

TAKING RACISM SERIOUSLY:

EXPERIENCES OF RACISM AND RACIALLY MOTIVATED
ANTI-SOCIAL BEHAVIOUR IN SOCIAL HOUSING



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The Immigrant Council of Ireland was established by Sr. Stanislaus Kennedy in 2001. It is an independent human rights organisation that advocates for the rights of migrants and their families and acts as a catalyst for public debate and policy change. The Immigrant Council of Ireland is also an Independent Law Centre. The work of the Immigrant Council of Ireland is underpinned by the belief that immigration is a permanent and positive reality in Ireland and that individuals' human rights must be respected, protected and upheld.

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ABBREVIATIONS AND TERMINOLOGY

An Garda Síochana	Police
ASB	Anti-Social Behaviour
ASBO	Anti-Social Behaviour Order
CEDR	Committee on the Elimination of Racial Discrimination
CSES	Centre for Strategy and Evaluation Services
CSO	Central Statistics Office
DCC	Dublin City Council
DECLG	Department of the Environment, Community and Local Government
DEHLG	Department of the Environment, Heritage and Local Government
DJELR	Department of Justice, Equality and Law Reform
EEA	European Economic Area
ENAR	European Network Against Racism
ESA	Equal Status Act
ESG	Exceptional Social Grounds
ESS	European Social Survey
EU	European Union
Gardaí	Police
GP	Family Doctor
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICI	Immigrant Council of Ireland
ICSH	Irish Council for Social Housing
NASC	The Irish Immigrant Support Centre
NCCRI	National Consultative Committee on Racism and Interculturalism
NESC	National Economic and Social Council
NGO	Non-Governmental Organisation
PULSE	Police Using Leading Systems Effectively
SPC	Strategic Policy Committee
TUI	Teachers' Union of Ireland



IMMIGRANT COUNCIL OF IRELAND

Foreword

For most of us home is so much more than the address where we live – it is where we feel comfortable, safe and protected with the ones we love. Feeling safe at home is such a basic right that most of us never give it a second thought.

However, this study by the Immigrant Council of Ireland in partnership with Dublin City Council shows us that for some home is a place where there is a risk of intimidation, abuse and even of violence motivated by racism and hate.

It's true to say that housing in Ireland is in great difficulty, and for some the negative behaviour targeted against them by individuals within their locality makes the landscape even more difficult. The research focussed in particular on the impact of racism and racially motivated anti-social behaviour in social housing – and its findings do make for uncomfortable reading.

There is extensive research to support the findings of this study, but one which sticks out is that people subjected to racist harassment in a housing context are twice as likely to suffer from physical attack or damage to their property.

Behind each of the figures lies personal stories and experiences which have no place in a country which prides itself on fairness and equality.

Poor health, anxiety and sleepless nights are just some of the impacts on families who live in fear of a brick through the window, assault or even worse. In extreme cases people reported attempted suicides, miscarriages and being driven from their homes to become 'virtually homeless'.

The recommendations contained in this research represent an opportunity to address these.

This study adds to the growing body of evidence of the urgent need for hate crime legislation.

At local level the need for training, reporting systems and the inclusion of anti-racism measures in policies and strategies are highlighted.

This report would not have been possible without the full cooperation of Dublin City Council, and in particular those working in housing within the Council. The Immigrant Council of Ireland would like to thank and commend all at Dublin City Council for their openness, their willingness to tackle difficult issues and for showing leadership in seeking to understand and address this difficult topic, in cooperation with the Immigrant Council. Together we have produced a blueprint for policymakers, local authorities and Gardaí to follow so that everyone will feel safe at home.

Overall, the successful integration of diverse communities into the fabric of Irish life is a process that requires investment, co-operative approaches and innovative responses which draw not only on best practice, but work to harness the positivity and support that exists in local communities. Many of those who come to the Immigrant Council seeking support speak not only of their difficulties, but describe the support they often receive from others around them in simple gestures – a kind word, a cup of tea, an offer of support, a small act of kindness or compassion that bridges gaps and can help turn a place where we live into a home.

Brian Killoran

CEO

Immigrant Council of Ireland

Executive Summary

Racism and racially motivated anti-social behaviour in social housing in Ireland is the focus of the present study. Out of all social environments, such as the workplace, educational institutions, or on the street the Immigrant Council of Ireland found that housing was one of the most significant loci of racially motivated anti-social behaviour. During 2013 and 2014 almost half (48%) of all incidents of racism in housing reported to their Racist Incidents Support and Referral Service took place in social housing.

The present study analyses quantitatively and qualitatively data gathered during 2013-14 through the Immigrant Council of Ireland's Racist Incidents Support and Referral Service in order to paint a more detailed clearer picture of the victims' experiences of racism in social housing in Ireland. The vast majority of clients (92%) only reported racial harassment and violence to the Immigrant Council of Ireland following unsuccessful interaction with the authorities, such as their local county council or the Gardaí. Thus, it was decided to work in collaboration with one local authority, Dublin City Council, in order to analyse their policy and practice around racism and racially motivated anti-social behaviour in social housing. Twelve in-depth interviews were carried out with Dublin City Council staff members and other key stakeholders to gather their experiences of dealing with racism in social housing in order to further inform this exploratory piece of research.

The findings of the quantitative analysis of the Immigrant Council of Ireland data are presented in Chapter IV of the report. While the prevalence of racist harassment of migrant families either in or in close proximity to their homes emerged as a key finding of this study, similar patterns of harassment and abuse were documented across Ireland. Racism and discrimination clearly are not attributive to one particular geographical region.

The proportion of aggravated offences - the highest ranking category in terms of severity - perpetrated on people was far higher in social housing than in the Immigrant Council of Ireland statistics of all racist incidents. People subjected to racist harassment in social housing were almost twice as likely to suffer from property damage and twice as likely to experience physical assault compared to the Immigrant Council of Ireland statistics of all racist incidents.

Verbal harassment (60%) was by far the most prevalent category of racially motivated harassment and abuse reported, followed by property damage and racist graffiti (30%) and physical violence (25%). Examples of these are provided from the data. The majority of victims were Black African (46%) which is in line with the general statistics on racist incidents in Ireland (Michael 2015), followed by Central and Eastern European (24%) and then Asian persons (12%). The vast majority of harassment and abuse was perpetrated by neighbours and people known to the victims, from the dominant ethnic group, namely white Irish. One significant concern is that children under 18 comprised 42% of victims of racial harassment and discrimination in social housing. Reflecting the high proportion in the victims category, children and young people also accounted for a significant proportion of the perpetrators (44%). Some of the incidents reported were of a criminal nature such as those categorised as aggravated offences, while others were not criminal but could be considered as anti-social behaviour, given the persistent and prolonged nature of the harassment and abuse experienced.

The impact of racism and racially motivated anti-social behaviour on the individual and on the community is

presented in detail to underscore the need for serious, urgent action. The Immigrant Council of Ireland clients reported sleep disturbance, anxiety, fear of leaving their home or of leaving children to play outside as a result of the racial abuse and harassment suffered in social housing. In two cases there were reported miscarriages. There was also two attempted suicides, and three families ended up becoming virtually homeless as a result of racially motivated anti-social behaviour. In addition to the impact on the individual victim, racism and racially motivated anti-social behaviour, particularly when carried out by neighbours, has a corrosive effect on community relations which can undermine social cohesion and integration.

Racism was not considered an issue in social housing in the experience of the interviewees from Dublin City Council and the Irish Council for Social Housing due to, in the interviewees' experience, the '*small enough*' (P8) or '*incredibly small*' (P6) numbers of '*non-Irish*' living in local authority housing. While one quarter of Dublin City Council applicants for social housing were non-Irish in the last national housing needs assessment (Housing Agency 2013), there is no official data available in terms of nationality or indeed ethnicity to give us an accurate picture of the impact of migration and increased ethnic diversity on actual allocations. One of the huge challenges concerning allocations is the lack of supply of social housing in the context of the 'housing crisis' that Ireland is currently experiencing, which was referred to by all interviewees.

The fact that racism is underreported is one factor which could explain why racism or racially motivated anti-social behaviour is not seen as an issue in social housing. In terms of the complaints process, the 'nature of the complaint' and the lack of confidentiality can deter victims from making complaints of racial harassment or abuse to a local authority, particularly if their neighbours or children are the perpetrators. Racism or a racial dimension is absent from Dublin City Council's definition of anti-social behaviour, which derives from the Housing (Miscellaneous Provisions) Act 2009 as amended. The consequential attention paid to demonstration rather than motivation in terms of anti-social behaviour results in a lack of attention or incentive to focus on a racially motivated element in the complaints or investigation process, or indeed in data collection.

While Dublin City Council and the Irish Council for Social Housing emphasised the importance of swift action in response to complaints, the unhappy reported experience of the Immigrant Council of Ireland clients, is slow progress with the complaint and investigation process and what the victims consider an insufficient response overall. Victims also drew attention to one controversial response employed by housing authorities in response to racially motivated harassment and violence, namely the approval of a housing transfer on Exceptional Social Grounds. Re-housing a victim does not necessarily address the problem and perpetrators are not punished.

The study outlines the part that the Gardaí play in the process, including their provision of supporting evidence for complaints of racial harassment and violence. However, issues raised by victims included delays in Gardaí getting to the scene due to a shortage of resources, and a failure to take a complaint seriously or even to start an investigation until somebody was physically injured. In a few of the Immigrant Council of Ireland cases the intervention of the Gardaí impacted positively in terms of reducing the racial harassment or preventing it from happening.

One of the challenges to the role of the Gardaí identified is the lack of adequate legislation to pursue racism as a crime in wider Irish society, which leads to insufficient attention in the reporting, recording and investigating process. It has been reported by many civil society organisations (ICI 2014a) and researchers (Schweppe et al 2014) that the lack of appropriate legislation in the area of hate crime is a major factor influencing the existence of racism in society, as well as the lack of appropriate and satisfactory responses

from those who report incidents. The lack of appropriate and effective legal measures to address racist abuse and violence creates a vacuum in which perpetrators are not held fully responsible for their actions and the victims cannot access justice.

Hand in hand with an ineffective legislative framework is a lack of knowledge of what constitutes racism which was identified by the Immigrant Council of Ireland clients. Some of them felt their experiences were being devalued or the gravity of the situation not comprehended as a result of lack of knowledge or indeed inexperience around how to react to such complaints on the part of the Gardaí or a local authority.

The further critical barrier to complainants getting their message across and ensuring that authorities understand the complaints around racism being made is communication. Language difficulties, cultural differences and a lack of knowledge of the system all impeded the process and left victims without a response. It was found that very limited training had been carried out by the social housing providers interviewed, in the area of interculturalism or anti-racism, largely due to a need not being identified.

Finally, social housing providers have a role to play in terms of sustaining communities and thereby encouraging social cohesion and integration. Racism and racially motivated anti-social behaviour, documented in this report, negatively impact on these. The final four cases where neighbours advised, supported or made referrals for victims experiencing racist abuse or harassment are examples of positive interaction and solidarity within the social housing context.

Racism is a complex multifaceted phenomenon and combatting it requires a response at a variety of levels. As has been outlined in the report, the onus does not lie solely with the local authority or the housing association. The Irish government needs to play a key role in terms of combatting racism and promoting integration and social cohesion. In view of the diversity of contemporary Irish society the government needs to ensure that the necessary legislative framework is in place to combat racism. Effort and investment in terms of policies and resources are imperative and the State needs to fund initiatives on a local level to ensure that people feel 'at home' in their homes without fear of racial harassment and violence.

The following are a series of recommendations arising out of the research:

General recommendations:

1. The government should introduce hate crime legislation that would offer appropriate and up to date legislative protection from verbal and physical abuse based on ethnic, religious and cultural background.
2. Additional government funding should be allocated for advocacy and outreach services that support victims of racism.
3. There is a need to raise awareness about available supports for victims of racism which advise them of how and where to make a complaint.

Recommendations for An Garda Síochána:

4. Modules on issues of racism and discrimination should be incorporated in the core training of all members of An Garda Síochána.

5. In light of the recent PULSE change there is a need for Garda training in terms of reporting and recording racism and racially motivated anti-social behaviour.
6. Actions to foster a culture of understanding and trust between ethnic minority communities and An Garda Síochána and to encourage the reporting of racist incidents and crime should be introduced.

Recommendations for local authorities and social housing providers:

7. Local authorities should systematically gather data on the basis of nationality and ethnicity in terms of housing applications and allocations.
8. Consideration should be given to including racism as a specific element within an anti-social behaviour strategy.
9. Existing complaint mechanisms developed by local authorities and social housing providers should be modified to include a focus on racism and racially motivated anti-social behaviour in the recording, reporting and investigating stages of the complaints process.
10. A coordinated approach should be set up between all key agencies dealing with racism and racially motivated anti-social behavior during the investigation and complaints process.
11. There is a need to devise a set of procedures to report and record racism and racially motivated anti-social behaviour by local authorities.
12. Local authority staff should be trained in terms of understanding racism and racially motivated anti-social behaviour and the impact on victims.
13. There is a need to consider other response mechanisms to deal with racism in housing, particularly for incidents outside of the remit of the Exceptional Social Grounds scheme, such as the restorative justice model.
14. Where necessary the use of ethnic/cultural mediators in communication with the tenants should be considered.
15. Additional resources should be allocated for community/residents' groups to run social inclusion/intercultural events for the residents.

Chapter I Introduction

The impact of migration on Irish society

Migration is a global phenomenon which has had a significant impact on Irish society, particularly over the last two decades. Ireland, historically a country of emigration, experienced striking levels of inward migration between 1996 and 2008 (CSO 2011). Although emigration increased in the aftermath of the recession, before starting to decrease again since 2013, immigration, while at a much lower level, has nonetheless continued (CSO 2015). The scale and pace of Ireland's transformation to a country of inward migration was remarkable, as is the resulting extent of the ethnic diversity present with people of 199 different nationalities, other than Irish, resident here (CSO 2012, p.8). Dublin city has been a particularly high recipient of migrants with non-Irish nationals comprising 19% of the residents of the Dublin City Council local authority area in the last census (AIRO/CSO 2011). While the ebb and flow of migration trends continues and will continue into the future, the impact of migration, in all of its diverse forms, on Irish society is a permanent phenomenon. Irish society is fundamentally and irrevocably a multicultural society with the repercussions from migration reverberating across many domains including education, the work place, and housing - the focus of this research.

The rationale for the research

Although migration has brought many benefits to Ireland, it does pose some challenges, including the question of integration. Racism has been identified as one of the barriers to integration (Loyal 2011; NASC 2012), the impact of which is not just restricted to the individual, but also undermines wider community relations and consequently social cohesion (NCCRI 2008). The Immigrant Council of Ireland (ICI) provides a Racist Incidents Support and Referral Service offering support, information and appropriate referrals to people who have experienced or witnessed racist incidents in Ireland. A developing trend identified by the ICI for two consecutive years, namely 2013 and 2014, was a noticeable increase in the number of reports of individuals and families experiencing racial harassment in their homes or in the vicinity (on the street outside the house or in the estate) compared to previous years. For the purpose of this report the term housing will be employed to denote in the home or in the vicinity of the home. Data on racist incidents released at the end of 2013 and 2014 by the ICI identified housing as one of the most common places where racism is occurring. The statistics for the two years are as follow: in 2013 20% of all incidents (17 cases) occurred in housing (ICI 2013) and in 2014 17% of all incidents (31 cases) occurred in housing (ICI 2014b). Everyone has the right to feel safe in their own home and neighbourhood, yet the reports coming through the ICI's Racist Incidents Support and Referral Service show that some immigrants and ethnic minorities are having their everyday lives blighted by anti-social behaviour (ASB). While ASB has become a topic of concern for local authorities in Ireland (Cunneen 2008), an issue that has increasingly presented itself to the ICI is that of racially motivated ASB in housing. Some instances appear to be minor incidents, yet even minor harassment when racially motivated is very damaging for the victim and the community at large. Pillinger's study drew a close correlation between 'having a sense of home' and 'a sense of belonging and connection' and 'integration' (2009). Therefore racism or racially motivated ASB is not just a problem for particular ethnic groups but it is an issue of concern for wider Irish society.

92% of clients reporting harassment and violence in social housing came in contact with the ICI after unsuccessful interaction with the authorities, either their local county council or the Gardaí. They contacted the anti-racist helpline looking for advocacy services to expedite the progress of their case. The ICI then decided to conduct an in-depth investigation of the issues raised by service users of their Racist Incidents Support and Referral Service. Moreover it was decided to work in collaboration with one local authority, Dublin City Council to carry out an exploratory analysis of the responses to racism or racially motivated ASB in social housing. The aim of this report, *Taking Racism Seriously: Experiences of Racism and Racially Motivated Anti-Social Behaviour in Social Housing*, is to provide insights into the ICI's clients' experiences of racism and racially motivated ASB occurring in social housing in Ireland, to analyse current policy and practice around racism in social housing using Dublin City Council as a case study, and to recommend best practice for the sector.

Outline of the report

Chapter II will briefly outline the methodology used for the research, while Chapter III includes a discussion of key concepts. The analysis of the data is then divided between Chapter IV and Chapter V. The findings of the quantitative analysis of the ICI data from the Racist Incidents Support and Referral Service are presented in Chapter IV while Chapter V includes a qualitative analysis of the responses to racism and racially motivated ASB in social housing. In the final chapter conclusions are drawn and some recommendations made.

Chapter II: Methodology and Data Collection

A mixed methods approach was used for the *Taking Racism Seriously: Experiences of Racism and Racially Motivated Anti-Social Behaviour in Social Housing* project. A review of relevant literature was carried out related to key concepts such as housing and integration. Data gathered through the ICI's Racial Incident Support and Referral service during 2013 and 2014 was analysed both quantitatively and qualitatively in order to capture the victims' experiences of racism that took place. After identifying that housing was the most common place for racism to occur, a more in-depth analysis of this trend was carried out.

Preliminary research conducted by the ICI in 2014 found that most of the reports brought to the organisation's attention were from residents of social housing. From the pilot research it also emerged that social housing already had some procedures and policies in place that could be employed to address the issue. Indeed the NCCRI study (2008, p.15) found that the response mechanisms in place to address racism and harassment were seen to be 'more accessible' in social housing as opposed to other tenures. Since the majority of clients make contact with the ICI following unsuccessful interaction with their local authority or the Gardaí, it was decided to work in collaboration with one local authority, namely Dublin City Council (DCC), in order to analyse their policy and practice and to identify the gaps that potentially exist around effectively addressing racism in social housing. Twelve in-depth interviews were conducted with members of DCC and other key stakeholders to offer insights into their experiences of dealing with racism in social housing, either from a local authority, legal, Garda or research perspective. Relevant agencies such as the Housing Agency and the Irish Council for Social Housing (ICSH) were among those also consulted. Given the qualitative nature of this part of the data collection, the findings do not claim to be representative of the area, nor indeed nationally, but pertain only to the participants themselves. While this is an exploratory piece of research, the findings can inform further research and actions in this area.

