

1958-Sign at Illinois Central Railroad Station, Jackson, Mississippi.



RIDING ALONG WITH RACISM?

Research on the
Galway Taxi
Industry:
Employment
Opportunities,
Patterns of Public
Use and User
Perceptions

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*This Report is dedicated to all the human rights defenders from
the Irish Centre for Human Rights, past and present.*

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Foreword

This research was undertaken arising from a Staff Meeting at the Irish Centre for Human Rights where our continued relationship with a taxi company was raised for the second time by a colleague. He mentioned that he had heard that they did not employ Africans. I was then mandated to inquire whether the hearsay evidence of racism in the Galway taxi industry was true or not. The Irish Centre for Human Rights was also named as an Essential Partner in the Galway City Development Board's Anti-Racism Strategy "to ensure adequate protection and legal redress for those experiencing racism in Galway City" directed at the goal of increasing "the incidence of reporting of racist incidents and crimes" in its Protection Theme.¹ The Irish Centre for Human Rights is the most logical, and well capacitated, institution in Galway to undertake this research which fits into our mandate of service to the Community.

Originally I had envisaged simply verifying this through a few calls and interviews but I soon realised that the problem was larger than I had estimated. It also had very serious consequences if we did not inform the National University of Ireland, Galway, Galway City, the members of the public, the management of taxis in Galway and the taxi drivers of our findings. I then sent out a notice for volunteer researchers from our students at the Centre. I am grateful to those who grabbed the opportunity. Without them this research would not have gotten off the ground or have been concluded with this level of diligence. They volunteered their time just for the sake of experience. I apologise for the anguish I caused them for any delay in the delivery of their personal work. Some of them encountered experiences that shocked and revolted them, others undertook the research in hostile circumstances and, one in particular, spent long hours at night after work recording data at taxi ranks. Others did not want to live in a racist Ireland and felt compelled to be involved. I am thankful to you all for the very patient and democratic way of evolving the project. I am also grateful to Dr Noam Lubell for his generous contribution and guidance in this research. My thanks go also to Dr Ignoid O'Muircheartaigh, Ms Marie McGonagle, Dr. Shane Darcy, Dr Kathleen Cavanaugh, Professor Ray Murphy and Professor William Schabas. I take sole responsibility for any errors in this report.

This International Human Rights Day, 10 December 2010, the United Nations has as its theme "*human rights defenders who act to end discrimination*"

Human rights defenders acting against discrimination, often at great personal risk to both themselves and their families, are being recognized and acclaimed on this day.

Human rights defenders speak out against abuse and violations including discrimination, exclusion, oppression and violence. They advocate justice and seek to protect the victims of human rights violations. They demand accountability for perpetrators and transparency in government action. In so doing, they are often putting at risk their own safety, and that of their families.

Some human rights defenders are famous, but most are not. They are active in every part of the world, working alone and in groups, in local communities, in national politics and internationally.

Human Rights Day 2010 will highlight and promote the achievements of human rights defenders and it will again emphasize the primary role Governments must play in enabling and protecting their role. The Day is also intended to inspire a new generation of defenders to speak up and take action to

¹ This was not undertaken in collaboration with Galway City Development Board but as an independent initiative of the Irish Centre for Human Rights.

end discrimination in all of its forms whenever and wherever it is manifested.

This report is dedicated to all the human rights defenders who are alumni of the Irish Centre for Human Rights, and who have been associated with the Centre, in the past ten years and who work around the world. The new generation of defenders who took action through the research to end discrimination in the Galway Taxi Industry are: Eadaoin O' Brien, Niamh Aine Ni Bhriain, Jennifer Boylan, Nicholas Ekhaguosa, Aislinn Feely, Nicola Gill, Kate Hanley, Orla Kelly, Ursula Urdillo, Joseph Loughnane, and Richard Smith. You continue the tradition of human rights defenders and show the way forward. Thank you.

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10 December 2010



EXECUTIVE SUMMARY: RIDING ALONG WITH RACISM

This research was undertaken arising from concerns at the Irish Centre for Human Rights about the contractual relationship with a taxi company as a service provider on hearsay that they did not employ African drivers. The Irish Centre for Human Rights was named as an Essential Partner in the Galway City Development Board Anti-Racism Strategy “to ensure adequate protection and legal redress for those experiencing racism in Galway City” directed at the goal of increasing “the incidence of reporting of racist incidents and crimes” under its Protection Theme.

