



Submission
on
**An Garda Síochána
Diversity Strategy**

July 2007

Contents

About the ICCL	2
Introduction.....	3
1. Employment.....	4
2. Equality Policy.....	5
3. Training	6
4. Ethnic Liaison Officers	7

About the ICCL

The Irish Council for Civil Liberties (ICCL) is Ireland's leading independent human rights watchdog, which monitors, educates and campaigns in order to secure full enjoyment of human rights for everyone.

Founded in 1976 by Mary Robinson and others, ICCL has played a leading role in some of the most successful human rights campaigns in Ireland. These have included establishing an independent Garda Síochána Ombudsman Commission, legalising the right to divorce, securing more effective protection of children's rights, decriminalising homosexuality and the introduction of enhanced equality legislation.

We believe in a society which protects and promotes human rights, justice and equality.

What we do:

- Advocate for positive changes in the area of human rights;
- Monitor government policy to make sure that it complies with international standards;
- Conduct original research and publish reports on issues as diverse as equal rights for all families, the right to privacy, police accountability and judicial accountability;
- Run campaigns to raise public and political awareness of human rights, justice and equality issues;
- Work closely with other key stakeholders in the human rights, justice and equality sectors.

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Introduction

The ICCL greatly welcomes the initiative of An Garda Síochána to consult on the content of its Diversity Strategy. The ICCL considers that the development of a diversity strategy for the organisation represents excellent practice and is in line with best practice nationally and internationally. The development, implementation and continued improvement of such a strategy will demonstrate that An Garda Síochána takes seriously the need for diversity awareness among its ranks.

The ICCL wishes to highlight four specific areas which could be developed by incorporating equal opportunity policies; this would help to foster a culture of diversity within the organisation. The four areas are (1) employment; (2) an equality policy; (3) training and (4) Ethnic Liaison Officers.

1. Employment

The composition of its workforce is a fundamental issue for any organisation or institution which embraces diversity. In respect of the important public function with which members of An Garda Síochána are charged, it is vital that the service is representative of all communities in Irish society. The less representative An Garda Síochána is of the communities it polices, the harder it will be to secure an inclusive community approach to policing. Moreover, enhanced representation of minority ethnic communities would open up greater possibilities for intelligence-led policing.

In respect of recruitment procedures, the ICCL welcomes the drive recently undertaken by the Gardaí to attract more people from ethnic minorities into the organisation. The ICCL further welcomes the amendment to Garda recruitment procedures which sees the mandatory Irish language requirement removed for foreign nationals.

Although applications were received from a broad range of people in the last recruitment drive, it appears that many of the applicants did not satisfy the requirements for entry. In this regard the ICCL believes that consideration should be given to the possible establishment of an access course. This would facilitate those who may have been disadvantaged in the past to reach the standards required. For example, police forces in Scotland operate a cadet programme for young people aged between 16 and 17-and-a-half years. At the end of the programme, the young person may be accepted into the police force.

The ICCL notes that the Report of the Morris Tribunal calls for a fresh approach to Garda recruitment with a view to diversifying expertise and experience, as well as religious backgrounds and ethnicity. It is vital that further recruitment drives involve outreach strategies and target communities which have a mistrustful relationship with the Gardaí, for example members of the Traveller community.

Furthermore support mechanisms should be put in place for members who are recruited from ethnic minority groups as retention in the service is also a crucial indicator of a sustainable diversity strategy.

2. Equality Policy

In line with best practice, it is essential that An Garda Síochána develop an equality policy which is actively engaged with and implemented across the ranks. An equality policy is described as “a statement of organisational commitment to equality, diversity and non-discrimination for customers or service users from across the nine grounds¹ covered by the equality legislation”². Overall, the policy should seek to prevent discrimination, to accommodate diversity and to promote equality in the provision of services. The policy should encompass a clear statement of what goals it seeks to achieve and what it expects of members in achieving those goals.