Data Collection

The data used in this report was collected through the ICI's Racist Incidents Support and Referral Service over a two year period from January 2013 to December 2014. While the ICI offers a nationwide service, given its geographical location in Dublin the majority of racist incidents reported occurred there. However victims of racism from other parts of Ireland also reported incidents. The service offers a non-judgmental approach to clients which enables them to tell their story and decide what they want to do with their complaint. A central aim of the process is to empower victims by listening to their story and acknowledging their experience. While key concepts will be discussed in more detail later, the ICI uses the 'Lawrence Criteria', also employed by the Gardaí in Ireland, to define a racist incident as 'any incident which is perceived to be racist by the victim or any other person' (An Garda Síochana n.d.). The ICI's service also supports clients by making referrals to statutory and non-statutory agencies, as well as providing them with information and educating them about their rights, so they can advocate for themselves. Clients of the Racist Incidents Support and Referral Service can make a complaint by email or by calling the helpline. Each reported incident is logged on the ICI's data base, along with a description of the incident which is based on an unstructured interview with the reporting person. The service strives to gather information on the victim's details (name, address,

telephone number/email address), gender and age, ethnic background, details of the incident according to the victim and the profile of the perpetrator(s). Where possible information is also sought on action taken by the victim and the response of the authorities. As clients come from all around Ireland, numerous different local authorities are involved in the cases reported.

At a round table launch of this research held in March 2015, initial input was received from members of DCC in Departments related to Housing and Integration, as well as other key interested parties including academics, representatives of community groups and NGOs. A presentation outlining the project was delivered at the Housing Strategic Policy Committee (SPC) of DCC in July 2015 where brief feedback was also received from the attendees. Participants for in-depth interviews were recruited in conjunction with DCC Housing Department. Purposive sampling was combined with snowballing (Arber 2001, p.63) to recruit twelve interviewees who outlined their professional experience of racism or racially motivated ASB in housing and related issues.

Ethical Issues

All personal data provided to the ICI in the course of researching this report was obtained, processed and retained in line with the Data Protection Acts 1998 and 2003. Any personal identifiers contained within the details of incidents reported to the ICI for this report have been anonymised to ensure individuals cannot be identified by reference to the case studies which are contained in the body of this report.

In terms of the in-depth interviews, the purpose and nature of the research was clearly explained to all interviewees before their involvement, as well as the fact that their participation was voluntary. Once the steps taken to protect confidentiality and anonymity were described to the interviewees, informed consent was sought in writing.

Transcription and analysis

All of the in-depth interviews were recorded with the participants' permission, and were subsequently transcribed, coded and analysed for emergent themes. Given the problem representing oral speech, Gray's (2004, p.14) approach has been adopted. Hence hesitations such as 'ehms' have been excluded and punctuation included where necessary in order to enhance the readability of the text. Where necessary participants were re-contacted by email if clarifications were required and in the case of one participant information was provided solely electronically. In a bid to ensure confidentiality, a code was assigned to each participant. In order to distinguish between the two sets of data, the interviewees have been assigned an alpha-numeric code while the ICI clients are identifiable by pseudonyms.

Most of the communication between clients and ICI's Racist Incidents Support and Referral Service happens over the phone and then a detailed account of the oral communication is written up in the incident report. If the communication is conveyed by email then copies of the emails are included in the incident file. In this report quotations are extracted only from the written communication or emails that were received from clients. Information emanating from the telephone conversations is summarised from the incident reports.

In the next chapter some key concepts including integration, racism and housing will first be discussed. Then the main findings that emanated from the ICI data and the interviews will be presented and analysed in Chapter IV and Chapter V.

Chapter III: Discussion of key concepts

The complexity of integration

While integration as an issue has gained prominence in the broader European agenda over more than a decade, the current ‘refugee crisis’ and inward migration being experienced have thrust migration and related issues into the media spotlight, both across Europe and globally, as well as in Ireland. The inclusion of migrants in the receiving society or the question of integration is one that is both complex and controversial. The meaning of the highly contested concept of integration can differ from one country to the next and over time. This malleable term can be broadly defined as ‘the process of becoming an accepted part of society’, on an individual and group level (Penninx 2010). Despite the lack of unanimity in terms of defining integration, it is usually conceptualised as a process as opposed to an end state (Penninx 2010) and as a rule there is agreement on the general areas concerned, namely the economic, social, cultural and political spheres (Feldman et al 2008). In addition to involving access to these realms, integration also incorporates discussing migrants’ interactions with certain sectors in society such as employment, education, health, social services and housing. Furthermore, it involves examining relations with members of the host population, as well as other ethnic minorities and lastly it encompasses a sizeable subjective element, a sense of belonging, feeling accepted and valued or ‘at home’ in a given society (Feldman et al 2008, p.5). Hence it is a multidimensional process that operates at many levels, involving numerous actors.

The diversity of integration

There is no single integration experience; rather it is experienced differently by different individuals in local and national contexts. Moreover, integration takes place at various levels including the individual, family, local and national. Important sites of social interaction for migrants include schools, the workplace, and housing which is the focus of this research. In his summary of the four factors which shape the integration processes of migrant groups in Ireland, Loyal (2011, p.254) lists ‘the conditions of reception in the host country, including racism and discrimination from the State and general population’. As was alluded to earlier, racism has been identified as a significant barrier to integration (Loyal 2011; NASC 2012; CSES 2013).

What is racism?

For the purposes of this study, the concept of racism will be discussed before examining racially motivated anti-social behaviour more specifically within the housing context. Racism is a very complex and multi-faceted social phenomenon which operates on various levels and in overlapping forms. Garner argues for the use of the term in the plural in order to recognise the array of forms it takes. He describes racism(s) as encompassing attitudes, actions, processes and unequal power relations, stemming from the interpretations of the idea of ‘race’, hierarchical social relations and the forms of discrimination that emanate from this (Garner 2010, p.18). The distinction has been made between ‘old’ racisms which refer to how some groups were viewed as biologically inferior and ‘new’ racisms where reliance is on cultural characteristics, skin colour and ethnicity, within contemporary contexts (Barker 1981; Garner 2010; Michael 2015). While racism and racial discrimination are not necessarily synonymous (McVeigh and Lentin 2002, p.14), there is a lack of unanimity amongst social scientists regarding the definition of racism. The widely accepted United Nation’s

(UN) definition of racial discrimination is outlined in Article 1.1 of the International Convention on the Elimination of all forms of Racial Discrimination (ICERD) 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.

Sociologists have long argued that ‘race’ is a social construction, but that the meanings attributed to it have concrete impacts on social relations (Garner 2010). While the usage of ‘race’ as a valid social concept has been questioned, the term ‘race’ with numerous meanings, is still employed in a legal context, both in Ireland and internationally.

Racism in Ireland

The experiences of many migrants in Irish society challenge the myth of Ireland of the hundred thousand welcomes, with studies demonstrating that racism is all too real in contemporary Irish society (Bacik 2004). The immigration of the 1990s and 2000s did not instigate the emergence of racism in Ireland. Racisms existed historically in the specificities detailed by McVeigh (1992) prior to Ireland becoming a country of net migration. The persistence of racism and discrimination, what Murray and Urban label the ‘shadow side’ to diversity (2011, p.22) has gained pertinence in Irish society as demonstrated by empirical research, both national (Mac Gréil 1978, 1996, 2011; O’Connell 2005) and international (ESS 2009; Garner and White 2001). In keeping with international research, those who are most visibly different are most targeted (NCCRI 2008, EU Agency for Fundamental Rights 2009). McGinnity et al’s study on migrants’ experiences of racism and discrimination in Ireland found that Black South/Central Africans experience the most discrimination of all the non-EU groups studied (2006, p.vi). People of African descent, including African migrants and their offspring, comprise the group who has been targeted the most in terms of racist incidents according to the data gathered by ENAR Ireland (Michael 2015, p.15). Research shows racism being experienced within a wide variety of social situations in Irish society such as the workplace, school and in neighbourhoods: 100% of African taxi drivers in a Galway study experienced racially motivated harassment in their workplace (Jaichand 2010, p.39), 28% of respondents in the Teachers’ Union of Ireland (TUI) study (2010, p.19) were aware of racist incidents occurring at their school in the past month, while Fanning et al’s (2011) research on racism in Dublin identified the prevalence of racial harassment experienced by migrant families where they live. The impact of racism is not just restricted to the individual but also affects the community as a whole and broader community relations thus consequently has serious ramifications for integration and social cohesion (NASC 2012).

Social cohesion

While Mc Ginnity et al (2014, p.1) highlight the significance of integration from the migrant’s perspective; they also regard it as imperative for social cohesion. Debates around integration often carry underlying concerns around social cohesion (Fanning 2011, p.36). The concept has gained currency due to anxieties

around divisions in society, specifically at a local level (Spencer 2006, p.15). The two dimensions that usually constitute social cohesion are as follows: ‘how people feel about place and people’ and ‘their relationships with one another’ (Spencer 2006, p.15). In terms of immigration, the focus in the Irish context has been on the economic perspective and the security perspective as opposed to an emphasis on social cohesion (Fanning 2011, p.55). One of Fanning’s key tenets is that a lot of what is successful in furthering the social inclusion of citizens would be expected to aid migrant integration (2011, p.38). Speaking on integration, Forde underlines how imperative it is that the government introduce structures so as to guarantee ‘the social cohesion and future success of Irish society’ (2012, p.iii).

The various actors involved in integration

Integration was described as ‘one of the most important challenges being faced by Irish society over the coming years’ in the *National Action Plan for Social Inclusion* (The Office for Social Inclusion 2007, p.66). One of its high level goals focused on the integration of migrants. Integration does not happen on its own, rather an effort and investment in terms of policies and resources is imperative and action needs to happen at numerous levels, including the local and the national. The respective roles of the host community and the new communities are outlined somewhat in the Ministerial Statement of national policy, *Migration Nation: Statement on Integration Strategy and Diversity Management* which echoes the European definition, defining integration as a ‘two-way process requiring mutual adaptation’ (Office of the Minister for Integration 2008, p.17). While the leading role that the Irish government must play is acknowledged, considerable clarification around what exactly it constitutes and the resources necessary to facilitate its implementation are still required.

While the role of the State is crucial in the process, other actors also contribute. At a European level, the part local authorities have to play in terms of integration has also been highlighted (CSES 2013, p.8) with their active involvement in the devising and implementation of integration policies considered imperative given the services they deliver locally such as housing (European Commission 2011, p.8; CSES 2013, p.93). While the key role that local authorities play in the provision of mainstream services to migrants was acknowledged in the Irish context in *Migration Nation*, their role in integration, similarly to the State’s role, is not clearly defined or indeed resourced (McGinnity et al 2013, p.13).

Integration at local authority level: Dublin City Council

Dublin City Council, as the local authority used as a case study for this research, have a role to play in the integration process. Under the *National Action Plan against Racism* (DJELR 2005) some local authorities received finance to develop anti-racism and diversity plans. The Dublin City Development Board which existed at the time embarked on the development of an anti-Racism, Diversity and Integration Framework for Dublin city, the aim of which was to ‘progress the development of integration measures and enhance social cohesion’ (Hegarty 2008, p.13). Successful integration was recognized as necessary for social cohesion in Dublin city. The principles of Dublin City’s Integration Framework are as follows (Hegarty 2008, p.10):

1. Promotes Equality, by setting equal access, participation, outcome and condition objectives for all through actions that achieve redistribution, representation, recognition and respect;

2. Prevents Racism, exclusion, restriction or preference;
3. Promotes Interculturalism, interaction, understanding and integration;
4. Promotes and protects Human Rights and principles that are true for all peoples;
5. Prevents Poverty, that is, enables people to attain a standard of living (material, cultural and social) to participate equally in society.

The second principle explicitly involves deterring racism, racism is the focus of this report within the context of social housing.

Integration and Housing

Similarly to work and education being important domains of social interaction and hence sites of integration, so too is the neighbourhood or local area where people live. In Ireland several studies have emphasized the significant role that housing plays in the integration process (NCCRI 2008; Ní Chonail 2007; Pillinger 2009). *Planning for Diversity: The National Action Plan against Racism* (DJELR 2005, p.126) identified the need for enhanced deliberation of planning for diversity within housing and housing related policies. Although *Delivering Homes: Sustaining Communities Statement on Housing Policy* (DEHLG 2007, p.17) argues that ‘housing policy and supports must reflect the needs of our growing population and greater cultural and ethnic diversity’, there was a dearth of specifics on how housing policies and practices should be modified. In light of this gap the National Consultative Committee on Racism and Interculturalism (NCCRI) study *Building Integrated Neighbourhoods Towards an Intercultural Approach to Housing Policy and Practice in Ireland* was conducted to examine the possible impact of greater ethnic and cultural diversity on housing policy, neighbourhood planning and estate management (2008, p.10). Farrell et al argue that housing policy and practice can play a major part in assisting social inclusion and attaining more sustainable communities (2011, p.viii), thus housing has a role to play in facilitating integration. The second part of the NCCRI study recommended that the Irish government ‘further develop an intercultural approach to integration and housing policy in Ireland’ (Watt 2008, p.47). An intercultural approach was outlined as evading a ‘one cap fits all approach’; in addition to ‘promot[ing] interaction and equality and to strive for cohesion as well as making reasonable accommodation of diversity without glossing over the challenges of racism’ (Watt 2008, p.47). Integration and cohesion are interlinked, with the need to consider the issue of racism also acknowledged. Before the examination of the issue of racism and racially motivated ASB in social housing specifically, the change in housing tenures in Ireland and the different actors involved in social housing in Ireland will first be outlined.

Housing Tenure in Ireland

Housing tenure in Ireland has witnessed an evolution over the last few decades, particularly since the economic downturn (Hayden 2014, p.2). Ireland was traditionally a nation of homeowners, which reached a peak in 1991 at a rate of 80% of households, while the private rental sector comprised 8% of households and social renting represented 10% of households (NESC 2014, p.iii). Twenty years later, in the aftermath of

the property crash, the rate of home ownership had decreased to 71%, the percentage of households renting from private landlords amounted to 19%, while those renting from local authorities or housing associations, also known as Approved Housing Bodies (AHBs) came to 9% (NESC 2014, p.iii).

Some of the factors instigating the change in tenure mix include the property crash in the homeownership sector, in addition to the decline in social housing provision. Kitchin et al (2015, p.4) argue that during the first of three phases of crisis in housing, namely the Celtic Tiger years (1991 to 2006), state investment into social housing declined while the need for it increased. In fact the percentage of social housing decreased sharply from 18.4% to 7.2% between 1961 and 2006 (Kitchin et al 2012, p.3). The pressures on the provision of social housing, through local authorities and housing associations have been acknowledged (NESC 2014). This is one significant factor which has exacerbated the current 'housing crisis' (O'Brien 2014) Ireland is experiencing at a national level and in Dublin in particular (Kelly 2015a), a subject of national concern which has been well documented. As a result, one of the aims of the *Social Housing Strategy 2020* is to reverse this trend by reinstating the State as a key figure in the direct provision of social housing (DECLG 2014, p.iii). Indeed 2015 marked the first year since the economic recession that finance was sanctioned for 'significant new construction' of housing directly built by local authorities and housing associations (Housing Agency 2016, p.11) with in excess of 13,000 new social housing units being delivered in 2015, an 86% increase on the 2014 figures (Housing Agency 2016, p.6).

Local authorities and housing associations

Social housing policy is a component of the State's broader social policy and thus is connected to problems such as 'poverty, inequality and the redistribution of income' (DECLG 2014, p.6). Local authorities are the main providers of social housing in Ireland for people who are not in a position to buy their own home or cannot afford to pay a market rent. Local authority housing is allocated according to housing need and eligibility, with rents being calculated on the basis of what people can afford to pay. *Circular Housing 41/2012 on Access to Social Housing Support for non-Irish nationals* (DECLG 2012) sets out the eligibility criteria on access to social housing for non-Irish nationals in Ireland.

Housing associations, also called AHBs or voluntary housing associations, are independent, not-for-profit organisations which also provide housing for those who cannot afford to buy their own homes, or for specific groups, such as the elderly or homeless people. The Irish Council for Social Housing (ICSH), which was established in 1982, is the national representative body for non-profit housing associations in Ireland. The ICSH, to cite the interviewee from the organisation, has 'around 270 members' and the housing associations provide 'in excess of 30,000 homes for social housing' (Participant 9 (P9)). While the number of homes currently provided in the sector remains small compared to the local authorities (30,000 versus over 100,000) the *Social Housing Strategy 2020* outlines the enhanced role of the housing associations as a primary delivery channel for the provision of 35,000 new social housing units, alongside local authorities over a six year time period (DECLG 2014, p.vii). The local authority acts as the gateway in that it assesses people's eligibility for social housing. When vacancies arise among the housing associations, these are then filled from those on the local authority housing list. The issue of anti-social behaviour (ASB) will now be discussed within the context of housing.

What is anti-social behaviour?

In Ireland legislation that defines ASB includes The Housing (Miscellaneous Provisions) Act 1997 as amended with subsequent Acts broadening the definition; the Residential Tenancies Act 2004 and the Criminal Justice Act 2006 which allows for proceedings to be taken against adults who engage in ASB through a civil process. Children are dealt with separately under this legislation. The full definitions of ASB included in this legislation are listed in Appendix 1. The definition adopted by local authorities is in keeping with the legal definition provided in the Housing (Miscellaneous Provisions) Act 1997. There is general agreement on a lack of a 'one size fits all' definition of ASB (Cunneen 2008, p.43). Cunneen (2008, p.5) highlights the tendency to couple crime and minor offences under ASB which adds to the complexity of this 'multivariate concept'.

Dublin City Council defining Anti-Social Behaviour

Under the Housing (Miscellaneous Provisions) Act 2009 local authorities were given new powers to deal with ASB. This piece of legislation built on the sustainable communities' agenda outlined in the Delivering Homes Sustaining Communities Statement on Housing Policy which called for increased supports for local authorities to deal with ASB, as well as greater statutory powers and more finance to deliver a targeted approach in specific estates (DEHLG 2007, p.14). One of the measures required under this legislation was for local authorities to develop plans to tackle ASB. Hence DCC formally adopted its Anti-Social Behaviour Strategy on 1st November 2010, in accordance with Section 35 of the aforementioned legislation (DCC 2010). According to the strategy's Mission Statement, DCC 'will not tolerate Anti-Social Behaviour', 'will investigate all complaints of Anti-Social Behaviour' and 'will take appropriate steps to help prevent and reduce such behaviour' (DCC 2010, p.8). As will be discussed subsequently, the definition of ASB employed by DCC emanates from the Housing (Miscellaneous Provisions) Act 2009 as amended.

