

RACISM

in Northern Ireland



Race Relations Act 1976

1976 JANUARY 74

DOES NOT APPLY

CAJ

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CONFERENCE REPORT

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Racism in Northern Ireland:

**The need for legislation to combat racial
discrimination in Northern Ireland**

**The Report of a C.A.J. Conference
held on
30th November 1991
in
Dukes Hotel, Belfast**

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Preface

This publication is the report of a conference organised by the **Committee on the Administration of Justice (CAJ)** sub-group on racism in Dukes Hotel, Belfast on Saturday 30th November 1991. The theme of the conference was Racism and Equal Opportunities: the need for legislation in Northern Ireland. The conference was attended by 130 people representing a broad range of organisations and interests. Its aims were threefold:

- to stimulate debate on racism
- to hear the experience of ethnic minorities
- to lobby for effective anti-racism legislation

The CAJ sub-group on racism was established in early 1991. Its membership includes people from a wide range of backgrounds and interests. This report represents the fruits of its first initiative. The Executive Committee of the Committee on the Administration of Justice wishes to thank the members of the group for their hard work in organising the conference and preparing this report.

The Executive is particularly grateful to Philip Watt who edited the report and to Liz Martin who worked on its production. The conference was successful due to the high quality of the presentations by the various speakers. We are grateful to them for their participation. Thanks are also due to Dukes Hotel, Hazel Thompson, Caroline Weir, Martin O'Brien, Michael Ritchie, Ciaran White, Robbie McVeigh, Eleanor McKnight, Pauline Leeson, Patrick Yu, Ann Grimes, Brice Dickson and to Paul Kernan (Community Training and Research Services) for his cover design.

Finally we are grateful to the Northern Ireland Voluntary Trust, the Community Relations Council and the Britain and Ireland Council of Churches who supported the costs of the conference and the publication of this report.

Abbreviations

CAJ	Committee on the Administration of Justice
CERD	Committee on the Elimination of Racial Discrimination
CRE	Commission on Racial Equality
CSCE	Conference on Security and Cooperation in Europe
DED	Department of Economic Development
DHSS	Department of Health and Social Services
DOE	Department of the Environment
E C	European Community
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
NGO	Non-Governmental Organisation
RUC	Royal Ulster Constabulary
SACHR	Standing Advisory Commission on Human Rights
UDA	Ulster Defence Association

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Introduction

Racism has been defined by the **United States Commission on Civil Rights** as "any attitude, action or institutional structure which subordinates a person or group because of colour, race or ethnic differences." Ireland, both North and South is the only region in the European community with no anti-racism legislation. In Britain the **Race Relations Act 1976** established the **Commission for Racial Equality (CRE)** a body which monitors racial discrimination and can take action on specific cases under the terms of the legislation. No such law or commission exists in Northern Ireland.

The British government is a signatory to a number of international treaties and covenants, including the **United Nation's International Convention on the Elimination of All Forms of Racial Discrimination**. Despite these undertakings the government has persistently ignored requests by human rights organisations to enact legislation to protect ethnic minorities in Northern Ireland from racial discrimination.

The **Standing Advisory Commission on Human Rights (SACHR)** which was established in 1973 as a result of the Northern Ireland Constitution Act, has restated the need for such legislation in consecutive annual reports. In 1991 SACHR stated:

"the difference in the law on racial discrimination as between Northern Ireland and the rest of the UK cannot be justified in the light of the U.K.'s international obligations".

In its tenth report to the United Nation's **Committee on the Elimination of Racial Discrimination (CERD)** the British government attempted to justify its decision not to extend the **Race Relations Act 1976** to Northern Ireland:

"immigration to Northern Ireland from outside the British Isles continues to be insignificant and there has been no race relations problem to date where no problem exists legislation is not required"¹

The clear inference from the use of the euphemism of "immigration" from "outside the British Isles" is that it is the presence of black communities which causes "race relations" problems.

This position has been overwhelmingly rejected by both SACHR and by the contributors to this report on racism. **Niall Crowley** challenges the common assumption that if there were no black people in Ireland, then there would be no racism. He points out that this view is racist as it denies that black people experience racism in Ireland and it denies the racism towards ethnic minorities such as the Chinese and Traveller communities.

¹ Tenth Periodic Report of the United Kingdom to the Committee on the Elimination of Racial Discrimination, CERD/C/172/Add.11.

This "numbers game" argument has been similarly used in Scotland by policy makers to opt out of their responsibilities to black and ethnic minorities. **Dorothy Neoh** points out that the problem of racism can no longer be viewed as particular to areas where there are large black communities. Indeed, **Joanna Oyediran** states that anti-racism legislation may be more imperative to small communities since they may find it more difficult to use non-legal methods of defence, such as community action, due to lack of numbers and resources.

The Experience of Ethnic Minorities

The refusal of the British government to recognise Irish Travellers as an ethnic minority may be linked to their unwillingness to accept that they must enact anti-racism legislation in Northern Ireland. Instead of being defined as an ethnic group, Travellers are often defined as a problem. **Paul Noonan** outlines how Travellers have been subjected to successive pieces of coercive legislation in Northern Ireland. He argues that racism must not only be seen at an individual level but also at the level of the institutions of the state. Thus, the failure of local Councils to provide adequate legal halting sites in most local authority areas is a product of a form of racism. **Nan Joyce** and **Chrissie Ward** who have campaigned for many years on Traveller and Traveller womens' issues state that Travellers are a nomadic group who should not be coerced by legislation:

"if you cut off travelling, you'll destroy the way of life"

Chrissie Ward argues that as well as anti-racism laws, Travellers need to stand together and organise for human rights in organisations such as the Irish Traveller Movement.

Racial attacks are one of the most extreme forms of racism. **Anna Watson** outlines how the Chinese community in Northern Ireland have been the subject of harassment and violence. This can range from severe bullying of children at school to attacks on people and their places of employment.

Racism can also extend into the education system in what has been defined as "indirect racism" by the 1976 Race Relations Act. This more covert form of racism excludes members of the Chinese community from adequate education, not because of blatant exclusion from schools but by not providing special help for children with language difficulties or by using culturally inappropriate teaching materials.

The Race Relations Act

In section three of this report **Chris Boothman** outlines the major weaknesses in the 1976 Race Relations Act, including the very low proportion of cases that succeed, the poor level of compensation available to victims and the lack of enforcement powers. He argues that these weaknesses should not be repeated in laws for Northern Ireland. He suggests that the body which monitors racism in Northern Ireland should have at least the same powers as the Fair Employment and Equal Opportunities Commissions.

The need for a strong monitoring Commission was also discussed at the plenary session of the conference with the agreed conclusion that simply extending the Race Relations Act to Northern Ireland without the equivalent of the CRE would be a waste of time, and indeed could simply be a means to deflect international attention from the government's responsibilities.

Anti Racism and Multiculturalism

As well as discussing legislation the report looks at the on-going debate between anti-racism strategies and multi-culturalism. A local perspective on multi-culturalism was provided by **Rozana Huq**, who argues that some anti-racist activism can lose the pluralist dimension which comes from a recognition of the cultural diversity of ethnic minorities.

However, one aspect of a multi-cultural approach is a response to racism whereby white/settled people seek learn about the minority group and by knowing their culture can serve them better. **Niall Crowley** and **Dorothy Neoh** outline the pitfalls of such an approach. In particular, they argue multi-culturalism fails to address the power differential in the relations between groups. In its most extreme form multi-culturalism can also sometimes degenerate into stereotypes of "saris, samosas and steel bands". The anti-racism approach on the other hand, recognises that education is essential in any effective response to racism but crucially it identifies racism as a problem of the powerful groups in our society. Thus if we are to address racism we must prioritize the institutional level, including the absence of effective anti-racism legislation in Northern Ireland.

Report Outline

The report is divided into six sections. In the first section **Niall Crowley** gives an overview of racism in Ireland. In the second section we hear the experience of ethnic minorities in Northern Ireland. The third section looks at racism and anti racism legislation in Britain to see if we can learn from this experience.

The U.K's international obligations on racism are examined by **Joanne Oyediran** in section 4. Finally, section 5 summarizes the conference discussions and the recommendations arising from the plenary session. The report concludes with CAJ's recommendation, for the implementation of anti-racism legislation.

As the first major report on racism in Northern Ireland the **Committee on the Administration of Justice** hopes that it will be widely read and that it will provide testimony to support the pressing need for effective anti-racism legislation and the monitoring of that legislation.

CAJ is particularly pleased that the Government announced at the "With, Not For" conference organised by the Advisory Committee on Travellers on 30th March 1992 its intention to introduce race relations legislation in Northern Ireland. We hope that this report will contribute to the shape and form of this legislation.



Conference attendees

Section 1:

An Overview

Racism in Ireland

The most recent European Parliament Report from the Committee of Inquiry into Racism and Xenophobia recommended:

*"That the only member state which has not already signed the U.N. Convention on the Elimination of All Forms of Racial Discrimination do so as soon as possible."*²

That member state is Ireland. Ireland has no body of anti-racism legislation and is therefore not in a position to ratify this convention. The Committee of Inquiry failed to highlight the same absence of such legislation in the North. These are the only regions of the E.C. without such legislation.

It is denied that racism is a problem here. And yet the very terms of the denial are racist. Another section of the same report states that:

*"Ireland has a non E.C. population of only about 18,000 and according to Patrick Cooney (MEP) the country has 'been remarkably free' of such problems as there is not a large presence of foreigners."*³

North and South, some would identify the absence of black people as proof positive that racism is not an Irish issue. This identifies black people as the problem. Saying that it is the presence of black people that causes racism is a racist position.

It is also inaccurate and denies the relevance of the experience of black people in Ireland, which is one of racism. It also denies the potential of a homogenous society to be racist outwards in its relations with other societies. Irish emigrants have an invidious record of racism towards black communities. Irish Third World aid agencies not only contribute to racist imagery of black people

² Ford, Glyn (rapporteur), Report on the findings of the Committee of Inquiry on Racism and Xenophobia, European Parliament, 1991

³ Ibid.

in their fundraising materials, but also provide what end up as being opportunities for white Irish people to practice their 'white superiority' in aid programmes abroad.

This position also means that we can avoid looking at immigration policies designed to minimise the numbers of black people entering here. British immigration law has, since the **Commonwealth Immigration Act 1962**, been based on a strategy of controlling black immigration. William Deedes, a minister without portfolio at the time has written:

"The (1962) Bill's real purpose was to restrict the influx of coloured immigrants. We were reluctant to say as much openly. So the restrictions were applied to coloured and white citizens in all Commonwealth countries - though everybody recognised that immigration from Canada, Australia and New Zealand formed no part of this problem."⁴

Later Acts in 1968 and 1971 were more overt. The 1968 Act specifically sought to control the entry of East African Asians. The 1971 Act contained overtly racial criteria for identifying who could stay and who could not. This legislation has set a trend where the size of the black population is defined as the problem - a trend that has spread throughout statutory provision from housing to education to employment. It has also generated a 'common sense' notion of the immigrant as black and a definition of nationality that is built around racial parameters.

In the South there have recently been a series of high profile cases involving deportation or incarceration of black refugees. Irish immigration legislation is minimal if draconian. The **Aliens Act 1935** basically confers all power of decision to the Minister for Justice in relation to access without laying out standards by which such powers should be exercised. Ireland has yet to ratify the U.N. Convention and the 1967 Protocol on the Status of Refugees.

Ethnicity

The same denial extends, North and South, to the Travellers, an indigenous minority ethnic group. Settled people, the dominant group, deny that Travellers are an ethnic group. The state defines policy on the basis of identifying Travellers as a problem and in need of special support to assist them back into 'normal' society. This again is racist.

The 1963 Irish government **Commission on Itinerancy** captured this position when they stated:

*"While it is appreciated that difficulties and objections will be met in the early years from many members of the settled population, it is not considered that there is any alternative to a positive drive for housing itinerants if a permanent solution to **THE PROBLEM OF ITINERANCY**, based on absorption and integration is to be achieved."⁵ (emphasis added)*

The Travellers and their way of life are defined as the problem, their disappearance through assimilation as the solution. While rhetoric has progressed, statutory practice, North and South, continues to reflect this analysis. We need look no further than designation policies and prohibition orders that set quotas in relation to the number of Travellers allowed to stay in any one area. A

4 Quoted from article by R. Miles in C. Husband (Editor) 'Race' in Britain, continuity and change, Hutchinson.

5 Report of the Commission on Itinerancy, Government Publications Sales Office, August 1963

letter dated this year to a Traveller seeking to change address which was written by the Northern Ireland Housing Executive states:

"At present the number of travelling families who are tenants in the Callanbridge estate exceed the agreed quota. Therefore until that number reduces we cannot agree this exchange."

Recently the officials in Dublin County Council proposed:

*"to secure the return of all new families arriving in County Dublin and occupying roadside areas or sites on public land to the areas in which they have been normally resident."*⁶

This is just another version of the repatriation threat that is hung over black communities. Dublin County Council and other local authorities around the country are also working to a site construction programme based on a quota system that sets a maximum number of families to be located in each electoral ward. Such practices define Travellers as a problem to be shared out. They are racist and they legitimise the racism of resident associations mobilizing to keep Travellers out of their areas.

This denial of Traveller ethnicity captures the centrality of power to any understanding of racism. The settled community have the power to name and label the Travellers. The Travellers are denied the basic right to name themselves. No coherent argument has been put that disproves Travellers' claim to ethnicity. In fact many who deny this claim openly admit they are not clear what ethnicity is - "whatever it is travellers are not it". Ethnicity is about a collective sense of identity. It is a cultural and social phenomenon. Hilary Tovey in *Why Irish* writes that:

*"Ethnicity is understood as a symbolic meaning system, a way for a 'people' to organise social reality in terms of their cultural similarities and differences."*⁷

The House of Lords ruled that for a group to constitute an ethnic group in terms of the **Race Relations Act 1976** it had to regard itself and be regarded by others as a distinct community. This distinctiveness was to be evident by virtue of a range of possible characteristics, the first two of which were essential:

- A long shared history of which the group was conscious;
- A cultural tradition of its own including family and social customs;
- Descent from common ancestors - you must be born into the group;
- A common language;
- A common religion;
- Being a minority or an oppressed or a dominated group within a larger community.

Clearly the Travellers fulfil all of these criteria. And yet the furthest that the Irish state has gone is to recognise that Travellers have a different way of life that requires halting sites. Ethnicity is not conceded and the distinct Traveller identity is not recognised or resourced.

Dublin County Council, **Proposed Programme for the Accommodation of Travelling People**, February 1991.
Tovey et al, *Why Irish*, Bord na Gaeltige

Racialisation

This denial is rooted in the Irish experience of racism - we can see ourselves as victims but not so easily as oppressors. Irish people have been racialised on the basis of imagined biological differences and suffer racism based on this. The imagery used in describing Irish people in cartoons in some sections of the British media provide evidence of this - Irish people are depicted with ape like features. In 1982 a meeting of the Greater London Council went so far as to stop their advertising in the "Evening Standard" due to an anti-Irish cartoon, which had, in the words of the Council chairperson:



Niall Crowley

*"the clear message...that the Irish, as a race and as a community, are murderous mindless thugs."*⁸

This is a tradition with long historical roots. In 1860 English historian Charles Kingsley wrote to his wife from Ireland:

*"I am haunted by the human chimpanzees I saw along that hundred miles of horrible country...to see white chimpanzees is dreadful; if they were black, one wouldn't see it so much, but their skins, except where tanned by exposure, are as white as ours."*⁹

These examples are of particular interest in that they show a white skinned group being labelled as a 'race' on the basis of imagined biological difference. While the use and abuse of skin colour is the dominant feature in the process of 'race categorisation' it is not the only one, and in the absence of this difference other features - REAL OR IMAGINED - are used.

