004

<sup>5</sup> [http://europa.eu.int/eurlex/en/consleg/main/1971/en\\_1971R1408\\_index.html](http://europa.eu.int/eurlex/en/consleg/main/1971/en_1971R1408_index.html)

<sup>6</sup> [http://europa.eu.int/eurlex/en/consleg/main/1972/en\\_1972R0574\\_index.html](http://europa.eu.int/eurlex/en/consleg/main/1972/en_1972R0574_index.html)

# Is it Racism, Stupid?

Daniel Holder, Animate

*Tackling barriers to public service access for migrant workers is the subject of a number of initiatives; however, one major barrier is often downplayed. Daniel Holder, Project Manager of 'Animate', a strategic interagency migrant worker project in the mid Ulster area, discusses indications from research.*<sup>1</sup>

Obtaining linguistic access to public services in the North on the basis of equality has become more of a reality in recent years for migrant workers and other ethnic minorities. Many of the bits and pieces of infrastructure for interpreter provision have been put into place - for essential services the right to an interpreter free at the point of use has become part of policy, whilst initiatives in the Health and Social Services and NGO sector have built a pool of skilled, accredited, tested and trained Community interpreters. The Health and Social Services sector now has its own centralised interpreter service<sup>2</sup> to which quality control procedures including codes of practice, vetting, etc have been introduced. Other public bodies have contracts and structures to source interpreters through the NGO sector or interpreting companies. Information has been circulated to staff many of whom have also received training.

Consequently hundreds of interpreter appointments do take place each week. However, there is evidence from migrant workers and interpreting organisations such as STEP<sup>3</sup> of an ongoing difficulty of some staff not always using interpreters. With the parts in the infrastructural jigsaw falling into place why does this still happen? Would the attitudes of a significant minority of staff be a factor?

## Anti-Migrant Worker Racism

Prejudice against migrant workers is clearly present in society and each specific racism has its own set of myths and untruths that informs it. In the case of anti-migrant worker racism, 'taking jobs', and 'getting everything on benefit' along with grossly disproportionate reactions to any real or imagined act of deviance by an individual migrant worker or blaming problems of the

system on 'the migrants' are all examples of popular all-to-often repeated anti-migrant racist discourse. The outcome is the demonisation and the generation of hostility towards migrant workers that fuels ill-treatment and discrimination.

The motivation of the bulk of persons who regurgitate such discourse is no doubt without malice, unwitting and unintended. Clichés become fashionable and part of gossip. However, the motivation does not matter; the outcome of demonisation and discrimination is the same. For those whose motivation is malicious the myths provide a seemingly legitimate avenue to justify an illegitimate prejudice, given as its now thankfully unacceptable, in most circles, to openly express racism on the basis of skin colour or nationality.

If prejudice is present in society it is also present within the staff of public services, who are part of society and not isolated from it. Prejudice and power are a dangerous combination - and staff have power. This may be power to provide or withhold information, power to provide an inadequate service or power to avoid providing a service or entitlement at all. If a staff member feels that the person in front of them should not be there, should not have access to a public service, and certainly should not be getting an interpreter, then the migrant worker service user is far more likely to be short changed.

Given this, it is highly problematic that when discussing barriers to public services there is often denial that racism is a problem. Policy makers can feel more comfortable discussing areas such as the language barrier, and leave racism undiscussed.

## Research to tackle denial

Equality projects do have the option of research to capture prevailing attitudes.<sup>4</sup> The Animate project has just conducted staff attitudes surveys of public service staff, which has proven that there is a problem. The survey illustrates that a significant minority of staff were prepared to express

that, on the basis of their nationality, they would be unwilling to accept a migrant worker as a neighbour, close friend, colleague, or to a lesser extent even as a service user. Some of the comments and reasons given by staff indicated areas of myth and prejudice, including the economic:

*"There is little enough work here in our country for ourselves without taking in people from other countries"*

*"...employing [migrants] gives us less work and takes away our jobs"*

*"There's no work for our workers as it is"*<sup>5</sup>

Another reoccurring untruth was that 'migrants get it easy' and the idea that migrant workers somehow do not pay taxes: *"If migrant workers contribute to society as we do in terms of payment to the state I don't think there would be a problem in them being accepted"*

*"These people just go to our DHSS [Social Security] and get cheques for £3000 or more, we the people of this country have to fight tooth and nail for everything"*

*"...We are paying tax ... how many migrants are, wake up!"*

*"...If I was in a foreign country I would think it reasonable I learn the language - not have it handed to me by the rate payers of my adopted country"*

Language usage itself was a frequent area of prejudice, possibly not surprising given the prevalence of mono-lingualism. This manifested itself in assumptions based on unrealistic expectations, for example that languages could be learned overnight (*'thought she could have spoken English by now'*) or that persons employed on minimum wage jobs should have third level language skills before arriving in the country. Another assumption was that if a sentence could be articulated in English this meant the person was really fluent and if they did not understand they were just pretending not to. A number of persons insinuated language barriers were faked: *"...they are unable or unwilling to speak English"*



One person even questioned the existence of other languages:

*"...a migrant worker was speaking very fast and not even in a language I had ever heard before...I took him outside and explained directions. He then repeated this back to me in English, said thank you and walked off. I wondered if the language he spoke existed".*

Given this, perhaps it is not surprising that there is reluctance by some to offer an interpreter.