The tenancy agreement which is the legal agreement between DCC and the tenant does not refer explicitly to ASB but does in Section 13 (a) outline that a tenant or a household member shall not cause 'ANY NUISANCE, ANNOYANCE OR DISTURBANCE' to any neighbours, their children, visitors or DCC staff'. The *Tenants' Handbook* includes a chapter on combatting ASB and outlines DCC's response to it, which can include offenders facing legal action or the eviction of a whole family or the exclusion of a family member from the home or its vicinity (DCC Housing and Residential Services n.d., p.38). In addition to brief information around making a complaint, a process which will be analysed subsequently, tenants are reminded to contact An Garda Síochána if the complaint is 'urgent and of a criminal nature' (DCC Housing and Residential Services n.d., p.38). The role of the Gardaí in the process will also be considered.

What is racism/racially motivated anti-social behaviour?

Racially motivated anti-social behaviour is of particular interest for this study. Racialisation is an important process of social construction where people are allocated a specific social group based on alleged biological or cultural characteristics (Prior and Spalek 2008). In their analysis of the potential impact of the ASB powers

1 These are defined as including 'harassment, violence or threats of violence against the person or property; threats, abuse or harassment of any kind or any act or omission causing disturbance, discomfort or inconvenience; obstructions of any of the common areas, doorways and other exits and entrances in the block and in the estate; any act of omission which creates a danger to the well-being of any neighbour or to his/her belongings' (DCC n.d.).

in terms of tackling racist victimisation, Prior and Spalek underline the ‘persistent nature’ and ‘cumulative’ impact in terms of harm as the general defining characteristics of ASB (2008, p.123). The advantage of concentrating on the concept of ASB is that the focus is broadened from the criminal lens to also give attention to the social harm caused by such behaviour. Research has found that racist victimisation is a significant part of everyday life for many people from minority ethnic communities (Prior and Spalek 2008, p.123). We will return subsequently to DCC’s definition of ASB when examining whether racially motivated ASB was found to be an issue in the research but are now going to present the findings of the quantitative analysis of the ICI data.



Chapter IV Quantitative analysis of the ICI data

As was outlined in Chapter II, a developing trend identified by the ICI for two consecutive years, namely 2013 and 2014, was a noticeable increase in the number of reports to the Racist Incidents Support and Referral Service of individuals and families experiencing racial harassment in their homes or in the vicinity (on the street outside the house or in the estate) compared to previous years. Data on racist incidents released at the end of 2013 and 2014 by the ICI identified housing as one of the most common places where racism is occurring as shown in Figures 1 and 2.

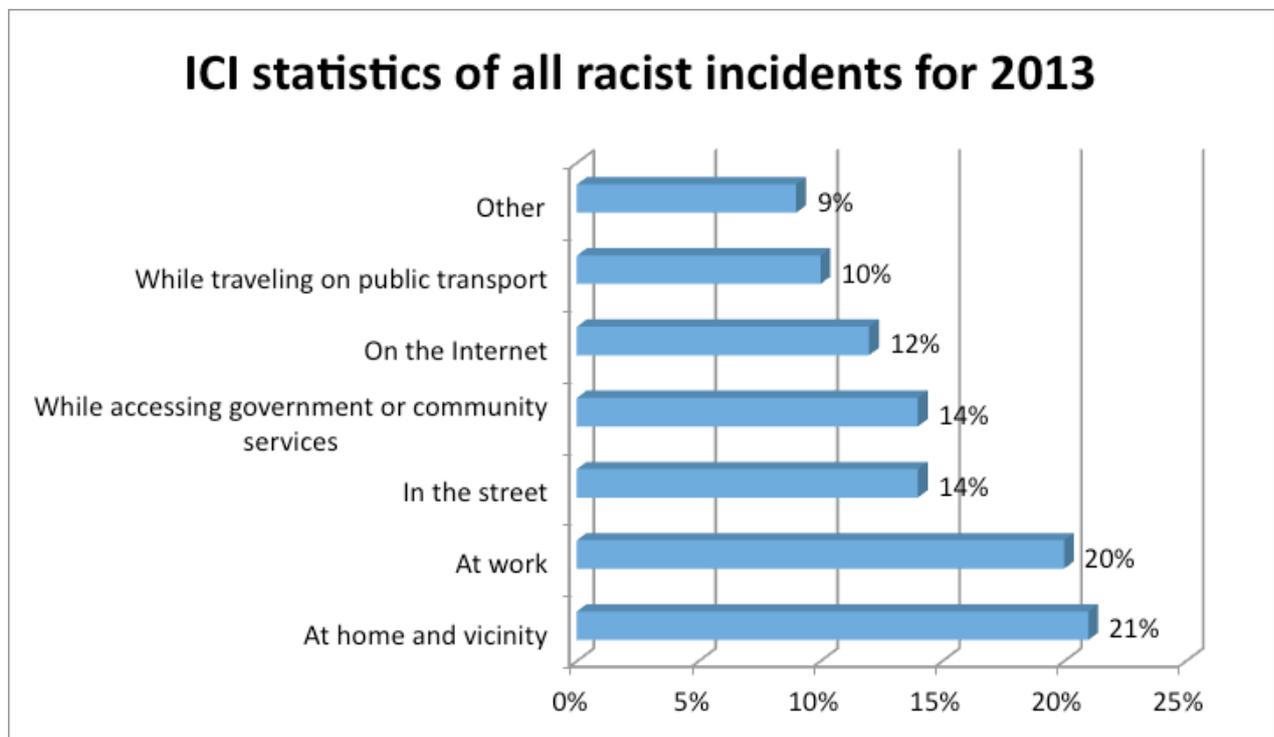


Figure 1 ICI statistics of all racist incidents for 2013

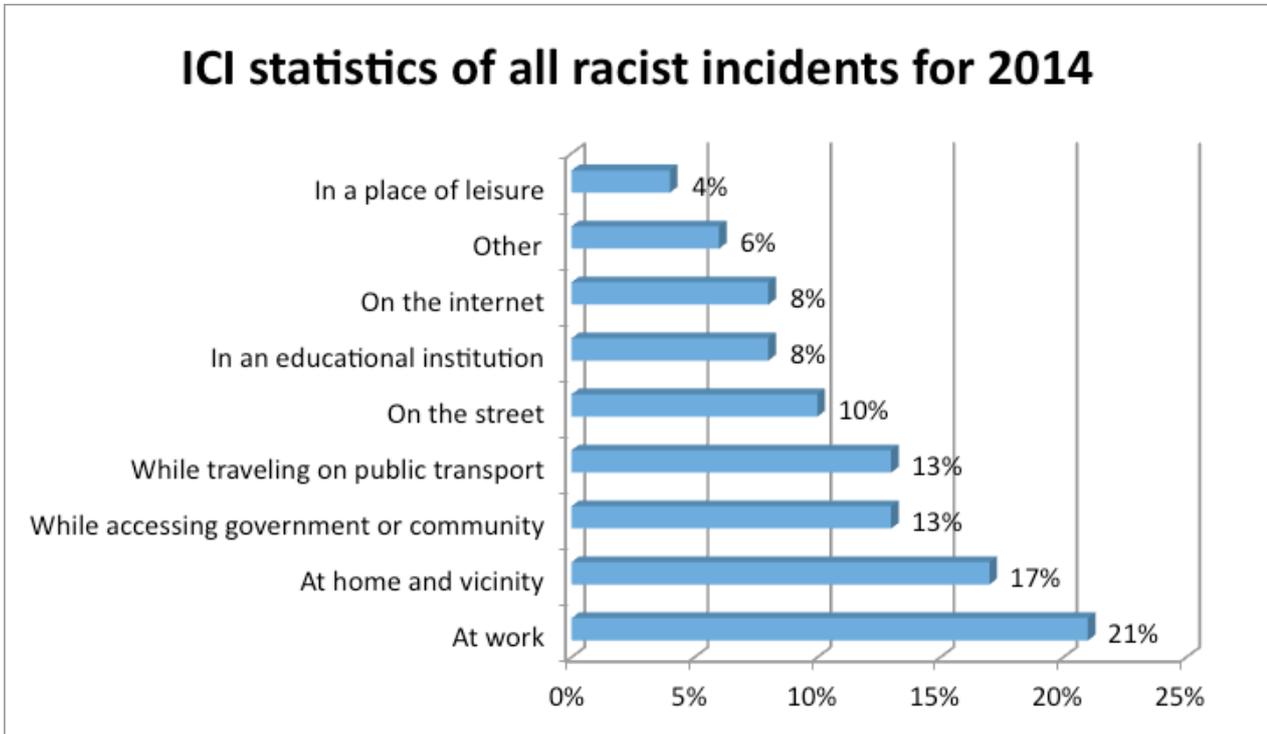


Figure 2 ICI statistics of all racist incidents for 2014

The statistics for the two years are as follow: in 2013 21% of all incidents (17 cases) of racially motivated harassment and violence occurred in housing (ICI 2013) and in 2014 17% of all incidents (37 cases) occurred in housing (ICI 2014b). Within a two year timeframe the ICI have dealt with 54 reports from individuals and families: in that period the lives of 198 people were affected by everyday experiences of racial harassment, fear, intimidation and violence in housing. Out of the 54 racist incidents that happened at people’s homes or in the vicinity, 26 occurred in social housing estates which equals 48% of all incidents. A further 16 incidents happened in private rented accommodation and the remaining 12 incidents occurred in accommodation owned by the victims. Since social housing was the tenure with the highest proportion of racist incidents occurring and given the responses in place to deal with such incidents as identified through the ICI’s pilot research, it was chosen as the focus of this report. However it is important to note that racist incidents also occurred in other tenures. Authorities such as the Gardaí, NGOs and community groups who focus more on social housing may have a greater awareness of the ICI’s services. This is one factor that might go somewhat towards explaining the higher number of incidents reported by residents of social housing.

Classification of racist incidents

According to its internal classification, the ICI breaks down the incidents of racially motivated harassment and abuse reported in any social context into the three categories listed below. These categories are ranked in terms of severity in descending order:

- **Aggravated offences:** Instances of verbal or written harassment that would fall under the Prohibition of Incitement to Hatred Act (1989) are classified in this category (e.g. threats of violence or death,

defamation which would stir hatred). Any acts of physical violence that inflict injuries as well as substantial property damage are also included in this category.

- Persistent harassment: Instances of discrimination, social exclusion or other forms of racially motivated harassment and abuse that are persistent in occurrence or have long lasting effects (e.g. daily verbal harassment, persistent exclusion from communal life).
- Incidents: Singly occurring instances of verbal and non-verbal harassment as well as any non-criminal cases of racist abuse (e.g. name calling, offensive gestures, inappropriate comments).

The same categories were applied in this analysis of racism and racially motivated ASB in the 26 incidents reported in social housing which are illustrated in the pie chart in Figure 3 below. As can be seen in Figure 3, racist incidents in social housing are characterised by a high number of incidents of a very serious nature that would exceed the definition of ASB and would fall in to a category of criminal offence.

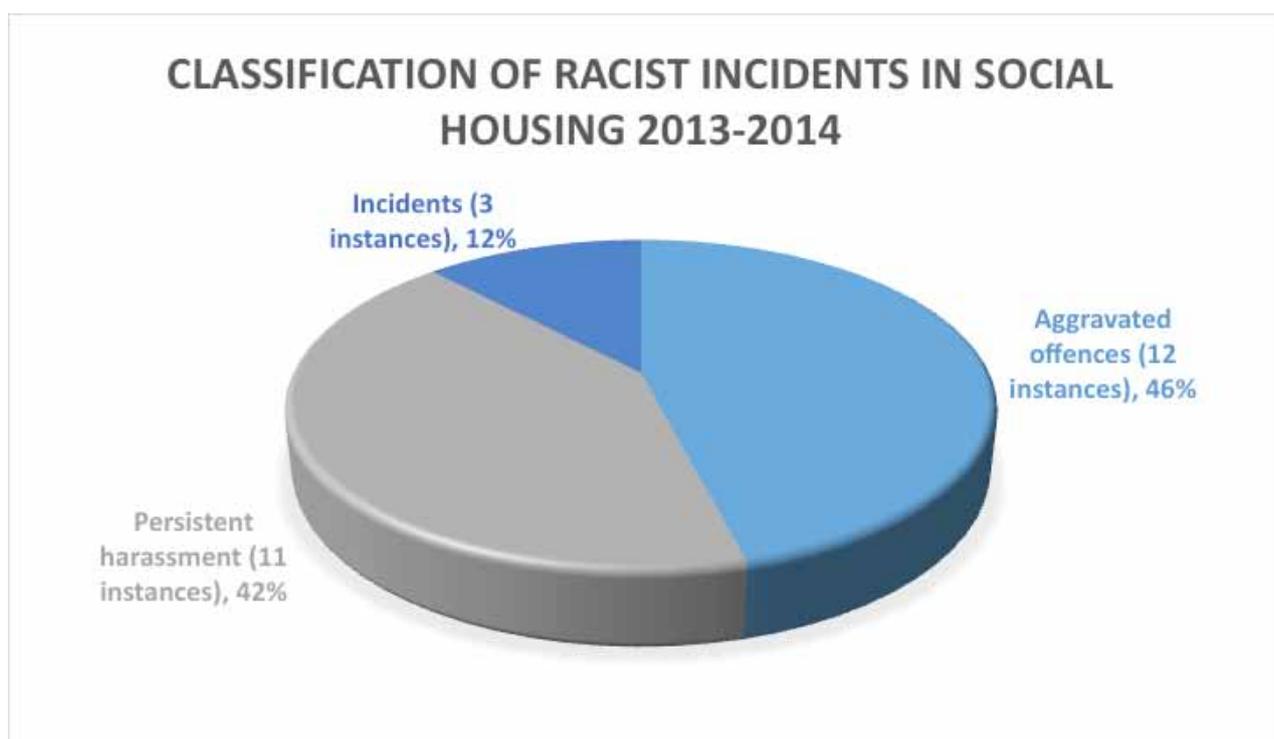


Figure 3 Classification of racist incidents in social housing for 2013-2014

Comparing the classes of racist incidents in social housing with ICI's statistics of all racist incidents, Figure 4 shows that the percentage of racist incidents that are aggravated offences perpetrated on people is far higher in social housing than in the general statistics.

CLASSIFICATION OF RACIST INCIDENTS: All ICI STATISTICS VERSUS SOCIAL HOUSING STATISTICS 2013-2014

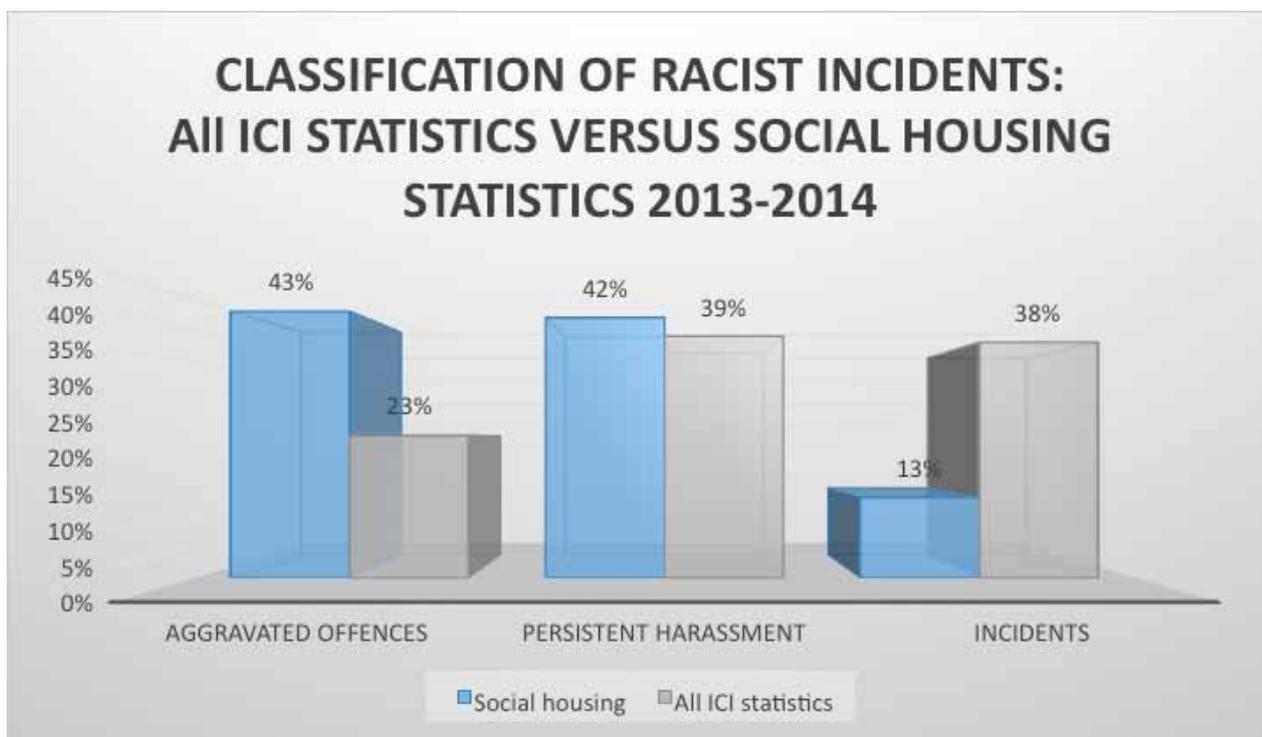


Figure 4 Classification of racist incidents: all ICI statistics versus social housing statistics for 2013-2014

The nature of racially motivated harassment and abuse in social housing

It is possible to break down the nature of racially motivated harassment and abuse in social housing into six categories. Some reports contain a number of different elements and different types of racially motivated abuse, for that reason there is some overlap between the various areas – for example, an individual who has been subjected to a racially motivated physical assault could also experience property damage. Similarly someone who felt that they were subject to discrimination may also have experience of verbal harassment. Some analysis of these issues is carried out below. The categories employed are as follows:

- Verbal harassment (e.g. offensive joke or comment including defamation and threats)
- Property damage and racist graffiti
- Physical violence
- Non-verbal harassment (e.g. offensive or intimidating gesture or behaviour)
- Written harassment (e.g. offensive letter, email, flyer)
- Social exclusion (e.g. being ignored or avoided)

All of the ICI statistics of racist incidents versus racist incidents in social housing

Comparing the statistics of all racist incidents in Ireland gathered by the ICI with those in social housing, the latter are distinctive because they contain a higher percentage of property damage and physical violence. People subjected to racist harassment in their homes are almost twice as likely to suffer from property damage and twice as likely to experience physical assault as someone subjected to racist harassment, as reported in the ICI's statistics of all racist incidents (Figure 5).