Putting 'race' labels on groups is called 'race categorisation'. It is a process that is central to the existence of racism. We acquire the habit of seeing the world in terms of different 'races'. We identify people with unchangeable characteristics based on their group membership. Travellers have "travelling in the blood", black people have "rhythm in their blood". We transform economic and cultural features into products of biology.

When we label a group as a 'race' it is important to point out what is involved. It involves a biological or pseudo-biological form of determination whereby a group's culture and behaviour is deemed to be determined by biology. It engages us in the creation of an hierarchy of 'races' with some white Europeans at the top. It also justifies conflict between 'races' as inevitable and natural as it is based on the inherent negative characteristics associated with those deemed to be inferior 'races'.

This latter point is handy given that the self styled 'civilising' role adopted by those white Europeans at the top of the hierarchy has involved them in genocide, the use of slave labour and of forced labour, and continues to involve them in the exploitation and abuse of migrant labour.

8 As quoted in Liz Curtis "Nothing but the same old story" - the Roots of Anti-Irish racism, Information on Ireland, 1984.

9 Ibid.

'Race' and seeing the world in 'race' terms is very much part of our common sense. It is something we instinctively assume and never question. It comes as a shock to discover that it has no scientific basis and is no more than a myth constructed at an appropriate time to legitimise and structure the exploitation of what were deemed 'inferior races'.

UNESCO gathered many of the world's leading scientists after the Second World War to examine the concept. This was due to the holocaust where millions of Jews and Slavs, Poles and Gypsies were slaughtered on racial grounds - to ensure no degeneration of the superior Aryan 'race'. These scientists concluded that:

*"for all practical social purposes 'race' is not so much a biological phenomenon as a social myth. The myth of 'race' has created an enormous amount of human and social damage."*¹⁰

We must stop seeing and interpreting our world in 'race' terms which focus on biological difference and which rest on giving meaning to arbitrarily chosen physical features. We must take on board the concept of ethnicity with its focus on cultural difference, as a means of seeing and knowing our world. In such a scenario any legislation entitled "race relations" must be viewed with some suspicion as it incorporates and gives further legitimacy to a discredited concept that is at the root of racism.

New Racism

Racism as a set of ideas, beliefs and evaluations, is not a static concept. With the discrediting of notions that give meaning to biological difference and of concepts of superiority/inferiority, racism develops new codes and new content to reflect the changing context.

Last year the **Irish News** quoted Stuart McCullough of the Ulster National Front. He stated:

"Three and a half million Hong Kong Chinese hold British passports and certain quarters have suggested they should settle here. If that happened Ulster would cease to exist in a few short years. Our people would be a diminishing minority of our own motherland, and of course we would not want them here. They are not white, not European and not like us culturally and would pose a threat. At the same time we would be posing a threat to their own cultures and beliefs. For the maintenance of both races we would support their efforts to remain in their homeland."

The language of biology, of superiority has largely gone underground. The new racism is occupying some of the ground won by those pursuing multi-cultural responses to racism. However it is a form of pseudo-biological culturalism whereby culture is defined incorrectly as non-negotiable and unchanging, and whereby culture becomes the determining factor for negative characteristics. The new racism also has a flawed biological basis in its assumption that it is human nature to want to be with "one's own kind", and therefore to discriminate against those not of your group. There is little that is natural in this - it is something that we are taught..just like racism.

So we need to be wary of how culture is used in debate, policy making or practice. Culture must encompass everything a people think, do, and possess. It is something dynamic, rooted in the

¹⁰ Racism, Co-options the Journal of the Community Workers Cooperative, December 1987 . . .

political and economic context. It must not be reduced to exclude the whole area of values and beliefs, nor must its dynamism be denied.

Individual level

However I wish to highlight the racism of the National Front for a further reason. This is an example of racism at the level of the individual or interpersonal. Other examples would include racist abuse and attacks experienced by minority ethnic groups North and South, or the recently unfolding saga of the Traveller site in Craigavon - again a story that could be told of most places North and South.

The **Lurgan and Portadown Examiner** quotes the Brownlow Forum protest group who:

"cannot understand why the Council wants to build the sites, two of them between housing estates, when there is a rush to regenerate the area. 'We realise travelling people have to go somewhere but we are looking for outside investors to come here and something like this will hold them back' a spokesperson said".

In another article one Brownlow Forum campaigner "revealed that UDA members have told petition collectors 'we don't mind if the Travellers move in because we'll have a few bonfires and that'll scare them off'."

Racism at this level, particularly in the more extreme forms quoted, tends to be more overt and conscious. It is very immediately frightening and horrifying. However it is important to avoid the risk of racism being defined as a problem merely located in the individual.

Firstly, this can reduce racism to the level of prejudice which encourages educational responses to promote what is ultimately a paternalistic interest in minority cultures and which ignores that this individual racism is the product of a political and economic context which involves relationships of domination and exploitation between groups. It also encourages a response promoting tolerance. No one tolerates things that are basically unacceptable, so tolerance has little to do with equity or justice and is not a useful response to racism.

Secondly, in particular in its more extreme forms, it can let all the rest of us who are members of the dominant group off the hook, once we disown what the extremists are up to. We can then march on with a clear conscience. Again it comes as a shock to find out that nice people can also be racists - a situation that becomes evident when we examine racism at the institutional level.

Institutional Racism

It is only when we examine racism at the level of the institutions of a society that we can begin to come to grips with the complexity of the issue and develop strategies that address the issue at its roots. Charles Husband defines institutional racism as occurring:

"wherever individuals, in carrying out the routine practices of their employment or institutions, produce OUTCOMES which in effect discriminate against members of ethnic minority populations."¹¹

11 Setting the context for change: anti-racist social work education, Central Council for Education and

It is extremely difficult to deploy legislation adequate to protect minority ethnic groups against such racism. Racism at this level can be totally unconscious. It can be, and often is, based on the best of good intentions. It is insidious, covert and hard to pin down, and yet when we examine OUTCOMES in terms of the position of minority ethnic groups it is self evident.

Institutional racism highlights the role of power in the process of excluding groups. It demands that in seeking to be anti-racist we focus our attention on societal structures and respected institutions, and in particular on areas and institutions where we as nice people hold some power and also play some role in generating racist outcomes.

With regard to outcomes there can be little doubt as to the nature of the exclusion experience by the Travellers. The second annual report of the Director of Public Health, Eastern Health and Social Services Board stated:

"Within Northern Ireland there is a group of people, half of whom live in the Eastern Board area, living in conditions that may be among the worst in the United Kingdom. These people are known as Travellers."

In January 1991 the Belfast Traveller Support Group highlighted that:

"there are still approximately 186 out of the estimated total of 250 Travelling families living in illegal, unserviced roadside camps in Northern Ireland."

In the South the Health Research Board produced a report on the health status of the Travellers in 1987 which found that:

"a male Traveller is twice as likely to die in a given year than a settled male, whereas for a female Traveller the risk is more than threefold."¹²

Institutional racism obliges us to examine the role of the state. North and South the Travellers are faced by a state that refuses to provide for nomadism and that blocks Traveller efforts at financial independence.

Accommodation provided for Travellers is based on a concept of settlement - settlement that is accompanied by a barrage of supervision from social workers, local authority administrators and site wardens. There is no provision to facilitate Traveller nomadism - halting sites are part of the settlement process, not a resource for nomadism.

The nature of this failure is underlined when one refers to the Council of Europe report **Gypsies and Travellers** which was published in 1987. This report stated that:

"The forced process of settling, frequently carried out under poor conditions, means less psychological, social and economic adaptability. When travel becomes just a dream, a long delayed dream for the Traveller, despair and its effects set in (illness, break-up of the family, aggressiveness, and delinquency.) The result is a crisis in the society of Gypsies and Travellers."¹³

Training in Social Work, 1991

¹² Barry Herrity and Solan, **The Travellers Health Status Study** Research Board, Barry Herrity and Solan, 1987.

¹³ **Gypsies and Travellers, Dossiers for the Intercultural Training of Teachers**, Council of Europe, Strasbourg 1987.

Despite this, public services are only made available to Travellers on condition that they settle. Social welfare requires Travellers to have an address - and still segregates and stigmatizes them. Education is only accessible for those who stop moving - and then in its content sets about instilling the values of the settled majority with no effort made to affirm or resource the Traveller identity. In particular the role of education in the assimilation of Travellers has been to make them fit for 'regular employment' - to instill the values of 'regularity, punctuality, and responsibility' in the words of one administrator.

Part and parcel of this strategy to incorporate Travellers into the working class is a range of obstacles placed in the way of the Traveller economy. Mobility is central to the viability of this economy, yet the state criminalises nomadism. Home space and work space being one and the same is another feature, yet Travellers in the South are increasingly being obliged to sign agreements prohibiting them from collecting scrap if they wish to move onto a new site. The draft pitch licence agreement for Belfast sites states that:

"any scrap metal.. which the Licensee brings onto the site must be kept on the Licensee's vehicle and is in no circumstances to be removed from the vehicle while on site."

All this is institutional racism - racism that denies Travellers their right to practice their ethnicity and to have their identity recognised and resourced. Again in the words of Charles Husband:

*"To link ethnicity with racism. The way I want to link it is through the idea of power ..the dominant ethnic group has all the institutions of the state in its control from the education system to the media to the legal system..institutional racism is about power, it is about who has the right to give resources to who..institutional racism happens when people go about their normal business without thinking what are the implications for other ethnic groups."*¹⁴

This situation also captures the experience of other minority ethnic groups in Ireland. North and South these tend to be relatively small communities given the lack of any pull factors encouraging migrant labour to Ireland. As small communities they have difficulty in assembling the resources necessary to provide for any sort of cultural infrastructure. Little or no state support is available given the underlying project of assimilation - or integration.

As with the Travellers, other ethnic minorities are faced with an education system that is strictly mono-cultural and that does not address the issue of racism. This latter point is important in that multi-cultural education has failed to address the power differential in the relationship between groups. Sometimes it has also failed to address cultural difference beyond the tangible and visible - the version entitled "saris, samosas, and steel bands" - a version that was all too easily taken over by the new racism due to its limiting and incorrect definition of culture - a version that all too often involves the dominant group defining the culture of dominated groups.

There are other depressing parallels with the experience of the Travellers. The Chinese Welfare Association in Belfast reports "the refusal of one Housing Executive Officer to issue any more houses in her district to Chinese families". Equally the entrepreneurial efforts of the Chinese community face racist stereotyping in the restaurant business. This was captured in an unpleasant editorial in the September 1990 **Catering and Licensing Review** which stated:

14 Quoted from talk by Charles Husband to seminar on "Ethnicity and Racism" organised by Dublin Travellers Education and Development Group.

"Yet the question must be asked, why do Chinese restaurants and carry-outs feature so often in food poisoning outbreaks? Outlets involved in food poisoning cases SEEM all too often to be Chinese, followed by Indian and other ethnic-type restaurants in this dubious league of poor food hygiene ACCORDING TO EXPERT OPINION." (emphasis added)

According to expert opinion is the key to this piece: no statistics or comparisons, just opinion. The media is a key institution for transmitting racist stereotypes, again consciously or unconsciously. The above quote is as good an example as you could hope to find of this. The Vietnamese in the South seeking financial independence through mobile fast food outlets face similar harassment.

Employment is another arena that is a site for institutional racism. The labour force has been racialised and this process is used to determine who gets jobs and promotion. In the South there are a number of black doctors who finished their training in Irish hospitals, who then married here and became Irish citizens only to find the Medical Council refused to recognize their qualifications. They are not allowed to take up the very same jobs they were doing prior to qualification.

Conclusion

In conclusion I would like to pose racism as a challenge to white people and settled people - both groups of which I am a member. White people and settled people benefit from a racist society - we are affirmed, we are resourced. As such we cannot be neutral - we can only be racist or anti-racist.

There are many pitfalls in addressing what is a complex and insidious form of oppression. Often the first instinct is to do something for the victim. This can often be paternalistic, a further expression of our power as white/settled people. Anti-racist strategy must focus on the white/settled community, acknowledging its racist role. We are the problem - we are the ones who have to change.

Another popular route for white/settled people is to respond to racism by seeking to learn about the minority group in order to serve them better. Too often, however, we can end up taking over their culture to secure our power - in order to make racist institutions more acceptable rather than addressing the racist ethos, nature and structures of those institutions. We do need to learn to communicate across a cultural divide and to do so in a way that acknowledges racism and the potential for racism in that communication process. This is a very different challenge. If we are to address racism we must prioritize the institutional level. This is easier said than done as it can be daunting and personally threatening. It's not about tilting at faraway windmills but starting where we have some power - in our own place of employment.

Finally it is worth highlighting that anti-racism is political. It demands that we go beyond cultural difference to examine economic and politically structured inequalities. It requires that we address the issue of how power is exercised and who exercises power. It ultimately involves us in a critique of the state. We have, therefore, to be tactical so that we avoid marginalization, but also so that we avoid taking the easy way out and leaving it for another day.

- *Niall Crowley works with the Dublin Travellers Education and Development Group and is a member of the Community Workers Co-operative.*

Section 2:

The Experience of Ethnic Minorities in Northern Ireland

Racism Against the Traveller Community

Northern Ireland's Traveller population face both individual and institutional prejudice, discrimination and racism. The results of this situation are manifest in many different ways:

- in the stark statistics of basic indices of social deprivation such as average life expectancy (50 years)¹⁵ and infant mortality (3 times that of the settled community);
- Travellers have a literacy rate of approximately 20%, very few Travellers attend secondary school and an unemployment rate of 80%;¹⁶
- the majority of Northern Ireland's Traveller population live on illegal roadside camps without access to proper water sanitation or electricity supply.¹⁷ Where serviced sites have been provided these have often been built to an inferior standard;
- Travellers have experienced difficulty becoming enrolled with doctors in some locations;
- they face widespread social prejudice and refusal of admission to pubs, clubs, cinemas and laundrettes is something virtually all adult Travellers will have experienced;
- Travellers also experience differential access to a range of statutory services.¹⁸

At the root of these hostile attitudes and practices is ignorance of or a refusal to accept the Travelling Community as a distinct ethnic group with the concomitant rights this entails. Any analysis which does not recognise this issue as central will perpetuate the present injustice. Conversely an acceptance of these factors must lead to a commitment to affirmative action ranging from anti-discrimination legislation to outreach service delivery policies and empowerment programmes.

15 Advisory Committee on Travelling People (D.O.E. N. Ireland) Final Report for the period 1st August 1986-31st December 1989, 1989.

16 A.C.T. (1989) (Op cit.)

17 A.C.T. (1989) Op cit.

18 Noonan, Paul (1991): Draft report for the Save The Children Fund on services for Travelling People in West Belfast.

The onus to counteract racism lies with the majority society in order that Travellers and other ethnic groups can maintain their culture and lifestyle free from discrimination. Those who do not accept Travellers as an ethnic group have usually inverted this relationship and have viewed Travellers from a pathological perspective. In short, Travellers are seen as the problem.

Historical background

Historically, popular prejudice against Travelling People was reflected in the policies (or lack of them) and practice of management and staff in a wide range of statutory and voluntary agencies. Many viewed Travellers as irredeemable anti-social deviants for whom service provision was a waste of time and who were better dealt with by statutory measures to inhibit or eradicate the practise of their life-style and culture.

