

	<p>Objective One: Protection</p> <p>Effective protection and redress against racism, including a focus on:</p> <ul style="list-style-type: none"> • Discrimination. • Assaults and threatening behaviour. • Incitement to hatred.
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Objective One is primarily concerned effective protection and redress against racism. The expected outcomes under the ‘Protection’ objective are summarised as follows:

Protection: Expected Outcomes

1.1	Ensure effective protection and redress against discrimination through an enhanced equality policy framework.
1.2	Develop a new multi faceted strategy to provide a more effective and coordinated response to racist incidents.
1.3	Ensure effective protection against incitement to hatred.
1.4	Enhance the role of the Gardaí to provide protection against racism.
1.5	Develop effective monitoring and analysis of data on racist incidents.
1.6	Develop Anti Racism and Diversity Plans (ARD) at city and county level.
1.7	Maximise participation in policy developments at European and global levels to combat racism.
1.8	Maximise cooperation to combat racism within Ireland on a north/south basis and between Ireland and Britain.

1.1 Ensure effective protection and redress against discrimination through an enhanced equality policy framework.

Key challenges

The key challenge in respect of combating discrimination and ensuring effective redress is to both consolidate the existing statutory equality framework and to continue to build a range of proactive policies to combat all forms of discrimination, including discrimination under the grounds of race and membership of the Traveller community. This approach seeks to build on policies that support individual orientated complaint procedures and remedies, and to further develop mechanisms that proactively support and promote equality.

Policy Context and Developments Underway

Significant legislative and policy developments have taken place in recent years to combat discrimination and to promote equality. These include:

Equality Authority: The Equality Authority has been established to promote equality and combat discrimination under the equality legislation.

Redress: The Equality Tribunal, the Labour Court, the District Court and the Circuit Court provide fora for redress under the equality legislation.

Equality legislation: The Employment Equality Acts 1998 & 2004 and the Equal Status Acts 2000-2004 provide the statutory basis for equality policy in Ireland. The operation of the Employment Equality Acts and the Equal Status Acts will be reviewed with a view to assessing whether there is a need to add to or to amend further existing legislation.

EU Directives: The Equality legislation was further enhanced by the recent transposition of the EU Race and Framework Employment Directives by the Equality Act 2004, amending the Employment Equality Act 1998 and the Equal Status Act 2000. The amendments provided for under the Equality Act allow, for example, positive action to be taken in respect of all of the discriminatory grounds, including the race ground, and considerably narrow the exemption in respect of employment in private households under the Employment Equality Act.

Mainstreaming Equality: A range of initiatives aimed at mainstreaming equality have been developed by the Equality Authority including the development of equality reviews and equality action plans.

Equality Proofing: The Working Group on Equality Proofing established under the Programme for Prosperity and Fairness (PPF) continues in the context of the Sustaining Progress commitments. Pilot projects on equality proofing are ongoing in selected areas of FÁS, Community & Voluntary sector, North Western Health Board, Department of Social and Family Affairs and the Department of Justice, Equality and Law Reform). A report of the Working Group's activities will be finalised before the end of 2004. The outcomes of this group will form the basis of an equality proofing mechanism, based on best international practise.

Priorities

The statutory equality framework has been consolidated and enhanced, including the introduction of equality proofing. A new statutory 'positive duty' will be considered, which would require public bodies to promote equality of opportunity. This will follow a review of existing models and legal frameworks for positive duties (or their equivalent) developed in other jurisdictions, including the 'statutory duty' that operates in Northern Ireland and the 'equality duty' that operates in Wales.

Measures

1.1.1 Support the Equality Authority and the ODEI, the Equality Tribunal in the performance of their statutory functions.

1.1.2 Draw up a comprehensive equality proofing/impact assessment method for public policy making across all nine discriminatory grounds in the equality legislation, arising from the work of the Working Group on Equality Proofing.

