

Submissions to the Commission on the Future of Policing in Ireland

The Immigrant Council of Ireland is a human rights organisation and Independent Law Centre. We support and advocate for the rights of immigrants and their families and act as a catalyst for public debate, legal and policy change.

Summary of recommendations:

1. Diversity and intercultural competency training should be extended to all departments of An Garda Síochána to ensure a whole organisation approach to diversity.
2. There is a need for the development of anti-ethnic profiling and general anti-racism training within An Garda Síochána.
4. Trusting relationships need to be built between migrant and minority communities and An Garda Síochána.
5. The Gardaí should consider adopting proactive measures to encourage the public to report racial incidents and crimes.
6. The introduction of effective hate crime legislation and a National Action Plan Against Racism are key to provide the Gardaí with tools, techniques and framework to tackle racism in Ireland
7. The Immigrant Council encourages An Garda Síochána to further their efforts to recruit members from communities of migrant background to ensure the police force is truly representative of Irish society.
8. Equal access to justice and protection must be available to all victims of crime, regardless of immigration status.

The wider context:

Ireland has historically been a country of emigration and as such was one of the last European countries to experience inward migration from the late 1990s onwards. Although the economic crisis reversed the trend with an increase in emigration, diversity within the Irish population has remained and is here to stay. According to the latest Census (2016) approx. 17% of the Irish population belongs to a minority or migrant community. There are nearly 200 different languages spoken in Ireland and since June 2011 approximately 100,000 people have acquired Irish citizenship.

Taking into consideration the current diverse composition of Irish society and the projection that the number of people from foreign-born extraction could exceed one million by 2030, it is essential that **diversity awareness and cultural competency is being embedded and mainstreamed in An Garda Síochána's overall organisational approach to diversity**. In order to enhance feelings of safety and confidence in policing forces within Irish society it is essential to provide a policing service that recognises the diverse needs and priorities of Ireland's diverse communities. Appropriate and in-

depth diversity awareness and intercultural competency training¹ would build and enhance existing skills and methods to ensure the Gardaí are appropriately equipped when dealing with situations where people of different backgrounds meet or clash. The Gardaí needs to involve NGOs and/or people from minority ethnic communities in training programmes, as they are also the recipients of policing services.

According to international reports², people perceived to be non-Irish are more often subjected to random police stops, requiring the production of identity documents. We would highly recommend that the application of the Immigration Acts 2003 and 2004, in particular regarding allegations of racial profiling, is monitored on a regular basis. Furthermore, the State should consider adopting legislation prohibiting any form of racial profiling. There is a need for **integrating anti-ethnic profiling and in general anti-racism training and policies within An Garda Síochána**. It is important that the training will be designed in a way to help understand and challenge any unconscious biases that may exist within the forces. There should also be **formal procedures to deal with any manifestations of racist attitudes by Gardaí and they should be made known and easily accessible to the members of public**.

The Immigrant Council recognises the very good work currently undertaken by the Garda Racial, Intercultural & Diversity Office (GRIDO), nevertheless our research regularly reveals negative interactions between members of migrant and minority communities and Gardaí. Perception of low level support being offered to people of ethnic minority background can create a culture of mistrust towards An Garda Síochána and separate the community from accessing effective and just policing services. We therefore recommend an **increase in the resourcing and capacity of GRIDO** to coordinate, monitor and advise on all aspects of policing in the area of diversity. **The role of Ethnic Liaison Officers should be more widely promoted to members of migrant and ethnic minority communities to establish a stronger basis for future trusting relationships**.

Additionally, it is important to **implement measures better enabling and encouraging victims of hate crime to come forward**. Only proactive support to victims can break the cycle of victims not reporting such crimes. Migrants and other members of minority ethnic groups require better information in relation to their rights and entitlements, such as how to complain about racist crimes, and they need to feel respected and reassured while reporting a racist crime or any other crimes. The Immigrant Council welcomes the recent development in terms of recording hate crime on the PULSE system that allows for recording of racism and other forms of hate crime. Nevertheless, the discrepancy between the official statistics and the reports from civil society on the number of racist incidents in Ireland strongly indicate racism is underreported. **For the PULSE system to be used in an effective way there is a need for ongoing training** to cover issues including; recognising elements of racially motivated behaviour, appreciating its importance and learning how to respond in a professional manner. This also includes developing skills to deal with reports of racial incidents giving particular consideration to the sensitivity of this type of crime.

