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**GARDA**  
**DIVERSITY STRATEGY**

**Submission by**  
**Pavee Point Travellers' Centre**

**July 2007**

## **Pavee Point**

Pavee Point welcomes the development of a Garda Diversity Strategy and the opportunity to contribute towards this.

Pavee Point is a voluntary non-governmental organisation committed to the attainment of human rights for Irish Travellers. The group is comprised of Travellers and members of the majority population working in partnership to address Travellers' social and economic exclusion.

The key values which underpin Pavee Point's work include: human rights, equality, social solidarity, cultural diversity, community development, partnership and recognition that issues facing Travellers are multi-dimensional and so require holistic responses to address them.

Pavee Point works at local, national and international levels, using the experiences and learning arising within them to inform and develop approaches to address Travellers' socio-economic and cultural exclusion and non-observance of their human rights.

## **Cultural diversity: opportunities and challenges for An Garda Síochána**

Cultural diversity is not new to Ireland, but recognition of our cultural diversity and the resourcing of that diversity through an intercultural approach based upon respect, equality and empowerment is relatively recent. With the rise in immigration over the last couple of decades, Ireland now counts a significant number of minority ethnic groups among its population, many of which are small in number. The Traveller community is an indigenous minority ethnic group, with over 22,400 members (2006 Census).

Cultural and ethnic diversity is a source of enrichment to Irish society. The Traveller community, has for example, made its mark on Ireland's traditional music heritage, while Ireland's new found prosperity owes much to immigrants coming to work here. In a context of mutual respect, cultural diversity provides society with a broader range of perspectives and frames of reference within which to find solutions to common problems.

However, racism and xenophobia constitute serious threats to the development of a harmonious multi-ethnic society. It is only in recent times that racism and cultural diversity have been identified as issues within Irish society and have worked their way on to the public policy agenda. Racism, understood in terms of power relations between groups whereby one group oppresses another on the basis of ethnic or cultural differences, affects Travellers in much the same way as it affects people from other minority ethnic groups. Yet, because they are Irish and white, there has been a consistent failure on the part of the majority population to recognise Travellers' distinct ethnic identity based on nomadism and their experience of racism and discrimination. Instead, Travellers have been branded as 'failed' settled people, as drop-outs and deviants and attempts have been made to force them to assimilate with the settled population. Discrimination and the oppression of minority ethnic groups increases the potential for conflict and violence in society. Such conflict is clearly evident in the relationship between the Traveller and the settled communities in Ireland and also within the Traveller community.

The police are a key agent of cohesion in society. Because An Garda Síochána is one of the most visible agencies which perform a civic role, and because of its specific duty to maintain law and order, it has a crucial role to play where ethnic minorities and cultural diversity are concerned. In this context, the preparation by An Garda Síochána of a diversity strategy is a welcome development. In order to assist ethnic minorities to contribute fully to Irish society, An Garda Síochána, should take a lead role and:

- embrace cultural diversity as a professional advantage to the Garda organisation;
- act as a 'role-model' for all public agencies in protecting the fundamental rights of all persons in Irish society;
- act - and be seen to act - with the utmost fairness and impartiality towards all groups and with clear respect for ethnic and cultural diversity;
- use the law to combat acts motivated by racism and xenophobia;
- work proactively to prevent such actions.

### **Travellers - a group at risk**

A 1991 European Parliament Committee of Inquiry into Racism and Xenophobia identified the Traveller community as the "single most discriminated against ethnic group" in Ireland. All indicators used to measure disadvantage – unemployment, poverty, social exclusion, health status, infant mortality and illiteracy – suggest that this is still the case. The depth of hostility towards Travellers was illustrated by a 'Citizen Traveller' survey of attitudes (2000). Its findings showed that 42 per cent of settled people held negative views of Travellers, 44 per cent would not accept Travellers as members of their community and 80 per cent would not want to have a Traveller as a friend.

As a marginalised group in Irish society, a group whose very identity as nomads is rejected by the majority settled population, there is a very real danger of Travellers being subjected to the same prejudice and discrimination by Gardaí as they are by society in general. Individual Gardaí have, in training and in research, admitted that prejudice exists within the organization towards Travellers. In the absence of effective strategies by An Garda Síochána to ensure that their officers adhere to the highest human rights standards and operate within an intercultural framework, there is a danger that the powers vested in Gardaí could be abused or indeed withheld from Travellers who require the protection of the police.