#### Measures to tackle prejudice:

Animate has been involved in developing information provision materials and migrant worker specific training packages that have been piloted and used. Locally councils, health, education and housing authorities have either circulated materials to staff, plan training or both. All of these have a general anti-racism focus but often concentrate on simply de-legitimising the myths and untruths through providing facts and information. Materials also raise consciousness on the daily realities of migrant workers and illustrate racism is a much broader concept than often imagined.

The impact of information materials and training has been positive for those who have experienced them. The flip side to the openly prejudicial comments is a similar proportion of positive remarks from proactive anti-racist employees. Given the widespread nature of 'taking jobs,' discourse anti-racists are often isolated and can be without the facts to mount an effective challenge. They can be left uncomfortable and often feel they constantly have to challenge persons on their own. This can be changed through the provision of facts and information. This is anti-racism training, namely training persons to be effective anti-racists.

As referenced above there are a much broader group of staff who will have heard, believed and may well have regurgitated prejudicial discourse on migrants out of ignorance and banter rather than malicious intent. Most of the persons in this category tend to be swayed following training and information. For bigots clearly information

or training is unlikely to change their views, but it can certainly marginalize them and force them to behave. If the 'taking jobs' discourse becomes the minority frowned on view in the canteen rather than the prevailing one, then the bigot becomes the embarrassed and uncomfortable party rather than those who move to challenge them.

#### CONCLUSION

In areas where working in a multi ethnic environment is new, there is a tendency to rush towards perceived comfort zones such as the language barrier when developing initiatives. This is in fact the easy part. There are good practice models out there that can be adapted and provided. The fact that they are often not is down to an absence of high-level commitment that may well be influenced by attitudes. Racism is the major barrier and the most complex priority. If in some quarters it dares not even speak its name, the work of providing public services on the basis of equality may well not get too far.

<sup>1</sup> The Animate project is based in Dungannon, County Tyrone. Further information on the project and its research can be found at [www.animate-ccd.net](http://www.animate-ccd.net)

<sup>2</sup> The Regional Health and Social Services Interpreting Project for Black and Minority Groups has a website at: <http://www.interpreting.n-i.nhs.uk>

<sup>3</sup> STEP – South Tyrone Empowerment Programme, an NGO that runs Migrant Worker Centres in Counties Tyrone and Armagh, The organisation is also the lead agency in the Northern Ireland Minority Ethnic Translation and Interpreting Service (NIMETIS) <http://www.stepni.org/>

<sup>4</sup> The research drew on a methodology used and outlined in Connolly and Keenan (2000) Racial Attitudes and Prejudice in Northern Ireland (Belfast: NISRA)

<sup>5</sup> There is in fact under 2% unemployment in the local area and local industry and services are dependent on inward migration to fill skills and labour shortages and secure sustainability and development. Inequality for migrants and locals alike is still an issue.

## Cross-Border Research Project

### Providing public services to minority ethnic groups

This project will examine how public authorities provide services for ethnic and immigrant groups within the prescribed legal framework in three jurisdictions: Northern Ireland, the Republic of Ireland and Scotland.

By analyzing the challenges which diversity presents to public service providers, the project will explore models for responding to the needs of three main target groups:

- longstanding migrant and minority communities
- refugees and asylum-seekers
- migrant workers.

The project will draw on experiences across a range of sectors including: health, social services, education, employment, housing, interpreting, information and advice, and policing.

The primary focus will be to identify how Northern Ireland public authorities can learn from experience within Northern Ireland and from their nearest neighbours: Republic of Ireland and Scotland.

During this 18 month project there will be a major international conference in March 2006 and the final report is expected to be available in August 2006.

This study, commissioned by the Office of the First Minister and Deputy First Minister (Northern Ireland) from the Centre for Cross Border Studies, is being carried out by the National Consultative Committee on Racism and Interculturalism, with Piaras Mac Éinrí (University College Cork); the Institute for Conflict Research (Belfast); and Organization and Social Development Consultants Ltd (Edinburgh).

Further information is available from: NCCRI, 3rd Floor Jervis House, Jervis St, Dublin 1, Ireland.  
Email: [anna@nccri.ie](mailto:anna@nccri.ie).

# Implementation of the National Action Plan Against

## Racism: A role for local development & community development

Jennifer Wallace, Community Development Officer, NCCRI

Jennifer Wallace reports back from the recent NCCRI/ADM Conference that took place in Croke Park with the participation of over 250 people.

