

**Reported Incidents  
Relating to Racism**

**July- December 2005**

**National Consultative Committee on  
Racism and Interculturalism**

## NCCRI Report of Incidents Related to Racism July-December 2005

### **Introduction**

In May 2001 the National Consultative Committee on Racism and Interculturalism (NCCRI) established a system for recording incidents related to racism in Ireland.<sup>1</sup> Incidents are analysed and compiled into six monthly reports.<sup>2</sup> There have been eight reports to date. This is the ninth report, which covers the period July – December 2005. The reports aim to:

- Provide an overview of racist incidents reported to the NCCRI in the given six month period
- Draw out the key issues arising from the incidents logged
- Make recommendations to a range of relevant actors.

The incidents included in this report have been forwarded by non-governmental organisations on behalf of the victims, including key organisations working with Travellers, refugees and asylum seekers and migrants. Other incidents have been reported directly to the NCCRI by the victims.

The data that is generated by this reporting system is primarily qualitative and indicative of key issues that need to be addressed. This report does not aim to provide a comprehensive list of every racist incident in Ireland. Indeed evidence from other countries tends to reveal that with all such reporting systems, whether statutory or voluntary, there is likely to be significant under-reporting of incidents. However the NCCRI reporting mechanism plays an important role in complementing other systems such as the Equality Authority casework and Garda records.<sup>3</sup>

Organisations and individuals reporting racist incidents have also been encouraged to report the incident to the relevant authority responsible for investigating and addressing the complaint, for example, the Gardai (racist crime), the Equality Authority/Equality Tribunal (discrimination in the workplace, discrimination in the provision of goods and services etc.) and local authorities (graffiti, harassment on local authority housing estates etc.). In addition the NCCRI also encourages individuals and organisations to report articles or broadcasts in the national, regional or local media which they consider to be offensive to minority ethnic groups. In a small number of instances, those involved in or reporting the incident only want the incident to be logged by the NCCRI with no further action taken. These requests have been respected.

The NCCRI focus on a policy response to the racist incidents identified. We do not purport to respond to every racist incident reported to our office but to highlight issues such as gaps in service provision and we seek to encourage a national and localised response to incidents.

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<sup>1</sup> Reporting forms can be accessed through the NCCRI website [www.nccri.com](http://www.nccri.com).

<sup>2</sup> The six monthly reports are also available on our website [www.nccri.com/publications.html](http://www.nccri.com/publications.html)

<sup>3</sup> For official statistics regarding racially motivated crime, see Garda Annual Report 2004 at [www.garda.ie](http://www.garda.ie)

### Analysis of Data

- There were 38 racist incidents<sup>4</sup> reported and compiled by the NCCRI between July- December 2005.
- 55% of incidents are reported as occurring in the greater Dublin area
- 39.5% of incidents are reported as occurring in urban areas outside of Dublin
- 5.5% of incidents are reported as occurring in predominantly rural areas
- The majority of incidents were targeted at adults, both male and female. However children were present for some of the incidents. Once again our findings indicate that men, women and children in Ireland are experiencing racism
- Statistics reveal again that racism is being experienced regardless of someone's legal status. Refugees and asylum seekers, Irish and EU citizens, including Travellers and non-EU citizens are experiencing racism in Ireland. These can include students or people visiting Ireland as tourists.

### Number of Incidents reported

Report	Period Covered	Number of Incidents Reported to the NCCRI
1	May - October 2001	41
2	November 2001- April 2002	40
3	May - October 2002	67
4	November 2002-April 2003	48
5	May – October 2003	46
6	November 2003–April 2004	42
7	May - October 2004	70
8	November 2004-Dec 2004	22
9	January-June 2005	81
10	July- December 2005	38

The incidents reported relate to three main areas, which are:

- Assaults, abuse and harassment
- Delivery of public and private services
- Misinformation and circulation of offensive material

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<sup>4</sup> Multiple reports about one incident are regarded as one racist incident in this report.

## **1. Assaults, Abuse and Harassment**

Racist abuse and harassment and other forms of cultural disrespect was the most common form of incident reported to the NCCRI. There were also a number of serious assaults that took place that are highlighted in this section of the report.