The methodology used included surveys with a set of questions for the Galway City Initiatives, observations at two taxi ranks, questionnaires to white Irish taxi drivers (41), questionnaires to African taxi drivers (34), questionnaires to the general public (297) and questionnaires for taxi management (6). The rest was completed through desk research.

The findings reveal that examples of reports in the press of politicians’ opinions in Galway have been instrumental in forming opinions on the taxi industry even though the evidence base was never adequately tested. The gratuitous usage of race and nationality in press reporting is disturbing as it results in stereo-typing and generalisations. A statistic worthy of note is that 89% of the public interviewed indicated they had no fears about taking a taxi in Galway driven by either white or African drivers. This does not correlate with the high 46% who had been informed through hearsay and indirect experience not to use a taxi driven by Africans.

There is a small but vocal group who are articulating their racist ideas as influential facts. Their call for protectionism in the industry results in discrimination on the basis of nationality and race. There is evidence of a campaign against African taxi drivers, thinly disguised by as the inherent qualifications of being a taxi driver and as an appeal to customers to “Support Irish” in this time of economic recession.

The survey reveals a matter of concern for all in the apparent inability of the Gardai to be effective in ensuring some semblance of law and order in the industry. The likelihood of self-help is high. Linked to this is the perception that the Commission for Taxi Regulation is ineffective and cannot enforce any of the rules set up. The call for clearer regulation of the industry is apparent but quicker action to attend to the concerns of all taxi drivers is necessary.

The research also concludes that the full effect of initiatives of Galway City, while very comprehensive on paper, are difficult to assess with regard to the taxi industry.² The lack of awareness and under-utilisation of the Racist Incident Report illustrates the City’s inability to bring about effective change. The mission statement of the Galway Chamber of Commerce is hortatory and meaningless if only 2 institutions of 2000 members have completed the Intercultural Toolkit for the Workplace, one of which is a public hospital.

The responsibility to enact laws arising from its international and regional obligations to combat racism lies with the Irish state. The EU Directives have been transposed into law³ and this has led the UN Committee on the Elimination of Racial Discrimination to express concern in 2005 that the 2000 Equal Status Act only covered government functions under the definition of a service in a

² The representatives of the Galway City Council and the Galway City Partnership provided feedback that they believed that this was an unfair representation of the amount of work undertaken.

³ Equality Status Act, 2000 and the Equality Act, 2004.

limited way.⁴ The Equality Authority has had its budget slashed, before the recession was identified as a crisis. Now it has a reported 2-3 year delay in processing complaints. The National Consultative Committee on Racism and Interculturalism, which was tasked with rolling out the anti-racism action plan was closed in 2009, confirming the Government's notion that the human right to non-discrimination was unaffordable.

The Incitement to Hatred Act, 1989 was passed so that Ireland could ratify the International Covenant on Civil and Political Rights. It is very difficult to get a conviction under the Incitement to Hatred Act. The law has been under review for more than a decade with no haste in sight for its amendment. In a much shorter period the Government deemed it very important to introduce a number of other laws, including blasphemy laws which were not based on a high incidence of violations. By its failure to enact clear laws, the Government makes the duties of the Gardai difficult to fulfil which opens them to accusations of collusion with racism.

Finally, now that the Irish Centre's for Human Rights concern about evidence of racism on the basis of a high probability with the taxi service provider has been established in this report there is a duty to advise the National University of Ireland, Galway. While the EU directive permits positive or affirmative action, it is not required. Ireland has not included it in the Equality Act of 2004. A call is made to the National University of Ireland, Galway to take the lead by providing a clause in all contracts for procurement of goods and services, for tenders to reveal their employment diversity plan to be considered in a bid. Any evidence of racial discrimination would disqualify a bidder.

