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**National Consultative Committee  
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## **Submission to the All-Party Oireachtas Committee on the Constitution**

### **The Family**

**National Consultative Committee on Racism and  
Interculturalism (NCCRI)  
January 2005**

Although there are a myriad of family types in Ireland not all have equal opportunities to do well, to access appropriate services, to flourish under positive state policies and services designed for them and to live up to their full potential.

– Karen Kiernan, Family Diversity Initiative

## **A. Introduction**

The National Consultative Committee on Racism and Interculturalism (NCCRI) was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organizations, and is core funded by the Department of Justice, Equality and Law Reform.

The NCCRI hosted a major national conference on Minority Ethnic Families in December 2003. In the context of the 10<sup>th</sup> Anniversary of International Year of the Family (2004), the NCCRI published an issue of *Spectrum* looking at this area. *Spectrum* is available on the NCCRI website, [www.nccri.ie](http://www.nccri.ie). One of the key recommendations coming out of the conference in December 2003 was that forthcoming review of the position of family in the Irish Constitution should seek to take into account all forms of diversity, including cultural diversity among families.

The launch of the National Action Plan against Racism (NPAR) on 27 January 2005 provides a framework for the development of intercultural policies in Ireland. Initiatives to promote the integration of minority ethnic families should be contextualized within this framework, consequently this submission will provide a brief overview of the NPAR, as a context for the discussion of racism and diversity in Ireland. Ethnic minority families face the same challenges as all families however these can be exacerbated by their vulnerable position in Irish society. The submission will conclude with a brief look some of the key issues which are of concern to the NCCRI, and which cause particular hardship for minority ethnic families in Ireland. In particular:

1. The experience of the Traveller community
2. The impact of Direct Provision on asylum seekers
3. The experience of migrant families

### ***National Action Plan against Racism***

On 27 January 2005 the Government launched ‘Planning for Diversity: The National Action Plan Against Racism’.

The NPAR originates from commitments given by Governments at the United Nations World Conference Against Racism in South Africa in 2001. The decision to develop the NPAR was further reaffirmed in the Social Partnership Agreement for 2003-2005. The emphasis throughout the Plan is on developing reasonable and common sense measures to accommodate cultural diversity in Ireland. The Plan outlines an intercultural framework which will underpin the overall approach to its implementation. The framework consists of five key priorities: protection, inclusion, provision, recognition and participation. Accommodating diversity in service provision includes a focus on common outcomes in education, health, social services and childcare, and the administration of justice. Recognition and awareness of diversity, includes a focus on

awareness raising, the media and the arts, sport and tourism. The Framework is summarised in Table 1.

**Table 1: Summary of the Intercultural Framework underpinning the NPAR**

Protection:	Effective protection and redress against racism
Inclusion:	Economic inclusion and equality of opportunity
Provision:	Accommodating diversity in service provision
Recognition:	Recognition and awareness of diversity
Participation:	Full participation in Irish society

The Plan will be monitored through a High Level Strategic Monitoring group and will be supported by the Department of Justice, Equality and Law Reform.

## **B. Racism and diversity in Ireland**

There has always been cultural diversity in Ireland, despite the widely believed myth that Ireland has been and still is a homogeneous and mono-cultural society or the defining of diversity solely along religious grounds (Protestant and Roman Catholic). In addition to the Traveller community there is a long established Jewish community and growing Islamic, Asian and Chinese communities in Ireland. However, there has been a significant broadening of cultural diversity in recent years, both in terms of numbers of people and national or ethnic origin.

There are now approximately 160 different nationalities living in Ireland.<sup>1</sup> According to the 2002 census there were 224,261 non-Irish people usually resident in Ireland, 133,436 of which are EU nationals, 23,105 are nationals of other European countries, 20,981 are African, 21,779 are Asian, and of the remainder the vast majority are from North America and Australia. 2,340 people indicated they were of multiple nationalities, while in 48,412 cases nationality was not stated. The 2002 Census of population indicates that non-nationals make up 5.8 percent of the population, of which almost half were UK nationals (2.7 percent).

The 2002 Census indicates that there are 23,681 Irish Travellers, representing approximately 0.65 percent of the population.

In the context of Ireland's growing economy the number of migrant workers has increased significantly in recent years. The Central Statistics Office published its Population and Labour Force projections in December 2004. It estimated that Ireland will need 30,000 immigrants a year to the period to 2036 if economic growth is to be maintained. It forecasts that the economy will need 45,000 immigrant workers every year for the next 12 years to sustain economic growth. There were approximately 34,000 work permits issued in 2004.