As part of European week against Racism, the NCCRI and ADM in partnership with the Family Support Agency and the Department of Community, Rural and Gaeltacht Affairs hosted a conference on "The implementation of the National Action Plan Against Racism; the role of local development and community development". The conference was the first opportunity people from the community and voluntary sector had to engage with the plan since its launch by An Taoiseach and the Minister for Justice, Equality and Law Reform earlier this year.

The conference was part of a continuing process to enhance the impact of the National Action Plan Against Racism (NPAR) at local and regional level. The conference was launched by Dr Maurice Manning, President of the Human Rights Commission. In his opening address, Dr. Manning stressed that the NPAR "will only succeed if it is driven by people with local knowledge, local expertise and local commitment". The conference drew participants from a huge diversity of local and community organisations as well as representatives from government departments, statutory bodies and NGOs.

The conference highlighted the work by community organisations and local development agencies in developing strategies to address racism and advance equality at local and regional level. It provided the opportunity to exchange experiences and strategies in work already begun and to identify how this work can be advanced by the NPAR.

One of the key issues emerging from the conference was the level of engagement by the local development and community organisations with the NPAR. It was felt that organisations needed a greater understanding of the plan, before engaging more proactively with it. The government should develop a strategy to raise the profile of the NPAR and demonstrate leadership in its implementation to ensure the plan is given sufficient profile among key stakeholders.

Speaking at the conference, Dr. Tony Crooks (ADM), referred to the structure of the Local Development Social Inclusion Programme and its ability to identify and develop initiatives that are tailored to the specific communities in which they work. He reiterated the need for a local and regional response to the implementation of the NPAR. "City of Equals", the Galway city anti-racism initiative was welcomed as a good example of regional responses to developing an anti-racism and intercultural strategy. Garret Byrne, (Department of Justice, Equality and Law Reform with responsibility for the NPAR) welcomed such initiatives and demonstrated the government's commitment to developing similar regional anti-racism and diversity plans in ten pilot areas as a key objective of the NPAR.

The primary focus through out the day was on the importance of Black and minority ethnic led organisations and NGOs representing such groups to engage with and

support the implementation of the NPAR. Keynote speakers Salome Mbugua (Akidwa) and Dr. Maurice Manning clearly identified the need for sufficient resourcing and funding of groups, if real involvement in the NPAR is expected from them. There were calls for a clear commitment from government to a funding structure for Black and minority ethnic led groups. Conference delegates highlighted the need for a funding structure that is flexible to support emerging groups as well as more established groups through the provision of seeding grants and core funding. An enhanced focus on intercultural and anti-racism initiatives in the Local Development Social Inclusion Programme and Community Development Programme as outlined in the NPAR were welcomed.

The NPAR has a strong role in promoting cultural awareness and anti-racism initiatives. Conference delegates put forward a number of strategies. It was recognised that for maximum impact such initiatives need to be locally organised. There should also be on-going consultation from Black and minority ethnic groups in the planning, implementation and evaluation of such initiatives. Increased resources and budgets need to be made available to projects to deepen the work that is currently being done in this area. The Know Racism grant scheme provided the opportunity for such work. Conference delegates called for the reinstatement of the grant scheme to build on previous work.



Delegates at the NCCRI/ADM conference. Photo: Inaki Irigoien.

In all six conference workshops, delegates acknowledged the need for anti-racism and intercultural awareness training particularly to people working in social and health services and the gardai. It was felt that anti-racism and intercultural awareness training was the first step in breaking down institutional racism and promoting diversity. Anti-racism and intercultural awareness training should be integrated into professional training of social and health service providers. There is also a need for training to be made available to people working in the community and voluntary sector.

The concept of mutual integration was discussed in some workshops. It was felt that integration is a two-way process. Debate on concepts of diversity and interculturalism were welcomed to further develop an understanding of what it means to live in society that is increasingly multi-ethnic. The development of an Intercultural Forum promoted in the NPAR was welcomed. Black and minority ethnic groups should be central to the development of the Intercultural Forum.

In speaking at the conference, Philip Watt, NCCRI emphasised that the NPAR is not an end in itself but a framework through which new and existing developments might be progressed. The commitments in the NPAR are therefore general in nature rather than detailed and specific. A key challenge for the implementation of the NPAR is the establishment of specific targets, timetables

and review dates to ensure the plan's success. A further challenge is to ensure that the plan is sufficiently resourced. The NPAR is a mainstreaming strategy therefore it will require that most of the resources for the plan will come from existing budget lines.

In her concluding remarks at the conference, Anastasia Crickley acknowledged limited funding opportunities for local development and community development initiatives. She stressed however, that Black and minority ethnic groups continue to be among the most marginalized in Irish society. "We all have a responsibility to ensure that the issues faced by Black and minority ethnic groups continue to be placed firmly on local development and community development agendas. In a climate of limited resources and funding, we need to be more creative with our responses to addressing racism and promoting interculturalism."