Other recommendations include:

- That the National University of Ireland, Galway, including the Irish Centre for Human Rights, withdraw from any contractual service arrangements with any taxi company investigated in this report until we are satisfied that their employment practices and policy do not discriminate against potential drivers on the basis of race.
- That the Irish Centre for Human Rights and National University of Ireland, Galway, as part of its positive action, hire the services of taxi companies or individual operators, named in this report with a proven record of employing all drivers irrespective of their race, as service providers in the interim before the new tender to provide such services is advertised and awarded under principles of human rights.
- That the local newspapers and periodicals review their reporting styles with a view to eliminating gratuitous references to race or nationality and stereotyping, and to amending their guidelines accordingly.
- That the press make the general public aware that their taxes might be utilised for goods and services by companies with employment practices which are potentially racist.
- That the Galway City officials call on all taxi drivers to attend trainings on racism as soon as possible.
- That the Galway Chamber of Commerce take active steps to ensure that the trade and tourism in Galway is not tarnished by accusations of racism and that they set up information meetings with a view to training all businesses in Galway on anti-racism.
- That the government of Ireland provide an unambiguous response to racist employment practices by providing, firstly, resources to the Equality Tribunal to deal with the backlog of cases urgently, and secondly amending the Equal Status Act to include the right of

⁴ UN CERD Committee on reviewing Ireland's first report.

interested parties to engage in legal proceedings to assist victims of discrimination and remove the limits on compensation for victims of discrimination.

- That the government of Ireland's commitment to combat racism will be measured by legislative reform of the outdated and ineffective Incitement to Hatred Act of 1989.
- That the government of Ireland ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted by the UN 2 decades ago because the number of migrants today account for nearly 12% of the population.
- That the general public inform their political representatives of the urgent need to implement the public procurement directives (2004/17/EC and 2004/18/EC) into law to combat racism as set asides, positive action hiring, and diversity from both gender and ethnic perspectives to reflect the demographics of the new Ireland.

Methodology

The methodology used included a set of questions for the Galway City Initiatives, observations at two taxi ranks, set questionnaires to white Irish taxi drivers (41), set questionnaires to African taxi drivers (34), set questionnaires to the general public (297) and set questionnaires for taxi management (6). The random sample survey was complemented with desk research. For each of the questionnaires, researchers identified themselves as researchers with the National University of Ireland, Galway who were conducting research on the Galway taxi industry: employment opportunities, patterns of public use and user perceptions. Researchers proceeded with the questions only after they received the consent of the interviewee to participate. Only taxi management and Galway City officials were asked for their names and these names were not verified.

The Galway City Council was contacted by telephone on a number of occasions where it was revealed that NUI, Galway was conducting research on the Galway taxi industry. The receptionist asked for further information and details on what kind of research was being done as she was unsure who to direct us to. It was not appropriate to our research methodology to provide such details in advance as it defeats the aim of such research. When they were contacted again and asked to be put through to the Community and Enterprise Section but there was no answer from the phone directed to.

The Galway City Council was of the view that they were not made aware of this research at that time. As a result of the call for feedback on the draft report to the Galway City Partnership, a meeting with Mr Liam Hanrahan, Administrative Officer/RAPID Coordinator, Community and Culture, Galway City Council and Mr Ernest Bishop, Project Officer, Diversity and Interculture, Galway City Partnership took place on 2 December 2010 where corrections, clarifications and comments were discussed. Apologies were offered for not sending Mr Hanrahan a copy of the report which he was made aware of through Mr Bishop. A copy had been sent to the Mayor's Office. The meeting resolved the issues raised by Mr Hanrahan and Mr Bishop.

The researcher called into the Galway Chamber of Commerce and spoke to a woman, whose name has been withheld, who was at the reception area. After explaining what the research was about a request was made to speak to someone who might be able to assist. The receptionist wanted more details, asking who else had been interviewed, what exactly the nature of the research was and what department our researcher was from. She went into an office and when she came back asked if the researcher could please send an email to her outlining what exactly she was looking for. The methodology adopted would not permit a follow up on this suggestion.

In a response received 17 hours after the deadline for comments, corrections and clarifications from Michael Coyle, CEO of the Galway Chamber, it was stated that "the response of the Staff Member was in keeping with the policy of the Chamber which is to facilitate research whenever possible, and, in order to achieve the best outcome, to request researchers to submit in writing the Terms of Reference of the Research and to submit specific areas and questions on which the Chamber is expected to make comment."

The interviews with the taxi management were completed in person with the named individuals in the report. The methodology adopted is recorded under that section.

In relation to the public interview to ensure responses from people mainly in Galway, the survey was conducted confidentially when none of the major tourist events such as the Arts Festival or Galway Races, for example, were on.

The Outline of the Research Plan:

Objective: To ascertain and document in a report recent allegations of racism in the taxi industry in Galway.