Fundamentally important to the adoption of any policy of this nature is engagement with and consultation of members across the service. Consultation should not be carried out as a ‘box-ticking’ exercise but should positively consider all suggestions and recommendations received. Staff can provide valuable information and ideas for inclusion in an equal status policy. Another advantage of such an approach is that members are more likely to ‘buy in’ to the equality policy if their views have contributed to its formulation. It is also more likely that change which is effected by the Gardaí themselves will be implemented in day to day activities.

Regarding the practical operation of such a strategy, management should adopt an open door policy and members of the service should be encouraged to approach management if problems occur. Following on from this, management should be seen to take action where people are being discriminated against.

¹ These are family, marital status, membership of the travelling community, gender, sexuality, age, race, disability, religion.

² Equality Authority, (2005) *Guidelines for Equal Status Policies in Enterprises*, available at <http://www.equality.ie/>

3. Training

Training of all staff members is a key component in promoting diversity as it ensures that its importance is recognised and provides for the durability of its concept in operations. Equality and diversity training which is provided to the Garda Racial and Intercultural Office should be administered to all staff members. The training should build an awareness among staff of the identity and situation of groups that experience inequality across the grounds covered by the Equal Status Acts 2000 to 2004.

Article 14 of the European Convention on Human Rights (the “Convention”) provides that the rights set down in the Convention must be secured without discrimination. Article 14 is not a stand alone right, i.e. a person cannot take a case to the European Court of Human Rights on the basis of a breach of Article 14 alone; the individual must demonstrate discrimination in the exercise of a right under the Convention. The prohibition of discrimination is all encompassing and no provision in the Convention can be separated from it. It follows that the exercise of all the rights guaranteed under the Convention, for example those pertaining to police powers, immigration issues and fair trial procedures are protected from discrimination.

Protection from discrimination will be further strengthened by Protocol 12 to the Convention. Ireland has signed the Protocol but has yet to ratify it³. Article 1 of the Protocol provides that any right which is set out in law is protected from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The rights protected under the Protocol do not have the accessory nature of Article 14 of the Convention i.e. an individual can complain if he or she feels discriminated against in the enjoyment of any right granted under national law whether or not this right is also guaranteed by the Convention.

The European Convention on Human Rights Act 2003 incorporated the Convention into Irish law and section 3(1) of the Act provides that every ‘organ of the state’, which includes An Garda Síochána, must perform its functions in compliance with the Convention. It is essential that sufficient human rights

³ Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms entered into force on 1/4/2005.

training is mainstreamed throughout all Garda educational programmes. To this end the applicability of Article 14 of the Convention and Protocol 12 in Irish law should be clearly explained.

Adequate resources are required for a systematic and comprehensive training plan, which should be delivered to both incoming and existing Gardaí, across the ranks. The ICCL commends the Garda Human Rights Action Plan which provides that human rights/diversity training should be made available to all senior managers. However, in light of the 2004 Report published by Ionnán Consultants which found that junior officers tended to have a more negative view of Ireland's diverse communities than their superiors, it is essential that training should not be exclusive to senior officers and available across the ranks. If the Gardaí are to address prejudices in An Garda Síochána, then efforts to provide diversity training should be significantly increased.

4. Ethnic Liaison Officers

The ICCL welcomes the appointment of Ethnic Liaison Officers and believes that these officers should act independently of all other functions. The ICCL considers that there is a conflict of interest in the position of an Immigration Officer whose role necessitates discrimination on the basis of nationality; and the objectives of an Ethnic Liaison Officer who should seek to stamp out discrimination and promote equality. Immigration Officers and other members of the Gardaí have under law some powers to operate in a discriminatory fashion. For example, section 12(1) of the Immigration Act 2004 allows members of the Gardaí to stop anyone "they reasonably believe to be a non-national" and request their personal identity documents. In practice this means that members of the Gardaí may stop people from minority ethnic groups (even those who are Irish nationals) in public places and demand to see documentation. The execution of this type of immigration power by an Ethnic Liaison Officer significantly damages the credentials of such officers among ethnic minority groups.

The Ethnic Liaison Officers should seek to develop a positive relationship with the community, which could include the establishment of community engagement programmes. This will, in turn, assist in the gathering of intelligence-based information which will contribute to the detection of crime.