1.1.3 Develop equality action plans within the public sector, providing support for the development of these plans and for the wider application of equality proofing/impact assessment in the design of significant policy or programme initiatives.

1.1.4 Extend the approach taken in respect of equality commitments in City/County Development Boards to support new approaches to incorporate a focus on equality to other areas of strategic planning.

1.1.5 Commission research to consider best international practice related to a positive duty to promote equality and to recommend a number of possible options for Ireland.

1.1.6 Undertake an extensive consultative process on the feasibility of bringing in a positive duty, based on the outcomes of research.

1.2 Develop a new multi faceted strategy to provide a more effective and coordinated response to racist incidents.

Key challenges

For many people from cultural and ethnic minorities, the experience of living in Ireland is by and large a positive one. However it is also sadly the case that there have been incidents involving public insults and on occasion harassment, damage to property and assaults. These can involve incidents where racism was the main or sole motivating factor, or as a consequence of an unrelated incident developing a racist dimension.

Racist incidents in this context are defined as assaults (including fatal assaults), threatening behaviour (including harassment and public insults) and damage to property motivated by racism. Existing, albeit incomplete evidence from the statutory and non-statutory sources indicate that racist incidents of this form are not as high as many other EU countries but are on the increase in Ireland. A number of high profile cases, including those highlighted by the media and by the NCCRI, NCCRI, (2001-2003) Reports of Incidents Related to Racism. indicate such incidents can have a profound impact on the victim, their immediate family and the wider community to which he or she belongs.

At an international level, it is increasingly recognised that multi agency co-operation at a local level can be an effective tool against this form of racist incidents. Multi agency working can be applied to:

- Deciding upon coordinated action
- Improving future responses
- Devising strategic and coordinated approaches to preventing sustained harassment and other forms of threatening behaviour
- Effective victim support with a number of agencies whose services are complementary.

Policy context and developments underway

Legislation: There is a range of legislation in place that can and has been used against the perpetrators of racist incidents. These include the Criminal Justice (Public Order) Act, 1994, the Non Fatal Offences Against the Person Act, 1997 and protection

against harassment provided in the Employment Equality Acts 1998 & 2004 and the Equal Status Act 2000-2004.

Legislation in other EU countries: Legislation in some EU member states, including Germany, Austria, Portugal, Sweden, and Great Britain, consider the racist motive behind a violent act to be an aggravating factor requiring an equivalent response for the purposes of sentences. In Northern Ireland, courts are to be given new powers to punish more severely crimes motivated by religious sectarianism, racism and homophobia. Irish Times, October 3rd, 2003.

Policing responses: The Garda Racial and Intercultural Unit has developed a range of measures aimed at addressing racist incidents and meeting the challenges for policing in a more inclusive and intercultural society. There is an increasing focus on working with a range of agencies to come up with targeted solutions to crime, including the development of the Policing forum in local areas.

Responding to racist incidents: The NCCRI publishes a report on racist incidents every six months, which assists in the identification and analysis of racist incidents and has helped inform policy responses.

Underlying causes of crime: The work of the National Crime Council has included a focus on the underlying causes of crime including a consideration of local crime prevention and the adoption of local partnership approaches.

Priorities

The priority will be to develop a new multi-faceted strategy to provide a more comprehensive and coordinated response to these forms of racist incidents. Key elements of this strategy will include a focus on the effectiveness of existing legislation, consideration of the introduction of a new aggravated form of offences, where racism is identified as a significant motivating factor and the development of mechanisms to ensure greater multi-agency coordination at a local level in response to these forms of offences.

Measures

1.2.1 Establish an Expert Committee on Racist Incidents whose role will include:

Review the existing range of legislation that has the potential to impact on offences motivated by racism to ensure that it is adequate in scope and provides effective, proportionate and dissuasive sanctions, including custodial and non-custodial sanctions. This includes the Criminal Justice (Public Order) Act, 1994 and Non Fatal Offences Against the Person Act, 1997.