The issue of whether or not Irish Travellers constitute a distinct ethnic group is the single most important factor in defining the response of the state and the voluntary sector towards them.

The historical response of the state has traditionally been one of straightforward repression or alternatively of manipulative and limited benevolence aimed at promoting settlement and assimilation. Under the repression category, for example, laws were introduced to limit or terminate the travelling way of life. For example, during the reign of Edward VI, a law was introduced restricting Travellers' livelihood¹⁹. In 1554 Elizabeth 1 ordered Gypsies to leave the country on pain of death (the death penalty was not repealed until 1783).²⁰

Although the harshest legislation was removed in the 18th century, other laws specifically aimed at Gypsies and Travellers took their place. For example in 1835 a statute made it an offence to be a "Gypsy encamping on the highway". This law was subsequently included in the **Highway Act 1959** until finally repealed in 1980.²¹

The first attempt at framing legislation concerning Travellers in Northern Ireland occurred in 1949 when the Minister of Home Affairs announced in Stormont that he was considering the possibility of framing legislation which would deal effectively with the 'gypsy nuisance'.²² His announcement followed from a report submitted to him by a Departmental Committee on 'the injury and annoyance caused to the community by itinerant gypsies and persons who have adopted a like mode of life'. The minister stated that he had "the most abundant, overwhelming and completely conclusive evidence that in very many instances, gypsies had been far more than a nuisance". They had been a 'menace' in some parts, and he was fully satisfied that legislation would have to be introduced in order to give the authorities greater power of control over them and their movements.²³

19 Gmelch, Sharon (1979): *Tinkers and Travellers - Ireland's Nomads* P.10 Dublin.

20 Adams et al (1975): *Gypsies and Government Policy in England*, P-5, London.

Cannon et al (1989): *Travellers - An Introduction*, PP 23-24, London.

21 Gurlach et al (1987): *Moving on a photopack On Travellers in Britain* p.6 9 Minority Rights Group, London

1987) Kenrick, D. & Bakewell, S (1990): *On the Verge - The Gypsies of England*, p29. Forrester, B. (1985): *The Travellers Handbook*, pp 66-67, London.

22 Newsletter (4.10.54)

23 Report of the 1954 Committee of the Ministry of Home Affairs of Northern Ireland on itinerant gypsies and persons who have adopted a like mode of life 17.4.1956

The **Gypsies Bill (Northern Ireland)** was introduced in the Stormont senate in 1950. It sought to impose stringent fines and imprisonment to prevent camping without the consent of the owner of the land. Penalties included seizure of animals found trespassing, application of the **Public Health (Ireland) Act 1878** to Travellers' wagons and tents and the extension of powers of summary arrest available under the **Summary Jurisdiction (Ireland) Act 1851**. A slight defence to conviction for camping on public or common land was available if the local council failed to designate sufficient sites. In short, the Bill effectively sought to criminalise the Travellers' nomadic way of life, whilst at the time suggesting that local authorities provide camping sites without coercing them to do so.²⁴ The **Gypsies Bill (N.I.)** was passed by the Senate but was unexpectedly withdrawn in October 1950 during the second reading in the Commons because of strong opposition by local councils at the inclusion of a defence against prosecution for encampment.

In October 1954, the new Minister for Home Affairs announced the establishment of a committee to investigate and advise on "the problem of gypsies and other itinerants". The members of the committee were drawn from the farming community, local authorities and government Ministers. Although described by the Minister as a "fairly representative body", the committee's report in 1956 commented on "attempts made in many countries to solve the problem-usually by sentencing gypsies to exile under pain of death" and concluded from this that "the fact that the gypsy and the itinerant have survived clearly indicate that there is not any easy solution to the problem".

The report stated that "the problems of itinerancy did not warrant major legislative action or a large expenditure of public money". It was suggested that "efforts should be made to bring speedier justice to roving wrong-doers and that static groups be encouraged to seek permanent homes". The report also stated that "police activity of any kind seems to have a salutary effect on the nomads and among the static families there is an expressed desire to leave their caravans for permanent buildings".²⁵

The Ministry of Home Affairs accepted the following recommendations of the committee:

- the restoration of summary powers to Justices of the Peace for use against persons charged with certain specific offences against the **Vagrancy Acts** and the **Summary Jurisdiction (Ireland) Act 1951**;
- provision of "suitable housing accommodation" by local authorities for Travellers who "desired to settle down";
- the bi-annual collection of a census by the police; and
- requests to the Ministry of Health to encourage local authorities to take action against roadside camps for contravening sanitation laws.²⁶



Paul Noonan

The government's response did not please all of its supporters and a resolution was passed at the annual Ulster Unionist Council meeting in 1956 calling on the government to introduce effective legislation immediately to prohibit "these wandering bands from spoiling our countryside, damaging

24 **The Gypsies Bill (Northern Ireland)**, 1950

25 **Ministry of Home Affairs (1956)** Op cit.

26 **Assisi Fellowship(1966): Committee to Investigate and Make Recommendations regarding Itinerants in Northern Ireland.**

property and availing themselves of public assistance, free medical and dental services and children's allowance".²⁷

The subsequent harassment of Travellers in the 1950's and 1960's, combined with problems brought on by the destruction of the Travellers' rurally based economy, led to a dramatic reduction in the number of Travellers living in Northern Ireland from 1,012 in 1948 to only 160 in 1965.²⁸ A report by the Association of Public Health Inspectors in the mid-1960's complained of the inadequacy of existing legislation "to deal with offending itinerants satisfactorily...the only method of control generally adopted is to harry them from place to place". Travellers were moved on by legal means under various acts, including the **Public Health (Ireland) Act 1878**, the **Housing Act 1963**, as well as by illegal means.²⁹

The first report which considered the social and human dimensions of the problems facing Travellers was that of the Assisi fellowship in 1966, which called for the introduction of grant aid for local authorities to make site provision.³⁰ No government action on the report was forthcoming. Indeed the Ministry of Development Parliamentary Secretary in a reply to a debate on the report in Stormont, pointed to the decline in numbers of Travellers as an indication that "some success is being achieved in solving the problem" and described this trend as a "godsend".³¹

The **Caravans Act (N.I.) 1963** unlike the **Caravans Act 1968** (not introduced in N.I.) did not oblige local authorities to make site provision and it wasn't until the introduction of the **Local Government (Miscellaneous Provisions) (N.I.) Order 1985** that legal provision for D.O.E. grant aid of sites was made. However this Order only empowered but did not oblige councils to provide sites. The Order also made allowance for "designation" of councils who did make site provision for Travellers who normally reside in or resort to a particular council area. This means that councils are granted additional powers of eviction for Travellers deemed to exceed, what is in effect, a quota.

Analyses of current discrimination

In 1990, the Standing Advisory Committee on Human Rights noted:

"There is a good deal of evidence of discrimination against members of the traveller community".

On the other hand, they pointed out that the evidence was not carefully documented, not least because "in the absence of any law against racial or ethnic discrimination or harassment, there is no basis for systematic investigation or recording by the police or other agencies".³²

The only statistical information on prejudice against Travellers in Ireland has been gathered in the Republic. MacGreil (1977) found that only 29% of his sample would welcome a Traveller as a family member. The main reason given for rejection of Travellers was that they were 'not socially

27 Newsletter (9.3.56): "Control of Gipsies"

28 R.U.C. Bi-Annual Census of Itinerants (sic) 1948-65.

29 Assisi Fellowship (1966) Op cit.

30 Assisi Fellowship (1966) Op cit.

31 Commons Debates - Parliament of Northern Ireland 7th June - 6th December 1966 p.34.

32 Standing Advisory Commission on Human Rights (1990): **Religious and Political Discrimination and Equality of Opportunity in Northern Ireland**

acceptable' (62%).³³ An Economic & Social Research Institute survey published in 1984 showed that 70% were unwilling to buy a house next door to a Traveller and 46% unwilling to employ a Traveller. It is not unreasonable to suppose that were similar research to be undertaken in Northern Ireland, similar findings would emerge.³⁴

Direct institutionalised discrimination is described by Feagin (1989) as:

*"organisationally prescribed or community prescribed action that by intention has a differential and negative impact on members of subordinate ethnic groups. Typically these are not episodic or sporadic but are routinely carried out by a large number of individuals guided by the norms of a large scale organisation or community".*³⁵

Examples of direct institutionalised discrimination include the intentional segregation against Travellers in inferior facilities, either accommodation or education and the segregated signing on arrangements stipulated by the D.H.S.S.

Many agencies whose services are available on an "open door" basis, in effect practice indirect discrimination against Travellers. A classic example is the following quote from a D.E.D. report in 1984:

*"D.E.D. does not make special sorties to Travellers' communities to invite uptake of jobs or training. However, Employment Service Office staff are mindful to encourage Travelling People in the use of the full range of facilities of D.E.D."*³⁶

The fact that the number of Travellers who availed of any of these services was negligible, did not unduly concern the D.E.D.

Another form of discrimination practiced against Travellers is covert discrimination, defined by Feagin (1989) as:

*"unequal and injurious treatment for members of subordinate racial and ethnic groups that is hidden, malicious and very difficult to document. Common types of covert discrimination include manipulation, tokenism and sabotage".*³⁷

It could be argued that the behaviour of a number of local councils who have prevaricated over site provision, while ostensibly pursuing a policy of making provision, amounts to manipulation. Many governments and local authority departments have presumed to know what is best for Travellers: direct, systematic and open consultation with Travellers themselves is an extremely rare occurrence.

More usually these authorities have attempted to disguise their paternalism with the fig-leaf of tokenism - the token Traveller or two are informed what provision, if any, will take place, usually at the agency's premises, on the agency's terms, often in incomprehensible jargon. Feagin (1989) pointed out that tokenism can become an intentional barrier to minority group advancement.³⁸

33 MacGreil, M. *Prejudice and Tolerance in Ireland*, College of Industrial Relations, Dublin, 1977

34 *Economic & Social Research Institute* (1984).

35 Feagin J.R. (1989) *Racial and Ethnic Relations* p.15

36 *N. I. Working Party on Site Provision for Travelling People*, D.O.E. 1984.

37 Feagin J.R. (1989) *Op cit* p.15

Niall Crowley (1990) has also criticised the practice of tokenism - the selection of a member of a minority group onto the committees of the majority group - because it ignores the possibility that both the concept of a committee and its actual operation might be specific to the culture of the majority group. As such, demanding that the minority group operate through this structure becomes another imposition of the norms of the majority group on them.³⁹

Conclusion

Anastasia Crickley has defined racism as a combination of prejudice and power used to inform any attitude, action or organisation which subordinates a person or group because of colour, race or ethnic difference. Racism is not just an individual attitude.⁴⁰

Institutional racism encompasses all those actions and inactions which maintain Travellers in a disadvantaged situation and which rely on the active and persuasive operation of anti-Traveller attitudes and practices.

Being a Traveller in N. Ireland involves low life expectancy, high infant mortality, low educational achievement, appalling living conditions and differential access to a range of state services. Clearly these outcomes cannot be viewed as a result of individual antipathies. The existence of these glaringly obvious disparities is evidence of discrimination, racism and institutional culpability.

On this basis Wilkinson contends that:

"The State is racist by default in that, while the officers carrying out state functions may or may not be individually racist, the state has no legislation defining or banning discrimination on the basis of race".⁴¹

In order effectively to address the underlying problem (that of the racist denial of Travellers' rights as an ethnic minority) rather than only treating the symptoms (i.e. poor living conditions, limited access to services etc) relevant and effective legislation must be brought to bear in the first instance. Secondly, agencies must recognise that racism exists and consequently adopt anti-racist policies aimed at taking affirmative action.

I suggest that there are four basic steps agencies should take in relation to the Traveller community if they are to be seen as serious about providing equality of opportunity:-

- Formally recognise Travellers as an ethnic group who have suffered and continue to suffer disadvantage as a consequence of their ethnicity.
- Formally recognise that the main obstacle to the expression of Travellers' ethnicity is the racism of the dominant settled society and that anti-racist policies should therefore be adopted and implemented by all statutory and voluntary agencies. This involves anti-racist training for agency staff.

38 Feagin J.R. (1989): Op cit p.15

39 Crowley, N. "The Elements of Anti-Racism Practice", Co-Options, March 1990

40 Crickley, A. "Racism - The Concepts, the Dynamic, and the Issue", Co-Options, March 1990.

41 Wilkinson, T. "Current Reality of Racism in Ireland" Co-Options March 1990..

- In recognition of Travellers different ethnic identity and of the disadvantage that has accrued from this, agencies should pursue outreach practice based on anti-racist principles, an ethnically based approach and one in which Travellers are properly consulted and enabled to participate meaningfully in decision making.
- Bearing in mind the historic disadvantage of the Traveller community, agencies should allocate extra resources to meet their needs.

Failure to address the issue of racism including institutional racism ultimately amounts to encouraging its perpetuation.

- *Paul Noonan is co-ordinator of the Northern Ireland Council for Travelling People.*

Travellers' Experience of Racism

I would like to thank CAJ for including Travellers on the agenda, because they are often not included at meetings where they should be. There has been a lot of talk about educating Travellers recently, but there is a need for educating the settled community about Travellers in all aspects of life - the Councils, the Health and Education Authorities, the Housing Executive and whoever has neglected the Travellers in the past.

Travellers were forgotten about - they didn't ask for anything, so they didn't get anything. Now they're asking, there's so much needed now, because nothing was done in the past.

The Northern Ireland Council for Travelling People is trying to educate all these departments about the needs of Travellers, but this is a very big job for a small voluntary committee. The Government should have been doing this itself for years. Sometimes when we ask for funds for various projects like pre-schools, youth work and so on we have to sort of beg for it. You're treated like a charity case. Very few government departments have a policy on Travellers. They don't listen to Travellers and they don't talk to them and they don't know anything about Travellers.

Before they build a site, they should talk to Travellers who are going to live in it about where they want to camp and what kind of site they want so the problems which come up afterwards can be avoided.

If you're a Traveller trying to help yourself, you find a lot of hostility. You're not trusted or a lot of people don't consider you an educated person. They look at you as they've always looked at Travellers. They don't treat you seriously or as a person. Hunting down Travellers like wild animals, like the Travellers arrested for camping on the side of the road in Armagh recently or what was done to the Travellers in Downpatrick a couple of years ago, won't solve anything.

Travellers are used as a political football, although Travellers aren't involved in politics and don't have votes. Travellers live outside of the two main communities here - they're treated badly by both sides.

Councils here in Northern Ireland are looking for "designation" to control Travellers. If there were enough sites for the 200 odd families you wouldn't need designation. Designation is an attempt to do away with Travellers. You will not be allowed to camp in the parts of N. Ireland Travellers used to travel around anymore.

Travellers are a nomadic group - if you cut off travelling, you'll destroy the way of life. Travellers can identify with North American Indians and the way they've been treated. If you go up to Glen Road or down to the Markets and look at the way Travellers have been forced to live - that is racism coming from the top, from the government. They should have done something about that years ago. It's a slow death the way Travellers are treated.



Chrissie Ward

What can be done?

