

Singled out for being different

ETHNIC profiling is both unconstitutional and breaches international human rights law. That one should ascribe collective negative stereotypes to an entire group of people because of the actions of a few is well accepted as damaging and undesirable. However, the state is directly and indirectly involved in this practice through facilitation of the practice of ethnic profiling.

Ethnic profiling involves targeting people for the purposes of security and public safety through ethnic stereotypes such as colour, nationality and religion rather than on reasonable suspicion.

Those of a certain age will be acutely aware of the damaging impact ethnic profiling had on Irish people living in and travelling to Britain throughout the '70s and '80s.

Being constantly singled out for extra scrutiny, unwarranted detentions and false accusations fuelled racism and hostility towards the Irish community. More than 80% of the Irish held under the British Terrorism Act were released without charge. Essentially, they were arrested simply for being Irish.

International research has since proven that ethnic profiling is not an effective counter-terrorism or security technique. There are numerous examples of people involved in terrorist activities passing under the radar despite being subjected to profiling checks reliant on ethnic indicators.

Ethnic profiling is not only wrong but it does more harm than good, writes Siobhán O'Donoghue

Migrant Rights Centre Ireland recently conducted a small-scale study on the practice of ethnic profiling here. The practice of ethnic profiling was observed on trains, buses and on the street.

Immigration officers boarded a number of trains and buses on the Dublin-Belfast route and there was an obvious focus on people who were black, wore head-dresses and spoke with non-Irish accents. People of an identifiable ethnicity begging on O'Connell St were moved on while others were left alone.

One person described being taken off the Dublin-Belfast train because he did not have his passport with him. He had photo ID proving his identity and legal status. He was also able to demonstrate that he was a regular traveller to Dublin.

Several guards physically manhandled him off the train and kept him in

a cell until they were contacted by his employer. The incident has had a major impact on this man and his family. He does not see the gardaí as being there to protect him and is very angry.

Many people who participated in the Migrant Rights Centre's study, Singled Out, described similar feelings of anger, frustration and embarrassment. The constant assumption of guilt creates feelings of alienation and is in danger of leading to a "siege mentality".

The impact of children and young people was summed up well by a black Irish citizen occasionally targeted for ID checks: "There will be second and third-generation Irish citizens and it will be divisive; it will cause bigger problems down the road."

Irish citizens are not required to carry ID, yet Irish immigration legislation states that non-nationals have to present ID on demand. However, the High Court last Friday ruled that Section 12 of the Immigration Act 2004, which provides for this rule, is unconstitutional.

How is a garda or immigration officer to know who is and who isn't a "non-national"? In practice they would appear to be making judgements on the basis of colour, accent and appearance.

In 2009, the UN Human Rights Committee found police identity checks motivated by race or ethnicity run counter to the international human right to non-discrimination.

PAGE 1



Ethnic profiling breaches human rights laws. Picture: Shane O'Brien

Therefore, Ireland is most likely in breach of international and European human rights legislation.

Members of the general public we spoke to in the course of this study assumed people whose ID was checked and taken off trains and buses were undocumented or had done something wrong. The creation of a "them and us" mentality is clearly damaging and counter-productive to a pluralist and inclusive society.

Maintaining good community relations is now considered essential in maintaining public security and necessary for effective law enforcement.

The creation of a "them and us" mentality is clearly damaging and counter-productive to a pluralist and inclusive society

Building trust and co-operation through constructive relationship building is considered by experts as far more productive and effective than the traditional "stop and search" methods.

It is important that the gardaí do their job well and this obviously includes being able to identify and question people they believe are acting suspiciously.

However, the physical and ethnic characteristics of people targeted cannot be considered indicators for "reasonable suspicion" and cannot serve as justification for identity checks.

Some may think that ethnic

profiling is a "necessary evil" in the interests of crime and security control. However, the evidence is mounting that the costs outweigh the benefits and the long-term societal damage, such as racism, is something that makes it increasingly unacceptable.

The fact that profiling reliant on ethnic identifiers is considered illegal by international human rights bodies should spur the Government into immediate action to address this anomaly in our own law.

All public officials involved in public security and law enforcement must be held accountable for their actions in the interest of a transparent and functioning democracy. Victims must have speedy access to complaints mechanisms and we should be able to measure the true extent of profiling.

In order to create an Ireland that respects and protects both the individual and the communities we all identify with, it is fundamental that every attempt is made, especially on the part of the institutions of Government, to reject the concept of collective suspicion and pursue an approach where those who break the law are viewed as exceptions and not representatives of the communities they belong to.

● Singled Out, an exploratory study on ethnic profiling in Ireland and its impact on migrant workers and their families, can be accessed at www.mrci.ie

● Siobhán O'Donoghue is Director of the Migrant Rights Centre Ireland

PAGE 2