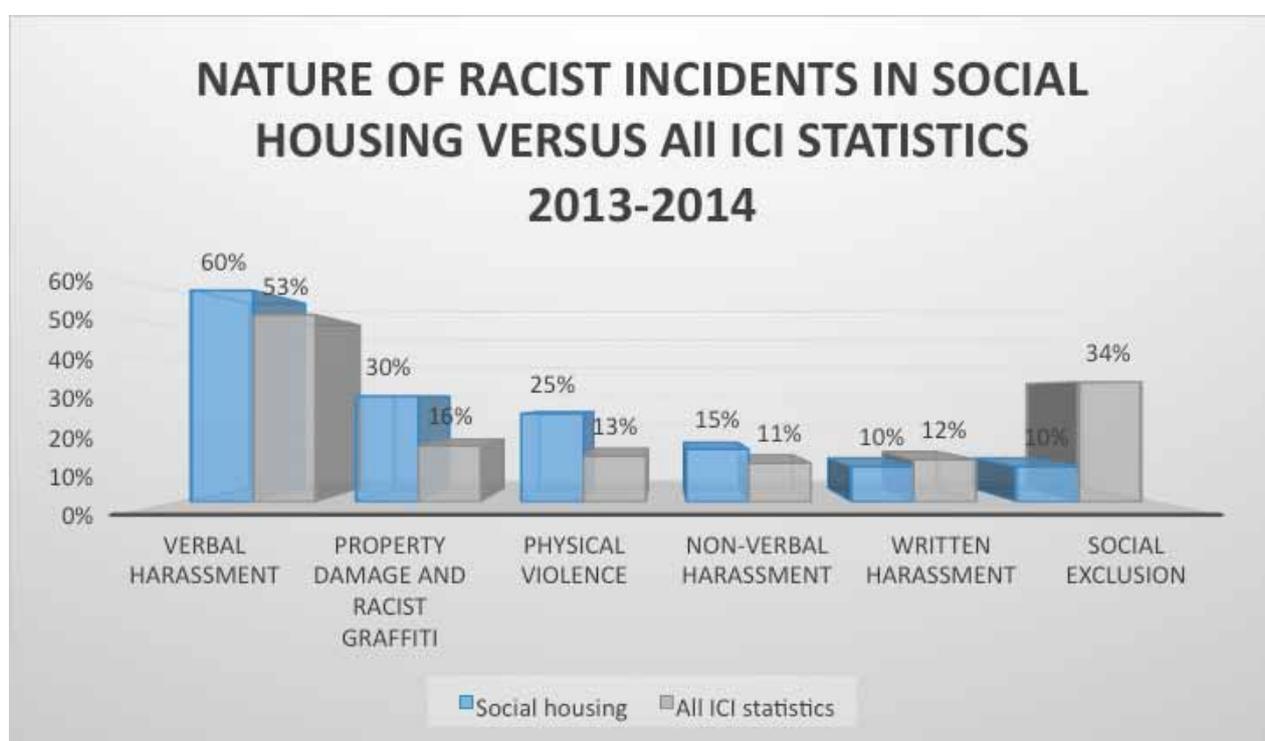


Figure 5 Nature of racist incidents in social housing versus all ICI statistics of racist incidents for 2013-2014

The nature of the racist incidents in social housing for 2013 and 2014 are thus categorised and illustrated in Figure 6 below. As can be seen, verbal harassment (60%) was by far the most prevalent category of racially motivated harassment and abuse reported, followed by property damage and racist graffiti (30%) and physical violence (25%). Non-verbal harassment (e.g. offensive or intimidating gesture or behaviour) comprised 15% of all racist incidents in social housing with written harassment (e.g. offensive letter, email, flyer) and social exclusion (e.g. being ignored or avoided) both representing 10%.

NATURE OF RACIST INCIDENTS IN SOCIAL HOUSING 2013-2014

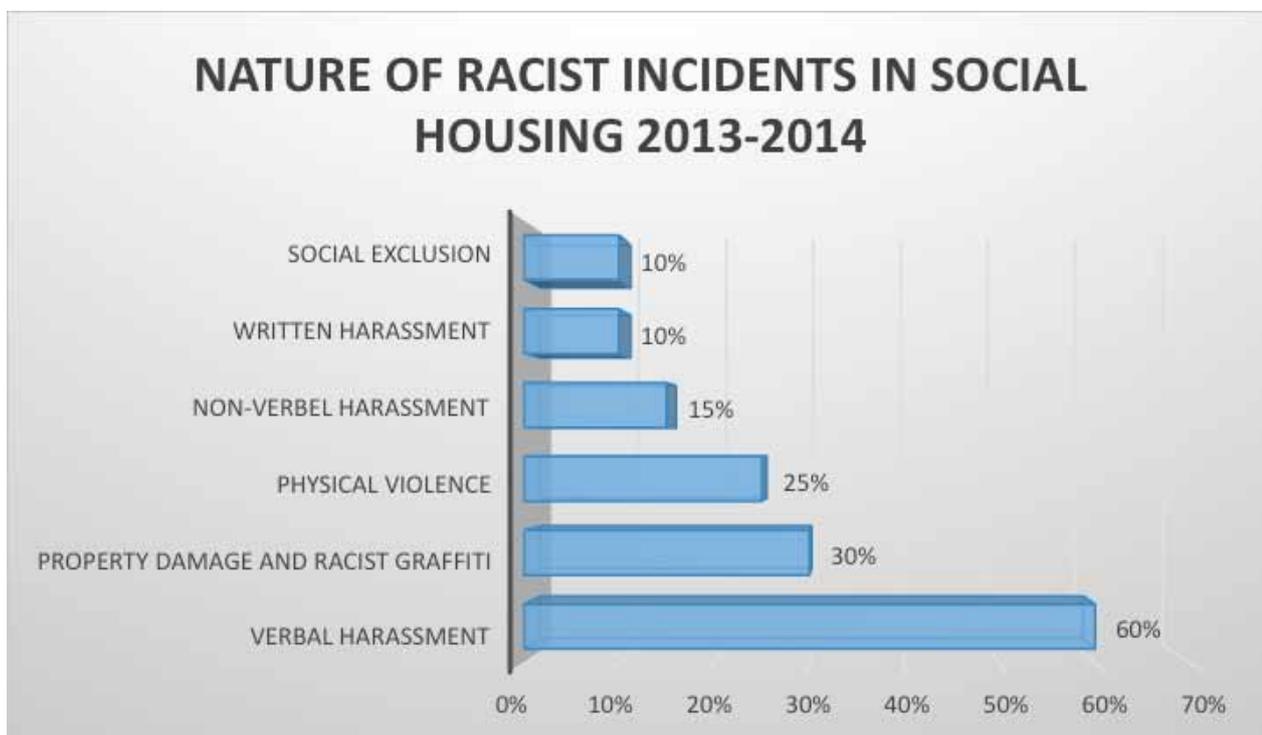


Figure 6 Nature of racist incidents in social housing for 2013-2014

Analysis of racial incidents in social housing

Verbal Harassment (e.g. offensive jokes or comments including defamation and threats)

The vast majority of people who reported racist incidents to the ICI stated that verbal harassment was an element of the incident they experienced or witnessed. Verbal harassment takes the form of name calling, using stigmatising and derogative language, hostile comments and defamation. In the most severe cases people were threatened with damage to their property, physical violence and death. Many of those who reported such incidents to the ICI stated that verbal harassment was an everyday occurrence in their life 'which is difficult to live with', to cite one victim (Hanan). Some incidents involving verbal harassment may seem to be trivial but if they are repeated every day over a long period of time they have a serious effect on people's quality of life (Fanning et al 2011). One family described how groups of children between the age of six and 12 were gathering outside their house and were singing offensive songs with racist content. These incidents were repeated a couple of times a week for a period of five years. This recurring verbal harassment resulted in the mother of the family seeking medical help in a residential facility for anxiety attacks and depression (Tadeusz).

Property Damage including Racist Graffiti

A quarter of reported racist incidents involved extensive and recurring damage to property. According to the ICI's statistics, victims of racism in social housing are almost twice as likely to experience property damage

as victims of racism in general. People's family homes and their private or work vehicles were subject to vandalism, break-ins, arson and theft. Four victims reported that their house was set on fire, 16 families reported broken windows including one incident where the child's bedroom window was shattered by a stone while a child was sleeping in the bedroom. The child escaped the incident without physical injuries, however the whole family was left traumatised (Catalin). One family reported that their car windscreen was broken eight times within one year, and their insurance company have refused to pay for any future damage to the windscreen (Omotayo). One family had their car burned down (Hope) and another family's car was vandalised beyond repair (Zuzanna).

One of the most extreme examples of property damage was reported to the ICI in mid-2014: a family of six reported that their house had become uninhabitable due to broken windows in all the rooms of the house bar one. The local authority in question was very slow in providing repair services and since the family could not afford to repair the windows themselves, they were forced to live in the one room where windows were still intact. When that family made contact with the ICI they had already been living in this condition for four months (Imoudu). Another equally extreme report came from a family whose home was broken into and walls in all rooms, including the bathroom and the hall, were spray-painted with racist graffiti (Zuzanna). Some examples of property damage and racist graffiti are shown in the pictures below:



Figures 7 and 8 Examples of racist graffiti



Figures 9 and 10 Examples of property damage



Figures 11 and 12 Examples of property damage and racist graffiti

Physical Violence

Racist incidents in social housing contain nearly twice as many physical assaults as racist incidents in general. The types of physical assault range from pushing, slapping and spitting to full on violence that inflicted injuries which required medical attention. During one incident a house that was occupied by a Roma family (Catalin) was attacked by a group of youngsters with stones. When the father ran to alert the neighbours and to seek their help a stone hit his collar bone causing a fracture to the bone and heavy bleeding. Other reports described repeated victimisation of a mother of four of African origin who was attacked in front of her house by a female neighbour on more than one occasion. One incident left her with a bald patch on top of her head. During another incident she sustained substantial bruising to her body (Rita).

Incidents involving violence are also targeted at children and young people under 18. As will be detailed subsequently, the perpetrators of the violence are both children and adults alike. A mother of a teenager who

is of mixed Irish and Caribbean origin reported that her son was nine years old when he was ‘*beaten black and blue*’ by an adult neighbour in his mid-thirties (Siobhán). After the first incident the boy was subjected to further attacks including pushing and spitting for the next seven years. Another example reported to the ICI in 2013 involved a group of children under the age of 12 attacking a boy of Polish origin, also under 12, outside his house. The attack was stopped after the boy’s father quickly intervened but it left the victim with a bleeding nose (Dominika). Physical violence is also directed at victims’ family pets. One family reported that their cat was set on fire and the animal did not survive. Their second cat was burned with some sort of acidic liquid (Tadeusz). Some examples of physical violence are shown in the pictures below (Figures 13 and 14):



Figures 13 and 14 Examples of physical violence

Non-verbal harassment (e.g. intimidating behaviour or offensive gesture)

Non-verbal harassment rarely occurs on its own, usually it is layered with other forms of assault e.g. verbal abuse. Offensive looks or gestures are very often a part of bullying practices carried out by children. In the incident described previously where children were singing offensive songs outside the victim’s house, the children were also making hateful and threatening gestures, such as slitting their throats with their thumb (Dominika). One family reported that their neighbour threw bananas into their back garden with their child’s name written on them, the child in question is of mixed Irish and African origin (Michael). In another report the family suffered from deliberate noise pollution by teenagers living in their estate. The teenagers often gathered outside the family home at night playing loud music with speakers pointed at the house; they also made loud unarticulated sounds (Tadeusz). Other examples include dumping animal faeces (Faith) and other rubbish into the family’s front and back garden (Amilah).

Written harassment (e.g. offensive letter, text message, flyer)

In four cases individuals and families alike reported receiving letters or flyers expressing anti-immigrant hostility, some of them containing threats of physical violence and death. A family of Eastern European

origin received a letter with disturbing xenophobic content accusing all Eastern European nationals of being *'parasites on the welfare system'* and ordering them to *'Get out while it's still safe'* (Elena). A family of mixed Irish and African origin received anonymous text messages with racist content telling them that they *'are not welcomed in the town'* (Tadhg). Another female of African origin received a text message from a neighbour saying *'I hate niggers'* (Faith).

Social exclusion (e.g. being ignored or avoided)

This can range from incidents where neighbours are not replying to greetings or are not responding to questions or any attempts to converse, to instances where victims are being excluded from community life. A family of Polish origin reported that their children are the only ones who are not invited to children's birthday parties in the estate. All invitations to their children's birthday parties were also shunned by the residents of the estate (Dominika). Another family of Polish origin reported that the residents' association never invites them to their meetings and also never informs them about any community events such as estate clean-ups (Tadeusz).

Profile of the Victims

During the two year period from January 2013 to December 2014 the majority of individuals experiencing racism in social housing are residents of Black African descent (46%), followed by victims of Central and Eastern European descent (24%) and Asian descent (12%). It is in line with the general statistics on racist incidents in Ireland where people of African descent are more likely to suffer from racist harassment and discrimination than any other group in Irish society (O'Curry and Michael 2013a; 2013b; 2014; 2015a; 2015b). In terms of gender, racially motivated harassment and violence in residential areas targeted males and females equally. What is of concern is the fact that children and young people under 18 account for 42% of the victims of racist harassment and discrimination in housing, and that is over five times more than the ICI's statistics of all racist incidents where children and young people account for the victims in 8% of all instances (ICI 2014a). The ethnic background, gender and age of the victims are illustrated in the charts below (Figures 15, 16 and 17):

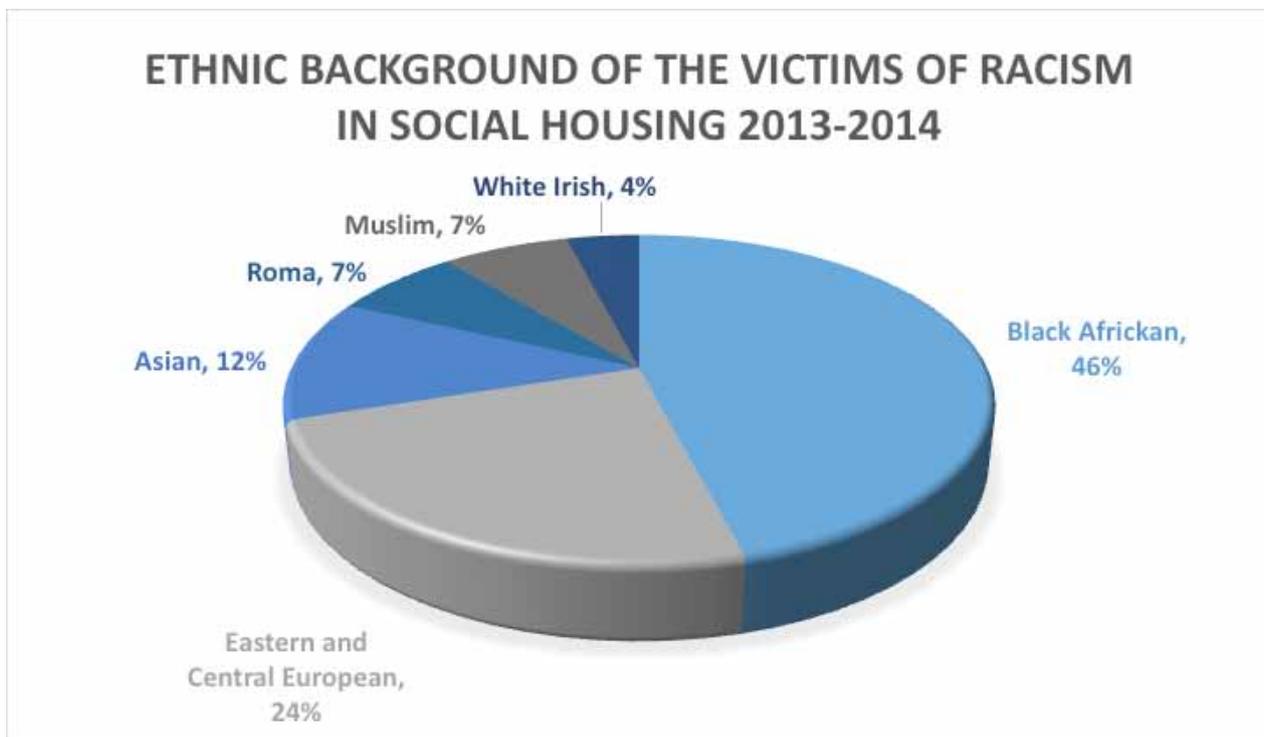


Figure 15 Ethnic background of the victims of racism in social housing for 2013-2014