### ***Racism***

Any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of

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<sup>1</sup> Unfortunately in the 2002 Census the ethnicity question was limited to the Traveller community, consequently we do not have a real sense of ethnic diversity in Ireland and are reliant on data relating to nationality.

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.<sup>2</sup>

Racism is a specific form of discrimination and exclusion based on the false belief that some ‘races’<sup>3</sup> are inherently superior to others because of different skin colour, nationality,<sup>4</sup> ethnic or cultural background. Racism deprives people of their basic human rights, dignity and respect. There are different forms of racism in Ireland including the racism experienced by:

- Travellers on the basis of their distinct ethnic identity and nomadic tradition
- Migrant workers, refugees and asylum seekers
- Minority ethnic groups, including black people on the basis of their skin colour and ethnic and/or national identity, regardless of their legal status.

It is also important to emphasise the connection between racism and other forms of discrimination including gender, disability and sexual orientation.

The government’s Know Racism campaign<sup>5</sup> published research findings on racism and attitudes to minority groups in February 2004. The study found that 18 per cent of respondents had personally witnessed racist behaviour. 48 per cent of respondents believe that Irish society is racist to some degree. 72 per cent agreed that the settled community is not willing to accept the Traveller community living among them.<sup>6</sup>

2003 was the first full year in which racially motivated incidents was clearly defined to members of An Garda Síochána, and recorded through PULSE. According to An Garda Síochána 81 incidents of racist motive were recorded in 2003. This compares to 102 in 2002, 43 in 2001, 65 in 2000, and 12 in 1999. The most common forms of incidents were criminal damage, assault and public order offences.

In May 2001 NCCRI established a system for recording incidents related to racism in Ireland. Incidents are analysed and compiled into six monthly reports.

**Table 2: Summary of incidents reported to the NCCRI to August 2004**

May 2001- October 2001	41
November 2001- April 2002	40
May 2002 - October 2002	67
November 2002 - April 2003	48
May 2003 - October 2003	46

<sup>2</sup> Article One of the UN International Convention on the Elimination of all Forms of Racial Discrimination (CERD). Ireland’s combined first and second report under the Convention will be considered by the Committee on the Elimination of all Forms of Racial Discrimination on 2/3 March 2005.

<sup>3</sup> The term ‘race’ has been used in the past in an attempt to rank people according to physical and biological criteria. Nowadays, ‘race’ is often written in inverted commas to underline the difficulty in defining that term.

<sup>4</sup> While international and EU standards on racism tend to include discrimination based on national origin and not nationality, the Irish legislation includes reference to nationality *and* national origin. Under the Employment Equality Act 1998 and the Equal Status Act 2000 the ‘race ground’ is defined as discrimination on the basis of different race, colour, nationality or ethnic or national origins.

<sup>5</sup> The government’s three year Know Racism public awareness campaign came to an end in 2004, though the activities of the campaign will be continued through the implementation of the NPAR.

<sup>6</sup> Millward Brown IMS (2004) *Presentation of Research Finding on Opinions on Racism and Attitudes to Minority Groups*, 26 February 2004, Dublin: Know Racism

November 2003 - April 2004	42
May 2004 – October 2004	70

In its latest report, covering May 2004 to October 2004, the NCCRI recorded seventy racist incidents. Examples of racist incidents that involved assaults, abuse and harassment, include:

- A South African family experienced racist verbal abuse from a person in a blacked out car when out taking a walk by the beach in southern Ireland. The person kept stopping and starting the car in a very threatening and intimidating manner.
- A Pakistani woman and her child were at home in their rented apartment in a local housing complex when people tried to break into her apartment. She rang the guards and fled to the street. The two men who tried to gain entry to her apartment followed her, accompanied by a third person, and hurled racist comments and threats at her. One of the men struck her in the face. The woman fears for her life and the life of her child. She is desperate to be located in another area but she is afraid that she will face the same problem of racism there also. She intends to bring these men to court.
- A Filipino national and her child reported that they had been subjected to ongoing racist verbal abuse from their neighbour in Co Galway. The abuse was constant over a period of many months until the family were compelled to report it to the Garda.

### **C. Family diversity in Ireland: Minority Ethnic Groups**

Families of immigrants and ethnic minorities, of course, experience the same difficulties as other families in relation to parenting, relationship difficulties, reconciling work and family life, childcare and care of the elderly, with these being exacerbated by their situation of vulnerability.