It was felt that the conference was a success and organisations welcomed the opportunity to engage with the NPAR. The conference organisers would like to thank all those who supported and contributed to the conference.

**Next Steps**

A copy of the conference report will shortly be available on the NCCRI and ADM websites. The report will be presented to the Steering Group of the National Action Plan Against Racism. NCCRI and ADM are currently working on a strategy guide on enhancing the impact of the NPAR at local and regional level. This will be available from September 2005.

A copy of the NPAR is available from [www.justice.ie](http://www.justice.ie). For further information relating to the conference please contact Jennifer Wallace, Community Development Officer, NCCRI.

# The Muslim Community in Ireland

Ali Selim, Islamic Cultural Centre of Ireland

Ali Selim traces the history of the Muslim community in Ireland from the 1950s to the present day.

The Muslim community in Ireland represents a particular religious and ethnic minority in the Irish society. Within the last few decades, the Muslim community has become the fastest growing religious minority within the country and enjoys considerable integration in social and economic terms, and in ecumenical and inter-religious dialogue.

The Muslim existence in Ireland can be traced back to the early 1950s. The first trickle of Muslims was made up of students from South Africa followed by Muslim students from India, Malaysia and the Gulf states. They were mostly based in Rathmines, Harrington Rd, Leeson Street and South Circular Rd. As numbers increased, Muslims thought of forming a committee that would organize Friday prayer, Eid prayer and lectures. On the 23rd of January 1959 the first Muslim assembly was held at Koinonia House where a vote was taken to form the first Muslim Committee in Ireland known as the Dublin Islamic Society. This date marked the first publication of Muslim fasting timetable and the commencement of the regular performance of Friday prayer in Ireland.

As the Muslim population increased to 100, Muslims perceived themselves as a viable community. Consequently the long cherished aim of the establishment of an Islamic centre, incorporating a prayer hall with facilities for ablution and an Islamic library, was pursued. A fund raising campaign, mainly directed at parents and

relatives of students studying in Ireland, was initiated in 1969. Moreover, requests were made to the authorities in Kuwait, Libya, Saudi Arabia, United Arab Emirates, Jordan and all Islamic centres in the UK. Over a period of five years the envisaged amount required for the purchase of a modest property suitable for the purpose of an Islamic centre was, thanks to Allah, raised. In April 1973 7 Harrington Street became the official address of the Muslim Society.

From 1977 to 1983 the number of Muslims increased to the extent that the building in Harrington Street was no longer adequate. With the assistance of Qatari and Kuwaiti authorities and individual donations the property at 163 South Circular Rd was purchased. The building at Harrington Street was sold in 1985 and the money accrued was spent on the purchase of the building at 163 South Circular Rd. In 1985, due to the increasing number of Muslims, a balcony was added inside the mosque to enlarge the prayer area. In 1990 the name of Dublin Islamic Society was changed into the Islamic Foundation of Ireland (I.F.I).

The 1990s witnessed a dramatic economic boom that encouraged professional immigration to Ireland. It became possible to find employment in a wide range of specializations e.g. medical profession, information technology, computer science, meat industry, etc. Arab investment started to trickle into Ireland known for quality beef production and breeding horses.

Due to the continuing increase of the Muslim population there emerged a need for an Islamic Centre that could cope with the growing Muslim population satisfying their needs in terms of education, socialization, integration and recreation. In 1992 Sheikh Hamdan Ben Rashid Al-Maktoum, Deputy Governor of Dubai and Minister of Finance and Industry in the United Arab Emirates, agreed to finance a piece of land including a building to house the Muslim National School. Later on Sheikh Hamdam agreed to sponsor the construction of a purpose built mosque and Islamic Centre on the same site.

Construction of the Islamic Cultural Centre of Ireland (ICCI) began in 1994. On November 16th 1996 the ICCI was officially inaugurated by President Mary Robinson and Sheikh Hamdan Al Maktoum. Al-Maktoum Foundation covers the running costs of the Islamic Cultural Centre of Ireland. The ICCI consists of five interconnected sections (connected together by a square system of corridors). The mosque is the raised centre-piece to emphasise that it is the heart of the Muslim community. The orientation of the Centre is towards the Ka'aba in Makkah in Saudi Arabia.

On entering the grounds of the Islamic Cultural Centre of Ireland one encounters a landscaped evergreen and then the dome and minaret come into view. In Muslim countries the call to prayer is broadcasted from the minaret (tower) five times a day; at the ICCI though this structure is merely



Members of the Muslim community demonstrating outside the French embassy in Dublin in January 2004 protesting against the French government's decision to ban the wearing of headscarfs in French schools. Photograph courtesy of the Islamic Cultural Centre of Ireland.

ornamental. The dome has no religious significance. The apex of both the dome and minaret are denoted by copper crescents representing the Islamic lunar calendar.