Settled people should recognise Travellers as people and accept and trust them. Travellers should be treated as human beings and listened to because they have something to say. Travellers should no longer be treated as charity cases, but as people with their own dignity, their own way of life and beliefs:

- There should be sites in all the towns where Travellers have been camping over the years - transit sites, permanent sites and group housing. Wherever there was hostility between settled people and Travellers, when the sites were up, this has lessened. Playschools are needed on sites. It gives the mothers a break and gives the children space to play which they don't have in the trailer. Pre-schools give the children the opportunity to play with educational toys and explore and be children safe from the dangers of the sites.
- Traveller children should be accepted in settled schools if their parents want them to go there. Parents should have a choice of segregated or integrated education. If there is a school just for Travelling children it should have the same standards and facilities as other schools.
- All children should be taught about Traveller and settled culture. Teachers should be taught about different ethnic groups in their training. A lot of Traveller children drop out of school at 12 or 13 years of age, because they haven't got on with the type of education they've experienced.
- There's nothing for Traveller teenagers - no youth clubs or discos. They're wandering around with nothing to do and no money in their pockets. It is too late to put them back to school when they're out of school for 2 or 3 years. If a young Traveller gets into trouble, it's a settled person trying him. If he goes to a doctor it's a settled person. If he's getting taught, it's a settled person. And all these people know nothing about Travellers.
- There should be training centres provided to enable young Travellers to face the community with dignity, because it's seen as a stigma if you're born a Traveller. Young Travellers should be trained to be community leaders to work for their own people because only settled people have been working for Travellers down through the years. This should be provided before it's too late.
- Travellers suffer discrimination. They are refused service in many shops, pubs, hairdressers, laundrettes and so on. There is an urgent need for legislation against discrimination. All ethnic groups in Northern Ireland could benefit from a law outlawing discrimination. If you want to

judge a government you look at the way ethnic groups are treated. If they're treated well, you have good governments.

- *Nan Joyce* is chairperson of the Northern Ireland Council for Travelling People.

I'm here on behalf of the Irish Travellers Movement. Travellers are getting a raw deal around the country; they must stand together and organise. Settled people rule Travellers' lives. The Traveller group need to stand together for human rights. You should not have to give up what you are to be accepted. We should have the freedom to be what we are; to be accepted; not to be made feel ashamed. About education we should have the right to go schools. The Local Authorities know what they're doing to Travellers. Travellers are burned and tortured. Not given the right to live. Settled people do what's right for Travellers but don't ask Travellers. Travellers have no say in their own sites. If they settle they are still not treated right. Travellers should have a say in what affects them. In spite of all this Travellers are still Travellers. I left from the Glen Road site this morning and I had to wait until I came here to go to the toilet; because there is none on the site. It's particularly difficult for the women. There's no refuse collection no work and no facilities for Travellers staying there and many of them have been camped there for years.

- *Chrissie Ward* is a member of the executive of the Irish Traveller Movement.

Racial Discrimination towards the Chinese Community

The first Chinese restaurant opened in Belfast in 1962. Now, the Chinese Welfare Association estimates there are between 5,000 to 7,000 ethnic Chinese living in N. Ireland making them the biggest ethnic minority here. Most of them are from the New Territories, the rural area of Hong Kong. They came here in search of a better quality of life and more long-term political stability.

Overt racism in N. Ireland may not be as serious as it is in some inner cities in England, but it is **not** true to say that there is no racism here. One Chinese businessman who had been in Northern Ireland for 30 years said that 90% of all Chinese people here have experienced some form of racial prejudice. One common theme in the local first generation is that they have accepted that they are bound to be discriminated against and there is no redress to it because this is not their mother country.

Experiences of overt racism

Some carryout restaurants have been attacked quite frequently while others may get occasional drunks who pretend to speak Chinese or refuse to pay. Incidents are, by and large, unreported either because of language difficulties or because of a general sense of helplessness. Some say they don't see the point in calling the police who they feel, never arrive in time to render any real help. A carryout on the Ormeau Road has been the subject of frequent racial attacks for many years. For a period of several months, their window was broken nearly every week, stink bombs and rubbish were constantly thrown into their shop. Another carryout on the Albertbridge Road when it was first opened 4 years ago, had their window smashed and eggs thrown at them as well as being the target of abusive insults. The owner reports that there is no problem now as the locals have come to know them.

Some Chinese people say these attacks are due to their business locality and late opening hours, making them into easy targets. However, racial attacks on Chinese carryouts are not confined to troubled areas in the inner city. Last year, a takeaway in Holywood had the windows smashed in. Two years ago, a carryout in Millisle was under seige for an hour with a group of youths pelting stones, eggs and tomatoes at the premises. The family with a newborn baby and a young daughter was absolutely petrified.

Another aspect of overt racism is often seen in local schools. School age Chinese children are often subjects of verbal or even physical abuse in the school playground. Ask any Chinese child and he or she will testify to this. My children were both called names and one was bullied at school. I went to talk to the teacher but she dismissively denied there was an undertone of racism among their young pupils. Two days later the boy my son had been complaining about tripped him on purpose. As a result, he hit his face on the concrete playground. His nose did not stop bleeding for 48 hours and his eyebrow had a big black bruise for days. I am very pleased to say that the school has since been very positive in taking action to eradicate such racial abuse.

Last year the Chinese Mother and Toddler group went for an outing to Crawfordsburn Country Park. Three boys, aged about 10, went up to the Chinese children at the water's edge with fistfuls of pebbles. They showered them at the children. My five year old son told me that evening he did not want to be Chinese any more. "If you are Chinese," he said "you get called names at school and stones thrown at you on the beach."

A friend, who was a teacher, once said to me that I must not over-react to these things. My children who are half-Chinese, look different so they are going to be teased or even bullied at school. It's a fact of life, she said. If responsible adults such as teachers keep on condoning such unacceptable behaviour in their young, what hopes are there for change?

Some Chinese women I know get spat at on the streets. One had obscene gestures aimed at her and her son by a young man walking along the road. Another woman complained of rubbish being thrown into their front garden whereas no one else's garden on the same street was affected. Two young Chinese men were critical about their local police. One claimed that a policeman once called him a "stupid chinky". Another said that a police constable asked him, "do you think you're in China that you can park anywhere you like?" I was referred to as the "fucking chinkie" at a police station by two policemen when I was assisting with interpreting. My husband overheard the remark.

Experience of institutional racism

These were some incidents arising from attitudes of individuals who are sometimes unconscious of being racist. However, what's more important is perhaps the institutional racism which is not on a psychological level but points to questions of social structure and inequality. It is to do with equality in education, in job opportunities, in housing and so on.

There are many myths about the Chinese community in Northern Ireland which are quite untrue. People often say they never see an unemployed Chinese person. They believe Chinese immigrants here are all well-off, owning restaurants and carryouts. Perhaps the policy makers, feel that since Chinese people don't make demands on statutory services, they must be able to look after themselves. They must be self-sufficient. Subsequently, they have been left to fend for themselves for the last 30 years. Quite contrary to these popular beliefs, the Chinese population faces many difficulties and have been struggling to do the best they can.

First of all, their lack of understanding of the British system makes them ignorant of their rights and vulnerable to exploitation inside and outside their community. Hong Kong is not a welfare state, people arriving here have very little idea of all the service provision they are entitled to. Yet, 30 years on, there is still hardly any attempt by the local authorities to inform Chinese residents of their rights of citizenship, in education, in benefits, in housing. I still have yet to see a leaflet or a form with Chinese translation from any of the statutory services.

Some Chinese people themselves carried with them remnants of outdated beliefs from Hong Kong such as "someone working in the civil service or police force must have all-embracing powers." They can easily become prey to unscrupulous individuals.

“各位幾好，甚歡迎你哋今日來參加這個研討會”

Excuse my Chinese causing you a momentary language problem. However, this problem is experienced **daily** by many Chinese people here, especially among the first generation Chinese. They have difficulties in managing their business, in shopping, in even taking driving lessons! Imagine yourself receiving driving instructions in Chinese! The vice Chairman of the Chinese Chamber of Trade, Mr Lee Shek Yung, in his speech at the Belfast City Council Food hygiene certificates presentation for 50 Chinese said that the language handicap has made many unable to hear even though they have ears, unable to speak even though they have a mouth. Such, is the extent of the language inability.

This language barrier has prevented integration with the wider community and created isolation. With the strict immigration legislation, many couples have no extended family living here. The lack of social or family network has meant deep loneliness for many, in particular, the women and young children.

Chinese children in schools generally receive little or no help with their English. Elmgrove Primary School in East Belfast unsuccessfully applied to their Education and Library Board on several occasions to get special tuition and teaching materials for their dozen or so Chinese pupils. Other schools such as Deramore High with some 20 children have to use their own resources to provide teaching facilities for ethnic children. With the inadequate English help, many Chinese children come out of school with very poor qualifications. Now, a lot of parents are forced to pay for private

tutors or send their children to preparatory schools. I know one family which, when the father lost his job as a waiter, had to borrow money to keep their daughter in a prep school. They feared if they took her somewhere else, she might not receive the same level of help.

Many Chinese people are also unhappy, with the pitifully little help in interpreting for the community funded by the Health and Social Services Boards. The four boards are still only willing to jointly pay for one part-time interpreter, covering all health and social services for the whole of Northern Ireland. It is a disgrace. As a result, children are often used to interpret for their parents in all sorts of situations from handling difficult customers to accompanying parents to see doctors.

Conclusion

The Northern Ireland conflict is, of course, a major concern here. Great efforts and resources are directed towards reconciling the two communities. However, the interests of other minorities must not be sacrificed in the process.

In the absence of a Race Relations Act, local authorities have no statutory obligations to provide ethnic populations with special help to ensure equality in education, in job opportunities, in health and social services provision.

Local Chinese residents have a lot to offer the majority community; their work skills, their rich culture, their respect for law and order, their strong family ties. The introduction of legislation to safeguard their rights may empower the Chinese to create a people of confidence, proud of their worth, free from prejudices. We need to be listened to, to be understood, to be included.

- *Anna Man-Wah Watson is a community interpreter and member of the Chinese Welfare Association in Belfast.*

A Multi-cultural Perspective

The Multi-Cultural Resource Centre in Belfast is a new project undertaken by Bryson House. Its aim is to raise awareness of the strengths, diversities, cultures, values and the existence of ethnic minority communities in Northern Ireland. The Centre's object is to help identify the special needs of the ethnic minority communities, in the area of social services, and also to help other professionals to work effectively in a society which is increasingly becoming multi-racial and multi-cultural.

In this paper, I would like to look at a few areas where there seems to be some confusion. Areas such as:

- confusion in the understanding of the word *racism*;
- confusion in education;
- confusion in the use of the word *black*.

Confusion in the understanding of the word *Racism*

A lot of people tend to think that racism is only a skin colour issue, that is an issue only between non-white and white people. They fail to take into account that racism can also be an issue between white and white people, for example, English against Irish, and white settled people against white Travellers.

Racism can also be an issue between or within ethnic groups or races for example ethnic tension in Russia, or the caste system in India. The other day, a white person said to me patronisingly "I think white people are racist". I asked her, "did you know that black people or non white people can also be racists?" She was absolutely horrified at the idea that any body else other than white people could have the power to be racist. Her attitude was that it was almost a white privilege. How dare black or non-white people even think that they can possess this same quality as the white superior race. I looked up the Dictionary - 'Racism' is defined as - "The belief that a particular race, especially one's own, is superior to other races."

In other words, when people of any race of any colour "feel superior" and try to put other races down, on the grounds of their racial background, they are then being racist against other races, maybe of the same colour or otherwise.

Confusion in Education

In many areas of education, racism, has recently become an important subject, particularly in social work education. There seems to be an urgent need to address the issue of racism and discrimination. The issue of how best to incorporate racial/ethnic and gender related content in social work curricula is urgent.

Accredited councils in Britain and Northern Ireland are placing more emphasis upon racial and ethnic diversity as an important component of social work education. For example, the rules and requirements for qualifying training in social work, published by CCETSW (Central Council for Education and Training in Social Work) specifies the requirement that "Social workers need to be able to work in a society which is multi-racial and multi-cultural."

But there is confusion in the education field in the dissemination of information. There is also a lack of trainers and training packs, a lack of planned strategy and goals, and teachers and trainers are not sure how to handle the topic of racism because it is new. Further the perception of Northern Ireland as a multi-racial society is not an image that easily comes to the mind of the ordinary person. Other more powerful images of sectarian violence may obliterate ideas concerning ethnic differences.

And, because it is new here, it is important to get it right from the beginning, which would help to reduce the general confusion that is around.

The onus is on teachers and trainers to disseminate information carefully, largely emphasizing the need to respect other races and cultures in a way that will open and stimulate students' minds in a positive way. Otherwise, there is danger that it will be harmful. Some students may go in with an

open mind, but after the training courses come out with a narrow attitude thinking that he or she knows all about racism, and that it is only an issue between whites and non-whites.

How best workshops and training courses on this subject can be operated is another issue, which will not be possible to cover in such a short space. But, I would like to say that teachers and trainers who are seriously thinking of doing some positive work in this area must not be afraid to discuss racism and look at the different kinds of human races and lifestyles that exist in this world, whether we like it or not.

Teachers should be concerned about how to handle discussions as it is pointless in trying to get people to address racism on its own. Other relevant key discriminatory areas should also be covered, such as prejudice, conflict, bullying, name calling, discrimination at the cultural, institutional, collective or personal level, and discrimination on grounds of disability.

Confusion in the use of the word *black*

A lot of people do not understand or know in what sense the word "black" is used. Most people understand that black is used only to describe the colour of one's skin. But the word black is also used in the political sense to describe oppressed non white people. "Black" is used politically for ethnic minority people, as part of the "black political movement". But we cannot ignore that black is also mistakenly and ignorantly used to describe people from certain cultural backgrounds. Are professionals (dealing with ethnic minority clients), aware of this dual use of the word black? In order to clear confusion, I would strongly suggest that during all anti-racist, and other relevant training programmes, trainers and educators make it clear that there are two completely different meanings of the word black - one cultural and the other political.

It must be stressed that the system in the UK has given all non-white oppressed people one label to use, and that is 'black.' Sadly, even if non-white people do not feel oppressed and are given equal opportunities, they are still called blacks.

To describe all non-white people in this way, confuses the whole multi-cultural and ethnic issue. It also seems a lazy way of getting away from finding out from which ethnic background the person comes from. The choice is vast - China, India, Pakistan, Sri Lanka, Afghanistan, Zambia, Saudi Arabia. This laziness may be compared to people in UK generally who will not learn another language, yet they expect their European and Asian counterparts to be able to understand and grasp English as well as the natives. Some people say that this would mean extra work - finding out more about their client's background, when it is easier to just use the simplified label "black" to describe their non white clients.

If the white trainers are themselves not aware of the diversity that exists in their non-white clients, how can they be qualified to teach and impart any knowledge on racism, multi-culturalism, or prejudice reduction? This would be parallel to an English trainer coming to Northern Ireland and talking about the "troubles" and addressing everyone in Northern Ireland as "the Irish", without really understanding the differences that exist in the politics and cultures of the wider communities in Northern Ireland.

After all, there are some people in Northern Ireland who do not want to be called Irish, but would like to be known as British, or Northern Irish, politically but culturally wouldn't mind being associated as 'Irish', and there are some who do not want anything to do with Irishness.

Mistakenly being called something else may be excused, but we are talking about education and training here. There can be no excuse that in the education field these mistakes should be allowed to be carried on by trainers, educators and teachers.

An important factor here is that not enough research has been done about the feelings of ethnic minority people regarding being addressed as "blacks". Besides, what other choices have they been given in this matter? The Indian, Pakistani, and Chinese communities in Northern Ireland, have personally approached me to address this issue, as they feel offended when they are addressed as 'blacks'.