Consider the introduction of aggravated offences, and consideration of the concept of 'crimes of hate'.

Research and pilot a multi agency approach to tackling racist incidents at local level.

1.2.2 Develop a range of measures to deal with the underlying causes of crime motivated by racism, consistent with the approach advocated by the National Crime Council including a focus on:

Local crime prevention and the adoption of local partnership approaches.

Focus on the perpetrators of crime motivated by racism.

Community/neighbourhood influence on crime.
Family support.
Education and early intervention.

1.3 Ensure effective protection against incitement to hatred.

Key challenges

Ireland has an international obligation to provide effective protection against incitement to hatred under the CERD Convention. Incitement is considered a 'headline offence', which is the overall classification for the most serious offences under Irish Law. Ensuring there is effective protection against incitement requires an approach that takes into account the effectiveness of existing legislation, recent developments at a European level and effective action against new forms of incitement, including 'cybercrime'. Crime generated through computers. A particular challenge is the emergence of racist websites containing material that would have been prohibited if printed and distributed in Ireland and which can provide a permanent form of incitement if left unchecked.

Policy context and developments underway

Legislation: There is a range of legislation in place that seeks to provide protection against incitement. The Prohibition of Incitement to Hatred Act, 1989, prohibits any advocacy of racial hatred that constitutes incitement to hatred, hostility or violence.

The Offences Against the State Act, 1939 makes provision to declare illegal and prohibit organisations that promote and incite racial hatred. Under Section 14 of the Employment Equality Act and Section 13 of the Equal Status Act makes it an offence for a person (including a public body) to procure or attempt to procure another person to do anything that constitutes racial discrimination.

Emerging EU policy developments: EU policy in particular the Framework Decision on Combating Racism and Xenophobia, still under negotiation includes a focus on incitement to hatred.

Review: The Prohibition of Incitement to Hatred Act is currently being reviewed to determine its effectiveness.

Jurisprudence: There is increasing case law arising from successful prosecutions that have taken place under the Prohibition of Incitement to Hatred Act since the review of the Act was first announced. Lack of successful prosecutions was the main factor in guiding the Government's decision to review the Act in 2000. There is now a growing body of case-law arising from successful convictions that have since taken place.

Priorities

The ongoing review of the Prohibition of Incitement to Hatred Act will take into account emerging jurisprudence, cybercrime and emerging policy at an EU level. Additional measures will be introduced to tackle cybercrime motivated by racism including enhanced monitoring and reporting mechanisms and participation in broader international cooperation.

Measures

1.3.1 Complete the review of the effectiveness of the Prohibition of Incitement to Hatred Act, which will include a review of recent jurisprudence, the consideration of the implications of developing EU policy related to cybercrime and the EU Framework Decision on Combating Racism and Xenophobia. COM (2001) 0664.

1.3.2 Develop a new resourced monitoring and reporting system on cybercrime concerned with racism, similar to the systems designed for the protection of children.

1.3.3 Ratify the Council of Europe Protocol to the Convention on Cybercrime Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed through Computer Systems. concerning the criminalisation of acts of racist and xenophobic nature committed through computer systems, following a review to establish what/if any changes will be required in national legislation.

1.4 Enhance the role of the Gardaí to provide protection against racism.

Key challenges

An Garda Síochána has a central role to play in providing protection against racism, including policing responses to racist incidents and potential cases of incitement and the more general challenges for policing in a multi ethnic society. Building on the significant progress that has been made to date, the role and capacity of the Gardaí to provide protection against racism should be enhanced.

Policy context and developments underway

The Rotterdam Charter: The Charter remains the key policy instrument in respect of policing in a multi ethnic society adopted by many police forces across Europe, including the Gardaí. The Rotterdam Charter provides both a resource to generate a programme of necessary actions and a ‘checklist’ against which progress can be assessed.