1. Taxi company/management
Enquire about recent Irish drivers with a view to interview them.
Interviews with taxi companies in Galway or their representatives.
2. Laws, Rules and Regulation
What do they say about qualifications to drive/own a taxi?
What is the effect of deregulation?
Are there any *fora* for complaints of clients and taxi operators?
What traffic rules apply to taxi drivers' drop off, pick up and rank usage?
Application of the cab rank rule: when are they relaxed?
Who can complain if it's not applied?
Membership of taxi associations.
3. Press
Recent reports on racism in Europe.
Local press.
Politicians' role.
4. General public/ customers
Frequency of usage.
Awareness of ability of taxi drivers *per se*.
Awareness of the difference (if any) of recent Irish taxi drivers' ability.
Document incidents of allegations of racism.
Observe and document choice of taxi's at main taxi ranks.
5. Galway authorities
Galway City Partnership: roll out of its strategic plan on Anti-racism.
Interview Galway Chamber of Commerce & Industry on challenges to taxi. industry in times of economic downturn.
Awareness of slogan to patronise "Irish taxis".
Support and advice for the industry in times of economic downturn.

This research is not intended to be a survey of the taxi industry *per se* but serves as an indicator of the level of racism in the Galway taxi industry.

The eventual choice of terminology to describe the group of taxi drivers highlighted by this research needs to be explained. It began with "new Irish", which was found to be unclear and was replaced by "non-nationals". An attempt was made with "blacks" but found that to be inaccurate as it might include persons who were not from Africa. The final decision was to use "Africans." The word "non-white" is used to distinguish the African from the Chinese. "Irish" could not be used because that would assume that all white people were Irish, so the Romanian or Polish driver might be confused

for a nationality they were not. That word could also include all persons naturalised, and therefore here legally as citizens of Ireland as Irish, but who came from a different part of the world originally. On occasion the words referred to include “Irish” and “white Irish”, again to distinguish one from the other. “White” and “African” were settled for as the main descriptors with “white Irish” and “African” making a frequent appearance. All of this merely explains the complexity (some might say folly) of race classifications and theories especially in the European Union.

Another observation on the research needs to be recorded. After the second day of interviewing taxi drivers, some black drivers were fearful and many refused to be interviewed. It is unclear what the cause of this fear was but the decision was made not to place such persons at risk. There is a clear need for a ‘whistle-blower’ law to protect persons ‘from any adverse treatment or adverse consequence as a reaction to a complaint’, as required by the EU Directive on Race, in racial discrimination cases. The conclusions in this report were based on the completed surveys.

Before this report was finalised, copies of the draft were sent to the National University of Ireland, Galway City Partnership, Galway City Council, the Galway Chamber of Commerce, the management of Big O Taxis, Failte Taxis, Galway Taxis, Local Taxis, Cara Cabs, Claddagh Hackney Company, The Galway Advertiser, The Galway Independent and the Galway City Tribune for their comments in a limited period. It must be noted that the Galway City Tribune went ahead and published information on Friday 3, 2010 despite receiving copy clearly watermarked “Draft” accompanied by a letter with the heading “Confidential: Response to the draft report on the Galway Taxi industry...” with an appeal not to publish until the report was finalised. It referred to information that does not appear in this report. A complaint about this unethical practice will be made.

Comments were received from Claddagh Hackney Company, by the Galway City Partnership and Galway City Council which are included in the report and in the footnotes. It was an omission not to send a copy directly to the Galway City Council which corrected through a productive meeting referred to earlier. Some 17 hours after the deadline was passed, a response was received from the CEO of the Galway Chamber, Michael Coyle.

RIDING ALONG WITH RACISM?

A Report on the Galway Taxi Industry: Employment Opportunities, Patterns of Public Use and User Perceptions