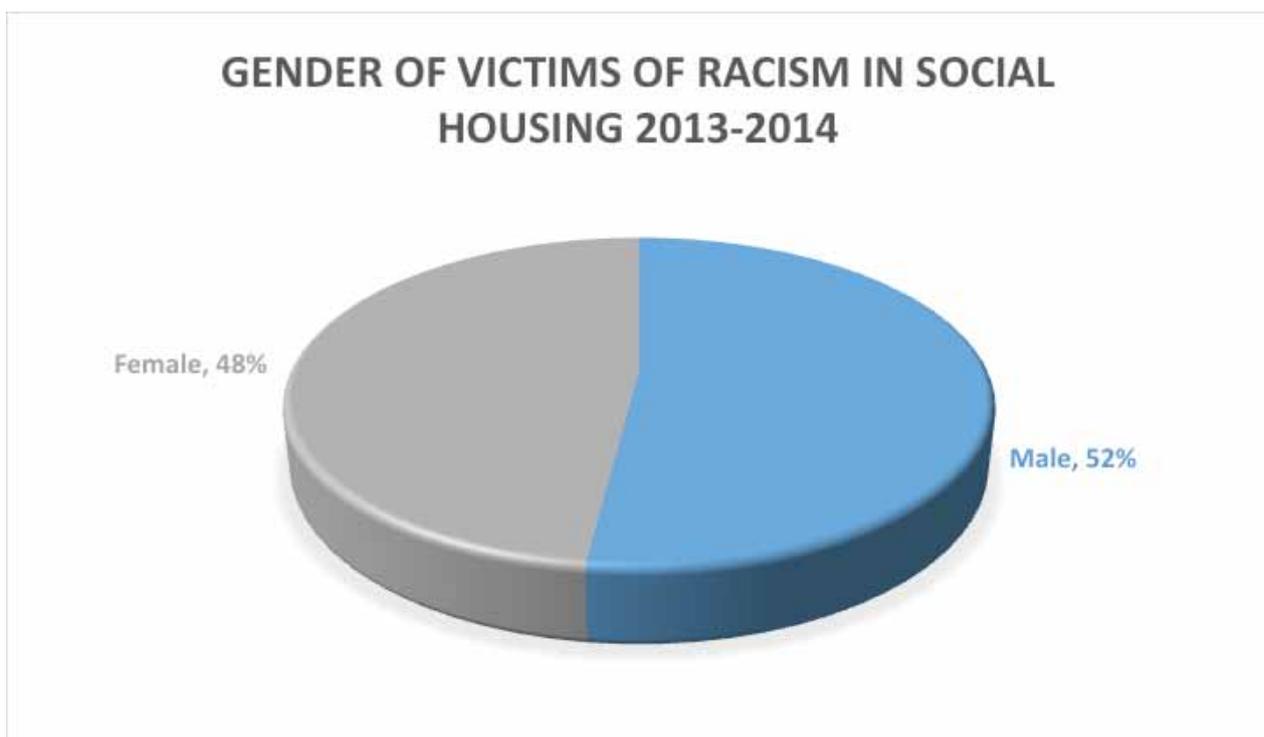


Figure 16 Gender of the victims of racism in social housing for 2013-2014

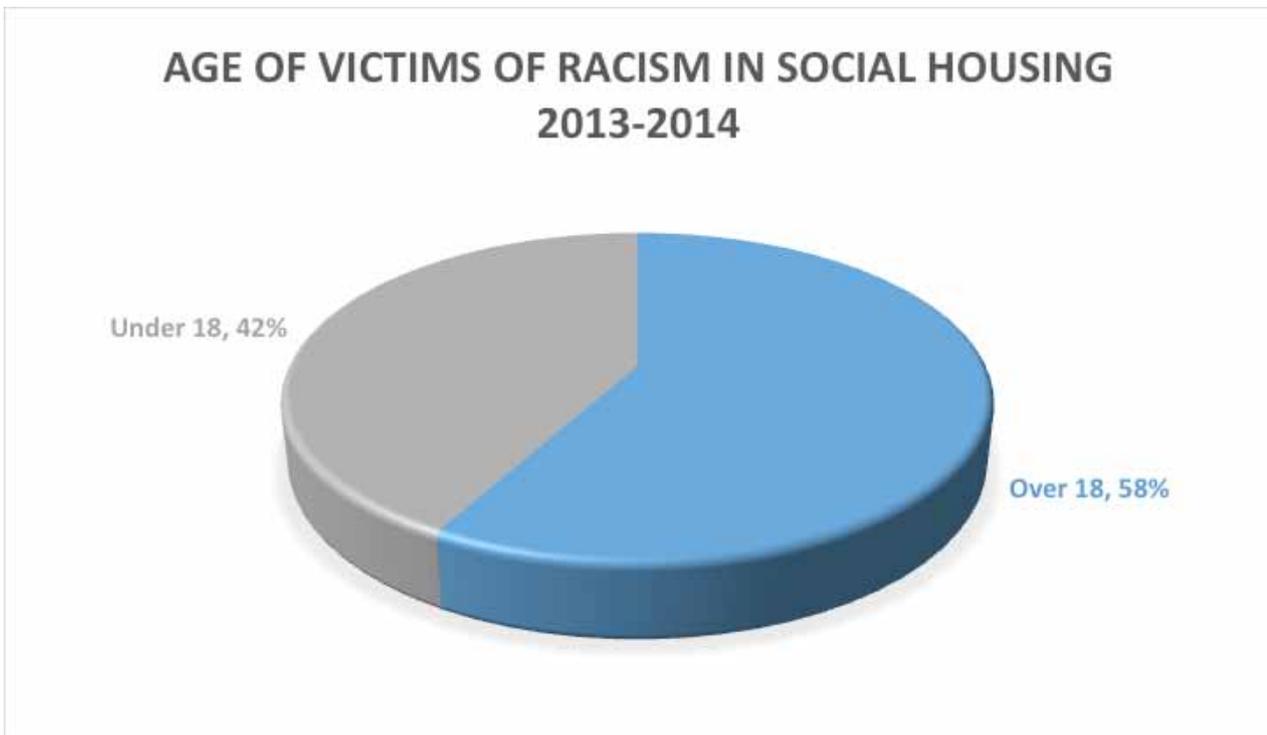


Figure 17 Age of the victims of racism in social housing for 2013-2014

Profile of the Perpetrators

The ICI's recording system of racist incidents allows a level of anonymity. Therefore it is not always possible to determine the nationality of the perpetrators of racist attacks. Nevertheless as research has shown, racism and hostility are usually expressed by members of the dominant group (O'Curry and Michael 2013a; 2013b; 2014; 2015a; 2015b). The nationality of the perpetrator could be determined in 75% of the ICI's cases, and the perpetrator was white Irish in all of these cases. In 25% of incidents the perpetrator was anonymous or only the gender or age could be identified from the victim's or witnesses' description. In the case of racist harassment and violence in housing there is a high rate of determination of the ethnic background of the perpetrators because in the majority of incidents reported the victims identified neighbours or other people known to them as the perpetrators. Additional features which could be determined from the recorded data are the age and gender of individuals who have committed racially motivated discrimination and abuse. Similarly to the very high percentage of children and young people under 18 in the victims category, children and young people account for a significant proportion of the perpetrators (44%). The fact that children and young people under 18 are engaging in racially motivated harassment and abuse in a similar manner to adults is a very worrying trend that merits further research. Unfortunately this falls outside the remit of this report. The ethnic background and age of the perpetrators are presented in Figures 18 and 19 below:

ETHNIC BACKGROUND OF PERPETRATORS OF RACISM IN SOCIAL HOUSING 2013-2014

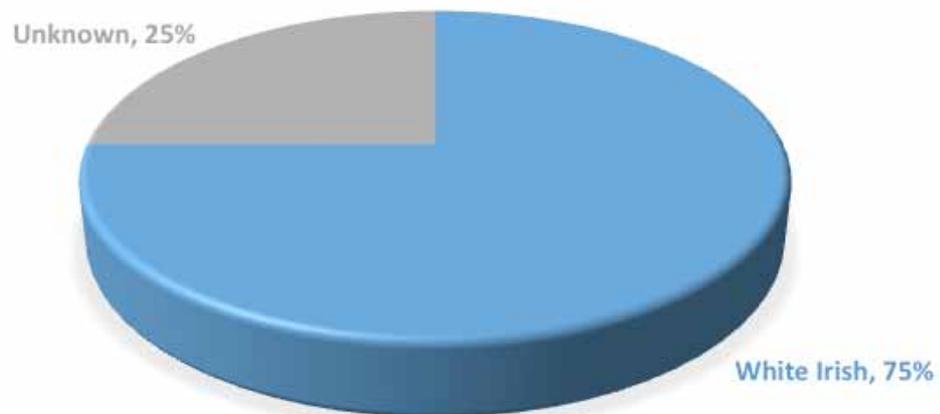


Figure 18 Ethnic background of the perpetrators of racism in social housing for 2013-2014

AGE OF PERPETRATORS OF RACISM IN SOCIAL HOUSING 2013-2014

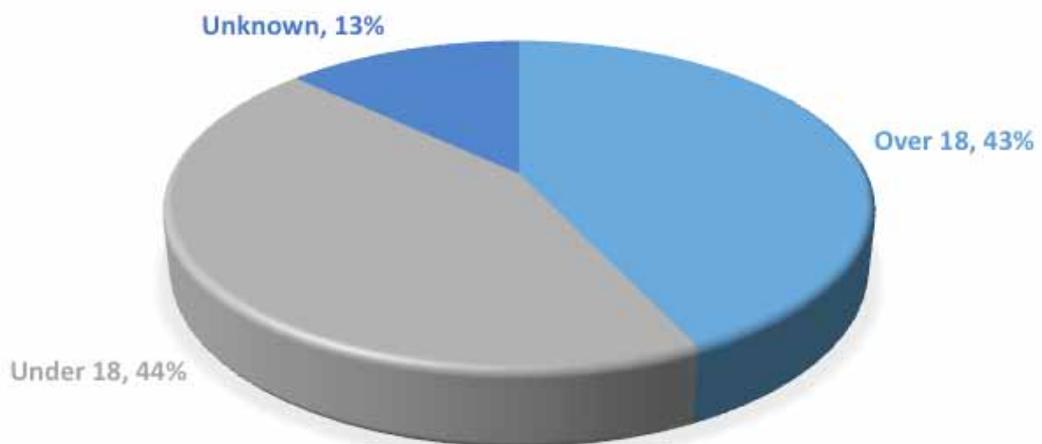


Figure 19 Age of the perpetrators of racism in social housing for 2013-2014

The manner in which racist offences have been carried out

Another feature that could be determined from the recorded data is the manner in which racist offences have been conducted. In most cases racially motivated ASB is perpetrated by groups of two or more people as demonstrated in Figure 20:

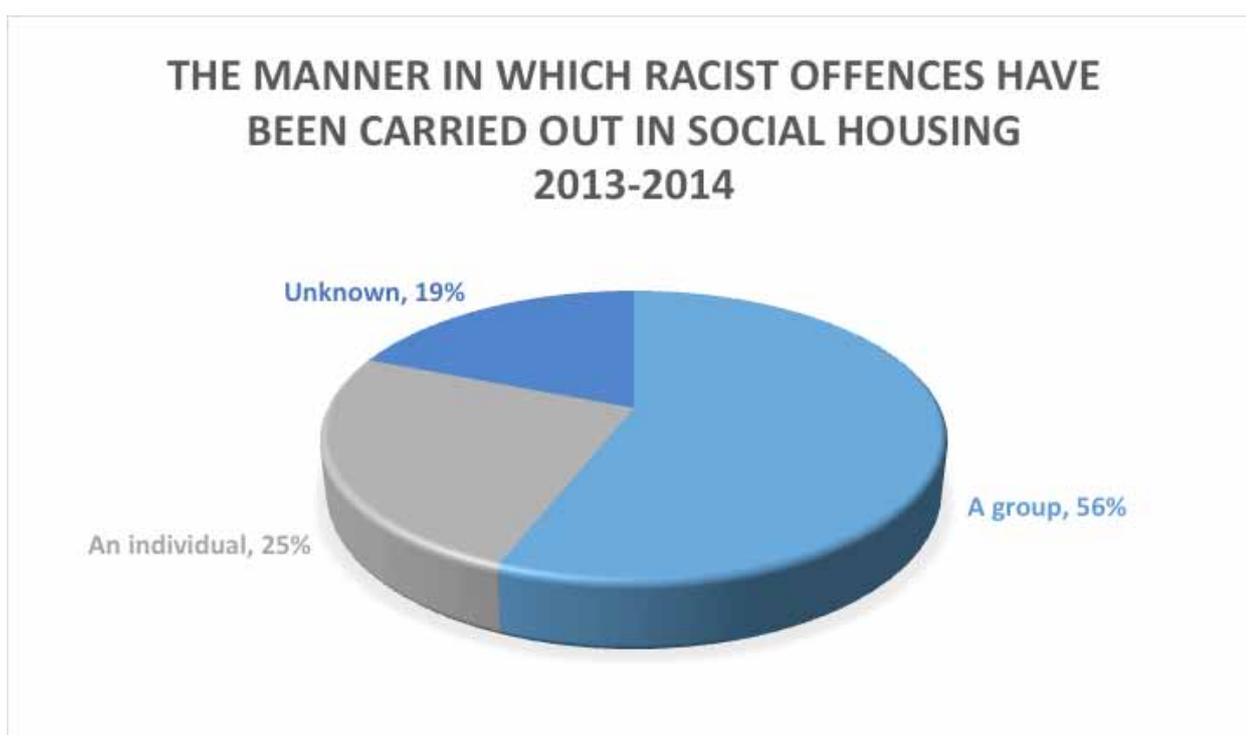


Figure 20 The manner in which racist offences have been carried out in social housing for 2013-2014

In summary, housing is one of the most common places for racism to occur according to the reports made to the ICI Racist Incidents Support and Referral Service during 2013 and 2014. In those years 54 incidents took place in housing and almost half (48%) of those reports took place in social housing. The proportion of aggravated offences, which are the most severe type of offences, carried out on people was far higher in social housing compared to the ICI statistics of all racist incidents. People subjected to racist harassment in social housing were almost twice as likely to suffer from property damage and twice as likely to experience physical assault compared to the ICI statistics of all racist incidents. Verbal harassment (60%) was by far the most prevalent category of racially motivated harassment and abuse reported in social housing, followed by property damage and racist graffiti (30%) and physical violence (25%). Examples of these were provided from the data. The majority of victims were Black African, followed by Central and Eastern European and then Asian with those under 18 comprising 42% of victims of racial harassment and discrimination in housing. The vast majority of harassment and abuse was perpetrated by neighbours and people known to the victims, by the dominant ethnic group, namely white Irish. Similarly to the high proportion of children and young people in the victims category, children and young people accounted for a significant proportion of the perpetrators (44%). Some of the incidents reported were of a criminal nature such as those categorised as aggravated offences, while others were not criminal but could be considered under ASB behaviour which will now be discussed in the next chapter.

Chapter V Analysis of responses to racism and racially motivated anti-social behaviour in social housing

The impact of racially motivated ASB

Before commencing an analysis of responses to racism and racially motivated ASB in social housing, it is necessary to outline the argument for looking at racially motivated ASB which is linked to its impact. The social impact of racism is visible at a number of levels. There is evidence to suggest how people from migrant communities can ‘experience additional/more virulent forms of ASB which is motivated by racism’ (Watt 2008, p.17). In his review of research conducted in the UK and the US, Iganski (2008) compared and contrasted the effect of offences on victims which are racially motivated with the same offences that are not. When examining how ‘hate crimes’ hurt more he found much more convincing evidence of greater harm inflicted by race-hate crime in the case of psychological and emotional harm (Iganski 2008). An attack on someone’s personal attribute or group identity such as one’s ethnicity can have a significant repercussion on confidence and self-esteem (Taylor 2011, p.11).

Racially motivated harassment and abuse has repercussions on the victims’ identity, self-esteem and self-reliance. Most of the service users of the Racist Incidents Support and Referrals Service reported the following to the ICI: sleep disturbance, anxiety attacks, fear of leaving their homes or driving their cars. Some of them are undergoing treatment for depression. Most of the families reported that their children are unable to play outside due to verbal and physical harassment. Two victims have reported miscarriages due to stress related issues prompted by racist abuse (Zuzanna and Dominika). One victim, who was a minor, attempted suicide twice, fortunately both of his attempts were unsuccessful and he is now overcoming the trauma of his abuse with the support of his family and classmates (Michael). Three families also reported become virtually homeless to the ICI because of the harassment and abuse that they were experiencing. One of the families abandoned their house and went to live with relatives (Mary), the second family was spending the nights at various friends’ homes and only returning to the house during the day (Amilah) and the third family sent their children to stay with friends in another county until they found different accommodation (Grace). As has been argued earlier, the fact that people are attacked at their homes, which should be the one place where they feel safe and the fact that the attacks have a racial element intensifies the negative experience of the victims as encapsulated in Lukasz’s words:

My kids are scared, they do not eat and are crying at night. They are afraid to go outside the house, my son cries and doesn’t want to go to the school because he is afraid. This is a horror what is happening here. I’m afraid for my family, my partner is neurotic. I already cannot withstand mentally. I’m afraid that there will come the moment that I go to this group of minors and I start to fight with them, and I do not know how it will end (Lukasz).

The impact of racially motivated harassment is not only restricted to the individual, rather it also affects the targeted group to which the victim belongs as an inherent fear of victimisation in the future can remain. Other members could be the next victims so they feel vulnerable. A study conducted in the UK found: ‘racist motivation can transform even apparently trivial incidents in to something much more disturbing and frightening both for victims and other members of the ethnic group’ (Sibbitt 1997, p.78-80). As Iganski notes, the targeted individual merely constitutes the ‘initial victim’ with waves of harm generated spreading

beyond the individual victim to others rendered fearful as a result of the incident (2008, p.94). Hence the damage inflicted goes above and beyond damage to the individual with the impact functioning at both the individual and the community level. Taylor argues that race-hate crimes also function as ‘message crimes’, trying to transmit a message around a community, who belongs and who does not. While racist crime disproportionately impacts certain communities, it can nonetheless provoke ‘a wider corrosive effect’ on relations between all communities (Taylor 2011, p.41). The negative repercussions of racist crime feed into people’s relationships with one another, particularly when the perpetrators are neighbours, ultimately impacting social cohesion and integration, concepts discussed earlier.

Is racism/racially motivated ASB an issue in social housing?

In light of the experiences of racism in social housing documented above, we interviewed key informants in DCC and the sector to examine whether, in their experience, racism or racially motivated ASB is an issue in social housing. In terms of housing associations and the ICSH experience, racism ‘*hasn’t been a systemic issue*’ within their sector, ‘*it’s never come up in terms of our associations, it’s never been an issue*’ (P9). In the case of DCC, the response from one of the two local housing area managers interviewed was similar. He felt that racism or racially motivated ASB, ‘*it’s not in the forefront, it’s not a part of the daily life of the complex*’ (P6), and the project estate officer there concurred: ‘*I totally agree with what you’re saying there. It doesn’t seem to be a problem*’ (P7). In the case of the second local area office who had housed more ‘*non-nationals*’² although the numbers were still ‘*small enough*’, one family housed in the last two to three years has been in complaining ‘*that the children are being racially abused by the neighbours’ children, we’ve only had one that has come back to us saying that they can’t or they’re looking to get out because they’re being abused, racially abused*’ (P8). The other families ‘*seem to be getting on fine*’. This case will be examined in more detail below when we return to the complaints process. The interviewees from Housing Allocations had dealt with ‘*complaints of racism*’, although they clarified that they get very few complaints of that nature: ‘*you might see it on a transfer application but it wouldn’t be something I’d see a huge volume of*’ (P3).

The impact of increased ethnic diversity on social housing

The increased migration experienced by wider Irish society and DCC as a local authority area more specifically was outlined earlier. While Central Statistics Office (CSO) data is available for ethnic diversity in certain areas, this is not a reflection of the diversity of DCC tenants within a particular area. All interviewees were questioned regarding the impact of increased ethnic diversity on their work. In response the manager of Housing Area I spoke of the ‘*lack of impact in social housing, certainly Dublin City Council housing*’ in his area (P6); ‘*a big problem would be that actually the number of people living or born in the country, living in or coming into our accommodation inside like born in Mayo or Donegal, and the number of people coming from outside of Ireland would be incredibly small*’ (P6). The ‘*incredibly small*’ ‘*number of people coming from outside Ireland*’ living in DCC housing in the area was cited as the reason why racism was not an issue. While the manager of Housing Area II has housed more ‘*non-nationals*’, the numbers were still ‘*small enough*’ (P8).