Racial and Intercultural Office: The Garda Racial and Intercultural Unit have been proactive in shaping a policy of the challenges on policing in a multi ethnic society, including:

- The establishment of the Garda Racial and intercultural Office.
- The appointment of 145 Garda ethnic liaison officers
- The development of resource and training materials
- The collection of statistics on crime motivated racism.
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Training: The Garda Human Rights Unit and the Garda Racial and Intercultural Unit coordinates primary training for Gardaí on human rights related issues and policing diversity. A number of bodies, including Pavee Point, the NCCRI, and Amnesty International have been involved in providing inputs into this training.

Priorities

Future priorities include the further mainstreaming of an anti racism/intercultural approach throughout An Garda Síochána, including a new focus on localised policing

strategies involving the development of the Police Forum Model and the increased role of Garda ethnic liaison officers.

Measures

1.4.1 Review existing progress on the implementation the key recommendations in the Rotterdam Charter, in consultation with key stakeholders.

1.4.2 Update the strategy on policing in a multi ethnic society in an Irish context.

1.4.3 Highlight initiatives to combat racism and intercultural policing strategies through key Garda planning and reporting mechanisms, such as the Garda Annual Policing Plan and Garda Annual Reports.

1.4.4 Make reasonable accommodation of cultural diversity and take positive action measures in key initiatives aimed at modernising the police service in Ireland, including the development of a new monitoring and complaints processes.

1.4.5 Develop guidelines on the participation of cultural and ethnic minorities in local police forums

1.4.6 Increase the resources to the Garda Racial and Intercultural Unit to enable it to fulfil its mandate.

1.4.7 Develop a comprehensive intercultural training component at primary training level and for Sergeant and Inspector courses.

1.5 Develop effective monitoring and analysis of data on racist incidents.

Key challenges

The effective monitoring and analysis of incidents motivated by racism will provide important data to shape and focus future policing and broader intercultural strategies to where they are most needed. International experience emphasises the need for the information generated by police statistics to be augmented by crime surveys, research and information received by specialised and expert bodies and NGO's. There is a challenge to ensure that the information generated is carefully analysed and presented in context.

Developments Underway

Garda Statistics: The Garda Annual Report and the announcement of quarterly crime statistics are the mechanisms through which crime statistics are normally presented. Since 2003, statistics on motivation for all headline and non-headline crime have been collected through the Garda PULSE system. The development of a standard definition of a 'racially motivated crime' has also helped facilitate data capture.

Complementary Crime Data Sources: It has been widely acknowledged at an international level that crime statistics should be augmented by forms of data collection and analysis that is additional to that produced by police forces. National Crime Surveys are undertaken in Ireland from time to time, either by bodies such as the Economic and Social Research Institute (1982/3) or the Central Statistics Office as part of its quarterly National Household Survey (1998).

NCCRI Incidents relating to Racism Reporting System. The NCCRI voluntary reporting mechanism, established in 2001 provides a valuable complementary source of information and analysis of racist incidents. A report of such incidents is prepared every six months and forwarded to the relevant body with statutory responsibility for

responding to such incidents.

Equality data: Further data is provided by cases related to harassment, on the relevant grounds in the equality legislation that come before the ODEI-the Equality Tribunal and through the casework of the Equality Authority.

Priorities

The priority will be to support the development a comprehensive and integrated data strategy in relation to these forms of racist incidents. This includes Garda crime statistics, and sources such as national crime surveys and complementary reporting mechanisms, against a backdrop of increasing harmonisation of data collection for comparative purposes across the EU.

Measures:

1.5.1 Develop a comprehensive data/statistics strategy for crime statistics, including a focus on crime motivated by racism.

1.5.2 Publish and provide analysis of levels and trends on racially motivated crime as part of An Garda Síochána Annual Report.

1.5.3 Include a focus on crime motivated by racism in regular national crime surveys and/or as part of a future quarterly national household surveys.