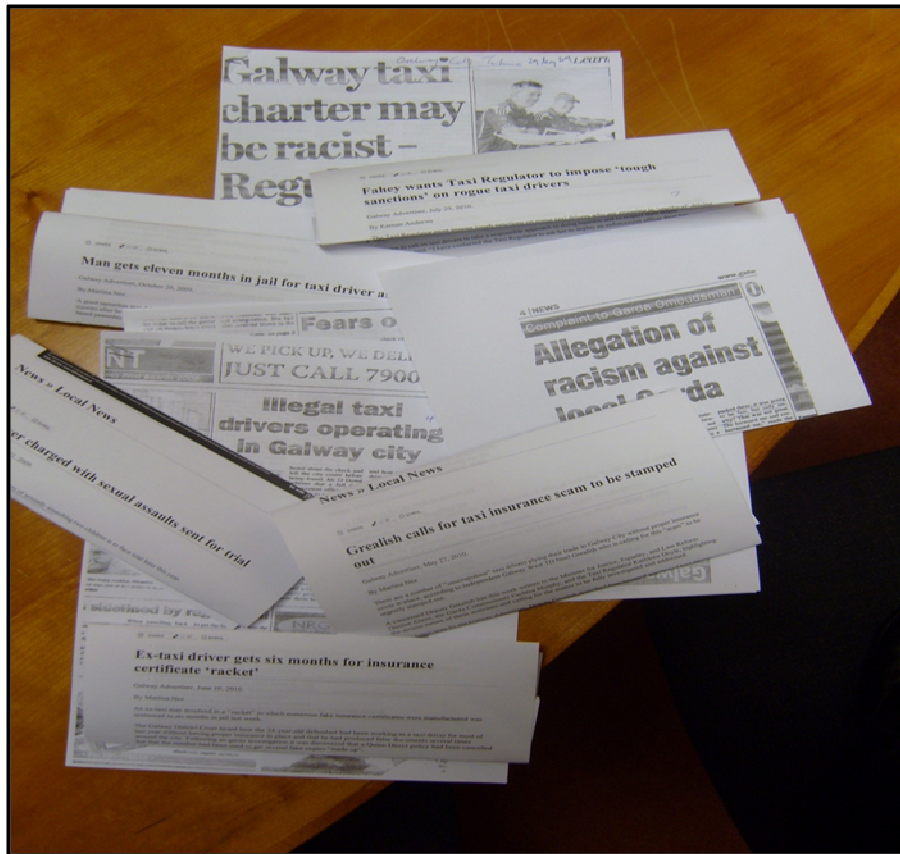
Desk research was undertaken on examples of press reports on the taxi industry mainly in Galway in the last three years which made reference to race as a factor. One recent report in a national newspaper was a starting point. The Irish Times reported⁵ that Edward Mangan, who worked as a taxi driver in Dublin for many years and thought the racism issue in the industry was nonsense, was reported to say that it is possible for a licensed African taxi driver to lend his taxi to his friends along with his photographic identity and: “It is hard to say this and not sound racist, but **the majority of coloured people look the same to our eye, so it’s easy for them to share licences**” [my emphasis]. Apart from the actual possibility of this prediction materialising, all the denials of racism in this statement are indicative of the ‘tolerance’ or ‘understanding’ of racism.

Two days later the Press Officer for the Minister of Integration of Ireland⁶ referred to that same article and protested that the figures given by the National Consultative Council on Racism and Interculturalism were incorrect and that the website of the Minister’s office showed a decline in the numbers. No reference was made to the highlighted portion of that statement but instead the Minister believed “racist attitudes can only be counteracted by informed public debate on the issue.” Rather than providing mechanisms to effectively combat racism, as being signatories to international and regional human rights treaties oblige Ireland to, it seems as if the Minister for Integration believed that the whole issue of racism could correct itself through the marketplace of public debate with contested data, and with limited and outdated regulation at the national level.

Rather than respond to anecdotal evidence, or on the very limited basis of reported racial incidents to state institutions which are not trusted by the victims, as the research indicates, the Irish Centre for Human Rights conducted a public survey on the Galway Taxi Industry: Employment Opportunities, Patterns of Public Use and User Perceptions to ascertain on a basis of fact what the situation was like. While there is no doubt that the recession that has hit Ireland has played a role in the heightened tensions in the taxi industry nationally, the situation in the last two years in Galway has revealed a potential source of racial battles for reasons other than the downturn in the economy. Racism is based on superiority, fear and ignorance and on the pre-judgements of those who appear unfamiliar to us. It can grow through repeated and untested statements until they pass off as reality. It can never be justified on the basis of a changed economic climate because non-discrimination is not a luxury for the good times but a human right always.

⁵ “Racial tension at the taxi rank”, February 23, 2010.

⁶ “Letter to the Editor”, February 25 2010.