Media reporting has contributed to widely held perceptions of Travellers as either being involved in crime or at a minimum colluding with crime. Travellers are frequently identified as the perpetrators of crime. Highlighting the ethnic identity of those suspected, charged or convicted of crimes in this way feeds prejudice against Travellers and is in breach of NUJ guidelines. There are commendable examples of good practice where Gardaí have resisted attempts by the media to sensationalise criminal incidents in which Travellers are involved or are suspected of being involved. On the other hand, there are regrettably also examples of the media having received advance notice of Garda raids on Traveller sites.

Pavee Point fully acknowledges the need to tackle crime within the Traveller community, as within all sectors of society. In so doing, it is important to bear in mind that, despite the press headlines, Travellers are also victims of crime, committed by members of their own community and the settled community. In the research thesis 'Community Oriented Policing within the Traveller Community' (Ellis, 2005), Travellers identified drugs and internal

conflict as two key areas of policing need. However, these are also areas where perceptions of inactivity by the Guards or of not being protected by the Guards exist among Travellers.

The challenge this poses for the police service is how to:

- tackle crime within the Traveller community in a manner that does not discriminate against Travellers as a minority ethnic group or fuel media stereotypes;
- tackle the root causes of crime within the Traveller community;
- protect Travellers from crimes committed against them.

### **The relationship between An Garda Síochána and Travellers**

The preamble of the Garda Síochána ‘Declaration of Professional Values and Ethical Standards’ states that “An Garda Síochána can only carry out its functions with the consent and support of the community”. It “is obligated to actively protect and promote this special relationship with the community through dialogue, consultation and partnership”.

There is a history of generally poor relations between Guards and the Traveller community, characterized by mistrust and hostility on both sides. Many Travellers feel that their community is over policed and under protected and that it is policed at the behest of the settled community.

Garda Superintendent Frank O’Brien gives an example of over policing in his 2002 dissertation on ‘Ethnicity, Ritual and Policing Strategy – A Study of the Relationship between An Garda Síochána and the Traveller Community’.

“Over policing during funerals has been identified by Garda and Traveller representatives as contributing to the poor relationship that exists between the Gardaí and the Traveller community. Over policing is viewed as being disrespectful to the deceased and it is considered that the setting up of checkpoints to enforce traffic legislation and carry out searches is inappropriate. This type of policing activity is not carried out during similar events in the settled community and if it were, it would certainly be considered inappropriate and insensitive.”

There is a strong perception amongst Travellers that they are generally not afforded the same level of protection by the Gardaí as the settled community. This arises, for example, where Travellers are victims of discrimination or crime and violence committed by settled people and by other Travellers. In some cases where violent conflict has occurred within the Traveller community, Travellers have described instances where the Guards have failed to respond to emergency calls for assistance or have stood back and allowed, or in some cases allegedly encouraged, people to take the law into their own hands. It suits some Travellers for the Guards to adopt a ‘hands off’ approach in this context. However, there are other Travellers for whom this is not helpful, but they often feel that they cannot articulate their need for Garda protection publicly.

According to Mulcahy and O’Mahony in ‘Policing and Social Marginalisation’, the perception that Travellers are policed at the behest of the settled community relates primarily

to access to social venues and the location, or very existence, of Traveller encampments. In the words of one Traveller respondent,

“It’s either the guards coming to evict you or the guards coming to remove you out of the pub or premises or a shop, or wherever it would be. And it’s always in relation to discrimination or racism, in most cases, that Travellers have contact with the guards”.

Perceptions of over policing and under protection and of Guards responding disproportionately in favour of the needs of the settled community versus the needs of the Traveller community impact negatively on relationships between the Traveller and settled communities, within the Traveller community and between Travellers and the Gardaí themselves.

In order for An Garda Síochána to enjoy the confidence and support of the Traveller community and enable it to carry out its functions effectively, it is clear that significant efforts are required to build trust and improve the relationship between An Garda Síochána and the Traveller community. Measures undertaken by An Garda Síochána to address the diversity in Irish society and to promote interculturalism should be inclusive of Travellers. This includes affirmative action developments in relation to recruitment.