One of the objectives of the Multi-Cultural Resource Centre is to voice their needs. The responsibility for support in this matter, should not lie only with the ethnic minority workers of the Multi-cultural Resource Centre, the Chinese Welfare Association or similar ethnic minority organisations. White workers and trainers should also respect this sensitivity and prioritise this in all their training programmes and service delivery, if they are genuinely interested in ethnic minority issues.

Maybe the ethnic minority people in Northern Ireland, think differently, regarding the way the word 'black' should be used. In this respect white workers should not force the word "black" upon them.

The Travelling community in Northern Ireland are not called 'blacks' politically. However they are struggling to get the Race Relations Act extended to Northern Ireland. We are talking about a Race Relations Act not a Black Relations Act.

It is important to try and help improve the quality of life of people when they are disadvantaged solely because of their race. But it is also time for a more appropriate use and understanding of the word "black" otherwise all effort taken on anti-racism, prejudice reduction, and anti-discrimination programmes will be entirely hypocritical and tokenistic.

I think there is a lot of pretence around racism in Northern Ireland. Some people have said: "*We all get on well together here, there isn't a large population of ethnic minority people in Northern Ireland, so there is no racism*". As if it only happens to other people or in other countries such as England or South Africa!

- *Rozana Huq works with the Multi-Cultural Resource Centre in Bryson House in Belfast.*



From left: Robbie McVeigh, Rozana Huq, Anna Man-Wah Watson and Dorothy Neoh

Section 3:

Racism and Anti-Racism Legislation in Britain

The Scottish Experience

Until recently there has been a commonly held belief among Scots that racism did not exist in Scotland. This myth prevailed because there were few large black communities in Scotland. Therefore some people have concluded that "no black people equated no racial problems". This colour blind approach has since been dismissed by the irrefutable fact of the high incidence of racial discrimination and violence faced by black people in Scotland.

The historical legacy and experience of the Scottish people who have been colonised and oppressed over the centuries is sometimes given to defend the perpetuation of this myth. There are, amongst certain sectors of the Scots population, closed-minded people who view black people as "incomers", "foreigners" and "immigrants". It is not uncommon to find bigotry and racism going hand in hand in small, parochial communities where external influences rarely feature in daily life and black people often become targets of exploitation and oppression because of this belief in racial supremacy.

Britain is beginning to realise that it is a multi-racial society and its black communities are here to stay. Many of them are British-born and there are many black Scots amongst them. The recognition of the contribution made by newly arrived immigrants in the 1950's and 1960's, in answer to an acute labour shortage, is an important development. The view of those people with irrational fears and anxieties about the "influx" of black people coming from abroad to take advantage of their jobs, homes and the welfare state has been largely discredited. This xenophobia has however been fed into the minds of ordinary people by far right groups such as the National Front and British National Party (BNP). These groups have been responsible for incitement to racial hatred and for perpetrating acts of racial violence and harassment.

In Scotland there has been a marked increase in the number of reported cases of racial harassment which range from noise, verbal abuse, graffiti, dumping rubbish and excrement to threatening behaviour, criminal damage to property and even to physical attacks and murder. A Somalian

student in Edinburgh was murdered in 1988 by a known BNP supporter. The sentence he received, however, was minimal compared to the offence and furthermore it was not recognised as a racist attack.

The problem of racism can no longer be viewed as particular to areas where there are large black communities and indeed the "race card" or "numbers game" argument by policy makers can be used by them to opt out of their responsibilities towards black Britons. I would put forward the suggestion that a single black person living in an entirely white community feels 100 times more vulnerable and at risk of racial prejudice than he/she would within a larger black community for the simple reason that the black person is more conspicuous and easily identifiable as a minority. The experience of Chinese carry-out owners in outlying Scottish hamlets of the so-called "white highlands" highlights the vulnerability of Chinese families who lack social contacts and community links. There have been several reported cases of racial attacks on and harassment of Chinese carry-outs in these areas. Some Chinese owners have found that their businesses have suffered so much that they have had to sell up and move to another area.

The manifestation of racism against black people is insidious and pervasive. The more overt forms of racism can be seen in the acts of violence against black people but where racism becomes institutionalised it can have major ramifications in terms of equality of opportunity and the disadvantages faced by black people. In terms of service provision, it has been found that black peoples' needs are not appropriately met by current service provision. "The Chinese Voice their Needs Seminar" report (1990) highlighted the low uptake of service provision by Chinese people and attributes this to the lack of information and inappropriate services which do not take into account the particular needs of the Chinese community. Indeed, every black person should have proper access to services which meet their needs and individual needs of minority groups should be addressed regardless of their numbers.

Service providers have responsibilities, under Section 71 of the **Race Relations Act** not to discriminate against individuals on the basis of their skin colour or ethnic origin. If these services are inaccessible to black people, for whatever reason, then the onus should lie with the local authorities to ensure that black people are not disadvantaged or inhibited from taking an active part in their society. As employers, local authorities are now recognising the need to promote equal opportunities policies which take on board good practice, not only for their employees, but also to their users. It has been acknowledged that, apart from compliance with race relations legislation, it is important to improve standards and to take advantage of potential within the labour market not previously utilised.



Dorothy Neoh

Current service provision should be reviewed and any gaps highlighted. In order to do this, resources have to be examined and the best and most appropriate utilisation of human as well as financial resources should be targeted. As part of any strategic plan, it is important to seek community consultation which provides structures within which black people can inform policy makers of their needs and develop community networks and self-help groups. In Scotland, black people have been able to use funding from the Urban Renewal Programme to promote areas of need where disadvantage exists in a number of different projects which range from multi-cultural centres, interpreting services, advice centres, luncheon clubs and so on. Unfortunately these urban aided projects are short term funded and unless

the need is justified, the funding of these projects cannot ensure the continuation of the service to black people.

Mainstream funding to such projects is therefore an important recognition to black people that services are being made available to them and that their needs are being met. Very often the integrated services provided in mainstream provision fail to look at the separate needs of black people. In areas where separate provision is required, such as black only groups, funding bodies need to address the use of current resources in the most appropriate way. The argument for separate versus integrationist provision is still a subject for debate and within it consultation of users is imperative.

Before I conclude by proposing strategies for anti-racist work and the promotion of equal opportunities, I would like to comment on multi-cultural work and anti-racist work.

The renowned black writer, **Sivanandan**, has said that:

"Racism is only one dimension of oppression in the whole system of exploitation and racial discrimination".

As an anti-racist worker I would concur that in order to fight discrimination and oppression systematically, there need to be proactive strategies which do not hide behind the banner of multi-culturalism.

Multi-culturalism has been used for far too long by protagonists of assimilation for black people into white society. They believe that attitudes can be changed through an harmonious co-existence of people learning about and sharing each others cultures. In some quarters it was also felt that assimilation was another way in which black people could "fit into" White society by assuming a white culture and identity.

There was no recognition of the need for black people to retain a sense of their own separateness and identity. It is apparent now in the 1990's that the problems faced by black people cannot solely be tackled by multi-cultural work, since it denies black people the freedom to be mono-cultural if they choose to be, and to maintain their own separateness within a wider integrated society.

As far as the Chinese community in Scotland are concerned, research has shown that assimilation and multi-culturalism do not promote racial equality. The **Select Committee Report on the Chinese Community in Britain** (1985) and the Commission for Racial Equality Report **The Needs of the Chinese Community in Scotland and the North-East of England** (1988) highlighted the disadvantaged position of Chinese people in all aspects of life. It would be fair to say that multi-culturalism neither provides jobs nor does it enable black people to attain educational achievement when the system itself is racist.

There is, therefore, a need for a more proactive, anti-racist strategy which looks at a cohesive implementation of equal opportunities policies. In Scotland, there have been initiatives taken in positive action training courses in banking and other employers have also been encouraged to enable black people to reach a stage whereby they are able to compete equally with white people in the open market. Another initiative has been in a "Black Women into Work" Training Course which gives black women the opportunity to explore employment and training opportunities not previously within their reach. Funding for this has been successfully obtained from the European Social Fund, Urban Aid and Edinburgh District Council. There have also been anti-racist training courses

organised for staff in local authorities and collaborative work amongst anti-racist organisations against racial harassment.

These and other initiatives are some strategies aimed at combatting racism and I hope that these will give you some ideas to open up the debate for anti-racist work and encourage policy makers to put racial equality and equal opportunities at the top of their agenda. The experience in Scotland shows that there is a need for both black and white people to work together for a fairer, more just society. It is time that we all took up that challenge.

Dorothy Gaik Poh Neoh is Chinese Community Officer with Lothian Racial Equality Council in Edinburgh.

The Race Relations Act 1976 and the Commission for Racial Equality

The Commission for Racial Equality was set up under the Race Relations Act 1976. The Commission is a Home Office funded organisation whose commissioners are appointed by the Home Secretary from a wide spectrum of political and other interests. Its headquarters are based in London. It has four divisions, Resource and Planning, Public Affairs, Employment and Legal. It has regional offices in Leicester, Birmingham, Manchester, Leeds and Edinburgh. It is supported by 200 staff and it jointly funds a network of local voluntary organisations called Race Equality Councils.

Under the legislation the Commission was set up to:

- enforce the legislation;
- promote equality of opportunity and good relations between people of different racial groups;
- advise the government on the working of the Act;
- conduct formal investigations;
- provide grant aid to other bodies involved in related work;
- conduct or assist others to conduct research;
- exercise its discretion to give assistance to individuals who have potential cases of race discrimination.

When the Act was introduced it had a number of attractive objectives. It was intended to:

- combat and outlaw discrimination in the fields of employment, education and the provision of goods facilities and services;
- punish those who tried to intimidate people raising complaints of discrimination;
- outlaw discriminatory practices, discriminatory advertisements, instructions and pressure to discriminate;

- make it easier for applicants to represent themselves in proceedings;
- provide compensation for those who suffered as a consequence of discrimination;
- introduce the concept of taking positive action to correct under-representation of minorities;
- introduce an organisation that would balance promotional work equally with law enforcement i.e. to use a carrot and stick approach to address inequality.

Ironically the very last section of the Act excluded Northern Ireland from its jurisdiction.

The Weakness of the Race Relations Act

Fifteen years later what has been the experience of the Act? Earlier this year the **Policy Studies Institute** completed a research project on employment for the government. It concluded that discrimination in employment was as bad, if not worse than it was when the Act first came into force and that tens of thousands of acts of discriminations were taking place. It further concluded that employers were covertly discriminating against minorities, that the Act was not equipped to tackle such discrimination and that it needed strengthening.

Other studies suggest the same is true in relation to education and the provision of goods facilities and services. So on the face of it the evidence suggests that the Act has failed. Why is this?

The first problem is that discrimination is reduced to a restrictive legal concept. The Act talks of direct discrimination, which when translated means blatant or obvious discrimination - where a person is treated differently on racial grounds.

It also talks of indirect discrimination, which means covert discrimination, where all appear to be treated the same but are subject to a condition or requirement which has a disproportionate adverse effect on a particular racial group that cannot be justified. The Act also talks of segregation and victimisation. Victimisation in law can only occur where a person has been involved in making a complaint of racial discrimination and has as a consequence been subject to less favourable treatment. The basic concepts involved in the Act therefore are extremely legalistic and perhaps bear little relationship to how discrimination usually manifests itself in everyday life.

The next problem is that the Act does not apply to a wide range of governmental actions such as policing, the courts, and immigration. I suspect that in Northern Ireland, as in England, there are concerns about discrimination in the Criminal Justice system. Minorities are over represented in arrest, remand in custody, and prison statistics. Major criminal justice cases like the Guildford Four, the Birmingham Six and the Tottenham Three suggest that particular racial groups attract special adverse attention from the criminal process. In the Commission, we believe the work of the criminal justice agencies should be brought within the remit of the Act. We have also recently sent a submission to the Royal Commission on Criminal Justice suggesting compulsory ethnic monitoring, the introduction of a fairer jury system and a new offence of racial violence.

It is difficult to get legal help to fight race cases because there is no legal aid entitlement. People either get assistance free, assistance from the CRE, Trade unions, Race Equality Councils, or must pay for a lawyer. Even when you do get legal help, running a case is still hit and miss because of:

- the high burden of proof;
- the inability to force discriminators to provide vital information;
- the lack of understanding or expertise by those who hear race cases;
- the lack of adequate enforcement powers; and
- the low level of compensation.

In fact a very low proportion of cases issued succeed.

Strangely enough many of the weaknesses in the **Race Relations Act** can be contrasted with strengths in your **Fair Employment (NI) Act**. In Britain we are envious of the power of the legislation in Northern Ireland. The Commission for Racial Equality could shake off the label of being toothless if it had the powers of the Fair Employment Commission. If both Acts were combined there might be immense benefits both sides of the water. It should be noted that religious discrimination is not specifically covered in English law. Of course I'm sure you will not be surprised to hear that it is unlikely that we will be granted such powers under the present government because there is no external economic stick to beat it with as there was in relation to your legislation.

It is nothing short of a disgrace that the maximum award payable in a British race case is £9,000 whereas in an Irish religious case it is £30,000. The disparity is manifestly unjust and suggests there is no real intention to deter discriminators in England.

Other issues in Britain

There are some other matters I wish to mention. The first is racial harassment and violence. This type of behaviour is not really covered by the **Race Relations Act** because the Act is primarily concerned with civil law. Offences of violence clearly fall within the remit of the criminal law and are consequently the business of the police and the Crown Prosecution Service. Although they both spend a lot of time talking about their commitment to fighting racial violence they do not appear to produce results. Indeed the more cynical commentators would suggest that they are major offenders in their own right.

Religious discrimination is a burning issue in England at the moment. Many minority groups are calling for religious discrimination to be included in the **Race Relations Act**. In view of the confusion it might cause I believe it may make more sense to call for a separate Act. However there is a debate needed as to whether or not we would be better off with a single Human Rights structure. The advantage would be that all discriminations could be dealt with under one umbrella, which would be strategic, cost effective and focused. The disadvantages are that such a structure could result in a cost cutting exercise and a watering down of work on individual discriminations. Such an agency could also be torn apart by internal conflicts.

Europe and 1992 is another issue that I wish to mention. Anti-discrimination law across Europe is patchy and diverse. The Commission believes that the **Treaty of Rome** should be amended to make express provision for competence over the issue of race discrimination and racial violence. We also believe that there should be a directive dealing with race discrimination and racial violence. There needs to be comprehensive cover at European level to protect minorities from the kind of atrocities that are being perpetrated by extremists across Europe.

Finally I should say that if you are considering the introduction of a **Race Relations Act** in Northern Ireland you should think about the practical implications. Some of the kind of issues you should consider are whether it is in your interest to rely on the London led Commission for Racial Equality or whether it is in your interest to be accountable to the Home Office?

Chris Boothman is Director of the legal division of the Commission for Racial Equality in London.

Section 4:

State Obligations under International Law on Racism

The Application of UK's Obligations under international law to Northern Ireland

Most of this paper will be devoted to a discussion of the United Kingdom's obligations at the European and international level to act against racial discrimination, particularly as to whether the United Kingdom is under a duty to introduce race relations legislation for Northern Ireland. A few remarks will follow as to what kind of legislation might be appropriate in the Northern Ireland context.

Very little is written on the subject of racism in Northern Ireland. The British government has stated that there is no problem of racial discrimination in that part of the U.K.⁴² There appears to be an assumption, perhaps unconscious, at governmental level and amongst organisations and individuals concerned about racism, that racism is not an issue in Northern Ireland. The report of the European Parliament's **Committee of Inquiry into Racism and Xenophobia**, for example, includes separate sections on England, Scotland and Wales. In its discussion of racism in the U.K. Northern Ireland goes unmentioned.⁴³

42 Tenth Periodic Report of the United Kingdom to the Committee on the Elimination of Racial Discrimination, CERD/C/172/Add.11.