¹ Appropriate and in-depth diversity awareness and intercultural competency training means providing space and time to consider our attitudes, beliefs and values, and how that affects our opinion of other people, their lives, their culture, their values, can we come to a place where we can develop mutual understanding and respect.

² ECRI report on Ireland, 4th monitoring cycle 2013

Equally important is ensuring An Garda Síochána has the appropriate tools, techniques and frameworks to deal with the issue of racism in Ireland. The current legislation is not fit for purpose, as has been well documented by various civil society groups³ which provide services to minorities affected by hate crimes and by independent researchers⁴. The lack of legal avenues to deal with racism dissuades victims from reporting this growing⁵ issue to the authorities. It has also been reported that some members of the Gardaí, despite best intentions, are finding it difficult to adequately assist victims of racism due to a lack of appropriate legislation and training⁶.

We would also like to encourage An Garda Síochána to respond to the diversity present in society in their recruitment processes. Recruitment of police officers from minority ethnic communities will ensure an added value of multicultural skills which enhance the force's cultural competences (internal and external), and will build links between the force and the communities it serves. There is a real need for special programmes and affirmative action to **promote recruitment from minority ethnic communities**. The Immigrant Council would like to recommend An Garda Síochána carries out an **audit to examine why members of ethnic minorities are reluctant to join An Garda Síochána** in significant numbers. Such an audit will help the force to develop recruitment strategies.

The commitment of An Garda Síochána to protect members of the public from harm must be extended to all, regardless of their migration status. Migration status is a factor that increases vulnerability and should be recognised as such. The An Garda Síochána Code of Ethics sets out guiding principles on the wrongfulness of discrimination based on the residence status during an investigation. It also stresses the importance of accommodating those groups which may have previously had a limited or challenging relationship with policing services. International researchers have found⁷ irregular migrants who have become victims of crime are reluctant to seek help because of possible implications on grounds of their migration status. Moreover the Victims Directive specifically provides that these vulnerable individuals must be supported as a victim of crime irrespective of their residence status.⁸ This is particularly important because this community is disproportionately vulnerable to physical and sexual violence, exploitation, racism and trafficking into forced labour or the sex industry. Especially worrying is that a crime committed on a child may also go unreported due to the irregular status of the child's family members. The Immigrant Council is aware of the complexities associated with irregular migration. Migrants might find themselves in this precarious situation because of reasons beyond their control, for example, arising from situations of domestic violence or employers alleging to have made an application to renew an application without actually doing so and therefore leaving the migrant in a vulnerable position. Also, due to failing identification processes, trafficked persons are in many instances not recognised as victims of

³ (2017) T. Buczkowska and B. Ní Chonaill, Taking Racism Seriously: Experiences of Racism and Racially Motivated Anti-Social Behaviour in Social Housing, Dublin: Immigrant Council of Ireland

⁴ (2015) J. Schweppe and A. Haynes, 'Out of the Shadows' Legislating for Hate Crime in Ireland: Preliminary Findings, Dublin: Irish Council for Civil Liberties

⁵ (2018) L. Michael, Q15 & Q16 iReport.ie Reports of Racism in Ireland, Dublin: ENAR Ireland

⁶ T. Buczkowska and B. Ní Chonaill, Taking Racism Seriously

⁷ (2011) Fundamental rights of migrants in an irregular situation in the European Union, Luxemburg, Fundamental Rights Agency

⁸ Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0029&from=en>



trafficking, but often regarded as irregular migrants. In these circumstances we would recommend the introduction of a 'firewall' for the protection of undocumented victims of crime during police investigations.⁹

⁹ ECRI General Policy Recommendation no. 16 on safeguarding irregularly present migrants from discrimination
<https://reliefweb.int/sites/reliefweb.int/files/resources/REC-16-2016-016-ENG.pdf>