## **Recommendations to promote Traveller inclusion in the Garda Diversity Strategy**

### **1. Preconditions for improving relations between An Garda Síochána and the Traveller community**

A 1999 European Workshop on improving Roma-Police relationships in Turvey, England, identified a number of preconditions for the success of any initiatives to improve relations between the police and Roma, Gypsies and Travellers in Europe. These preconditions apply to the Irish situation where there must be:

- A clear acknowledgement of the problem at the highest political levels and at the highest organisational levels of An Garda Síochána, and a public commitment that it will be addressed;
- A strategic and adequately resourced approach involving co-ordinated actions to achieve organisational change, rather than piecemeal initiatives;
- Partnerships at all levels and at all stages between Travellers, Traveller organisations and the police for undertaking work in this field;
- A strengthening of Traveller organisations so that they are able to contribute more effectively to the process of change.

### **2. Anti-Racist Code of Practice**

It is essential that change is clearly driven by the management of An Garda Síochána and that institutional change underpins efforts to achieve attitudinal change at an individual level. The adoption and effective implementation by An Garda Síochána of an anti-racist code of practice in which Travellers are clearly named is a priority for the organisation in this regard.

It must be made clear to all officers, regardless of the attitudes they may hold personally, what their professional obligations with regard to the equal treatment of minority ethnic groups entail and the consequences of failing to observe these. A climate must be developed within the organization where not alone management, but officers at all levels feel that they can challenge racist or discriminatory behaviour by their colleagues.

### **3. The ‘Rotterdam Charter’**

Pavee Point recommends that An Garda Síochána, in developing its diversity strategy, should draw upon the ‘Rotterdam Charter: Policing for a multi-ethnic society; principles, practice and partnerships’ (1996). The Charter aims to establish “a full set of instruments for an integrated and co-ordinated approach to the management of ethnic diversity in the interests of equality and social cohesion”.

A number of elements contained in the Rotterdam Charter are worth highlighting in relation to the inclusion of Travellers in An Garda Síochána’s diversity strategy.

#### ***Recruitment and Retention of Police Officers***

To ensure its legitimacy, An Garda Síochána has a professional interest in reflecting the ethnic diversity found in Irish society. At present, An Garda Síochána counts very few Travellers among its ranks. Impediments to the recruitment of Travellers include a general lack of trust amongst Travellers in the police service, widespread discrimination and barriers to Travellers’ accommodation, education and participation in society. An Garda Síochána must nevertheless endeavour to create an open and non-prejudiced environment in which people of all ethnic groups, including Travellers, could see a place for themselves and where they do not feel compelled to hide their identity (this is a common experience for Travellers in mainstream employment).

To this end, An Garda Síochána should:

- Endeavour to develop good relations with Travellers and create a positive image of policing in the Traveller community;
- Take a long term approach to the recruitment of Travellers to the organization, taking account of the barriers that Travellers are likely to face (educational disadvantage, lack of trust, etc.);
- Consider affirmative action measures such as the provision of further education during training and alternative entry routes, (e.g. the recruitment of Travellers on a contract basis to deliver diversity and anti-racism training alongside Garda trainers);
- Provide specialised training for personnel officers to help them select colleagues from different ethnic backgrounds, including the Traveller community;
- Add to its list of entry requirements a positive attitude towards cultural diversity, making it clear at interview stage that the organisation implements an anti-racist code of practice to which all its officers must adhere;
- Ensure that staff from different ethnic backgrounds enjoy equal opportunities for advancement within An Garda Síochána;
- Ensure the existence of clear and effective procedures for dealing with racial discrimination or harassment by fellow officers;

- Recruit police officers from different ethnic backgrounds to provide police services to the general population and not to police their own ethnic communities.

### ***Training of Police Officers***

As a key institution in society, responsible for safeguarding the rights and freedoms of individuals, Gardaí must develop their skills, knowledge and competence to respond professionally to ethnic and cultural diversity. Gardaí need to be able to deal professionally with situations where different cultures meet or clash as can occur when Travellers and settled people come into contact. Training should allow officers to reflect upon their experiences of dealing with Travellers and to remain aware of the importance of safeguarding the principle of equal treatment. Because police contact with Travellers is often limited to negative interaction, which can lead to biased thinking, it is important that officers are made aware of their own attitudes and encouraged to adopt attitudes that are consistent with professional behaviour. Since it is not always possible to change attitudes through training, there is a need for formal procedures to deal with manifestations of racist attitudes or behaviour. Training should deal with the importance of recognising and responding in a professional manner to reports of racially motivated incidents.