43 Ford, Glyn (rapporteur), Report on the Findings of the Committee of Inquiry into Racism and Xenophobia (European Parliament, 1990).

The European Community

Article 119 of the **Treaty of Rome** imposes a duty on the UK to promote equal treatment and equal pay for women. There is no similar provision relating to equal treatment for ethnic minorities. The **Social Charter**, adopted in 1989, acknowledges the need to fight against all types of discrimination in its preamble, but contains no substantive provisions on the elimination of racial discrimination.

The European Parliament has in recent years established two *ad hoc* committees of inquiry on racism in Europe. The first report, the Evrigenis Report, resulted in the **Joint Declaration Against Racism and Xenophobia** in 1986, only the second declaration adopted in the European Parliament's history.⁴⁴ This document urges EC institutions and member states to combat all forms of intolerance based on racial, religious, cultural, social or national difference, but has no legally binding effect. Very few of the proposals of the Evrigenis Report were actually implemented.⁴⁵

This was followed by the 1990 **Report of the Committee of Inquiry into Racism and Xenophobia**. The report provoked a great deal of hostility in the European Parliament right across the political spectrum mainly because of certain controversial proposals to grant greater rights to non-EC nationals.⁴⁶ The Report recommended, for example, that non-EC nationals should be given the right to vote in at least local elections after five years' residence, and that they should be granted the right of residence and establishment in any EC country.⁴⁷ The report was finally adopted by the European Parliament, and endorsed with a weak recommendation that EC institutions and member states should "study in detail" its proposals.

The European Convention on Human Rights

Article 14 of the **European Convention on Human Rights** forbids discrimination on grounds of race, colour, language, religion and national origin, but *only* if there is discrimination in relation to one of the rights guaranteed in the Convention. This is a serious limitation as the Convention is mainly concerned with the protection of civil and political rights, not economic and social rights. Article 14 does not provide a remedy against employment discrimination, for example, because the Convention does not guarantee the right to work. The effect of this restrictive guarantee against racial discrimination is illustrated by a recent decision of the **European Commission on Human Rights** on an application brought by an African-Caribbean man against the United Kingdom.⁴⁸ The applicant had been refused access to a nightclub to collect money for charity because he was black. In the particular circumstances of the case, he had no remedy under the **Race Relations Act 1976**. Before the Commission it was argued that the British government had violated Article 14 by its failure to protect the applicant from discrimination. The application was rejected, the Commission finding that under the Convention, the man had no right to enter the club and Article 14 therefore offered no protection because there had been no discrimination in the exercise of a right guaranteed by the Convention.

44 D. Evrigenis (rapporteur), **Report on the Findings of the Committee of Inquiry into Racism and Xenophobia** (European Parliament, 1986).

45 Ford, Glyn (Rapporteur), *op. cit.*, para. 4.1.1.

46 Sarah Baxter, *Jeux avec Frontiers*, *New Statesman and Society*, 19 October 1990.

47 Ford, Glyn (rapporteur), *op. cit.*, Recommendations 33 and 64.

48 *Hector v. The United Kingdom*, See *The Guardian*, 20 April 1990.

On the other hand extremely serious cases of racial discrimination may amount to degrading treatment contrary to Article 3. The U.K. was found to have breached Article 3 on these grounds in a case brought by East African Asians who were expelled from their countries of residence and denied entry to the United Kingdom even though they were nationals⁴⁹.

It should be noted that legislation outlawing incitement to racial hatred is generally permissible under the European Convention. Such legislation does not violate Article 10 which protects the right to freedom of expression. In an application brought against the Netherlands, a conviction under the Dutch Criminal Code for possession of leaflets which were racially inflammatory was challenged as a violation of Article 10⁵⁰. In rejecting the application the European Commission relied upon Article 17 which states that the rights granted by the Convention will not protect those who exploit these rights in order to destroy the rights of others. This provision aims to restrict the activities of totalitarian groups. The Commission found that publication of the leaflets, which advocated repatriation of all non-white people in the Netherlands, constituted the type of activity referred to in Article 17. The applicants could not therefore rely on the right to freedom of expression guaranteed by Article 10.

Conference on Security and Co-operation in Europe

The Final Act of the Conference on Security and Co-Operation in Europe, commonly known as the **Helsinki Accords**, signed by all European states except Albania, commits signatories to respect for human rights without distinction as to race. There is an additional commitment to guarantee the rights of "national minorities". The **Helsinki Accords** are not legally binding, but they are of great political significance, especially following the rapprochement between Eastern and Western Europe.

The 1991 Paris Conference of the CSCE provided for a meeting of experts on national minorities which took place in July 1991. At this meeting states undertook to provide "a broad array of administrative and judicial remedies" for discriminatory treatment against national minorities⁵¹. States also reaffirmed their recognition of "the particular problems of Romanies (Gypsies)" and undertook to take effective measures to guarantee them equality of opportunity⁵². Despite these developments, there is no definition of what constitutes a "national minority". At the meeting of experts it was merely noted "that not all ethnic, cultural, linguistic or religious differences necessarily lead to the creation of national minorities"⁵³. This lack of definition gives a signatory state ample opportunity to refuse to implement the commitments made during the meeting of experts and in the **Accords** themselves by denying that any national minorities exist on its territory. Given that the basis of the CSCE's concern over minorities is the threat of balkanization and civil war in Eastern Europe, minorities in Western Europe may find it difficult to exploit their own countries' stated commitments to action on this issue. It is also likely that states will argue that the term "national minorities" excludes minorities of non-European origin.

⁴⁹ *East African Asians v. The United Kingdom*, 3 European Human Rights Reports 76.

⁵⁰ *Glimmerveen and Hagenbeek v. The Netherlands*, 4 European Human Rights Reports 260

⁵¹ CSCE, Report of the CSCE Meeting of Experts on National Minorities, Geneva 1991. CSCE/REM.N.20.

² *Ibid.*, 9

³ *Ibid.*, 4

Conclusions regarding European instruments

Inter-governmental organisations in Europe have so far largely failed to provide effective protection for ethnic minorities. Those undertakings which do exist are either weak or non-binding. This leaves a significant and embarrassing gap in Europe's supposedly elaborate system of human rights protection.

The United Nations: The International Convention on the Elimination of All Forms of Racial Discrimination

At the U.N. level there has been a great deal of activity on the issue of racial discrimination. By far the most important document that has emerged is the **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**, to which the U.K. is a party. By Article 1 defines racial discrimination 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." (appendix 1)"

It should be noted that through the use of the words "purpose or effect", racial discrimination is defined as including indirect discrimination. In contrast to the **European Convention on Human Rights**, the prohibition on discrimination applies to a very broad range of rights, including economic, social and cultural rights. Discrimination in the fields of housing, employment and education should therefore be made unlawful. Article 1 (4) permits positive action directed at improving the position of disadvantaged racial and ethnic groups. Article 5 lists certain particular rights which must be guaranteed to all, free from racial discrimination. The list of rights contained in Article 5 is not intended to be exhaustive. It rather identifies those rights which often fail to be guaranteed to black people. Rights mentioned include the right of access to places and services intended for use by the public, including transport, hotels etc., and the right to security of person and to protection by the state from violence inflicted by government officials or by private actors.

Article 2 places an obligation upon states not to engage in acts of racial discrimination. They must review legislation and governmental policy to ensure that they do not contravene the Convention. Of great significance is Article 2(1)(d) by which parties undertake to eliminate "by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisations". States therefore are under a specific positive duty to combat acts of discrimination carried out by private individuals.

Article 4 addresses the problem of racist speech and violence, and organisations which propagate racism. States must outlaw violence and incitement to violence. They are also under a duty to declare the dissemination of a wide variety of racist expressions an offence punishable by law. Dissemination of ideas based on racial superiority or hatred should be made illegal, for example. Article 4 also calls for the prohibition of organisations with racist objectives. States must also make participation in such organisations a punishable offence. This Article involves controversial limitations on the rights to freedom of expression and freedom of association. For this reason many liberal democracies have not fully implemented Article 4 into their domestic legislation.

Violations of the Convention with respect to Northern Ireland

The Convention establishes a Committee on the Elimination of Racial Discrimination (CERD) charged with monitoring implementation of the Convention. CERD is composed of 12 experts who are independent. They are not state representatives. Every two years states must submit a report to CERD giving details of measures which they have taken to implement the Convention. CERD discusses these reports, and most states, including the U.K., send representatives to answer any questions which members may have.

The reports which have been submitted by the U.K. over the years are the only general overview available of the British government's race relations policy. In its reports the U.K. has had to justify why the **Race Relations Act 1976** does not apply in Northern Ireland. In its Tenth Periodic Report the British government stated:

*"As has been explained before, immigration to Northern Ireland from outside the British Isles continues to be insignificant and there has been no race relations problem to date in Northern Ireland. There have therefore been few immigrants in Northern Ireland and no urban concentrations of immigrant groups. Indeed the leaders of immigrant communities themselves consider that there is no problem of racial discrimination in Northern Ireland. In common law jurisdictions it has been the practice that where no problem exists legislation is not required."*⁵⁴

Some comments must be made on this statement. Nobody actually knows the size of the ethnic minority population in Northern Ireland. There are no accurate figures⁵⁵. The figures used by the U.K. in its Tenth Report are based on the number of persons born outside the British Isles. The use of these statistics is misleading and racist in the assumption that all people who belong to ethnic minorities were born outside the British Isles. Members of the Traveller community and the descendants of immigrants to Northern Ireland are not included in such figures.

The Tenth Report suggests that legislation is not necessary because ethnic minority communities in Northern Ireland are very small and there is no problem of racism. The Standing Advisory Commission on Human Rights has responded stridently to such an attitude:

*"It cannot be assumed, simply on the grounds that there is no evidence of a sizeable ethnic or racial minority population in Northern Ireland, that there is no problem in Northern Ireland of ethnic or racial discrimination."*⁵⁶

This CAJ report affirms that a problem does exist. Even so, regardless of the scale of the problem, I would argue that as a matter of principle there should be legislation in Northern Ireland which gives the same rights and remedies against acts of racial discrimination as are available in the rest of the U.K. I would also contend that the smallness of the communities in Northern Ireland is a strong argument in favour of legislation. Legal remedies may be more valuable to small communities, since they may find it more difficult to use non-legal methods, like community action, to counter racism because of lack of numbers, lack of resources etc.

⁵⁴ Tenth Periodic Report, op. cit.

⁵⁵ Standing Advisory Commission on Human Rights, **Religion and Political Discrimination and Equality of Opportunity in Northern Ireland Second Report** (HMSO, 1990).

⁵⁶ Ibid.

The U.K.'s argument that it is the practice in common law jurisdictions to legislate only in response to an actual problem is rather compromised by the fact that there is already legislation in force. The **Northern Ireland (Public Order) Order 1987** legislates against incitement to racial hatred. On the basis of the British government's arguments, this suggests either that there is an acknowledged problem of racism in Northern Ireland or that the common law tradition is quite flexible.

Despite the British government's denials, there are clear problems of racial discrimination in Northern Ireland. The U.K. is clearly obligated under the Convention to adopt an appropriate legislative and administrative response. The U.K. is clearly in breach of Article 2, which requires parties to take action against private acts of racial discrimination, and Article 6 which requires parties to guarantee effective protection and remedies. The **Race Relations Act 1976**, which outlaws such acts to a large extent, does not apply in Northern Ireland.

Consideration of Northern Ireland in CERD

Northern Ireland has been discussed a great deal within the Committee, and also in the U.K.'s periodic reports⁵⁷. Discussion has focused almost entirely upon the protection of Protestants and Roman Catholics from discrimination, although it remains controversial whether the Convention applies to these groups. The Committee has never really examined the position of ethnic minorities in Northern Ireland. I would suggest that this is because members lack information about these communities, and are very possibly unaware of their existence. The Committee is overworked and has to consider a large number of periodic reports at each of its sessions. There are three possible sources of information for the Committee: the expert knowledge of members, reports from the states themselves and submissions from non-governmental organisations. This last source is extremely important as it provides detailed objective information which can be used for relevant and incisive questioning of state representatives. Unfortunately, partly due to CERD's low profile within the United Nations, few commentaries on state reports are submitted by NGOs. Members have not seriously considered the implications of the fact that the **Race Relations Act 1976** does not apply in Northern Ireland because they have not been prompted to do so by campaigning NGOs.

The Convention and Travellers

In the Northern Ireland context, it is important to consider whether the Convention applies to Irish Travellers. The United Kingdom does not include any information about Travellers at all in its reports to the Committee. Arguably it should do so now that "Gypsies" have been acknowledged to be an ethnic group protected by the **Race Relations Act 1976** in **CRE v. Dutton**.⁵⁸ CERD members have never to my knowledge asked questions about Travellers when considering the U.K.'s report. The Committee has discussed the situation of "Gypsies" when considering the reports of other parties, such as Czechoslovakia.⁵⁹ Ultimately the question is whether discrimination against Irish Travellers is based on "descent, or national or ethnic origin", as stated in Article 1.

57 See for example CERD/c/SR.793 paras. 61, 79 and 82, and CERD/C/SR. 794 para. 23.

58 **Commission for Racial Equality v. Dutton**, [1989] 1 All England Law Reports 306 CA.

59 CERD,C/SR.785.

General Violations under the Convention

By Article 2 parties undertake that the state itself, and all public authorities and institutions, will not engage in acts of racial discrimination. A wide range of government activities are beyond the scope of the **Race Relations Act 1976** including police conduct, immigration control and the prison administration.⁶⁰ Therefore even in England, Scotland and Wales, where the Act applies, the U.K. is to some extent in breach of this obligation.⁶¹

Northern Ireland's legislation against racial incitement is interestingly of wider scope than legislation which applies in the rest of the U.K. Part III of the **Northern Ireland (Public Order) Order 1978** is directed against material which is threatening, abusive or insulting, and which is likely or intended to stir up fear or hatred of a group in Northern Ireland defined by reference to religion, colour, race, nationality (including citizenship) or ethnic or national origin⁶². It is a criminal offence to use such matter in speech, in written material, in recordings of visual images or in broadcasting⁶³. Possession of such material is also made an offence⁶⁴. In all cases the consent of the Attorney-General must be obtained before a prosecution can be brought. The legislation in force in England, Scotland and Wales is similar but narrower as it only applies to material intended or likely to stir up racial hatred.

Despite the fact that Northern Ireland's legislation against racist speech is slightly wider, the British government has certainly not completely discharged its obligations under Article 4. Members of CERD have frequently expressed dissatisfaction with the U.K.'s implementation of Article 4.23.

British law has been criticised for failing to make the dissemination of ideas based on racial superiority an offence. Members of CERD have also argued that Article 4 demands that any type of dissemination of ideas based on racial superiority or hatred or incitement to racial discrimination should be criminalized. The British legislation instead makes conviction for racial incitement contingent upon certain conditions: the language used must be threatening, abusive or insulting, and must be intended or likely to stir up hatred (or fear, in the case of Northern Ireland).