Racism and discrimination can undermine the enjoyment of family life for minority ethnic groups. However the challenges for minority ethnic and multi-ethnic families are not limited to discrimination, they also experience a whole range of issues on a day-to-day level which are specific including questions relating to international adoption, and parents from different backgrounds.

However the extent to which diversity has been reflected in social policy relating to the Family is limited. As Mary Daly puts it:

The extent to which the existence of difference and diversity has been absorbed by policy remains limited however. Diversity tends to be seen in terms of structure (the fact that Ireland now has families of different types) rather than in terms of culture (people having different values and practices around childrearing and other aspects of family life)... The main underlying point was that, in the context of increasing diversity in Irish society, we need a definition of family that encompasses all types of families.

– Mary Daly (2004) Families and Family Life in Ireland, Challenges for the Future.

Failure to accommodate multiple-diversity may be the cause of additional levels of marginalization, discrimination and disadvantage.

The range of experiences of minority ethnic families, and the specific difficulties they face through racism and discrimination must be targeted and addressed in Irish social policy. By recognizing difference and providing a structure to accommodate it, the State will promote the rights and entitlements of all families in Ireland, including minority ethnic families.

## **D. Intercultural approaches to social inclusion**

Interculturalism is essentially about interaction, understanding and respect. It is about ensuring that cultural diversity should be acknowledged and catered for. It is about inclusion for minority ethnic groups by design and planning, not as a default or add-on. It further acknowledges that people should have the freedom to keep alive, enhance and share their cultural heritage.

Interculturalism, as a term, has emerged as the dominant conceptualisation in the European context in terms of mediating policy strategies which seek to avoid the identified problems with earlier approaches to integration.

The concept of interculturalism can be distinguished from policies based on ideas of assimilation, or the absorption of minority ethnic groups into the dominant culture. Assimilation was in the past the dominant approach to integration. It has now largely recognised that this approach fails to respect the human rights of minority ethnic groups. The concept of multiculturalism emerged largely as a reaction to the assimilation approach. However criticism of some conceptualisations of multiculturalism have focused on the fact that it constructs minority communities as homogenous entities with no internal divisions. It has also been criticised for failing to address state racism and strengthening systems of power relations within communities.

A key concept which has emerged in terms of the social inclusion of minority ethnic groups is integration. Integration has been defined as:

Integration means the ability to participate to the extent that a person needs and wishes in all the major components of society, without having to relinquish his or her own cultural identity (Department of Justice, Equality and Law Reform, 1999)

Integration is generally regarded as a two-way process between minority ethnic groups and the majority populations.

The full enjoyment of family life is a key element of the integration process, without a focus on the Family it will not be possible to secure the full social inclusion of minority ethnic groups. As Gerry Mangan of the Office of Social Inclusion, has put it:

Strengthening families must be of even greater importance for the well-being of immigrants and ethnic minorities than for other residents, and for helping them achieve social inclusion. At the same time, family cohesion must also be at greater risk, especially from poverty and social exclusion.

Research at an international level has shown that ethnicity can be a major factor in determining access to, participation in, and outcomes from service provision, including those services that directly impact on minority ethnic families.

It is important that the full range of services which impact on family life in Ireland adopt an intercultural approach which facilitates the needs of minority ethnic groups. As Naina Patel has put it:

A good practice approach which is sensitive to the needs of minority clients is to adopt an open-ended approach. Being receptive to situations rather than putting situations in a pre-designed framework is the good that we should strive for – Naina Patel (2004), *Spectrum*

In particular minority ethnic groups and the community and voluntary sector have identified a clear need for proactive targeting of minority ethnic families for accessible information on rights and entitlements.

## **F. Specific issues**

### **1. Traveller community**

Racism and discrimination by the Traveller community in Ireland, has raised specific difficulties with regard to the enjoyment of family life. Specific issues which have been raised by the NCCRI in recent years include educational disadvantage and problems relating to the provision of Traveller accommodation.

#### **Educational disadvantage**

There are consistent problems of underachievement by members of the Traveller community at all levels of the educational system. Table 3 demonstrates the number of Travellers aged 15 and over, classified by the highest level of education completed at the last census.

**Table 3: Irish Traveller aged 15 years and over, classified by highest level of education completed 2002, Source: CSO**

Total	13,680
Total whose full-time education has ceased	11,035
Primary	7,491
Lower secondary	1,444
Upper secondary	338
Third level – non-degree	81
Third level – degree or higher	116
Not stated	1,565
Education not ceased	2,645

#### **Accommodation**

January 2005 saw the launch of a report by the National Traveller Accommodation Consultative Committee (NTACC), which showed that there are 788 families on unauthorized sites, 408 on the roadside with 380 in private houses and on other sites. There have also been cases where members of the Traveller community were targeted for attack in residential contexts. For example at the end of November 2004 the national

newspapers carried the story of a Traveller family whose caravan was burnt down and who were living in a tent after local residents stopped them moving into a short-term home.