### ***Examples:***

- Two Lithuanian men were assaulted and hospitalised in Muirhevnamor in Dundalk. They suffered significant verbal abuse and harassment prior to the attack including egg throwing and racist slur
- A father, separated from his wife, with access to see his daughter from his previous marriage once a week, is experiencing racist comments and other cultural disrespect such as ‘fucking Muslim’ from his ex-wife’s family members
- A young Kenyan woman was racially abused, both physically and verbally in Portarlington Co. Offaly
- A young care assistant from Somalia was also verbally and physically abused in Portarlington, Co. Offaly
- In Celbridge a South African mother’s home was bombarded with gravel, the front garden was strewn with stones and the alarm was set off by locals. On a separate occasion water balloons were thrown at the windows while the family watched from inside, and rabbit faeces was smeared on windows while the family was away on holidays. The family are also experiencing racist slur such “fuck off back to South Africa” and family members have been spat at
- A report was made by a man using the internet service at at the Ballyfermot family resource centre. He claims that the receptionist started to look over his shoulder at what he was researching and when he told him that this was not permitted, the receptionist starting using foul language and said, “that’s the language you fucking foreigners understand.” The man reported the incident to the manager of the centre and asked her to look into the incident and identify the individual and give him his details. The manager refused to give him the receptionist’s details, stating that he had denied that incident had occurred. The complainant was then banned from using the internet service at the centre and told ‘you may complain if you wish but you have no proof so I hope I will get away with this’
- A young Punjabi student, visiting friends in Athlone was standing outside the house where he was staying when two youths approached him and started

calling him “Bin Laden” and “London bomber”. One of the men produced a knife and stabbed him. The student needed 12 stitches in his arm

- A black professional businessman reported that he was harassed and experienced racist abuse in his work place. A colleague had taken photographs of him, his car number plate, and his black colleague’s rental car with his mobile phone. The accused then called the car rental company and told them that the rented car was now for sale and that the complainant and his colleague intended to leave the country with the profits. The photographs taken were put up on a website with an article containing slanderous statements about the complainant.

### ***Media Reports***

- It was reported in the Irish Daily Star, 18 October that a Nigerian man was subjected to racial abuse and had to endure racist graffiti in the toilets of his place of employment in Dundalk, Co. Louth. He eventually had to resign from his job because of constant racist jibes at work
- On the 19 August the Examiner reported that ten female domestic workers had made complaints about their working conditions to the Irish Migrants Rights Centre during that same week. One woman alleged that she worked twelve hours a day, seven days a week for a family and paid only E32.00 per week. She also claimed that her passport was taken and held by her employer and that she was held as a prisoner in their home
- The Independent reported on the 16 August that the owner of a fast food outlet in Dublin verbally abused a Traveller and chased him out of the property with a stick. The owner was accused by the Traveller couple of giving their food to another customer. The owner then launched a ‘vicious verbal assault’ at the couple and chased them off his property
- On the 1 August the Examiner reported that the supermarket chain Tesco was exploiting Polish employees at its main distribution centre in Dublin. Workers employed by an employment agency at the centre were angered that they were on different pay rates to full time employees, while being denied the offer of full time contracts
- The Irish Examiner reported on the 8 September that SIPTU had brought a case to the labour court on behalf of two Filipinas who allegedly worked for E1 per hour while employed with Irish Ferries.

## 2. Delivery of Public and Private Services

There have been a number of incidents reported to the NCCRI in relation to the delivery of public and private services. The following serve as examples:

### (1) *Public Services:*

- The mother of a Traveller family reported to the NCCRI that her family had been requesting accommodation at a halting site in Ennis but to no avail. The Traveller Accommodation Unit in Clare stated that the family only wished to use the bay when visiting Ireland from England. However the mother of the family reported that this was untrue. Due to the fact that the family have no fixed bay for their caravan at this halting site they had no option but to move to numerous unsafe and unlawful locations over a short period of time. At the time of the report the family had no access to water, electricity or basic sanitation and still desperately trying to secure accommodation at the named site
- It was reported to the NCCRI that a Dublin bus driver tore up the ticket of an Iranian passenger for no apparent reason. When asked why he was doing this the driver said, “this is my country and we don’t like you”
- A Nigerian mother, while living under direct provision in a Galway hotel, was inappropriately reproached by the General Manager for filling her baby’s bottle in the dining room of the hotel and the baby’s bottle was then thrown into the rubbish bin. The lady reported the incident directly to the police where she claimed that her case was dismissed and that the police gave priority attention to the case of the General Manager. The General Manager called the Reception and Integration Agency and the lady was told that as a result of her actions she was going to be relocated to Monaghan with her two young children. The day she received the eviction notice the complainant tried to explain once more to the Gardai what had happened but no one took account of her side of the story. She had lived at this location for two years with no previous trouble. She was forced to stay with friends and borrow as she had no fixed address for the following five weeks and received no social welfare payments from her community welfare officer.