1.5.4 Develop a focus on cultural diversity and racially motivated crime in the work of the National Crime Council through the development of a research and analysis initiative.

1.5.5 Work towards greater harmonisation of crime data related to racism with other countries in the EU/OECD through mechanisms such as the EUMC RAXEN initiative and the International Crime Victimization Survey.

1.6 Develop Anti Racism and Diversity Plans (ARD) at city and county level.

Key challenges

The potential impact of the NPAR at city/county local levels will be in large part dependent on the development of a clear local action plan and an effective implementation strategy. Key stakeholders at city/county level include:

- Local Authorities, including City and County Development Boards and Social Inclusion Units.
- FAS and the regional offices of the Department of Social and Family Affairs.
- Regional administrative bodies responsible for health and education.
- Local area development partnerships.
- Social partner bodies, including those representing the community and voluntary sector and cultural and ethnic minority interests.

Developments Underway

City and County Development Boards and Social Inclusion Units: These bodies have assisted local authorities to develop a stronger focus on combating all forms of social exclusion. Relevant targeted initiatives include support for cultural and sporting activities, making information more accessible in different languages and participating in anti racism initiatives.

Know Racism: Know Racism, the national public awareness programme has helped

support a significant number of local anti racism strategies.

Local Anti Racism Strategies: Galway city is currently in the planning stage of developing a local anti racism strategy. A similar initiative is also being considered in Cork.

Equality template: An equality template has been developed by the Equality Authority to assist City and County Development Boards and their partners to thread the equality agenda through the strategy and planning processes. The Equality Authority has published guidance on equality proofing of strategic plans and on impact assessments for new measures being implemented under the plans. The Equality Authority, (2003). An Equality Proofing Template for the City and County Development Boards.

Local Development: Local Development Partnerships have supported initiatives that focus on the integration of targeted groups, such as Travellers, refugees and migrants and social supports for the inclusion of asylum seekers.

Priorities in the NPAR

Anti Racism and Diversity Plans will be developed on a phased basis at a City and Council level, beginning in a number of pilot areas in the larger urban areas. It should be noted that some local authorities have social inclusion units (SIUs). Dublin City Council set up a SIU of its own initiative and such units have been established in 8 other local authorities on a pilot basis. City and County Development Boards (CDB's, on the other hand, are separate entities in each local authority area. The remit of the CDBs is to coordinate and integrate the delivery of services in the area and to draw up city/county strategies for the social, economic and cultural development of the area. See also Part Four: Implementation

Allowing for adequate flexibility to suit local circumstances, Anti Racism and Diversity (ARD) Plans will be coordinated through broad based steering groups supported/coordinated by City and County Development Boards/Social Inclusion. The role of the broadly based steering group will be to advise on the development and implementation of the Plan. ARD plans will be resourced through a partnership of national and local funding sources.

The further development of the equality-proofing template for City and County Development Boards has the potential to ensure that strategic planning at local authority level is inclusive of all the grounds covered by the equality legislation.

Measures

1.6.1 Develop Anti-Racism and Diversity Plans (ARD) in ten pilot areas, consistent with the Intercultural Framework set out in the NPAR and to apply the equality impact assessment template for city and county development boards as part of the preparation of these plans.

1.6.2 Draw up guidelines to inform the development of ARD Plans.

1.6.3 Establish broadly based steering groups in the ten pilot areas to help advise on the development of the ARD Plans, involving statutory administrative bodies, local development partnerships, social partners, local authorities and community organisations working closely with cultural and ethnic minorities.

1.7 Maximise participation in policy developments at European and Global Levels to combat racism

Key challenges

The importance of linkages at European and global levels to combat racism is highlighted through the origins of the National Action Plan Against Racism (NPAR) in the United Nation's World Conference Against Racism. The key challenge is to ensure that policies to combat racism and support integration at national, European and Global level are mutually supporting and reinforcing.