The Rotterdam Charter highlights the need for police to include NGOs and/or people from minority ethnic communities in training. Pavee Point has provided training and made presentations to students at the Templemore Garda Training College for many years and more recently to Ethnic Liaison Officers. It hopes in the future to provide training inputs at Superintendent as well as Inspector and Sergeant levels. These inputs have included training in cultural diversity and Traveller issues and the implications for An Garda Síochána and police work, as well as basic anti-racism training, which enables participants to develop an analysis of attitudes, discrimination and racism (both individual and institutional). Pavee Point recommends that anti-racism and diversity training be carried out at all levels of An Garda Síochána and is committed to continuing its involvement in the development and delivery of Garda training. Pavee Point also recommends that An Garda Síochána consider employing Travellers and members of other minority groups, perhaps on a contract basis, to co-deliver anti-racism and diversity training alongside Garda trainers.

### ***Effective Implementation of the Law***

Police work must, as indicated in the Charter, include the monitoring of racial incidents, and, as far as Travellers are concerned, this should be done in co-operation with Travellers and Traveller organisations. The introduction of a definition of a racially motivated offence into the Pulse system is a welcome development in this regard. It is important that Travellers are again visible in training and in procedures related to the recording of racially motivated incidents.

While the introduction of the Equal Status Act 2000 was welcomed by Traveller groups, the subsequent removal of licenced premises from the remit of the Act was felt to diminish the level of protection it offered to Travellers. Although the Guards may not have a direct role to play in enforcing the Equal Status legislation, they can play an important supporting role. Gardaí are frequently called when Travellers are refused access or asked to leave various leisure and commercial premises. Where discrimination is alleged, the Gardaí have a role to play in informing the owners or management of premises that it is illegal to discriminate and informing Travellers of the avenues of recourse available to them. In some cases, Gardaí may

be called upon to act as witnesses. It has on occasion been alleged that Gardaí themselves have played a role in discriminating against Travellers by advising or putting pressure on businesses to close their doors to Travellers in the event of a Traveller funeral or wedding taking place. In certain cases, where it is feared that violence may erupt at a funeral and weddings, Travellers are often the first to admit the need for a Garda presence to prevent conflict, although it has been stated that this should be as discreet as possible. It is important in all such situations that the Gardaí adopt an even handed and proportionate response.

Not all law is perceived as good law and in the absence of sufficient provision of suitable Traveller accommodation, the Housing (Miscellaneous Provisions) Act 2002 is generally perceived by Travellers and Traveller organisations as bad law. Commonly referred to as the ‘Trespass Law’, the Act allows Gardaí to move on, fine and confiscate Travellers’ caravans. Some Guards who have found themselves in the position of having to move on Traveller families for whom no suitable provision has been made by local authorities have expressed disquiet at the Act. Gardaí are nevertheless required to implement the law. An Garda Síochána should, however, lend its voice in support of the effective implementation of another law, the 1998 Traveller Accommodation Act. Police organizations in the UK, such as the Association of Chief Police Officers (ACPO), have recognized that the underprovision of Gypsy and Traveller accommodation gives rise to many unnecessary policing interventions and have begun to advocate the need for increased provision of such accommodation. An Garda Síochána, too, should act to prevent many needless and harmful evictions by advocating the need for adequate and timely provision of Traveller accommodation through Forums such as the Joint Policing Committees.

In Ellis’s research into ‘Community Oriented Policing within the Traveller Community’ Travellers identified issues such as feuds, domestic violence and illegal drugs as key factors that influence their quality of life and which require an effective policing response. These are areas where there is a strong perception of Garda inaction. For example, there have been allegations by Travellers who have called on the police to intervene in feud fighting that Gardaí have failed to respond or intervene or that they have encouraged Travellers to sort things out themselves. It is important that Travellers are not left to police themselves. In some cases of domestic violence, Traveller women have maintained that Gardaí have failed to respond adequately to their need for protection and have used the opportunity to investigate other matters such as motor tax and insurance instead. This increases the vulnerability of Traveller women in these situations. Domestic violence is a crime and The National Traveller Women’s Forum submission on ‘Garda Policy on Domestic Violence Intervention’ (2002) highlights the pro-arrest nature of the policy and urges that it be implemented in full. It must be made clear to Travellers that in all cases where they require the services of An Garda Síochána, they will receive a professional and effective service.