Public officials in Galway have not assisted in lowering racial tension as they often repeat the hearsay evidence which the local press pass off as fact. One example of this is “Grealish calls for taxi insurance scam to be stamped out”⁷ in which the Galway West TD is reported to have said “a small **number** of taxi drivers, unfortunately **most of whom are foreign nationals**, are purchasing car insurance, to be paid by direct debit over the course of the insurance policy. After two or three months **they** are cancelling the policy, but **they** retain a valid insurance certificate and insurance disc. **They** change address and hence are untraceable within the city” [my emphasis]. Two weeks later⁸ the same newspaper reported that a Nigerian Ese Odogun, an ex-taxi driver, was convicted “of being in possession of a false instrument and driving without insurance...” No evidence was reported to support the speculation where **one person**, as opposed to a number, **was convicted** or that most who perpetrate this act are foreign nationals.

Another example is the reported statements of Galway TD Frank Fahey on taxi drivers renting licences, which is not a new practice, regarding a recommendation to the Taxi Regulator “that new applicants with **foreign driving licences** be required to undergo the normal driving test to **acquire an Irish driving licence**” [my emphasis]. It is unclear what the full import of this recommendation is or whether it has been fully thought through; whether someone from Northern Ireland or Britain, for example, would have to acquire such a licence. The section that reports the taxi drivers views

⁷ Galway Advertiser, 27 May 2010.

⁸ Galway Advertiser, 10 June 2010.

later, both white and African, indicate a high incidence of repetition of these thoughts.

Indeed there is very little public debate on the role of the press who have a tendency to report the race or nationality of an individual gratuitously. Where the race or nationality is unreported, can one assume that the story written is about an Irish person? The Galway Advertiser reported: "A taxi driver charged with 28 counts of sexually assaulting two children is to face trial later this year"⁹ without stating the nationality. It would be unfair to speculate about nationality or being a "non national" and to generalise about sexual assault or safety in the absence of factual evidence.

City Councillor Michael Crowe (the current mayor of the city of Galway) was reported to have made the following statement in the Galway Independent:¹⁰ **"A lot of drivers are new to the city and new to the country** and haven't had a full background check carried out on them. In my opinion, anyone driving a public service vehicle should be completely checked out before they are given a licence so that **if my teenage daughter or son is getting a taxi home some night, I'm happy in the knowledge that they are going to get home safe**"[my emphasis]. Councillor Crowe received a strong reaction to his reported statement when the Progressive Friends Taxi Association accused him of "scaremongering"¹¹ and being "reckless" because the report "helped create unnecessary fear in the minds of the general Irish public against us."

The Galway Independent reported Des O'Dowd as making the following remarks when complaining about illegal taxi drivers in Galway:¹² **"...If they are driving illegally they are probably in the country illegally as well..."** [my emphasis]. Subsequent to this report the Galway Independent published a small clarification in which they stated categorically that the views of Mr Des O'Dowd did not reflect the views of the Galway Independent.

On one level we might assess this as sloppy reporting and, at another, as negligent reporting. However, in as small a city as Galway, whatever finds itself in the local press is often proffered as evidence of fact, as our research into the taxi industry attests. As the self-assessed "meeters and greeters to city visitors"¹³ some Galway taxi drivers may well be responsible for the drop and eventual demise of their trade and Galway's tourism because of their unsolicited statements to visitors which are perceived as racist by those who hear them. The research began with an attempt to ascertain what the city of Galway, through its various initiatives, was doing about the allegations of racism that threatens its way of life.

⁹ Galway Advertiser, 23 July 2009.

¹⁰ Galway Independent, 5 March 2008.

¹¹ Galway Advertiser, 10 April 2008.

¹² Galway Independent, "Illegal taxi drivers operating in Galway city", 4 July 2007. Mr O'Dowd is reported as the chairman of the Rural Taxi Alliance.

¹³ Galway Independent, "Quality Mark for Galway Taxis", 6 May 2009.

The Galway City Initiatives

Our information on Galway City Partnership and Galway Migrant Service was originally sourced via the Galway City Partnership website¹⁴ and supplemented by an interview with Mr Ernest Bishop, the Cultural Diversity Project Officer. It included an examination of the Towards a City of Equals- the Galway City Anti-Racism Strategy, Racist Incident Report, Galway Intercultural Toolkit for the Workplace, Galway City Development Board and the Galway Chamber of Commerce.

The mission statement of Galway City Partnership is “to tackle disadvantage and social exclusion, with particular emphasis on those currently or in danger of becoming long-term unemployed.” Members of the Galway City Partnership staff carry out these actions with and on behalf of the groups supported by Galway City Partnership.