### *Media Reports*

- In August The Irish Examiner reported that a judge from the midlands launched an attack on drink drivers and stated that “non national who were out of their trees with drink.” This comment was made after hearing a number of cases involving “non national” drivers at Tullamore District Court. He also stated that these drivers “have no respect for God nor man.” Last May the same judge criticised Eastern Europeans for not being prepared to learn English and stated that he would no longer be authorising payments for interpreters for people from what he called “the eastern bloc” charged in his court
- On the 2 November The Irish Daily Star covered a story about the findings from a recent report, *Immigration-related Detention in Ireland*. The report

revealed that hundreds of innocent immigrants are being held in Irish prisons with hardened criminals. Around 2,798 were held between 2003-2004. Two thirds of the people held in 2004 were held in the prisons for longer than 51 days. The report was jointly published by the Irish Refugee Council, the ICI and the Irish Penal Reform Trust,

### ***Media Reports:***

#### ***(2) Private Sector:***

- The Irish Examiner, 15 September 2005, covered a story on the conditions imposed in respect of mortgage protection insurance applicants from Sub-Saharan Africa. The report was initiated when a Nigerian woman from Dundalk was asked by two banks to be tested for the AIDS virus in order to secure mortgage insurance for a family home.

### **Misinformation and the Circulation of Offensive Material**

#### ***Emails and Texts***

- The NCCRI received an email from a man complaining that the organisation was “pathetic and lacked the support of the majority of the Irish people...they come only to Ireland to take mine and every other Irish person’s Tax”
- The NCCRI received an email on the 13 September from a woman exclaiming that all Travellers should be exterminated and “to allow them to exist is to allow Nazis to fester.’ The email contained other racist insults
- An email was sent to the NCCRI on the 19 October exclaiming that 90% of all Black African migrants who come to Ireland come to avail of benefits such as free housing, health care and education
- A report was submitted to the NCCRI about the website Stormfront, [www.stormfront.org](http://www.stormfront.org). The site hosted a number of racist comments about the newly erected statue of Phil Lynott in Dublin.

#### ***Media Reports***

- In August the Irish Independent reported that a Drogheda man was jailed for 20 months, for spray painting swastikas on three Dublin Synagogues. The man was also reported to have schizophrenia and was attending medical care specialists
- A complaint was made to the NCCRI about an article written by an Irish Times columnist titled, “Lessons from Nagasaki: how to defeat a foe.” The complainant stated that the article was anti-Muslim and aimed to stir up prejudice against Muslims

- The Daily Star reported on the continuing racist content of the Stormfront website, including racist content about black footballers.

### **Media coverage of The Ward/Nally Case**

- The killing of John Ward in October 2004 and the subsequent conviction and sentencing of Pádraig Nally in November 2005 attracted considerable reporting and comment in the national media during the period covered by this report, July to December 2005. While some of the media comment and reporting has been fair and balanced, in the worst cases some of the media coverage has verged on incitement to hatred as some journalists and newspapers have sought to out-do one another in demonising and scapegoating Travellers.

#### **Background Information**

In October 2004, John Ward a 42-year-old man, father of 11 and Traveller was beaten 20 times and shot twice resulting in his death. Pádraig Nally, a 61-year-old farmer from Mayo, was tried for his murder and found guilty of the lesser charge of manslaughter. On 11 November 2005, he was sentenced to six years in prison.

One of the most disturbing aspects of the homicide was that after John Ward was shot once, Pádraig Nally reloaded his shotgun, followed the injured man out into the road as he attempted to escape, beat him with a stick many times and then killed him with a second shot him in the back when his victim was already disabled and defenceless.

Even before Pádraig Nally was sentenced, John Ward's criminal background and Pádraig Nally's fear of being burgled received significant media attention. For example on the 24 July 2005 under the Sunday World headline "Did 'Frog' Ward get what was coming to him?" The journalist suggests that the public "are thinking that perhaps John Frog Ward got what was coming to him. Perhaps he, like the other travellers who target old, vulnerable people around the country, was the author of his own destiny."

For other newspapers the actions of Pádraig Nally were primarily not those of a disturbed man but the actions of someone who was 'brave and decent'. An article on 24 July 2005, by Mary Ellen Synon in Ireland on Sunday was typical of this type of coverage, which was headlined with "Why this brave and decent man should walk free."

The Irish Daily Mirror, 14 of November 2005, went further and mounted a sustained campaign to free Pádraig Nally. Following Pádraig Nally's sentencing for six years for manslaughter, the Irish Daily Mirror described him as a hero. The campaign to free Pádraig Nally by the Mirror was sustained even in the face of the grim details about how John Ward was killed. In a similar vein, Roy Curtis of the Sunday World, 13<sup>th</sup> November 2005, stated that



Padraig Nally had a right to protect his home, in an article with the headline “Why Traveller Killer Should Be Set Free.”