² In response to the question of the impact of increased ethnic diversity on their work, interviewees spoke of the presence or absence of ‘non-Irish’, ‘non-nationals’, ‘people from non-national backgrounds’ or ‘people coming from outside Ireland’ in housing or on waiting lists. The terms employed by participants referred predominantly to nationality. The DCC housing application form records whether an applicant is Irish, EU or a non-EU national but the applicant’s ethnicity is not captured.

While official figures are not available, the statistics worked out in this area was that an estimated twelve *'non-Irish nationals'* were housed since 2012, which equates to somewhere between 11.4% and 13.3% of the actual allocations. The *'non-Irish nationals'* housed in this area are *'scattered all around ... not in any one community as such'* (P8).

In the case of the housing associations, the interviewee from the ICSH spoke of *'an awareness'* of the increased ethnic diversity, with members housing people from the waiting list who would be *'non-Irish'*. While they have housed *'non-Irish'* nationals to date, *'the numbers are quite small'* (P9) and the schemes are still quite small, although this is a sector that is expanding and set to expand further as outlined earlier. Reference was made to a small number of associations with a small number of vacancies who housed some programme refugees from Syria and Afghanistan. Hence in terms of the impact of migration, the proportion of what were termed non-Irish nationals residing in social housing in DCC and within the housing associations remains *'small'*. In light of this it is necessary to examine the allocations process and related issues.

The allocation of local authority housing in DCC

Applicants to DCC, once assessed as being eligible for social housing support, are placed on the Housing List. DCC operates both a Housing List and a Transfer List for current tenants and allocations are made from these two lists with a banding scheme operating within each list. Applicants are assessed and then placed in one of three bands depending on broad levels of housing need, where band 1 includes all priority cases (DCC 2014). In line with most other local authorities the system now used is time on the list so once within a band applicants are housed in order of date on the list.

Interviewees working in the Housing Allocations and Welfare Sections spoke of how *'people from non-national backgrounds'* were *'more visible'* and *'looking for services more'* in terms of Housing: *'a greater number of people from non-national backgrounds presenting, both from within the EU, central and Eastern Europe and from African communities as well as people from maybe Muslim traditions'* (P4). The interviewees working in the Allocations Section described it as *'very diverse'* but felt that diversity probably happened before they joined the Housing Section (P3). The *Monitoring Integration in Dublin City* report, which examined access to services such as housing, found that *'immigrants were relatively successful in qualifying for social housing'* (Szlovák and McCafferty 2012 p.15). In the last *Summary of Social Housing Assessments* produced in December 2013 the breakdown of DCC's waiting list by nationality of the main applicant qualifying for social housing support was as follows: 12,137 or 75.05% were Irish nationals, 2,239 or 13.85% were EU nationals and 1,795 or 11.1% were non-EU nationals (Housing Agency 2013, p.16). There is no breakdown provided in terms of ethnicity. With non-Irish nationals comprising around one quarter of the waiting list, it would be useful to map these to actual allocations which will now be considered in more detail.

Lack of data on ethnic diversity

In general terms, according to one of the DCC area managers, DCC does not register nationality, *'I do know it's on the application form but it's not on our system'* (P6). With regards to increased ethnic diversity in society, interviewees felt it did not impact the Allocations process, *'no we just go by the scheme [Housing*

Allocations Scheme] and it's not mentioned'(P2). While the application form records whether an applicant is of Irish nationality or not, this information *'is kept for the purpose of the term and eligibility'* (P3), namely whether an applicant is Irish, EU or a non-EU national as the regulations applied are different depending on the category into which an individual falls. The legal status of the migrant dictates eligibility for social housing. Once someone is entered in a band, the system just looks at a person's position in the band based on the date of their application, *'so they don't record the nationality of the person they allocate to'* (P3); *'we don't identify non-nationals on our waiting or letting lists'* (P11). There is a dearth of official data in terms of allocations by nationality in particular areas, data which would be available from application forms and which is provided for the Housing Assessment in terms of Irish, Other EEA and Non-EEA. Hand in hand with this is a dearth of data on ethnicity as this information is not currently collected: there is no separate category on the waiting list, *'whether you're black or whatever'* (P6). Hence naturalized Irish citizens or second generation migrants are not necessarily identifiable from the current data that is available and this is an issue which is particularly pertinent in terms of racism and racist attacks.

'Non-Irish' nationals not choosing certain areas

A number of interviewees discussed access of Irish and non-Irish nationals to accommodation. 'Race' is one of the nine grounds protected under Ireland's equality legislation including the Equal Status Act (ESA) which prohibits discrimination in relation to goods, services, accommodation, education and registered clubs. The race ground is defined as a particular skin colour, nationality or ethnic origin (ESA Section 3(2h)). The provision of housing by the local authority is covered in the legislation where Section 6(1) forbids discrimination in providing 'accommodation or any services or amenities related to accommodation or ceasing to provide accommodation or any such services or amenities'. The NCCRI study found that unlike the other case study countries, the minority ethnic community in Ireland were fairly successful in accessing social housing (2008, p.65). However the 2012 analysis of DCC found the 'very moderate number of allocations only meets the needs of a small number of people' (Szlovák and McCafferty 2012, p.15). In terms of the two local housing areas analysed the numbers were described as *'small enough'* (P8) or *'incredibly small'* (P6) to date. The current data available does not provide a breakdown in terms of ethnicity regarding those accessing social housing. The reasons according to interviewees why increased ethnic diversity has not yet made an impact on allocations in the two housing areas looked at are discussed below.

Applicants have some choice in the allocations process as they are entitled to refuse two offers of accommodation and this issue was raised by a number of interviewees to explain the low number of what they defined as non-Irish residing in social housing in the two areas examined. Three interviewees raised the issue of allocations in parts of certain areas going to those from within the area, *'from within ten minutes'* of the complexes, or to family members. Both Housing Area managers spoke of this factor, in addition to the fact that some *'non-Irish'* nationals choose not to live in a particular area: the fact that *'it's not just about foreign people from outside the country, it's people from outside the county. They're not getting houses in our complexes and the ones that say at refugee status level get in and become citizens, they don't want to live in XXX for whatever reason'* (P6). The other area manager, who had made more offers of houses to non-Irish nationals in the housing area than were accepted, spoke of people making a choice within different

locations in a broader housing area and having a preference for certain parts. *'There's a few that have refused XX so it's not that we're not offering them, they have two or three choices'* (P8). This is a reference to part 14 of the application form where three 'areas of choice' can be ticked from the list (DCC n.d., p.16). Under any area listed are a range of smaller areas – in one case only two (Area D), in another case up to 15 (Area B).

The lack of supply of social housing

The broader question of supply and demand and the reality of a lengthy waiting list are factors impacting allocations and explain the limited impact of increased ethnic diversity on them. All interviewees referred to the reality of the lack of supply of social housing, citing the *'housing crisis in the country, especially in the urban areas'* which has been well documented in the press by Kelly (2015a) amongst others: *'supply is the key thing for Irish and non-Irish'* (P9); *'supply is enormous'* (P4). Referring to the refugee crisis one interviewee summed it up: *'the concern is for anyone coming into the country where are they going to house them?' Both Irish and non-Irish alike are impacted by the current housing crisis, as the ICSH interviewee outlined, 'until the supply goes up everyone is going to be squeezed, whether they're Irish or non-Irish'* (P9).

Furthermore, given the current shortage of social housing in the country, attention was drawn to the need for visibility of allocations in terms of policy in the context of the current refugee crisis. The fact that the same rules would need to apply, the need to be on the housing list, was emphasised: *'I don't think to date we have had major issues of non-nationals being housed because we draw them off the waiting list, we can't short circuit the system ... If they are non-nationals we have to make sure they're on the waiting list and they qualify so then everyone is treated the same'* (P9). The potential for creating conflict around allocations in areas where demand is high was alluded to, *'you would get hassle in the urban areas. There is big demand so if you start housing people who weren't on the waiting list then it starts creating havoc'* (P9). Housing can be viewed through the prism of resource competition theory (Scheepers et al 2002) as people are in competition for scarce resources, namely an insufficient supply of local authority houses. The competition for housing is a very real issue as the demand for housing outstrips the stock of council housing. The last national assessment of housing need, completed in December 2013, identified just under 90,000 applicants on local authority waiting lists (Housing Agency 2013), a figure Kelly now estimates to be in excess of 100,000 applicants (2015b). The number of applicants on Dublin City Council's social housing waiting list in July 2015 was 21,592 which equates to over 42,000 people waiting for social housing, including 16,500 children (Kelly 2015a). As of November 2015 the number of applicants on Dublin City Council's social housing waiting list had increased to 22,157 (P11). It can thus take on average eight to ten years to get housed (P11) so it will take time before the increased ethnic diversity on the waiting list is reflected in allocations of social housing.

Underreporting of racism

Another factor that may explain why racism is not perceived to be an issue in social housing is the question of underreporting which plays a significant role in understanding the situation. It has been stated on numerous occasion by civil societies and international bodies that racism and discrimination in Ireland is either not being reported to the authorities nor is it being appropriately recorded by the receiving officials (ICI 2014).

In a broader sense research has identified the reluctance of victims to report racist attacks or abuse to the relevant authorities, or indeed take matters further (Fanning et al 2011; Jaichand 2010). The Integration Centre Survey found that only 13.3% of those who had been victims of racism had reported it (Clarke 2013, p13). ENAR Ireland's research has found that five out of six people who have experienced or witnessed racism would not report it to the Gardaí or official bodies (O'Curry and Michael 2013a). Indeed the Garda interviewed who liaises with a DCC local housing area office outlined how they do not get people reporting or making complaints directly:

We tend to become aware of [racist incidents] at community forums, residents' meetings, rather than people just presenting themselves and reporting directly for whatever reason ... I don't see there's huge complaints about it, correct me if I'm wrong, I haven't seen too many people coming in making complaints. You tend to hear third party or you tend to get people bringing it to your attention but not wanting to take it any further (P10).

Evidence of the fact that victims of racially motivated crimes and incidents are not reporting them to the relevant authorities because of fear of further retaliation, lack of faith that the incident will be addressed appropriately or lack of trust in the authorities that they will be treated fairly, was found in the statements given to the ICI by victims of racially motivated harassment and abuse in social housing. Many do not report the first incident because they trust that it was a single incident, other do not report repeated incidents because their first report was not taken seriously and their experience was undermined. Some of these issues will be discussed in more detail below. International research has found that a lot of public support and confidence in a reporting system are necessary for victims to make formal reports (O'Curry and Michael 2013a, p.8).

The Complaints Process

A number of issues regarding the role of the local authorities and the Gardaí in the complaints process emanated from both the DCC and the ICI data which will now be discussed. The example of DCC can be used to outline the complaints process from the local authority perspective. Their *Anti-Social Behaviour Strategy 2010-2015* outlines the process followed with respect to complaints of ASB (DCC 2010; DCC 2011) and interviewees clarified how it is implemented. Complaints are made in many forms to DCC, either by the tenant in person in a local area office, or indeed in any one of the twelve local area offices, in writing or over the phone. The local area offices have staff who investigate the complaints and the investigating team, who are based locally, possess 'a huge amount of local knowledge' (P1). If someone makes a complaint the breach of the tenancy agreement is investigated (P6). The preference is to meet the complainant face to face, 'normally what we'll do is we'll talk at the door', to cite one area manager prior to inviting a complainant in for interview as 'in our area we tend to look at it at a very low level and interfere at the lowest level as opposed to let the problem escalate' (P6). Hence a lot of the complaints are solved at 'the first point of contact' (P1). If this is not the case the complainant is interviewed, a written record is made of all complaints. Preliminary inquiries are then made to see if the complaint is to be investigated, for example information may be sought from An Garda Síochána as Section 15 of the Housing (Miscellaneous Provisions) Act 1997 allows the local authority to seek information from a number of agencies relevant to their investigation. If the

behaviour is of a criminal nature than the tenant is advised to also contact An Garda Síochana (DCC 2011, p.6). While the Gardaí may well take a criminal case to prosecute, if there is a criminal aspect associated with a complaint, from DCC's point of view their case would be a 'civil matter', namely 'tenant landlord related' (P1).

The issue of confidentiality in the complaints process

In terms of investigating the complaint, *'if it is esteemed an individual or individuals is a problem they will be brought in and interviewed under our tenancy agreement and the legislation that pursues housing'* (P6). Neighbours and the Gardaí will be spoken to, if they were called to an incident, prior to bringing an individual in to be interviewed. One of the issues raised around complaints was the question of confidentiality. While complainants can request confidentiality, the information they divulge can make them identifiable. If this is the case, then this will be made known to the complainant who can decide if s/he would like the investigation to proceed. If a complaint is to be investigated then the respondent is informed in writing and also invited for interview. The investigation is carried out by the Local Area Office: *'they may call both families in that's when the problem starts there. I'm the reason that you're been called in so people are very slow [to complain] and yet at the same time that is due process, that is what we've all signed up for, that's the rule of law'* (P4). The family experiencing racial abuse, mentioned in Housing Area II have been in to the local area office to complain but have not come back with the supporting evidence, they have been to the Gardaí and spoken to the Housing Welfare Section but *'they don't want, at the moment they haven't asked us to follow through on it so'* (P8), the outcome at present is that the complaint remains on file. In terms of moving the complaint on this involves the formal process of writing to the respondent to request attendance at an interview (DCC 2010, p.15).

The 'nature of the complaint', which was identified as a factor that can dissuade families from pursuing a matter further, is linked to the issue of confidentiality:

we have a few that we hold on file because of the nature of the complaint. They know who's going to make it, so they, we wait for the actual individual to I'll say look I can do this this and this but you need to know that by the nature of the complaint, if you were required to say kids were throwing stones at the house, they're going to know you complained. Sometimes they'll say fine go ahead and interview, others no it will only make things worse so you hold it on file (P8).

If neighbours or their children are the perpetrators, which was the case for a lot of the ICI victims, then the issue of confidentiality is problematic which can dissuade people from formally reporting. Victims and witnesses to racist incidents gave evidence to ICI that reporting has resulted in further retaliation and abuse: a victim of physical assault was told that if he goes to the Gardaí again *'he'll be sorry'* (Milan), while an Irish woman who was assisting the family who were victims of racist ASB also became a subject of harassment (Mary).

Difficult to prove

A number of interviewees raised the issue of the difficulty associated with proving complaints made in this regard. In terms of timing, complaints that are received frequently occur when staff are not on duty, be it at midnight or at 2am (P1). Furthermore, to cite another interviewee, *'there's an awful lot of he said she said'* (P6). This view was elaborated on by the interviewee referring to the issue of racism in housing in the context of the NCCRI study (2008):

I know one of the issues at the time was that they were unsubstantiated and it's very hard to substantiate those kind of you somebody says this to me, oh I've been, you know you can take a record of it but need to really have proof that it's happened, you know have done something. I think sometimes that it happens very gently to start off with and you think well was that just a comment and then it gets worse and worse and then all of a sudden you're in a much different position so it's not an easy one to record but I think it's important to be able to record and to have things investigated and resolved you know (P5).

The absence of 'racially motivated' from the definition of ASB

When asked whether DCC receives complaints about racism, the framework within which it was considered was the context of complaints received for ASB:

well you see racism ... the way we view it we don't actually have a description of racism, it's not in the definition but if somebody is targeting an individual and it's racism and they're, we'll say they're verbally abusing them, well that's in a threatening manner, threatening is covered. Are they putting someone in fear? In fear yes that's covered so we don't require the word racism in it, for us it's clearly defined the definition is threats, fear, intimidation so if somebody is racially abusing it is covered under the act so therefore we so we don't define it as a separate category. It goes into the category of complaints received for antisocial behaviour (P1).

The NCCRI study recommended that ASB strategies make 'specific reference to racism' (Watt 2008, p.15). This is currently not the case in terms of DCC which uses the legal definition of ASB that features in the housing legislation. The current legislation does not cover racism, it covers *'any behaviour which causes or is likely to cause any significant or persistent ... fear'*, in (b) under Part 2 19.1(C) of the Housing (Miscellaneous Provisions) Act 2014, *'threats and intimidation'* are covered under (b) i, hence that is what DCC deals with:

well see because obviously the current legislation doesn't cover it just covers the threats and intimidation that's what we would deal with because we may run into a problem further down the road in the court process maybe a legal team may see that element and jump on it and say that's not covered. So if somebody was threatening you they're threatening you. Now the words that they actually use to threaten you is not as significant as the threat (P1),

namely, it is the demonstration as opposed to the motivation which matters. The definition adhered to is the legal one and the necessity for it to stand up to scrutiny in court was cited as a factor. Interviewees felt that racism is covered under DCC's definition of ASB: *'the simple answer for me is it's covered because you know there it's normally done in a threatening manner so that would be covered'* (P1); *'yeah I think fear,*

intimidation, threats like I think that's all there ... it could easily come under a lot of those grounds you know fear, intimidation, harassment' (P3). Another interviewee explained how the investigation is not about the 'motivation' but 'what the complaint is and the level of the complaint' (P6). For example it is 'noise complaints or if neighbours are abusing neighbours, we don't look at it as abuse on the grounds of race, religion, it's about, we can tackle on the abuse issue that they're in breach of the tenancy and sections of the tenancy agreement, so we don't dig into the understanding of whether this is a racist thing' (P6). The words of a project estate officer summarise the fact that racially motivated ASB or racism is a category that is absent from the definition of ASB and the complaints process: 'if there are any sort of complaints it wouldn't be because, it wouldn't be because it's a racist complaint, it's because it's an anti-social complaint or something like that' (P7). While the second principle of DCC's *Integration Framework* cited earlier explicitly involves deterring racism, it does not feature explicitly in the Housing policies. It could be argued that there is no incentive to focus on a racially motivated element the way that ASB is currently defined.

While DCC does gather and collate statistics for each of its twelve housing areas and communicates these to the Department of the Environment as outlined in Section 5.1.21 of its *Anti-Social Behaviour Strategy 2010-2015*, the statistics only quantify the number of complaints made and the outcome (P1). Complaints are categorised under three different headings – complaints that fall within the 1997 definition of drug related, complaints that fall within the 1997 Act non drug related and Other, namely nuisance and annoyance, which are classified as the less serious ASB (DCC 2010, p.1). Neither for victims nor for perpetrators is ethnicity, nationality or any other personal characteristic considered: 'you see our tenants have a tenancy agreement so it's irrelevant, like it's a legal contract they have with us so their age, like if somebody is 60 and they have a legal contract that's exactly the same as somebody who is 30 and has a legal contract, or they're white or coloured or whatever it's irrelevant to us' (P1). Hence there are no statistics available regarding the prevalence of racially motivated anti-social behaviour with DCC.