In recent years the introduction on conflicting legislation has proved particularly controversial. For example The Housing (Miscellaneous Provisions) Act 2002 allows for Gardai to remove caravans, and to allow owners to be brought before the District Court charged with Trespass. The owner can be fined €3,800. There is evidence which suggests that an increasing number of Travellers are being evicted.

## **2. Direct provision**

Since April 2000 most asylum seeker have been housed through 'direct provision'. This means that newly arrived asylum seekers are directly allocated full-board hostel/hotel accommodation typically based outside Dublin, they receive a residual income maintenance payment of €19.05 per week for an adult and €9.52 for a child. Discretionary needs payments can also be provided in exceptional circumstances.

Research has identified that asylum seekers in direct provision accommodation are particularly vulnerable. In the context of reduced social welfare payments, some have suggested that asylum seekers cut on food intake which is having health implications. The reduced payment hinders contacts with the wider society and the lack of meaningful occupation and the resulting dependency is perceived as a real source of mental distress by asylum seekers. As Dibelus (2001) has concluded:

Poor reception conditions, substandard housing, social isolation and long periods of inaction during the asylum determination procedure are all among the factors that can influence the capacity of refugees and asylum seekers to become independent and fully participate in the economic, social, political and cultural like of the host society.

There has been increased attention given to the position of **unaccompanied minors** in recent years. Unaccompanied minors who are aged between 12-18 live in hostel accommodation outside the direct provision system, younger children are placed in care. Particular media attention has been given to the number of unaccompanied minors who are currently missing in Ireland. According to an article in the *Village* (20 January-4 February 2005) forty-eight children went missing from the Eastern HSE region in 2004. In 2004 174 unaccompanied minor asylum seekers came into the care of the ECAHB.

## **3. Migrant families**

It is often said in relation to immigration policy that 'we looked for workers, but got people' and, for the fortunate ones, families.

## **Discrimination in the housing sector**

There are significant concerns that minority ethnic groups face ongoing discrimination in the private rented sector in Ireland, this negatively impacts families in terms of their accommodation arrangements. A study by the Vincentian Refugee Centre found that refugees and asylum seekers face problems in finding and securing rented accommodation. 26 per cent of the Centre's clients experienced discrimination and

racism while looking for accommodation.<sup>7</sup> Respondents often described bad-quality accommodation as the only type they could secure in the private sector.<sup>8</sup> A national housing agency has warned that foreigners are more likely to face illegal evictions by landlords. The agency stated that landlords are still carrying out illegal evictions and that foreigners are particularly vulnerable. These comments were made after a court case where a Sri-Lanka couple was awarded €25,000 after being thrown out on the street by their landlord.<sup>9</sup>

## **Family reunification**

The question of family reunification is often the most pressing one facing minority ethnic families in Ireland. Organizations working with migrants and refugees have raised serious concerns about the implications of the current family reunification system in Ireland. According to Catherine Cosgrave of the Immigrant Council of Ireland ‘no domestic law specifically provides for a right to enter and remain in Ireland for the purposes of family reunification’.

In the case of work permit holders an application can only be made for a spouse to join them as a dependent after twelve months. In a recent major study commissioned by the Immigrant Council of Ireland, immigrants outlined their experiences – both positive and negative – of living and working in Ireland. The study found that a number of the research participants were living without close family members because of the difficulties they had experienced when trying to get family members (including minor dependent children) to join them in Ireland.

There are also problems of family reunification of refugees. In particular the Irish Refugee Council has pointed out that “unfortunately the process of family reunification can presently take in excess of two years from the date of application until the family member arrives in Ireland. This is due primarily to an increase in applications in recent years and a subsequent backlog in processing applications...”

Organizations working with migrants and refugees have expressed concern regarding the restrictive family reunification rights, under the new provisions for residency for the parents of Irish born children.

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<sup>7</sup> Melia, P (2004) “Refugees face racism barrier in search for rented housing”, in: *Irish Independent*, (01.03.2004);

<sup>8</sup> Kenna, P and MacNeela, P (2004) *Housing and Refugees: The Real Picture*, Dublin: The Vincentian Refugee Centre

<sup>9</sup> Brennan, M (2004) “Foreigners more vulnerable to illegal evictions”, in *Irish Examiner*, (31.03.2004)