The facilities of the Centre includes a library, women's area, restaurant and shop. The library contains Islamic texts mainly in Arabic but also some in English. The women's area consists of two study rooms, crèche, kitchen and wudu facilities. The restaurant and shop are open to the general public. There is also a multi-purpose hall used for various sports and can be booked by single sex groups. Functions also held here include wedding feasts, meals to celebrate the birth of a child, daily meals for breaking the fast in the month of Ramadan and Eid celebrations and cultural exhibitions. There is also a seminar room used by the ICCI for seminars, small conferences, lectures, training programmes; and can be booked for such programs by other organisations. The ICCI hosts the Muslim National School, a state funded primary school, with an Islamic ethos with over 260 pupils. The religious department is sponsored by the Maktoum Foundation.

In 1978, the Galway Islamic Society was established, and a house was bought in 1981 to be used for the Jumu'ah and congregational prayers. In 1984, the Cork Muslim Society was established and in 1994, a house was bought in the city of Cork to be used as a Mosque. In 1986, the Ballyhaunis Mosque in the Northwest of Ireland was

built. In 1994, a house was bought in Limerick to be used as a Mosque for the Muslims in the city. In 1999, a branch of the Islamic Foundation of Ireland in the City of Waterford was formed. A house was rented for the prayers and classes for adults and children.

The Muslim community in Ireland comprises of Muslims from various countries such as Pakistan, Malaysia, Somalia, South Africa, Nigeria, Algeria, Libya, Bosnia and Ireland itself. The majority of the Muslims are based in Dublin According to the report of the Central Statistics Office, the Muslim population in Ireland is 20,000.

**For further information on the Muslim community in Ireland contact Islamic Cultural Centre Ireland, 19 Roebuck Rd, Clonskeagh, Dublin 14. Tel. 01-208 0000 [www.iccislam.org](http://www.iccislam.org) Islamic Foundation of Ireland, 163 South Circular Road, Dublin 8. Tel. 01-453 3242.**

# Integration of Muslims in Ireland

Ali Selim, Islamic Cultural Centre of Ireland

Ali Selim argues that the Muslim community have integrated well into Irish society and have avoided the assimilation model, preserving their faith and way of life.

In Ireland the Muslim community, comprising a wide range of various nationalities, is confronting a critical phase of intrinsic and extrinsic development. When Muslims first arrived in Ireland in the early 1950s they were students and their plan for departure was made prior to their arrival. Nonetheless, upon arrival the Muslim community commenced a process of establishment and settlement among the Irish communities that involved integration, but not assimilation, at a remarkable level. Irish Muslims are no longer strangers, but citizens. The process of integration, while preserving the Muslim identity, meant feeling at home in Irish society.

Islam is categorically described as a way of life. Hence Muslims' approval or disapproval of matter should be founded on a textual foundation. Consequently when Muslims were exposed to the issue of integration in Ireland a thirst arose for textual support. Due to the fact that the Islamic Scriptures elaborates on social issues such thirst was quenched easily. Allah said: "O mankind! We created you from a single (pair) of a male and a female, and made you into nations and tribes, that ye may know each other (not that ye may despise (each other). Verily the most honoured of you in the sight of Allah is (he who is) the most righteous of you. And Allah has full knowledge and is well acquainted (with all)" (49:13 YUSUFALI Trans.)

This verse forms one of the major corner stones of the Muslim integration. It vividly crystallizes the fact that people come from one and the same source. Nevertheless, they have been made into tribes and nations. "That you may know each other" does not mean the mere knowledge of names and origins, but rather the positive integration that turns the individuals of one society into

one congregation crumbling all racial traits in order to create an enriched atmosphere of understanding through a diversity of origins that leads to a new inclusive society. On the other hand relations among people are frozen by lack of trust, seclusion and isolation. Hence coexistence should be founded on integration and bridging gaps and trusting others. When these elements become parts of our culture observed at all levels peace will prevail.

To a large extent it is difficult to get accurate statistics on Muslim population in Ireland. However, according to the 1991 census, the number of Muslims was 3,873 and according to the 2002 census 19,147. The present population is estimated to be 25,000. The Muslim community is employed in a wide range of professions. There is also a large number of Muslim students especially in the Royal College of Surgeons and Muslim asylum seekers coming from Nigeria, Libya, Iraq and Algeria, Bosnia and Somalis. They were forced to flee their countries because of political situations.

It is obvious that the Irish Muslim community is in a state of change, transition and progress. In recent years numbers are increasing all the time as people arrive and new members are being accepted in the Muslim community. The fastest growing sector in the Islamic community is represented by children living in a home environment dominated by their parents' culture, educated in a European system of education. Due to the existence of Muslim national schools, there is no contradiction. Upon joining second level of education, Muslim students encounter a number of issues e.g. food, prayer and hijab. These issues are usually sorted out easily.