Action regarding complaints taken by the local authority

In terms of a local authority's response to complaints, a decision is made deciding the course of action to be taken which can range from no action, to a warning or termination of the tenancy. In the case of neighbourly disputes where children are involved mediation could be a solution as DCC through the senior housing welfare officers offer free mediation services (P1). If mediation does not resolve the issue then it is subsequently dealt with as an estate management issue. Housing management was recognized as being 'key' and in terms of housing associations it was recognized that the fundamental principle is 'resolving issues quickly and trying to get them sorted out' (P9).

This was not the experience of the ICI victims who highlighted the slow progress of various local authorities' investigation of reported incidents. A family from the Dublin area whose house was burgled and vandalised with racist graffiti inside complained that

we had to stay in this flat without touching anything. [It] is ridiculous. How to live here? How to explain to a child that we can't do anything? That first of all they have to find time (council and insurance company) to come, make pictures....etc. And again we are left on [our] own. I don't know what they

[are] waiting for? If someone hurt us or we just give up [our] lives? (Zuzanna).

The delays were sometimes as a result of staff changes within the local authority Housing Department and the case subsequently not being passed on to the next person with all the details. Zuzanna reported to the ICI that over a two year period the area manager overlooking her estate changed three times and that each time she had to describe the situation all over again, giving the same details of the abuse to the new area manager. She said that although she felt that each of the area managers understood the damaging effect of the racial harassment and abuse that her family was experiencing, the repeated change of personnel resulted in her case not progressing but being reopened over and over again.

The final action to be discussed in response to a complaint made about ASB is the issue of rehousing tenants or approving a transfer on Exceptional Social Grounds (ESG) to place them in the priority band. A scheme for priorities is in place with medical or ESG being grounds where a priority can be awarded which could move the applicant up into the top band (DCC 2014). If there is a complaint on the grounds of racially motivated ASB with severe consequences on the victim's daily life the case would be referred to a welfare officer, a DCC social worker. The Chief Welfare Officer makes the recommendation for priority status on the Housing or Transfer list to be given on an ESG. As outlined in the *Housing Allocations Scheme 2013*, any applicant who alleges that s/he is being harassed and/or intimidated needs to have his/her case investigated by the Area Housing Manager and/or An Garda Síochana. They may be asked to produce a report from the Housing Area Manager and/or the Anti-Social Behaviour Unit and/or An Garda Síochana (DCC 2014). The priority status process is a confidential process and the grounds on which the priority is awarded are not made known.

In the case of the family in DCC Housing Area II who were suffering racial abuse from neighbours, they asked for a transfer but for such an application to proceed they had to follow the formal complaints process, outlined earlier, which they were unwilling to do. While application for a transfer remains an option in theory, the reality was described as follows:

When I'm on duty here to go out and say to somebody oh well you can apply for this if your grounds are if your child is being abused by the neighbour next door, if the level of harassment you're experiencing is above and beyond a certain level considered by the guards to be if your life is in danger etc. then you go on a priority waiting list but you'll be waiting 5 years ... the basic issue of supply has not been dealt with ... in the meantime are you five further years with the harassment? ... you'll be waiting 5 years for a priority to come because there are no houses (P4).

This was corroborated by the interviewee from Allocations who affirmed that someone who gets an ESG and is placed in priority band 1 on the Transfer list could be waiting five plus years on average to be housed (P11). The housing crisis Ireland is currently experiencing has been outlined earlier, the lack of supply of social housing is compounded by the rising rents which also limit access to the private rental sector. This may go some way towards explaining why Fanning et al's (2011, p.6) study on racism in Dublin found that some victims were 'waiting years for an offer of alternative accommodation from their local authority, all the while living in an environment of racial harassment'.

The issue of transfers or re-housing is also contentious. As outlined in their ASB Strategy,

Dublin City Council will consider with care the use of transfers to resolve issues of Anti-Social Behaviour, because transferring perpetrators to what might be considered better accommodation could be seen as rewarding them for their behaviour, while transferring a victim could give the impression that they are being punished (DCC 2010, p.12/3).

However an application for a transfer on ESG was mentioned as an option by numerous interviewees. While *'threat to life'* merits being moved, so called lower level harassment is not necessarily seen as a justifiable grounds for an ESG, the level of harassment has to be *'exceptional'* (P4). The concern was that re-housing, if it were feasible, is only moving on the victim and does not necessarily go towards addressing the problem as a Garda who liaises with one local Housing Area office acknowledged:

for our point of view we're probably talking about certain areas where the problem may be worse or people may be subjected to more serious kind of incidents or crimes when you take a place like the estate I'm talking about in XXX, our feeling would be if they can move them on chances are they might have a better experience somewhere else but I accept what you're saying, are you only moving the problem on? Maybe, it might be, it depends on where they are going to go really ... hopefully they won't have the same sort of experience when they move on, course you can't make sure they won't have (P10).

Two of the victims from the ICI data were offered an immediate transfer to different accommodation. Zuzanna who was offered new accommodation by a voluntary housing association was willing to move but she felt that the justice was not done as the perpetrators were not punished and she had to move her son out of his special needs school as well. Siobhán, whose son was the main recipient of the racist abuse due to his mixed Irish and Caribbean descent, was offered an immediate transfer which she declined saying *'Why should I move? I am standing up for my son! We haven't done anything wrong. My whole family and friends are here. Why should I move?'* Hence the question of a priority transfer as a response to racial harassment and abuse remains contentious.

The role of the Gardaí in dealing with racism and racially motivated ASB

The Gardaí, who have been referred to a number of times, also have a part to play in the process around complaints regarding racism and racially motivated ASB. Estate management who deal with the complaints liaise with the local Gardaí. As was mentioned earlier, a complainant is sent to the Gardaí as part of the complaints process and they have a role to play in terms of providing supporting evidence in the case of a complaint: *'you need a pretty strong indictment from the Guards in terms of how do you prove [racial harassment]'* (P4). The Garda interviewed outlined that they have had incidents *'a couple of times'* in the area; *'largely we don't have huge problems with it; having said that we are conscious of it'* (P10). He subsequently outlined the incidents they have had: at the most *'extreme level'* a Polish family who moved to an estate and had racist graffiti and abuse spray painted on their front walls, were subsequently moved almost immediately. Other incidents included racist graffiti or verbal abuse. Five other examples of complaints made by individuals or families targeted were cited. The abuse was often carried out by children on victims *'because they're different'* (P10).

Case studies of the Gardaí in the complaint and investigation processes

As stated earlier, the main complaint that the ICI received from clients of their Racist Incidents and Support Service regarded the delay in terms of the complaint and investigation processes and what they considered as an insufficient response. This feeling of being left without a proper response increases when the victims are repeatedly reporting incidents but there seems to be very little movement regarding their case. Below are three sample cases studies of experiences of racism or racially motivated ASB reported to the ICI that describe lack of action on behalf of the Gardaí, according to the victims.

In the first instance a family from one of the border counties reported four separate incidents over a two month period including a house burglary, slashed car tyres, burned car and a threatening letter

In all these reported incidents I have repeatedly reported to the council that this is not a safe area for me and my family to live but the response has been that it is being investigated. At present I am really not happy with having to live in this house anymore because my children are now afraid to come out of the house and they are worried about going to school because they are afraid that they will be attacked (Hope).

Hope was having trouble liaising with both the Gardaí and the Housing Department of her local council so she contacted the ICI. After ICI intervention the local Garda officer got in touch with Hope and informed her that he had contacted the council. *'Sergeant said they have finished their job by confirming to the council that all the incident that I reported happened, so I should continue talking to council to see what they can do for me'* (Hope). As Hope's rent was in arrears she was refused a place on the transfer list until the rent is settled. There was no further contact made by the Gardaí in relation to the investigation of the four incidents and Hope suffered more incidents of a racist nature. Since those further incidents were not of a criminal nature, they were not investigated by the Gardaí even though Hope did bring them to their attention.

In the second case a family from Dublin stated that their house was being attacked on a regular basis by local groups of teenagers with stones, glass bottles, iron bars, fireworks etc. When they reported an ongoing attack to their local Garda station sometimes it took up to one hour for the patrol car to arrive, and it was long after the perpetrators had fled. The family stated that they felt that the Gardaí were trying to help them but were unable to react in a fast manner because they had only one patrol car at the station. They were also disappointed with other aspects of the investigation. The family invested in a CCTV system as a measure of an extra protection but they stated that none of the recordings that they have of the attacks was requested by the Gardaí for investigation (Lukasz).

A third family from Dublin claimed that the everyday verbal harassment and intermittent pelting of their house with eggs, stones, empty cans and glass bottles was not investigated until a stone caused physical injury to one of the family members during an incident. It was only then that the Gardaí established the names of the attackers (Catalin).

Action on behalf of the Gardaí

The ICI worked on a few cases that had a positive outcome as a result of the response provided by the Gardaí or the housing authority involved. There are examples where the intervention of the Gardaí was very effective in limiting or stopping the attacks. Lukasz and Imoudu both stated that increased patrols in their area significantly reduced the harassment they experienced. Dominika and Tadeusz reported that after the Gardaí cautioned the people responsible for the attacks, the harassment in their cases also reduced significantly. Although in the case of Lukas the issues came back when the patrols were pulled due to lack of resources, while Tadeusz stated that the former perpetrators encouraged young children under the age of 12 to carry on further attacks. One particular example involved a more holistic approach where the Gardaí communicated regularly with the victims and people involved in the harassment. Following the involvement of the Gardaí in the case, a local family resource centre provided a platform for mediation between the people involved in this situation. The family who were the victim of this racist harassment stated that the effort was very effective and the harassment nearly ceased.

In terms of the link between the Gardaí and the housing authorities, the Gardaí support transfer applications as discussed earlier. Furthermore, the Garda interviewed also outlined other action taken in response to racist incidents that occurred in the area. In the case of the most *'extreme level'*, the Garda Youth Diversion Project was asked to carry out a piece of work with their clients around racism and *'that did seem to work or solve it at the time, or go a long way towards'* (P10). In terms of other action taken, ASBO (anti-social behaviour order) warnings were also used *'quite a bit'* for *'low level anti-social behaviour, quality of life issues, interfering with people's wheelie bins ... throwing stones or eggs at their houses'*, although the interviewee did not think any of them related to *'race motivated type of incidents'* (P10). None of the examples cited merited action in terms of seeking prosecutions:

If the situation was to develop and to become something much more serious well obviously then we would have to take it on much more vigorously and maybe take statements and look for evidence and try and prosecute, or at least send a file trying to prosecute somebody for it but thankfully that hasn't been the experience here so far (P10).

While the focus has been on ASB as a civil matter in terms of the breach of a tenancy agreement, there can also be a criminal dimension which comes under the remit of the Gardaí such as the Criminal Justice Act cited earlier which will be examined subsequently and the limitations highlighted.

Defining, recording and dealing with racist incidents and crime

The definition of racist crime proposed in the McPherson Report of Inquiry into the murder of the black teenager Stephen Lawrence in the UK recommended a shift to a 'victim-centred definition of hate crime' (Taylor 2011, p.8). As outlined in Chapter II, the resulting 'Lawrence Criteria', employed by the English police, is also the criterion adopted by the Gardaí in Ireland according to which a racist incident is defined as 'any incident which is perceived to be racist by the victim or any other person' (An Garda Síochana n.d.). Taylor (2011) highlights the 'very broad' nature of this definition which encompasses both incidents and crimes.

Racist incidents incorporate a variety of acts which are racist but which may or may not meet the criteria for being considered criminal offences, or which may be deemed by law enforcement to be too difficult to secure convictions on. This distinction between incident and crime has impacted the collection of statistics in Ireland with the CSO annual figures published only including the incidents which resulted in a criminal conviction, unlike England and Wales (Clarke 2013).

Taylor identified major apprehensiveness among stakeholders regarding the appropriate recording of any incidents (2011, p.18). Michael (2015) found evidence of the failure of the Gardaí to apply the 2001 definition of a racist incident cited above. Amongst the Gardaí interviewed for Clarke's study (2013, p.14), opinions varied as regards the recording of racist incidents, how they were to be recorded and what actually constitutes a racist crime. The users of the ICI's services provided evidence of a lack of appropriate recording. An Eastern European family living in an eastern county repeatedly reported instances of verbal harassment and property damage including swastikas painted on their garden walls to the local Garda station. While giving a statement after an incident the family said that they believed that they were victims of racism, the officer said that *'it is not racism because they are not black'* (Tadeusz). A similar story of refusal by the authorities to acknowledge the harassment and abuse as racially motivated was reported by a family of African origin that lives in one of the border counties. The family believed that they were being targeted because they were the only family in the estate of non-Irish background and they were also the only family experiencing the harassment. However when they reported their case to the Gardaí, they were told that it is not racism but *'just harassment'* (Hope). As of November 2015 the Garda crime recording system (PULSE Police Using Leading Systems Effectively) now includes seven new categories of hate crime; racism, xenophobia, anti-Semitism and Islamophobia are some of these categories (Mc Garry 2015). Given the issues raised above, Gardaí would need training to provide a clear understanding of what constitutes racism.

Legislation around racial discrimination

However a further factor compounding the issue is the weaknesses in Ireland's current legislative structure to combat racial discrimination which has been highlighted both nationally (e.g. Taylor 2011; Clarke 2013) and internationally. In its concluding observations to Ireland in 2011 the Committee of the Elimination of Racial Discrimination (CERD) recommended that the 'state should strengthen protection against racial discrimination by improving current legislation'. The only piece of legislation where racist behaviour is explicitly addressed through criminal law in the Irish justice system is the Prohibition of Incitement to Hatred Act (1989) (ENAR 2013, p.12). Section 1.1 of the Prohibition of Incitement to Hatred Act (1989) declares it an offence to incite hatred against any group of persons on the basis of their "race", colour, nationality, religion, ethnic or national origins, membership of the Travelling community or sexual orientation'. Over the last two decades NGOs and other groups have criticised the ineffectiveness and impractical nature of the Prohibition of Incitement to Hatred Act. One facet of the limitations of this piece of legislation is the limited number of convictions. In reference to this piece of legislation, the sergeant interviewed admitted that in his 18 years of professional experience he had rarely seen cases where the Incitement to Hatred Act has had to be used: *'I'm aware of one or two cases but it's rare'* (P10). A long promised review of the legislation was announced in 2000. Notwithstanding the launch of a review conducted to facilitate the drafting of hate crime legislation

in July 2015 (Haynes and Schweppe 2015), the government has taken no subsequent action in this regard.

While the Criminal Justice (Public Order) Act 1994, the Non-Fatal Offences against the Person Act 1997 and the Criminal Damage Act 1991 can be employed to protect individuals and their property against attack, including racial attack, racist behaviour is not explicitly addressed within them. Given this situation, most racist offences would usually be recorded as Public Order violations where there is no reference to racism (Clarke 2013, p.15).

Another one of the shortcomings highlighted by CERD is the legal system's failure to consider race as 'an aggravating factor in a crime' and recommended that it do so, in addition to providing the judiciary with training around the 'racial dimension of crime'. An offence motivated by racism is currently treated in the same way as an offence where there is no racist motivation under the Irish criminal justice system. The absence of the concept of 'racially aggravated offence' in Irish legislation, may consequently diminish the motivation to concentrate on racism in the investigation (Fanning et al 2011, p.6).

The EU Framework Decision on Combating Racism and Xenophobia, adopted by the European Parliament in 2008 was supposed to be transposed into national legislation by November 28th 2010. One of the Directive's provisions designates having 'an effective proportionate and dissuasive penalty provision for offences where racist or xenophobic motivation is an aggravating circumstance'. The DJELR argue that the legislation in place renders Ireland compliant with the Framework Decisions given the existence of the Prohibition of Incitement to Hatred Act (1989), discussed above, in addition to the judicial discretion that exists with regard to sentencing in Ireland where racism can be considered a motivating factor (ENAR Ireland 2013, p.12). However there is no law to compel this and civil society stakeholders do not regard the discretion shared by judges as sufficient. Indeed those interviewed by Taylor felt that Ireland should make provision in criminal law for both 'racially aggravated offences' and for 'aggravated sentencing'. Currently the evidence suggests that there are very limited cases where judges do make such provision (Taylor 2011 p.29).

ENAR Ireland, amongst others, argue that the enforcement of strong measures to make racism a hate crime would underline the unacceptable nature of racism, similarly to other forms of hate crime (2013, p.13). Outlining the numerous functions of antiracist legislation, Clarke maintains it warns criminals that if they violate legislation they will be punished, but it also offers protection to victims and potential victims (2013, p.9). This could consequently increase confidence in the criminal justice system (Taylor 2011, p.29). These consequences are echoed in the EU Agency for Fundamental Rights statement: 'If racist crime is allowed to go unchecked – that is, if criminal justice agencies do not appear to tackle the problem effectively – then the message this promotes is that vulnerable communities are not protected by the State and that offenders go unpunished' (2007, p.114). In the absence of such legislation, racism is permitted to continue or even thrive.

Barriers to complaints of racism being taken seriously

A further factor identified as compounding the issue which results in complaints of racism or racially motivated ASB not being taken seriously is lack of knowledge around such issues. In many cases the underlying cause of the delay in the complaints and investigation processes is a lack of knowledge about the issue of racism

and discrimination. This was also linked to victims feeling that their experience was being undermined. A repeated pattern that emerged from the ICI data regarding the reaction of the authorities to reports of racially motivated harassment and abuse was that victims felt their experience was undermined or diminished during the complaint and investigation process. When the victims were describing their interaction with the local authorities, they perceived some words, attitudes and behaviour reduced their experiences to something unimportant. *'In October the area manager sent me to the council to speak with welfare officer. I went there and I find out that [there] is no way that anyone can help me because everyone has problems'* (Zuzanna). Zuzanna felt that the welfare officer perceived her problems as of lesser consequence than other people's issues.

The undermining of the experience of racism was sometimes as a result of the perception of the staff working in the local authorities that the harassment is of a low level and thus has a minor effect on the victim's quality of life. A family living in the Midlands suffered for five years from repeated verbal harassment from children living in their estate. The children in this family suffered from physical abuse, they were unable to play outside, their toys were damaged or stolen and the house was pelted on numerous occasions with eggs. The family described that when they talked to the area manager about their concerns her reaction was to laugh at some of the incidents. *'I said is it funny to you? Because it's not funny to us, because now it's eggs but next time it can be Molotov cocktail'* (Dominika). Dominika also claimed that the same area manager said to her that this estate used to have a very serious drugs problem and that they put a lot of effort into getting rid of it, so that the estate is now a much better place to live in. Dominika felt that the area manager implied that their experience was not significant and that she should not complain anymore. However Dominika expressed her concerns that if this situation is not addressed appropriately, it could escalate into something much more serious in the future, especially as the children who are engaging in the harassment get older.