These elements are extremely difficult for the prosecution to prove and go some way to explaining why there have been few prosecutions. There are also institutional hurdles. The Attorney-General has proved reluctant to consent to prosecutions for incitement to racial hatred. The Crown Prosecution Service is said to refer cases to the Attorney-General only if it believes there is an 80 per cent chance of conviction. It should be noted that by virtue of Article 4, the U.K. is not simply under a duty to enact legislation; it is also under a duty to enforce it. Arguably the U.K. is in breach of this duty. There have been very few prosecutions for incitement to racial hatred in the U.K. despite the fact that speech and publications of this nature are extremely common. In Northern Ireland there has not been a single prosecution for incitement to racial hatred.

Commission for Racial Equality, *Second Review of the Race Relations Act 1976* (Commission for Racial Equality, 1991).
CERD/C/SR.785.

Section 8, *Northern Ireland (Public Order) Order 1978*, SI/1987/463 (NI 7).

Ibid., Sections 9-12.

Ibid., Section 13.

The other significant omission which exists throughout the U.K. with regard to Article 4 is the U.K.'s total failure to implement Article 4(b) which calls for the prohibition of organisations and organised activities with racist objectives.

What kind of Race Relations legislation for Northern Ireland?

The **International Convention on the Elimination of All Forms of Racial Discrimination** places the U.K. under a firm obligation to take legislative and administrative action against racism. The U.K. has failed to implement the Convention in two different ways. It has failed to provide remedies for racial discrimination in all parts of the U.K. since the **Race Relations Act 1976** does not apply in Northern Ireland. It has also failed throughout the U.K. to implement fully its obligations - under Article 2 and Article 4, for example, as discussed above.

It may be tempting in the Northern Ireland context to see the campaign for race relations legislation as demanding a choice between two alternatives; either the extension of the **Fair Employment (Northern Ireland) Act**, which outlaws political and religious discrimination in Northern Ireland, or the extension of the **Race Relations Act 1976** to cover Northern Ireland. Both statutes have their advantages and disadvantages. The Fair Employment Commission has much stronger powers to act against discrimination as compared with the Commission for Racial Equality. The Race Relations Act does however have a broader range than the **Fair Employment Act**. It does address discrimination in housing and education, for example. The adoption of either of these alternatives by the British government would constitute a great leap forward for ethnic minorities in Northern Ireland. However neither solution would bring the British government into full compliance with its international obligations. I would argue that the best practice of both the **Fair Employment (NI) Act** and the best practice of the **Race Relations Act** must be combined to provide U.K. - wide legislation dealing with all aspects of discrimination. International obligations should be taken into consideration and fully implemented.

In Northern Ireland it is important that Irish Travellers benefit from any new legislation, especially given the degree of discrimination which they face. In the rest of the U.K. Travellers remedies under the **Race Relations Act** are uncertain. Any new legislation should ensure rights against discrimination to this group, if necessary by a specific reference to Travellers.

As part of its campaign the **Committee on the Administration of Justice** might consider challenging some of the misleading statements made by the British government with regard to racism in Northern Ireland by producing a commentary on the next U.K. periodic report. CERD would probably use such a commentary to question the U.K. more effectively on Northern Ireland.

Despite the fact that currently inter-governmental organisations in Europe provide only minimal guarantees against racial discrimination, there is the possibility of action on racism, especially within the European Community and the Conference on Security and Co-operation in Europe. Campaigning at the European level is therefore important.

1991 saw the publication of the Commission for Racial Equality's proposals for reform of the **Race Relations Act 1976**. This is an opportune moment for discussing reform and ensuring that the issue of racism in Northern Ireland is on the agenda.

- *Joanna Oyediran from Essex University has researched anti-racism legislation.*

Section 5:

Conference discussions and recommendations

After hearing the main speakers, the conference divided into five workshops which considered the following questions:

- 1. Is there a problem of racism in Northern Ireland?
- 2. Is there need for anti-racial discrimination laws in Northern Ireland and if so what sort of legislation is needed to be effective?
- 3. What other ways are there to address the issue of racism in Northern Ireland?

1. Is there a problem of racism in Northern Ireland?

It was suggested in one of the workshops that we did not need to discuss this question as the fact of racism in Northern Ireland had already been proved. Other people suggested that it must be discussed as the issue was more complex and that the issues could not be evaded. A member of one workshop was married to an Iranian woman. He felt that their children suffer because of their differences. Another member of a workshop works with the Traveller community in Craigavon. She stated that the Council was responsible for providing sites to Travellers. She said that there had been a recent campaign in Craigavon in which the local people were campaigning against halting sites for Travellers. Other instances of racism which occurred in her area were that Travellers were blamed for incidents in the area and they were scape-goated for the deprivation in Craigavon. She felt that the practice of blaming Travellers in this way and the adverse publicity about Travellers fed into the fears and suspicions that the settled people have against Travellers.

A member of the Chinese community said that the Chinese more commonly suffer personal discrimination as opposed to cultural or institutional discrimination. For example, school children are often left out by other children and are often bullied. Another member of the workshop said that many white children are also bullied and left out. However, it was pointed out that racial discrimination does not negate the experience of white and settled children, but that the situation is different because we are talking about power relationship which exclude and marginalize whole communities.

It was also suggested that children can be more oblivious to discrimination, that children do not notice differences in other children so much. It was suggested that racism is a learned experience. In answer to a question 'What is behind racism?', it was suggested that non-acceptance of individuals behind it as well as lack of access to power. It was also said that stereotypes are a problem, e.g. the stereotype that Chinese people will work in restaurants. This stereotype operates at a more subconscious level, but as a consequence many Chinese children may be deprived of opportunities

of other forms of employment as the state assumes that their own community will provide them with work.

Another person from the Chinese community disagreed that personal discrimination was more common than institutional discrimination and he pointed out that the mono-culturalism of the education system was a good example of institutional racism which is often more hidden than racism at a personal level. It was pointed out by someone else that studies have shown that 80% of Travellers cannot read or write and most have left school by the age of 12. The failure of the Education and Library Boards to provide culturally appropriate text books and teachers who are trained with the appropriate skills has been very detrimental to the schooling of both Traveller and Chinese Children.

It is also said that in the European context, there is implicit racism, in that racism is blamed on people coming into Europe and not on white Anglo-Saxon Protestants. Racism occurs not because of migrants, but because of white settled people themselves.

In relation to cultural discrimination, it was pointed out that for Travellers, nomadism is an integral part of their culture. This is prevented by designation which is thus cultural discrimination. A woman from the Chinese community in the workshop pointed out that she had left China almost 15 years ago and that the issue of cultural discrimination has been diluted for her as a Christian Chinese. However, she would still like to maintain her own culture for example, she pointed out the Chinese New Year is not recognized by employers in Northern Ireland. Her children cannot get the experience of that type of culture because it cannot be found here and that, she said, is not necessarily due to a failure on the part of this community. However, someone else pointed out that the failure on the part of this community may be that she is unable to take that day off as a holiday and would be forced to take it as annual leave. This was brought home to one member of the workshop, a man who is married to an Iranian woman. Quite recently when he was moving house and was looking for a school for his children. He spoke to the authorities in one school who said that they have no problem with the children taking off religious holidays, but that they would treat them as days "off sick". The parents were not satisfied with that and went to another school where the holidays were recognised as religious holidays and the days were not marked as days off sick.

Following on from this, it was pointed out that there is no provision in schools to practice religion for other ethnic groups. The proposed core curriculum for Religious Education in Northern Ireland had totally excluded ethnic groups in its proposals and had not consulted them.

Most workshops identified the need for more research into racism in Northern Ireland, especially empirical information. However some people cautioned that the research would need to address more than just peoples views and perceptions. An analysis of institutional racism was also needed.

2. The need for anti-racism laws in N. Ireland

The first point made in relation to this was that there is a problem in regard to laws, in that the laws are only as good as the people who staff the institution enforcing the laws, so that if there is a law, it must actually be implemented. Another member of a group pointed out the need for laws so that victims have redress, e.g. if Travellers are prevented from going into a shop or a pub, they can have recourse to accessible and effective legal remedies against the shop's owner.

One group was asked to think about whether the legal system is brought into disrepute if there are laws on the statute book which are not used. For example, the law in relation to incitement to hatred exists in Northern Ireland but is rarely used. It was suggested, in response to this, that it is the type of law that is relevant, so that the incitement to hatred legislation is different from the race relations legislation in England which has given the remedy and redress to some people. A member of the same workshop who works in the Equal Opportunities Commission said that since the sex discrimination laws came into force, sex discrimination is being challenged in Northern Ireland and people are more aware of it. She suggested that an effective Race Relations Act should look at what anti-discrimination legislation has gone before it and learn lessons from that so that for example, a flaw in the sex discrimination legislation is that the victimisation provisions are not strong enough. If a Race Relations Act is being considered, then the victimisation provisions should be stronger than those in the sex discrimination legislation.

Someone else pointed out that the Education & Libraries legislation in 1984 and 1986 in regard to disabled children was largely ineffective due to the fact that extra resources were never provided as back-up to reasonably good legislation, nor was there any framework for support. There is a need to back up law with resources and with support for groups which challenge racism.

In response to the suggestion that we could have some sort of general discrimination law which tackles race, disability, sex discrimination etc, one workshop felt that it may be used to diffuse the problem, so that the remedies for each form of discrimination are weakened. Nor was it thought appropriate to further break up racism laws into laws for each ethnic groups as it was felt that the issues facing ethnic groups are the same. It was also pointed out that some of the problems encountered in Northern Ireland are less legal than administrative, so, for example, if local authorities would provide sites for Travellers as they are actually empowered to do by law, the problem would be lessened. However, someone else raised the fact that the problem of designation which limits the numbers of Traveller families in each area, is a racist law and although providing legal and properly serviced sites would be very welcome it would only be the beginning of challenging racism.

All of the workshops agreed that whatever legislation was brought in it would need to be effectively monitored. On this issue some speakers pointed out the weaknesses of the Commission for Racial Equality in London. The CRE is a quango which cannot campaign but can only respond. It only handles about 1400 cases per annum of which it can only fight 20 or 30. Often the cases relate to individuals and rarely is any strategic gain made.

One speaker pointed out that even with these weaknesses, it would be better to have some sort of Northern Ireland CRE than no monitoring at all. She said that if the Race Relations Act was extended without monitoring it would be only tokenistic.

3. Non-legal ways of addressing the problem of racism in Northern Ireland

The question was asked whether the Ombudsman could be used to investigate public bodies as well as Judicial Review to challenge the public authorities. However, it was suggested that both of these remedies had difficulties, in that, the Ombudsman was slow and there was no guarantee of a favourable result and Judicial Review would tend to be expensive. It was said that these remedies were not necessarily what is required, but they were the least that was offered by the law at the moment.

Someone else in the group suggested that it was important there was a recognition within service providers and within organisations represented at the conference of the problems of racism and that ideas within organisations could be challenged. She said that we all have a role to try and change our own organisations.

One group went on to discuss government bodies with specific responsibilities for race relations. Someone pointed out that the RUC have Community Relations Officers who, although mainly concerned with Catholic and Protestant relations, have often been used by ethnic minorities as well. However others pointed out that the relationship of the Chinese community and the Aliens branch of the R.U.C. had often been difficult. It was said that there should be specific people appointed to government bodies to look after race relations education within those bodies. A member of the workshop was employed by the CCRU. She explained that the CCRU was an organisation within Government which advises the Secretary of State on all aspects of community relations within Northern Ireland in regard to policy making and service delivery. It was pointed out by another member of the group that there has been an equality review in regard to sex discrimination and it is possible that something similar should be done in relation to race.

One workshop then went on to discuss training. It was suggested that there should be training for teachers in the area of race relations and that in the implementation of education, teachers must be obliged to consider and think about race relations. It was also suggested that education for mutual understanding should be extended into racism.

A recurring theme in most workshops was the difference between multi-culturalism and anti-racist strategies. Many people in the workshops expressed the view that multi-culturalism is similar to community relations type work carried out in Northern Ireland and could only be of limited value. Some said that unless community relations work or multi-culturalism addresses issues of personal, cultural and institutional racism then it can perpetuate inequalities. Multi-culturalism can be used as a means of assimilating other cultures. Others disagreed with the view and argued that multi-culturalism can promote greater understanding and peaceful co-existence between different ethnic groups. However, many people said that the greatest weakness of multi-culturalism was that it assumes that ethnic minorities have the same power and influence as the white, settled majority whereas this conference had shown that this was patently untrue.

A member of one workshop argued that people who concentrate on multi-culturalism could be said to be hiding from anti-racism. She went on to suggest that combining both may be the best answer, so that multi-culturalism must have an anti-racist policy and that both are required. A member who represented the Northern Ireland Council on Disability suggested that each group working with sections of the community has its own agenda, but that a firm stance was needed which bears in mind all forms of discrimination. Someone else within the group suggested that we need a vision of a society which is genuinely pluralistic.

A number of speakers stressed the need for an anti-racist movement for Northern Ireland which should be broad based and involve people at all levels of society. The lack of such a movement in Britain meant that the **Race Relations Act 1976** lacked real teeth in a number of areas. Also it was pointed out that legislation alone should not be seen as the only goal of such an organisation.

There was a need to address racism in the white and settled communities, in the media, trade unions, local authorities, and central government. The most effective way of working is with people within organisations and institutions. The CAJ was suggested as an ideal umbrella to bring these groups of people together.

Alliances need also to be made with other marginalized groups such as those discriminated on grounds of disability and sexuality. Networking organisations such as Harmony and the Community Workers Co-op were also mentioned as useful contacts on the issue of racism.

Plenary Session

After the workshops, conference participants came together for plenary discussion. Among the wide range of points raised at this stage were the following:

- There is need for further research including empirical information about ethnic minorities and racism in Northern Ireland. In particular it was noted that there was virtually no published material on racism in Northern Ireland.
- There is an ongoing need to collect evidence of specific examples of racism although it was recognized that racism is often covert.
- There was a strong feeling that it would be better to have no Race Relations Act than to have a law "with no teeth". This means that an equivalent of the CRE would have to be set up in Northern Ireland. The expertise of the CRE would be invaluable but it cannot simply be "transported over here".
- Incitement to hatred and racial violence are the most extreme forms of racial discrimination. These must be addressed in a Race Relations Act for Northern Ireland. The Incitement to Hatred legislation must also be reviewed to determine if it provides effective protection for black and minority groups in Northern Ireland
- A Race Relations Act for N. Ireland must allow for 'class actions', not just individual cases. Legal aid must also support people taking class actions. A class action would mean that individual cases would not have to be duplicated;
- An anti-racist movement is needed even before the Act is passed. In Britain the lack of a civil rights movement in the 1960s resulted in legislation substantially weaker than the United States.
- There is need for racism to be put on the agenda at different levels in society, eg government, the community and voluntary sector, trade unions and the media. There needs to be a clear and explicit agenda if this is to be successful.
- Individual Acts of direct racism must be challenged eg racist statements, 'No Travellers' signs and racist stereotyping in the media.
- Individuals who are members of organisations should pressurize for an anti-racist policy to be passed in their workplace and acted upon. Anti-racist work needs to be incorporated into all levels of organisations including aims, values and training. Organisations should have guidelines and policies to address racism. In other words work has to be done with those causing the racism.
- The lack of anti-racist legislation is a major gap in the protection of civil liberties. An effective lobby needs to be developed to campaign for effective laws.
- Religious minorities such as the Muslim and Jewish faiths must also be protected by legislation against discrimination.

Conference Resolutions

- 1. The Government should introduce comprehensive and appropriate anti-racist discrimination legislation for Northern Ireland forthwith.
- 2. Anti-racist and anti-incitement legislation should protect all black and minority ethnic people in Northern Ireland. To ensure that this is the case, Travelling people must be specifically named as a minority ethnic group within the Act or Acts concerned. Legislation should also protect minority religious groups.
- 3. Anti-racist legislation must create an agency to monitor racism, and initiate and develop anti-racist and equal opportunity policies and practices throughout Northern Ireland. The Act or Acts concerned should establish the equivalent of the Commission for Racial Equality.