When the spectrum of integration enlarged to the extent that it almost touched every aspect of Muslims' life, a need for a European Muslim association was identified. To meet this need the European Council for Fatwa and Research was founded consisting of a number of Muslim scholars who work to deliver Fatwa and guidance in some of the prominent Islamic centres throughout Europe along with a number of scholars who live in the Islamic world. Among its objectives, the Council facilitates Muslims' life in Europe encouraging positive integration at all levels in the light of the Islamic Holy Scripture.

By and large the Muslim experience in Ireland is facilitated by the fact that there is a huge amount of historical and traditional commonalities between Muslim immigrants and the Irish natives. The fact that Irish natives welcome us makes it even better.

For further information see the European Council for Fatwa and Research at [www.e-cfr.org](http://www.e-cfr.org) and Islamic Cultural Centre of Ireland at [www.islaminireland.ie](http://www.islaminireland.ie)

## A brief overview of some of the main stories to have recently hit the headlines

### **The Parallels between Emigration and Immigration**

There was coverage in all the national dailies on the delegation of Catholic Church representatives and politicians going to Washington to lobby on behalf of an estimated 50,000 Irish people living illegally in the United States. Both groups hoped to lobby for administrative changes that would make it easier for undocumented Irish to secure legal status to remain in the US. If the undocumented Irish are found to be living illegally in the US, they will be repatriated. In the aftermath of 9/11 and the introduction of new security laws, it is becoming increasingly difficult for many of them to remain undetected.

The Irish Times editorial of 04 May 2005 stated "The concerns and difficulties being experienced by Irish emigrants should help to shape debate in this society about how we treat foreign workers. Recent surveys have shown considerable majorities in favour of allowing non-nationals to stay, if they have been waiting for many years for their asylum applications to be processed. Majorities also believe such people should be allowed to work. This State needs firm immigration laws and a functioning deportation system. But the structure must also be flexible and humane in order to respond to particular cases and to compensate for past administrative failures. In reviewing our immigration system and new work-permit legislation, the Government should keep the experiences of Irish emigrants in mind."

### **Enforcement of Employment Laws Highlighted**

The Irish Times reported the labour inspectors plea to the Government regarding the lack of staff, resources, training and legal support which is hampering the pursuit of employers who exploit their workers.

Confusing legislation, inadequate powers, ambiguous targets and a lack of clarity on their roles are also hindering their work, the inspectors said in a confidential document seen by the Irish Times. The document starkly sets out how poorly equipped inspectors are to tackle workplace exploitation. The problems they highlight include their lack of confidence as a result of "haphazard" training; a lack of resources and staff is a "severe impediment" to the delivery of targets; they have no regional presence except in Cork and penalties are inadequate and, in some cases, employers can benefit from ignoring the law.

The review, which is ongoing, was a response to trade union demands for a big increase in the number of inspectors dealing with workplace exploitation. There are currently 21 inspectors. The department's report says that even that figure overstates the number of inspectors normally working. The report suggests the number of inspectors should be raised to between 38 and 51, based on a study by the International Labour Organisation.

### **The Language of Public Representatives Under Scrutiny**

Michael McDowell, Minister for Justice, Equality and Law Reform was widely reported in respect of comments made at Oireachtas Justice Committee meeting that "the patience of the Irish people would be tested if they knew the cock and bull stories being given by people looking for asylum". He also was reported as saying that if he had his way, interviews with asylum applicants would be conducted at the point of their arrival. Mr. McDowell also added that there was "a lot of political correctness that goes on here and it is manifestly bogus, far-fetched nonsense and it's about time we said it." His

comments were criticised by a number of bodies including the Irish Refugee Council and other commentators in the media including Fintan O' Toole and Vincent Browne.

Harry McGee of the Irish Examiner (21/05/05) argued that Minister McDowell's argument is a dishonest one. He does not point out that there are 'genuine' asylum seekers. He also says "it is rich for Government parties and for Fine Gael to be wailing about undocumented Irish in the US while out-toughing each other to hound illegal aliens from Ireland."

Ian O'Doherty of the Irish Independent (23/05/05) sided with Minister McDowell on the matter. He felt it would be naïve to assume that every asylum applicant told only the strictest truth, devoid of embellishment. According to Mr. O'Doherty it is also naïve to assume all asylum seekers are genuine as it is wicked to assume that they are all "economic vampires who want to sponge off the system."

There was significant coverage of a comment made in the Dáil by Conor Lenihan TD, Minister of State for Human Rights and Overseas Development, to Joe Higgins that he should "stick with the kebabs". This remark was interpreted as a reference to Mr. Higgins' work on behalf of the Turkish workers involved in the Gama dispute. The Minister of State subsequently issued an apology for his remarks.