The most vociferous and one sided commentary in the national newspapers occurred in the aftermath of Padraig Nally’s sentencing. The Irish Daily Mirror gave extensive coverage to the case and was the most strident of any daily newspaper in its support of Padraig Nally’s actions. It launched a ‘Nally campaign’. Subsequent to the six-year sentence being handed down, the front page of the Daily Mirror read “Justice RIP – Outrage as terrified farmer gets 6yrs for killing Traveller burglar.” The Mirror printed dozens of readers’ views on the issue, the overwhelming majority printed (unsurprisingly given the Mirror’s one sided campaign), supporting Padraig Nally. One reader wrote: “I’m a farmer myself and I would do the same to protect my property”. Another reader also sought to elevate Padraig Nally to hero status: “That man should never have been jailed. He should have got a medal”, 17th November 2005, The latest in the campaign has been the launch of a supporters’ website under the headline “March with your Mouse”. In the Village, 17-23 November 2005, Vincent Browne contended that prejudice against the Traveller community as the same sort of racism, which prevailed in the southern states of America 50 years ago and concluded that the case has fuelled prejudice against Travellers.<sup>5</sup>

### ***Public Representatives***

N/A

## **4. Recommendations**

The NCCRI would make the following recommendations based on an analysis of reported racist incidents July - December 2005. The recently published National Action Plan Against Racism (NPAR) advocates protection as one of the Plan’s strategic objectives, enhancing protection against racism, including a focus on combating discrimination, assaults, incitement and abuse.

- As there are no published cases of the issue of HIV testing for mortgage insurance brought before the Equality Tribunal, it remains to be seen whether equality legislation in Ireland will effectively protect ethnic minorities against this alleged discrimination by financial institutions, or whether reliance on the exemption afforded under Section 5(2)(d) of the Equal Status Act 2000 would be successful. European Directive 2000/43/EC requires that there is a “legitimate aim” that can be objectively justified and that the means of achieving that aim are “appropriate and necessary”. However, the Directive is clear that its requirements are minimal and that Member States can offer more protection at a national level. It is recommended that the exemption in relation to insurance policies under the Equal Status Act 2000 is not used to allow racial discrimination and that the fundamental principles of equality and the prohibition of discrimination be acknowledged at national and European level.

- The proposed introduction of the Defamation Bill provides enabling legislation for the recognition of a Press Council in Ireland and allows for interested parties to establish a Press Council. Of particular importance in this respect is what will be contained in the forthcoming Press Council's 'Code of Conduct'. It is important that the Code of Conduct is reflective of this commitment, which arises from the Report of the Legal Advisory Group on Defamation. The code of conduct should also refer and seek to incorporate the NUJ code of conduct, the NUJ's guidelines on Race Reporting and Reporting in respect of the Traveller community in Ireland. If the Code of Conduct simply refers to Newspapers not transgressing the 'Prohibition of Incitement to Hatred Act, then the NCCRI is concerned that the Press Council will bring little added value to the issue of racism and irresponsible press reporting.
- The completion of the review of the effectiveness of the Prohibition of Incitement to Hatred Act 1989 and a consideration of the effectiveness of legislation that provides general protection against assaults and abuse, including the Offences Against the Person Act 1997 and the Public Order Act 1994. Current legislation outlawing incitement to hatred and other relevant criminal legislation needs to be strengthened so that it is adequate in scope and that it provides for effective, proportionate and dissuasive sanctions.<sup>6</sup> Crimes motivated by hatred of particular communities including minority ethnic groups and other vulnerable communities should be considered as an aggravating factor in sentencing. The NCCRI welcomes research undertaken under the NPAR on this issue.
- The NCCRI welcomes the carrying out of an independent human rights audit of An Garda Síochána. One of the main points drawn from the audit is that procedures and operating practices within the force "can lead to institutional racism" particularly in relation to Nigerians, Travellers and Muslims. Recommendations made by the audit concerning racism are to identify and tackle institutional racism, to deal robustly with racist crime and to protect vulnerable communities.

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<sup>5</sup> See Spectrum, Issue 10 December 2005 at <http://www.nccri.ie/pdf/spectrum10.pdf>

<sup>6</sup> Relevant criminal legislation include Prohibition of Incitement to Hated Act 1989, Offences Against the Person Act 1997 and Public Order Act 1994