Section 6:

CAJ's Recommendations for the Implementation of Anti-racism Legislation

The Committee on the Administration of Justice, having considered and evaluated the issues discussed in this report, calls for the urgent introduction of the following legislative and administrative changes to provide protection from discrimination to ethnic minorities.

Legislative Changes

1. The urgent enactment of anti-race discrimination legislation

Legislation to outlaw racial discrimination should be enacted for Northern Ireland as soon as possible. The UK must fulfil its obligations, freely entered into, under the UN Declaration and Covenant, to prevent discrimination on the grounds of race, ethnic origin and religion. In addition to specific legislation CAJ believes there is a need for a Bill of Rights for Northern Ireland. In its own proposal for a Bill of Rights (see CAJ Pamphlet No. 17, **Making Rights Count**) CAJ calls for a specific clause which would comprehensively prohibit discrimination on a number of grounds including race and ethnic origin

2. The establishment of a monitoring agency

A body or agency must be established under the legislation with responsibility for implementing the legislation here. This agency should be given responsibility for overseeing implementation of aspects of the legislation and advancing equality of opportunity for all members of ethnic groups in Northern Ireland. Modelled on the **Commission for Racial Equality**, it should be a separate, autonomous agency separately resourced from the CRE, a CRE(NI) in effect. In this respect it would parallel the functions of the Fair Employment Commission for religious discrimination in employment and the Equal Opportunities Commission (NI) for sexual discrimination.

3. Criticisms of the Race Relations Act should be taken into account

Options for the enactment of legislation here should not be confined to an extension of the **Race Relations Act 1976** as it has a number of flaws:

- It does not repeal discriminatory legislation already on the statute book.
- It does not prevent Government from enacting discriminatory legislation in the future.
- In particular the **Race Relations Act** would not invalidate existing legislation that operates to the detriment of Travellers. Examples include the **Caravan Sites Act (NI) 1969** and the **Local Government (Miscellaneous Provisions) (NI) Order 1985** which allows "Designation Orders" to be made.

Any anti-race discrimination legislation for Northern Ireland must go beyond the Race Relations Act 1976. The existing legislation is deficient in a number of respects as recent studies have shown.

CAJ urges Government in enacting legislation for Northern Ireland to improve the existing legislation by incorporating changes suggested by the **Commission for Racial Equality** itself⁶⁵ and the **Policy Studies Institute**.⁶⁶

4. Legislation must expressly include Travellers

Any anti-discrimination legislation must expressly include Travellers, who should be referred to as an ethnic group to be protected under the legislation. A definition of a Traveller has been provided in the Draft Anti-Discrimination Act adopted by the Irish Traveller Movement and the Irish Council for Civil Liberties. It reads as follows: A "Traveller" is a person who belongs to the Traveller community and who identifies as a Traveller and is accepted as such by the community in which he or she lives, regardless of whether he or she enjoys a nomadic habit of life or has a fixed residential base within a particular area. The "Traveller community" is an identifiable group of people identified both by themselves and by other members of society as people with their own shared history, culture and traditions, including, historically, a nomadic way of life.

5. Special circumstances of Travellers

The legislation should also have a wider remit than the **Race Relations Act 1976**. The 1976 Act outlaws discrimination in four areas:

- employment;
- education;
- premises;
- goods, facilities and services.

Only with respect to the last category would Travellers be greatly advantaged by a single extension of the legislation to cover N.I. This is because Travellers:

- are as a consequence of nomadism usually self-employed;
- because of their nomadic lifestyle and the failure of the educational system to cater for them do not benefit from the education system;
- live in caravans and not houses. Legislation applicable to this area of their lives would not be affected by the introduction of the **Race Relations Act** (see below).

CAJ therefore recommends the following format for a **Race Discrimination (NI) Order 1992**:

- Part 1 - Employment.
- Part 2 - Goods, Facilities and Services.
- Part 3 - Premises.
- Part 4 - Education.
- Part 5 - Travellers - containing, for example, provisions relating to halting sites.
- Part 6 - The Northern Ireland equivalent of the **Commission for Racial Equality**.

In framing the relevant legislation for Travellers, CAJ advocates study of the model proposed by the **Dublin Travellers Education and Development Group** and the **Irish Traveller Movement** and the **Irish Council on Civil Liberties** for the Republic of Ireland.⁶⁷ Despite a separate section

65 "Second review of the RRA '76 - a consultative paper." CRE 1991

66 "Racial Justice at Work" Brown, McCrudden and Smith, Policy Studies Institute 1991.

67 Model Equality (Anti-Discrimination) Act produced by the DTEDG and the ICCL. Available from CAJ.

dealing specifically with the needs of Travellers, they must, of course, be entitled to the protection of the whole of the legislation in their capacity as an ethnic minority. They should be expressly provided for in Parts 1-4 & 6.

6. Designation legislation should be scrapped

The "designation" procedure governed by the **Local Government (Miscellaneous Provisions) (NI) Order 1985** would not be affected by the introduction of the Race Relations Act. CAJ finds a disturbing similarity between the notorious "Pass Laws" of South Africa and the designation process operable in Northern Ireland. Both define designated areas⁶⁸ outside of which a certain class of persons⁶⁹ does not have a right of free movement or residence. Both are laws that apply intentionally, only on grounds of race and only to one race or ethnic group to the detriment of the ethnic groups. Both are based on racist assumptions that the ethnic groups are idle, shiftless, dirty and unfit to reside in the neighbourhood. The Pass Laws were repealed last year.

The designation procedure may also breach the UK Government's international obligations. Article 12 of the **International Covenant on Civil and Political Rights (ICCPR)** states that:

*"1. Everyone lawfully within the territory of the State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
3. The above mentioned rights shall not be subject to any restriction except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognised in the present Covenant."*

Designation legislation would survive a mere extension of the Race Relations Act to Northern Ireland. CAJ therefore advocates its immediate repeal.

7. Provision of halting sites should be compulsory

The **Caravan Sites Act (NI) 1969** would equally be unaffected by the extension of the Race Relations Act to Northern Ireland or the enactment of a similar piece of legislation. The **Caravan Sites Act (NI) 1969** differs significantly from the 1968 Act in Britain in that the provision of halting sites in Britain is obligatory whereas it is discretionary here. CAJ advocates the amendment of the **Caravan Sites Act (NI) 1969** to make the provision of halting sites a statutory obligation.

8. A strategic plan for Travellers' accommodation needs

A strategic plan needs to be drawn up to address the accommodation needs of Travellers. Such a plan must have meaningful Traveller participation in its drafting and enactment.

9. Amendment to the Incitement to Racial Hatred Legislation

CAJ calls for changes to the **Public Order (NI) Order 1987**. Travellers should be expressly included in the legislation. The need to have the approval of the Attorney General before a prosecution can be brought should be removed. These changes could be made by way of Part 5 of the Race Relations Act.

⁶⁸ The homelands in the case of Blacks in South Africa, halting sites in the case of Travellers in NI.

⁶⁹ The Pass Laws applied only to Blacks and not to other ethnic minority groups in South Africa (eg so-called "Coloureds" or "Indians").

Administrative Changes

1. The introduction of a question on ethnicity in the Census Form

An ethnicity question should be introduced to the Northern Ireland Census Questionnaire. No accurate statistics are kept by state agencies with regard to ethnic groups in Northern Ireland. Consequentially planning for ethnic groups is not accurate. An ethnicity question is included in the GB census questionnaire.

2. DHSS "signing-on" policy should be abolished.

The DHSS' "signing-on" policy for Travellers must be abandoned. Travellers are unjustifiably segregated in their access to social welfare benefits. Though the DHSS states that this policy is carried out for administrative advantages to the Department and service benefits to Travellers it would appear from case-law on the Race Relations Act that motive is irrelevant in deciding whether someone has discriminated on the grounds of race.

In continuing to provide segregated access to social welfare benefits to Travellers the UK seems once again to be in breach of the ICCPR. Art 2 states that:-

"Each State Party ...undertakes to respect and to ensure to all individuals..without distinction of any kind, such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status."

CAJ calls for the immediate abandonment of this signing-on policy.

3. Transfer to the Northern Ireland Housing Executive of powers to meet the accommodation needs of Travellers.

At present the powers to meet the specific accommodation needs of Travellers are given to local authorities. However powers to provide public sector accommodation for settled people are given to the Housing Executive. CAJ advocates the transfer of powers to meet the accommodation needs of Travellers to the Executive as they are essentially housing powers. Such transfer would also free the decision making from political involvement.

4. Provision of official literature in minority languages.

There are approximately 5,000 - 7,000 persons of Chinese extraction alone in Northern Ireland almost all of whom speak Chinese. Difficulties with the English language are often at the heart of many problems experienced by Chinese people and the Chinese community is only one example of a group that faces language difficulties here. CAJ advocates the availability of government literature such as social security and immigration leaflets in ethnic minority languages.

5. Adoption of anti-racist policies

CAJ advocates the adoption and implementation of anti-racist policies by public bodies in Northern Ireland.

6. Anti-racist training for public officials

CAJ advocates the need for training for the police and immigration personnel and other public officials on anti-racist practices and policies to ensure greater sensitivity on their part towards members of ethnic minority groups.

Further Reading

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Appendix

International Instruments on Racism

UN Declaration on the Elimination of All Forms of Racial Discrimination

Article 1

Discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.

Article 2

1. No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour or ethnic origin.

2. No State shall encourage, advocate or lend its support, through police action or otherwise, to any discrimination based on race, colour or ethnic origin by any group, institution or individual.

3. Special concrete measures shall be taken in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article 3

1. Particular efforts shall be made to prevent discrimination based on race, colour or ethnic origin, especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing.

2. Everyone shall have equal access to any place or facility intended for use by the general public, without distinction as to race, colour or ethnic origin.

Article 4

All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination.

Article 5

An end shall be put without delay to governmental and other public policies of racial segregation and especially policies of *apartheid*, as well as all forms of racial discrimination and separation resulting from such policies.

Article 6

No discrimination by reason of race, colour or ethnic origin shall be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government. Everyone has the right of equal access to public service in his country.

Article 7

1. Everyone has the right to equality before the law and to equal justice under the law. Everyone, without distinction as to race, colour or ethnic origin, has the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group or institution.
2. Everyone shall have the right to an effective remedy and protection against any discrimination he may suffer on the ground of race, colour or ethnic origin with respect to his fundamental rights and freedoms through independent national tribunals competent to deal with such matters.

Article 8

All effective steps shall be taken immediately in the fields of teaching, education and information, with a view to eliminating racial discrimination and prejudice and promoting understanding, tolerance and friendship among nations and racial groups, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Article 9

1. All propaganda and organisations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.
2. All incitement to or acts of violence, whether by individuals or organisations against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law.
3. In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organisations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin.

Article 10

United Nations, the specialised agencies, States and non-governmental organisations shall do all in their power to promote energetic action which, by combining legal and other practical measures, will make possible the abolition of all forms of racial discrimination. They shall, in particular, study

the causes of such discrimination with a view to recommending appropriate and effective measures to combat and eliminate it.

International Convention on the Elimination of All Forms of Racial Discrimination

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State party undertakes not to sponsor, defend or support racial discrimination by any persons or organisations;

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organisation;

(e) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organisations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 4

States Parties condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention, *inter alia*:

- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organisations, and also organised and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organisations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the rights to participate in elections - to vote and to stand for election - on the basis of universal and equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to freedom of movement and residence within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to own property alone as well as in association with others;
 - (vi) The right to inherit;
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to housing;
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafes, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to the Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination ... consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity ...

European Convention for the Protection of Human Rights and Fundamental Freedoms

Article 3

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 10

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 14

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 17

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

List of CAJ Publications

- No. 1 **The Administration of Justice in Northern Ireland:** the proceedings of a conference held in Belfast on June 13th, 1981 (no longer in print)
- No. 2 **Emergency Laws in Northern Ireland:** a conference report, 1982 (no longer in print)
- No. 3 **Complaints Against the Police in Northern Ireland,** 1982. (price £0.50).
- No. 4 **Procedures for handling complaints against the Police,** 1983 (updated by pamphlet no. 16)
- No. 5 **Emergency Laws: suggestions for reform in Northern Ireland,** 1983 (photocopy available).
- No. 6 **Consultation between the police and the public,** 1985.
- No. 7 **Ways of protecting minority rights in Northern Ireland,** 1985 (price £1.00).
- No. 8 **Plastic Bullets and the Law,** 1985 (updated by pamphlet no. 15).
- No. 9 **The Blessings of Liberty: An American Perspective on a Bill of Rights for Northern Ireland,** 1986 (price £1.50)
- No. 10 **The Stalker Affair: More questions than answers,** 1988 (price £1.50).
- No. 11 **Police Accountability in Northern Ireland,** 1988 (price £2.00).
- No. 12 **Life Sentence and SOSP Prisoners in Northern Ireland,** 1989 (price £1.50).
- No. 13 **Debt - An Emergency Situation? A history of the Payments for Debt Act in Northern Ireland and its effects on public employees and people on state benefits.** 1989 (price £2.00).
- No. 14 **Lay Visitors to Police Stations in Northern Ireland,** 1990 (price £2.00).
- No. 15 **Plastic Bullets and the Law,** 1990 (price £2.00).
- No. 16 **Cause for Complaint.** The system for dealing with complaints against the police in Northern Ireland 1990 (price £2.00).
- No. 17 **Making Rights Count.** Includes a proposed Bill of Rights for Northern Ireland, 1990 (price £3.00).
- No. 18 **Inquests and Disputed Killings in Northern Ireland,** 1992 (price £3.50/IR£4.00).
- No. 19 **The Casement Trials: A Case Study on the Right to a Fair Trial in Northern Ireland,** 1992 (price £3.00/IR£3.50).
- No. 20 **Racism in Northern Ireland: The need for legislation to combat racial discrimination in Northern Ireland,** June 1992. The proceedings of a CAJ conference held on 30th November 1991 (price £3.00/IR£3.50)
- Civil Liberties in Northern Ireland: The CAJ Handbook,** 1990 (price £4.95).
- A briefing Paper on the Northern Ireland (Emergency Provisions) Bill,** 1991 (Photocopy available, price £3.00).
- Human Rights in Northern Ireland: A submission to the United Nations Human Rights Committee,** 1991 (price £1.50).
- Submission to the United Nations Committee Against Torture,** November 1991 (price £1.50)
- Submission to the Royal Commission on Criminal Justice,** November 1991 (price £1.50).

The Committee on the Administration of Justice (CAJ), founded in 1981, is an independent organisation which:

- Monitors Civil Liberties issues
- Publishes a monthly bulletin JUST NEWS
- Provides information to the public
- Has published pamphlets on policing, prisons, emergency legislation, Bill of Rights etc.
- Campaigns for adequate safeguards to protect civil liberties
- Has published a comprehensive handbook on civil liberties in Northern Ireland

Civil Liberties are under attack. By joining CAJ you can help defend them.

For more information contact CAJ, 45 Donegall Street, Belfast BT1 2FG

Tel: (0232) 232394 Fax: (0232) 333522

United Nations Declaration on the Elimination of all forms of Racial Discrimination

Article 1. "Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity..."

Article 2. "All states ... should pass legislation for prohibiting such discrimination..."