# Notice Board

## NCCRI Synergy North South Intercultural Initiative

The NCCRI Synergy North South Intercultural Initiative was officially launched on March 21 2005 by the Minister for Foreign Affairs, Mr. Dermot Ahern. In 2004 the NCCRI secured funding under INTERREG IIIA for a three-year programme focussing on building an intercultural focus into service provision in the border region and Northern Ireland. The Regional Development Unit is based in Dundalk, Co. Louth.

The anticipated impact of Synergy is to significantly enhance the socio-economic inclusion of Black and minority ethnic groups, including the Traveller community, in the border area, with a particular focus on their participation in the planning, implementation and delivery of culturally competent service provision.

For further information, contact Joe Leneghan or Hazel Murphy at Tel. 042-9352730. NCCRI Synergy North South Intercultural Initiative, 3/5 Jocelyn Street, Dundalk, Co. Louth.

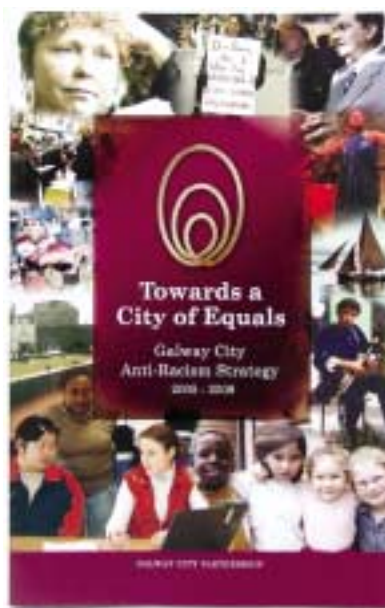
## Galway City Anti-Racism Strategy

On the 21 March 2005 Galway City Partnership launched its three year anti-racism strategy for Galway City "Towards a City of Equals: Galway City Anti-Racism Strategy 2005-2008". This is the first occasion ever where an anti-racism strategy was developed for a specific city. There are a total of 33 actions in the Strategy.

The document is available from Galway City Partnership at Tel. 091-773 466. A summary document is available in nine languages. Ernest Bishop has been appointed co-ordinator of the strategy. For more information see [www.gcp.ie](http://www.gcp.ie)



At the Synergy launch (L-R): Paul Yam, Equality Commissioner for NI, Dermot Ahern, Minister for Foreign Affairs and Joe Lenaghan, NCCRI Regional Development Officer. Photo: Kevin Cooper.





### **World Refugee Day Awards 2005 Award Ceremony**

The World Refugee Day Awards in Ireland publicly recognizes and highlights the vital contribution made by refugees, asylum seekers and local communities who actively promote a positive model of integration and who work for the protection and promotion of the rights of new communities. The Awards play a crucial role in reflecting often unrecognized interaction and work of many groups and individuals from both communities, whilst acknowledging the difficulties and uncertainties faced by many asylum seekers and refugees.

The World Refugee Day Awards is an initiative of the African Refugee Network, the NCCRI, Reception and Integration Agency, Dublin City Council, Integrating Ireland, CREATE, SPIRASI and the UNHCR representation in Ireland. On the 16th of June the Lord Mayor of Dublin presented the awards to the winners. There was also an address from the South African Ambassador, Ms. Melanie Verwoerd.

The winners of the World Refugee Day Awards 2005 are as follows:

#### **Arts & Culture**

Atinuke Achioya, Louth African Women's Support Group  
Bairbre Ni Chaoimh, Artistic Director, Calypso Productions

#### **Community & Environment**

Abbey Okubadewjo, based in Longford  
Rosanna Flynn, Residents Against Racism

#### **Education & Youth**

John Moyo, One World Spirit, Dundalk, Co Louth.  
Mary King, Chairperson, Dun Laoghaire Refugee Project

#### **Health & Welfare**

Hlaleleni Karanda, co-ordinator of the Zimbabwe Solidarity Campaign in Belfast  
Ed & Jean Ritchie, Killarney Asylum Seekers Initiative (KASI)

#### **Sports & Leisure**

Abraham Wahid, Chairperson of Dun Laoghaire Town Football Club  
Garda John Paul Durkan, Ethnic Liaison Officer, Dun Laoghaire

#### **Special Judges Award**

Jonson Godwin & Bukasa Mukalenga, Foroige  
Catherine Butler, Centre for the Care of Survivors of Torture (CCST)

The key message of this year's World Refugee Day is "It Takes Courage to be a Refugee".

To find out more about World Refugee Day log onto [www.unhcr.ch/wcd](http://www.unhcr.ch/wcd)



Donal O Kelly, playwright and actor (far left) launched the World Refugee Day awards in March 2005. Photo courtesy of Dublin City Council.