The difference between low level harassment and what constitutes as *'exceptional'* to qualify for an ESG was alluded to by DCC interviewees. A person could get a transfer or rent privately while holding their priority: *'Unfortunately low grade harassment is not exceptional. If you're not part of one of those families, it is quite tribal in that sense on our estates'* (P4). This echoes the point raised previously by the interviewee from An Garda Síochána around what constitutes low level ASB versus more serious incidents and the necessary action either level entailed. Moreover, one interviewee spoke of a prevailing attitude which failed to take cognisance of the serious nature of problems:

there's a kind of sure it isn't too bad attitude, let things settle down, don't get too involved which in a way is institutional racism, or institutional classism or institutional patriarchy whether it's a woman complaining or somebody from another community complaining or an ethnic group, ah that will settle down don't be drawing attention to yourself (P4).

In her study on Afrophobia Michael warns of the risk that experiences of repeated harassment, reported but not dealt with, will become *'normalised in the neighbourhood and in police responses'* (2015, p.12).

Lack of knowledge is also interconnected to the recording and investigation process. As some of the ICI clients

found, some staff in the local authorities they dealt with did not have basic knowledge about what racism is, and therefore they do not record cases as racist even though the victims are reporting the harassment and abuse as racist. A community volunteer stated that she accompanied one victim to an appointment with the community welfare officer. During the meeting it was discovered that out of seven reports that the victim had made to the housing department about racist harassment and abuse only one was recorded in her files as being racist (Amaka). Another family in the Dublin area said that none of their reports of the abuse and property damage was recorded as being racist (Imoudu). The fact that it is not stipulated in the definition of ASB reduces the attention paid to the racial dimension.

Furthermore, the lack of knowledge about the nature of racist incidents also renders the staff of the local authorities unable to help. Sometimes there are no special procedures in place to deal with incidents of such nature so people working on such cases simply do not know how to help. The victims of racism who came in contact with the ICI highlighted the absence of set procedures regarding the collection of data to be used as evidence of a complaint. Different local authorities seem to require different sets of evidence to prove the case. Amilah, whose family based in Dublin suffered from verbal harassment and property damage, was asked to provide letters from the Garda station confirming that the incidents happened. But she was also asked to provide a letter from her GP stating that the harassment was affecting her family's mental well-being, as well as providing a letter from her children's school stating that the racial harassment was impacting her children's ability to learn. Dominika, whose family based in the Midlands, was harassed in a similar way was asked to provide evidence without any particular guidelines as to how to collect them and what kind of evidence she should collect. Dominika decided to record the harassment on her mobile phone. However she was not aware that in Ireland it is illegal to record children under the age of 12 in such a manner. The evidence was not accepted and Dominika was cautioned by a Garda officer for her actions and ordered to destroy the recordings. Dominika understood that the recording was an inappropriate way to collect the evidence but she felt it was unfair of the authorities to ask her to collect evidence without clear guidelines as to how to do so.

In her statement given to the ICI, Siobhán said the Gardaí working in her local station were very willing to help and they reacted positively to every complaint that she made. However, she also said that the Gardaí admitted to her that this was the first time that they had come across something like that and they did not know how to deal with it. Some DCC interviewees similarly spoke of very limited or lack of experience dealing with complaints of this nature: *'If somebody came in and said they were being abused in a racist manner'* one area manager affirmed that they would look to experts and then put the person in touch with the DCC welfare officer for example. However this interviewee had never dealt with such a case and had only experienced his first complaint of discrimination on the race ground under the Equal Status Act in the week prior to the interview.

Communication as a barrier

Communication between the victims and the authorities was the final barrier to dealing effectively with a complaint that emerged from the ICI data. In certain cases the issue was a language barrier and the victims could not communicate their needs effectively. Grace experienced difficulties liaising with her local

authority and the communication did not improve until the ICI intervened. In another example the platform for communication with the Gardaí on behalf of a Roma family was provided by the neighbour of the family (Catalin). The ICI also dealt with a case, referred by the Garda who was working with the family, involving extreme property damage. The officer in charge of the case asked the ICI service to liaise with the local authority in question on behalf of the family because the family *'couldn't get through'* (O'Brien) with their complaints even though they were fluent in English. On many occasions the lack of sufficient intercultural competency became the first barrier in communication between the authorities and the victim.

In other instances language did not pose a problem, rather cultural differences or lack of knowledge on the part of the victim regarding procedures played a role in impeding the communication process. The case of Dominika is just one of the examples where limited knowledge about regulations played a role in the way she was trying to collect evidence. The most visible example of the absence of intercultural competency was found in a case of a family of African descent living in the Dublin region. They were suffering from very serious property damage, verbal harassment and threats. They asked for a transfer on numerous occasions however it was never recorded in their files. The reason for that was that the family only made a request orally trusting that this method was sufficient for the request to be processed. The family did not fully understand that filling in paper forms was an essential element of the bureaucratic procedure. On the other hand, the local authority staff who came into contact with the family, were not aware that they needed extra time to explain the procedure to them since the family considered the verbal request as sufficient (Imoudu). One of the key pointers coming from the *Good Practice in Housing Management Guidelines for Local Authorities* (Farrell et al 2011) is that proactive policies are needed to address and counteract racism. In this regard one of the interviewees spoke of the need to be *'proactive in terms of the rate of services that we provide, the information we provide, not assuming everybody knows how our systems work, being able to explain how they go'* (P5).

Training

These last issues highlighted bring us to the final area of discussion, namely training. According to interviewees training around interculturalism and anti-racism was very limited, if not non-existent, given the lack of ethnic diversity in social housing. In terms of training the ICSH had received a *'one off session'* around interculturalism (P9). The justification provided for its lack of prevalence was the low numbers of those from diverse ethnic backgrounds, as discussed earlier. One interviewee from DCC had received three hours of cultural sensitivity training, encompassing the equality legislation and awareness about relativizing one's cultural view, but felt that it could have been *'a bit longer'* (P4). Interviewees from Allocations and a Housing Area Manager spoke about the huge amount of training that they had received around customer service, *'but none of them would cover race in particular do you know that sort of way but it would always be spoken about you know'* (P3) and went on to list issues such as treating everybody courteously, patience with people who are deaf, have poor English or are illiterate. The DCC training manual for each project estate officer, who is the investigator for complaints, does not currently contain any element of intercultural or anti-racist training as the contents of the manual are based on *'the needs of the investigating staff'*:

to date we haven't received any requests for training in that area. I can tell you why because as I said earlier on if somebody comes in and said 'these people are threatening me, they're using', that's the

way we would deal with it within the current definition but as I said if that escalated we would then need to and we would have no problem doing training programmes on racism (P1).

This is of course linked to its absence in terms of the definitions of ASB discussed earlier. One of the recommendations of the *Lord Mayor's Commission on Anti-Social Behaviour* in Dublin was the delivery of 'specific intercultural training to help relevant public sector staff better serve members of minority groups' (2012, p.11).

Integration

Integration, as outlined earlier is seen as a two way process with onus not just on immigrants but also on the local residents. Housing is a context where interaction and ultimately integration could be facilitated. Racism and discrimination from the State and the general population was identified earlier as one of the factors that shapes the integration process of migrants in Ireland. In the case of the ICSH some housing associations use the European 'Neighbours' Day' to increase awareness of cultural identities. Intercultural days were also named in terms of promoting community relations and ultimately integration. The less formal approach was considered 'useful', *'those little events there do help to build up awareness between Irish natives and the non-nationals'* (P9). The third principle of Dublin City's *Integration Framework* is that it 'promotes interculturalism, interaction, understanding and integration' (Hegarty 2008, p.10). One of the conclusions of the *Building Integrated Neighbourhoods* study (NCCRI 2008) was that local authorities and other social housing providers have a key role to play in helping combat racism through local estate management initiatives. This was expanded on in terms of the role that local authorities play in community development for example, in giving residents a voice, and in other efforts that are made by the local authorities to encourage participation. One interviewee acknowledged that DCC are 'quite good' at celebrating cultural diversity more broadly such as the Chinese New Year in the community side of their section, but underlined the need to reflect that into the housing side as well (P5).

The part that housing associations, DCC or other local authorities play is thus not just restricted to that of housing providers. Their role in terms of 'sustaining communities' was also underlined, which links into the broader agenda of social cohesion and integration, as well as the government agenda outlined earlier:

Housing associations would see themselves not just as housing providers, we call them the housing plus activities the other activities that making living better for everyone ... creating sustaining communities, some associations their raison d'être is social inclusion, breaking down barriers, community development, some of them would put a lot of effort into bridging those gaps (P9).

In the context of the approach they adopt with regards to complaints, one DCC area housing manager echoed similar sentiments:

we tread carefully our attitude is we want people to live and to contribute as much to their communities as they can and we act as enablers in that we're not going in with big sticks we are very limited and rightly so in the sense of what we can do in determining tenancy but we tend to assist live and let live ... it's more about sustaining the community rather than being the law (P6).

Racism and racially motivated ASB impact negatively on relations within communities and the development of 'sustaining communities'. Combatting them is necessary due to the negative repercussions for the victims and their families as has been outlined in this report. Moreover it can contribute to creating a sense of 'home' or belonging for individuals within communities which can also influence integration and social cohesion (Pillinger 2009).

Finally, among the ICI cases studies there were some examples of positive interactions between neighbours, where the victims received support and advice from their neighbours who referred them to the authorities or community organisations. Out of the 23 cases of racist harassment and abuse in social housing, four cases were referred to the ICI service by concerned neighbours. That said, it is also important to note that one of those who came in contact with the ICI service also complained that she started to receive harassment as a result of helping the victims (Catalin). Another person only got in touch with the ICI after she moved out of the estate because she feared that she might suffer retaliation for reporting the harassment (Mary). In a final example of positive social interactions and solidarity, school children set up a Facebook page in support of the child who was suffering racist harassment and abuse in his estate (Michael).

Chapter VI Conclusion and Recommendations

Racism and racially motivated ASB in social housing in Ireland was the focus of this study. From the reports made to the ICI's Racist Incidents Support and Referral Service during 2013 and 2014 housing emerged as one of the most common places where racism is occurring with almost half (48%) of the incidents reported taking place in social housing. The data gathered through the ICI's Racist Incidents Support and Referral Service during that two year period was analysed both quantitatively and qualitatively in order to paint a clearer picture of the victims' experiences of racism in social housing in Ireland. The vast majority of clients (92%) only reported racial harassment and violence to the ICI following unsuccessful interaction with the authorities such as their local county council or the Gardaí. Thus, it was decided to work in collaboration with one local authority, DCC, in order to analyse their policy and practice around racism and racially motivated ASB in social housing. Twelve in-depth interviews were carried out with DCC staff members and other key stakeholders to gather their experiences of dealing with racism in social housing in order to further inform this exploratory piece of research.

The findings of the quantitative analysis of the ICI data were presented in Chapter IV of this report. While the prevalence of racist harassment of migrant families in their homes and close proximity emerged as a key finding of this study, similar patterns of harassment and abuse were documented across Ireland. Hence racism and discrimination are not attributive to one particular geographical region.

The proportion of aggravated offences - the highest ranking category in terms of severity – perpetrated on people was far higher in social housing than in the ICI statistics of all racist incidents. A higher percentage of property damage and physical violence was also experienced by these victims in their homes than the general ICI statistics. People subjected to racist harassment in their homes were almost twice as likely to suffer from property damage and twice as likely to experience physical assault as a typical person subjected to racist harassment according to the ICI statistics of all racist incidents.

Verbal harassment (60%) was by far the most prevalent category of racially motivated harassment and abuse reported in social housing, followed by property damage and racist graffiti (30%) and physical violence (25%). Examples of these were provided from the data. The majority of victims were Black African which is in line with the general statistics on racist incidents in Ireland (Michael 2015), followed by Central and Eastern European and then Asian. The vast majority of harassment and abuse was perpetrated by neighbours and people known to the victims, from the dominant ethnic group, namely white Irish. One significant concern is that children under 18 comprised 42% of victims of racial harassment and discrimination in social housing. Reflecting the high proportion in the victims category, children and young people also accounted for a significant proportion of the perpetrators (44%). Some of the incidents reported were of a criminal nature such as those categorised as aggravated offences, while others were not criminal but could be considered as ASB, given the persistent and prolonged nature of the harassment and abuse experienced.

The impact of racism and racially motivated ASB on the individual and the community was outlined in detail in order to highlight the need for serious, urgent action. The ICI clients reported sleep disturbance, anxiety, fear of leaving their home or of leaving children to play outside as a result of the racial abuse and harassment

suffered in social housing. In two cases there were reported miscarriages. There were also two attempted suicides, and three families ended up becoming virtually homeless as a result of racially motivated ASB. In addition to the impact on the individual, racism and racially motivated ASB, particularly when carried out by neighbours, have a corrosive effect on community relations which can undermine social cohesion and integration.

Racism was not considered an issue in social housing in the experience of the interviewees from DCC and the ICSH due to, in the interviewees' experience the '*small enough*' (P8) or '*incredibly small*' (P6) numbers of '*non-Irish*' living in local authority housing. While one quarter of DCC applicants for social housing were non-Irish in the last national housing needs assessment (Housing Agency 2013), there is no official data available in terms of nationality or indeed ethnicity to give us an accurate picture of the impact of migration and increased ethnic diversity on actual allocations. One of the huge challenges facing allocations is the lack of supply of social housing, in the context of the 'housing crisis' that Ireland is currently experiencing, which was referred to by all interviewees.

The fact that racism is underreported is one factor which could explain why racism or racially motivated ASB was not seen as an issue in social housing. In terms of the complaints process, the 'nature of the complaint' and the lack of confidentiality can deter victims from making complaints of racial harassment or abuse to a local authority, particularly if their neighbours or children are the perpetrators. Racism or a racial dimension is absent from DCC's definition of ASB which emanates from the Housing (Miscellaneous Provisions) Act 2009 as amended. The consequential attention paid to demonstration rather than motivation in terms of ASB results in a lack of attention or incentive to focus on a racially motivated element in the complaints or investigation process or indeed in data collection.

While DCC and the ICSH emphasised the importance of swift action in response to complaints, the unhappy reported experience of the ICI clients is slow progress with the complaint and investigation process and what the victims consider an insufficient response overall. Victims also drew attention to one controversial response employed by housing authorities in response to racially motivated harassment and violence, namely the approval of a housing transfer on Exceptional Social Grounds. Re-housing a victim does not necessarily address the problem and perpetrators are not punished.

The part that the Gardaí play in the process was outlined, including their provision of supporting evidence for complaints of racial harassment and violence. However, issues raised by victims included delays in Gardaí getting to the scene due to a shortage of resources, and a failure to take a complaint seriously or even to start an investigation until somebody was physically injured. In a few of the ICI cases the intervention of the Gardaí impacted positively in terms of reducing the racial harassment or preventing it from happening.

One of the challenges to the role of the Gardaí identified is the lack of adequate legislation to pursue racism as a crime in wider Irish society, which leads to insufficient attention in the reporting, recording and investigating process. It has been reported by many civil society organisations (ICI 2014a) and researchers (Schweppe et al 2014) that the lack of appropriate legislation in the area of hate crime is a major factor influencing the existence of racism in society, as well as the lack of appropriate and satisfactory responses

from those who report incidents. The lack of appropriate and effective legal measures to address racist abuse and violence creates a vacuum in which perpetrators are not held fully responsible for their actions and the victims cannot access justice.

Hand in hand with an ineffective legislative framework is a lack of knowledge of what constitutes racism which was identified by the ICI clients. Some of them felt their experiences were being devalued or the gravity of the situation not comprehended as a result of lack of knowledge or indeed inexperience around how to react to such complaints on the part of the Gardaí or a local authority such as DCC.

The further barrier to complainants getting their message across and ensuring that authorities understood the complaints they were making is communication. Language difficulties, cultural differences and a lack of knowledge of the system all impeded the process and left victims without a response. It was found that very limited training for staff had been carried out by the social housing providers interviewed, in the area of interculturalism or anti-racism, largely due to a need not being identified.

Finally social housing providers have a role to play in terms of sustaining communities and thereby encouraging social cohesion and integration. Racism and racially motivated ASB, which were documented in this report, negatively impact on these. The final four cases where neighbours advised, supported or made referrals for victims experiencing racist abuse of harassment are examples of positive interaction and solidarity within the social housing context.

Racism is a complex multifaceted phenomenon and combatting it requires a response at a variety of levels. As has been outlined in the report, the onus does not lie solely with the local authority or the housing association. The Irish government needs to play a key role in terms of combatting racism and promoting integration and social cohesion. In view of the diversity of contemporary Irish society the government needs to ensure that the necessary legislative framework is in place to combat racism. Effort and investment in terms of policies and resources are imperative and the State needs to fund initiatives on a local level to ensure that people feel 'at home' in their homes without fear of racial harassment and violence.

The following is a series of recommendations arising out of the research:

General recommendations:

1. At a State level, there is a need to introduce hate crime legislation that would offer appropriate and up to date legislative protection from verbal and physical abuse based on ethnic, religious or cultural background.
2. Additional funding should be allocated for advocacy and outreach services that support victims of racism.
3. There is a need to raise awareness about available supports for victims of racism which advise them of how and where to make a complaint.

Recommendations for An Garda Síochána:

4. Modules on issues of racism and discrimination should be incorporated in the core training to all members of An Garda Síochána.
5. In light of the recent PULSE change there is a need for Garda training in terms of reporting and recording racism and racially motivated ASB.
6. Actions to foster a culture of understanding and trust between ethnic minority communities and An Garda Síochána and to encourage the reporting of racist incidents and crime should be introduced.

Recommendations for local authorities and social housing providers:

7. There is a need for local authorities to systematically gather data on the basis of nationality and ethnicity in terms of housing applications and allocations.
8. There is a need to consider the inclusion of racism as a specific element within an ASB strategy.
9. Existing complaint mechanisms developed by local authorities and social housing providers should be modified to include a focus on racism and racially motivated ASB in the recording, reporting and investigating stages of the complaints process.
10. A coordinated approach should be set up between all key agencies dealing with racism and racially motivated ASB during the investigation and complaints process.
11. There is a need to devise a set of procedures to report and record racism and racially motivated ASB by local authorities
12. Local authority staff should be trained in terms of understanding racism and racially motivated ASB and the impact on victims.
13. There is a need to consider other response mechanisms to deal with racism in housing, particularly for incidents outside of the remit of the ESG scheme, such as the restorative justice model.
14. Where necessary the use of ethnic/cultural mediators in communication with the tenants should be considered.
15. Additional resources should be allocated for community/residents' groups to run social inclusion/intercultural events for the residents.

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