### ***Building Bridges between Ethnic Minorities and the Police***

Building bridges between Travellers and An Garda Síochána is necessary to develop the relationship of trust that is central to effective police work and to ensuring that members of the community have the confidence to co-operate with Gardaí in preventing and in responding to crime.

Travellers consulted during the preparation of an earlier submission to An Garda Síochána entitled ‘Intercultural Ireland: Identifying the Challenges for the Police Service’ (2000) spoke of the need for Travellers to meet Guards in non-crisis and non-confrontational settings to

build trust and confidence. This could be achieved in a variety of ways: through Community Guards and others, such as Ethnic Liaison Officers, walking around sites and meeting people rather than only coming on to site in response to an incident; through sporting activities; and through Guards attending community events organized by a local Traveller group or community centre. There should be greater links between Juvenile Liaison Officers and young Travellers and their families since Travellers consulted during the preparation of the previous submission recognized that the Gardaí sometimes give good advice when Traveller youth are getting in to trouble.

Given that there is a lot of movement within the Garda organization, where positive relationships between Guards and the Traveller community have been developed, Travellers have stressed the importance of informing them if a local guard is going to be moved and, where possible, for that Guard to introduce the person who will be replacing them. Otherwise, valuable relationships can be lost and confidence diminished.

It has also been noted that there is a tendency within An Garda Síochána to want to identify a 'community leader' with whom to liaise. Many Travellers have expressed concern about this practice and stress the importance of the Gardaí developing broad relations within the Traveller community. The reason for this is that as with all groups, there are different needs within the Traveller community. Sometimes a dominant individual is sought out by the Guards, who may not articulate the different needs within the community. Equally, given the high level of suspicion that exists within the Traveller community towards the police, Travellers who find themselves singled out by the Guards as a 'leader' for the purposes of liaison can find themselves in a very uncomfortable position within their own community.

The new Joint Policing Committees and Forums are one of the mechanisms for forging partnerships between An Garda Síochána, local authorities, elected representatives and communities, for determining through consultation community needs and policing priorities, and for promoting Garda accountability, transparency and effectiveness. Regular consultation meetings with minority ethnic groups including Travellers at district, divisional and national levels are another such mechanism. Traveller participation in these different committees and forums is crucial. However, given the low levels of confidence and the vulnerability many Travellers feel in relation to Guards and policing, it is not expected at this stage that there will be a rush of Travellers seeking to get involved in these consultative mechanisms. It is therefore incumbent on the Garda organization not only to invite Travellers to participate in the Joint Policing Committees, Forums and consultation meetings with minority ethnic groups, but also to encourage and support their participation on an ongoing basis. Traveller organizations also have a role to play in this regard and Pavee Point will continue to encourage Traveller participation.

In addition to including Travellers in mainstream consultation processes (which if managed constructively can have added benefits in terms of improving relationships between Travellers and the wider community), it may be necessary at times to have separate consultative mechanisms with Travellers to ensure that the voice of this small minority does not get lost in committees and forums where the focus may be on the views and needs of the majority population.

***Ethnic Minority Participation in Crime versus Police Participation in Criminalising Ethnic Minorities***

It is important for the police to avoid perpetuating stereotypes of Travellers and other ethnic communities, whether through their communications with the media or through their contacts with members of the majority population. It has come to the attention of Pavee Point, through the activities of its Mediation Service, that local settled residents have been told by Gardaí that Travellers passing through their area are dangerous and should not be approached. It is vital that this type of statement is not made casually and that where the Gardaí consider it necessary to deliver a warning in relation to a particular individual or group of Travellers whom they consider to be dangerous that they take care not to stigmatise the entire Traveller Community in doing so.

As far as the use of statistics is concerned, Pavee Point would welcome consultation by An Garda Síochána on how best to interpret, present and disseminate statistics relating to crime in the Traveller community. We call upon An Garda Síochána to use statistics carefully, to focus attention on the problems underlying crime in the Traveller community and to encourage other agencies, such as local authorities and health boards, to take such steps as may be necessary to help prevent crime or a deterioration in community relations.

In addition to monitoring ethnic crime patterns, the monitoring of Garda questioning and arrest of different ethnic groups including Travellers would be important in order to ensure the fair and equal treatment of minority ethnic groups by the police.

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