Policy context and developments underway

CERD: Ireland's first report under the International Convention of the Elimination of all Forms of Racial Discrimination (CERD), was submitted to the UN in early 2004, and will help to benchmark present and provide a means of assessing future progress in combating racism.

European Cooperation: Ireland works closely with its European partners to combat racism at both national and international levels. This cooperation will grow with increased harmonisation at EU level of policy on discrimination and integration.

Monitoring: Ireland is committed to playing a full role in the international bodies which monitor and encourage good practice in combating racism, including the European Monitoring Centre on Racism and Xenophobia (EUMC), the European Commission on Racism and Intolerance (ECRI), the Office of the United Nation's High Commissioner on Human Rights (UNHCHR) and Organisation of Security and Cooperation in Europe (OSCE).

EU Expansion: The recent expansion of the EU from fifteen to twenty five States in 2004 provides the potential for broader cooperation in combating racism across Europe.

Development Aid and Cooperation: Under the aegis of the Department of Foreign Affairs, Development Cooperation Ireland (DCI) is the Government of Ireland's programme of assistance to developing countries. Ireland has had an official development assistance programme since 1974. Funding for the Programme has grown steadily over the years to its current size of approx. EUR 450 million in 2003. The Programme supports infrastructure for development aid and co-operation in many developing countries throughout the world. Many development workers participate in anti racism and intercultural awareness training before working in developing countries.

Priorities in the NPAR

The priority is for Ireland to play an active role with our European partners in combating racism, to continue to ensure full compliance with agreed EU and international policy and to ensure that policy at a national, European and Global level are mutually reinforcing and supporting.

Measures:

1.7.1 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

1.7.2 Support a range of initiatives that highlight emerging good practice and expertise in combating racism and supporting interculturalism in Ireland

1.7.3 Maximise the potential of the EUMC RAXEN initiative to provide detailed analysis and data related to racism and anti racism strategies in Ireland and in a European context.

1.7.4 Contribute proactively to the on going harmonisation policy of anti discrimination and integration policy at EU level, including in the context of EU enlargement and to carefully monitor the impact of the latest enlargement on the level of racist incidents.

1.8 Maximise cooperation to combat racism within Ireland on a north/south basis and between Ireland and Britain.**Key challenges**

Maximising the co-operation to combat racism within Ireland on a north/south basis is an important expected outcome from the NPAR. There are a number of policy areas where such cooperation could have a significant impact including:

Policy context and developments underway

Cooperation: The National Steering Group that oversaw the consultative phase of the NPAR included representatives from the Office for the First and Deputy First Minister in Northern Ireland. There has been significant north-south cooperation between:

- The Equality Authority and the Equality Commission for Northern Ireland organised around an annual joint Board meeting and reflected in their joint involvement in Anti-Racist Workplace Week.
- The two Human Rights Commissions reflected in the north-south committee they have established on the issue of racism.
- The NCCRI and ECNI in their joint work on the European week against Racism.

East-West cooperation has also been a feature of the joint Equality and Human Rights Forum which brings together the specialised equality bodies and the Human Rights Commissions in Ireland, Northern Ireland and Britain.

Institutions: The Good Friday Agreement including the North/South Ministerial Council and the British/Irish intergovernmental Conference provide further potential to develop joint approaches focussing on racism and interculturalism. There have also been strong north/south links between NGOs, including the preparation phases for the WCAR.

Priorities

The development of the UK National Action Plan Against Racism (NAPAR) and the Irish National Action Plan Against Racism provides a significant opportunity to

enhance co-operation on north/south basis within Ireland and on an east west basis between Ireland and Britain.

Measures

1.8.1 Develop a grant scheme jointly funded by the British and Irish Governments to support increased cooperation within Ireland North and South and between Ireland and Britain focussing on combating racism and supporting an intercultural approach to policy development.

1.8.2 The development of North South dimension to the Intercultural Forum established as part of this Plan (see Objective Five).