# Recent Publications

NCCRI/Equality Commission for Northern Ireland:  
**Seeking Advice and Redress Against Racism in Ireland: An Information Handbook.**  
Available from the NCCRI or ECNI:  
Web. [www.nccri.ie](http://www.nccri.ie) [www.equalityni.org](http://www.equalityni.org)

Department of Justice, Equality and Law Reform:  
**Immigration and Residence in Ireland: Outline Policy Proposals for an Immigration and Residence Bill.**  
April 2005. [www.justice.ie](http://www.justice.ie)

Keogh & McCarthy: Limerick Boycott 1904:  
**Anti-Semitism in Ireland.**  
Web. [www.mercierpress.ie](http://www.mercierpress.ie)

Le Voy/Verbuggen/Wets (eds):  
**Undocumented Migrant Workers in Europe.**  
Available from PICUM:  
Web. [www.picum.org](http://www.picum.org)

ANIMATE:  
**Guidance on Development of Translations into Migrant and Other Minority Languages: Promoting Good Practice for Statutory and NGOS in the Dungannon South Tyrone, Cookstown and Craigavon areas. 2005.**  
Available from Animate:  
Email. [info@animate-ccd.net](mailto:info@animate-ccd.net)  
Web. [www.animate-ccd.net](http://www.animate-ccd.net)

Equality Commission for Northern Ireland:  
**Promoting Equality in Intercultural Workplaces. March 2005.**  
Web. [www.equalityni.org](http://www.equalityni.org)

Refugee Action Group:  
**Forced to Flee: Frequently Asked Questions about Refugees and Asylum Seekers in Northern Ireland.**  
Email. [refugee@mcrc-ni.org](mailto:refugee@mcrc-ni.org)

Irish Refugee Council:  
**The Role of Refugee Community Organisations in Representing and Servicing Their Communities: Proceedings of a conference on 29 October 2004.**  
Contact Irish Refugee Council  
Tel. 01-873 0042  
Web. [www.irishrefugeecouncil.ie](http://www.irishrefugeecouncil.ie)

West Against Racism Network (WARN):  
**Welcome Pack for Minority Ethnic Communities in West Belfast.**  
Web. [westagainstracism@hotmail.com](mailto:westagainstracism@hotmail.com)

National Childrens Resource Centre:  
**Every Child Matters: Developing Anti-Discriminatory Practice in Early Childhood Services.**  
Web. [www.barnardos.ie](http://www.barnardos.ie)

Martin Ruhs:  
**Managing the Immigration and Employment of non-EU nationals in Ireland.** May 2005.  
For further information contact  
Tel. 01-608-3482.  
Web. [www.policyinstitute.tcd.ie](http://www.policyinstitute.tcd.ie)

European Monitoring Centre on Racism and Xenophobia:  
**Racist Violence in 15 EU member States: A Comparative Overview of Findings from the RAXEN National Focal Points Reports 2001-2004.** April 2005.  
Web. [information@eumc.eu.int](mailto:information@eumc.eu.int) or  
<http://eumc.eu.int>

International Helsinki Federation for Human Rights (IHF)  
**Report on Intolerance and Discrimination against Muslims in the EU - Developments since September 11.** March 2005

Commissioner for Human Rights:  
**Report on the human rights situation of the Roma, Sinti and Travellers in Europe.**  
Web. [www.coe.int](http://www.coe.int)

National Council for Curriculum Assessment:  
**Intercultural Education in the Primary School: Enabling Children to Respect and Celebrate Diversity, To Promote Equality and to Challenge Unfair Discrimination.**  
May 2005. Available from NCCA.  
Tel. 01-661 7177 or  
Email. [info@ncca.ie](mailto:info@ncca.ie)  
Web. [www.ncca.ie](http://www.ncca.ie)

Equality Authority:  
**Towards Age-Friendly Provision of Goods and Services.**  
For a copy Tel 01-417 3333 or  
Web. [www.equality.ie](http://www.equality.ie)

Crosscare:  
**Annual Report 2004.**  
Available on:  
Web. <http://www.crosscare.ie/report.pdf>

Equality Authority:  
**The Employment Equality Acts 1998 and 2004 and The Equal Status Acts 2000 to 2004.**  
Available in Arabic, Chinese, Croatian, Czech, French, Lithuanian, Polish, Portuguese, Romanian, Russian, Serbian and Spanish.  
Tel. 01-417 3382.  
Web. [www.equality.ie](http://www.equality.ie)



### **What is Racism?**

Racism is a specific form of discrimination and exclusion faced by minority ethnic groups in Ireland. It 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.

Racial discrimination is defined in Article One of the UN International Convention on the Elimination of All Forms of Racial Discrimination (1969) as:

*“Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”*

### **What is Interculturalism?**

An intercultural approach is the development of strategy, policy and practice that promotes interaction, understanding, respect and integration between different cultures and ethnic groups on the basis that cultural diversity is a strength that can enrich society, without glossing over issues such as racism. Interculturalism is now replacing earlier approaches such as assimilation and multiculturalism.



**NCCRI**

The National Consultative  
Committee on Racism and  
Interculturalism (NCCRI)

Web: [www.nccri.ie](http://www.nccri.ie)