Galway City Development Board developed ‘Towards a City of Equals – the Galway City Anti-Racism Strategy 2005-2008’, the purpose of which was to welcome diversity, eliminate racism, and promote interculturalism in Galway City in which the Irish Centre for Human Rights, through the NGO Human Rights for Change, was originally involved. The Strategy envisages Galway City as an intercultural city free of racism and sees as its mission the elimination of racism from Galway City. The Strategy committed itself to facilitating and supporting the implementation of ‘Planning for Diversity – the Action Plan against Racism in Galway City’. The development of the Strategy was influenced by five principles, namely:

- 1) The need to combat racism
- 2) Racism and human rights
- 3) Protection
- 4) Interculturalism
- 5) Community development

The Strategy was formulated around five themes:

- 1) Protection: enhancing protection against racism
- 2) Inclusion: ensuring economic inclusion and equality
- 3) Provision: accommodating cultural diversity in service provision
- 4) Recognition: recognition and awareness of cultural diversity and racism
- 5) Participation: enhancing the participation of cultural and ethnic minorities in Irish society

For each action under the above five themes, a lead partner had been assigned a role in the implementation of the named action. The Irish Centre for Human Rights was mandated under the Protection Theme to “increase the incidence of the reporting of racist incidents and crimes.” The implementation of the Strategy was to be monitored on an ongoing basis. An evaluation strategy was planned to be a part of the implementation phase. Without a request from the Galway City Anti-Racism Working Group, and arising from the location at the Irish Centre for Human Rights at the National University of Ireland, Galway and the Centre’s duty to the city, the

¹⁴ www.gcp.ie

research was undertaken to ascertain whether public funds were being spent on services that might be alleged to be racist.

Clarification was sought about the 'Towards a City of Equals: The Galway City Anti-Racism Strategy 2005-2008'. The information received was that this strategy ended in 2008. Most of the aims were addressed but not all, as some were too ambitious and some lapsed with time. An evaluation of the Strategy was completed in a draft form and was not available for publication. The current theme is interculturalism and anti-racism. It might not be possible to fully evaluate whether these attempts to promote non-racialism have been beneficial in any way to the Galway taxi industry.

The new strategy has been approved by the Galway City Development Board but details in relation to aims need to be inserted. The same partners are purportedly involved as were involved in the 2005-2008 Strategy. However, neither the Irish Centre for Human Rights, nor Human Rights for Change, have been part of the new strategy.

As to the action taken on the topic of this research, a meeting was held in relation to allegations of racism within the Galway taxi industry.¹⁵ It was a general meeting and both taxi drivers and members of the taxi industry were invited to attend. The next step, which has not happened, would be to put together a Code of Conduct or Charter for both taxi drivers and members of the public. In response to how this would be put together, the Charter would be proposed with input from taxi drivers and suggestions to amend the Charter if necessary along the lines of social dialogue as mandated in the EU Race Directive.¹⁶ The Charter would then be launched, publicised and distributed.

There is a Racist Incident Report Form available on the Galway City Partnership website which has been around for 2 years.¹⁷ None of the taxi drivers, taxi management or members of the public ever mentioned their awareness of this reporting mechanism in the surveys conducted. Members of the public can access this form via the website, and directly from various groups such as Galway City Partnership, Galway Traveller Movement, Galway Refugee Support Group and the Galway Peoples' Resource Centre, for example. These civil society groups are assigned the confidential task of assisting members of the public in completing the forms which are then sent to Mr Bishop.

¹⁵ <http://www.galwayindependent.com/local-news/local-news/meeting-to-tackle-taxi-discrimination/>

¹⁶ 1. Member States shall, in accordance with national traditions and practice, take adequate measures to promote the social dialogue between the two sides of industry with a view to fostering equal treatment, including through the monitoring of workplace practices, collective agreements, codes of conduct, research or exchange of experiences and good practices.

2. Where consistent with national traditions and practice, Member States shall encourage the two sides of the industry without prejudice to their autonomy to conclude, at the appropriate level, agreements laying down anti-discrimination rules in the fields referred to in Article 3 which fall within the scope of collective bargaining. These agreements shall respect the minimum requirements laid down by this Directive and the relevant national implementing measures.

¹⁷ <http://www.gcp.ie/CommunityDevelopment/AntiRacismStrategy.htm>

The Galway Intercultural Toolkit for the Workplace has been distributed to businesses in Galway. The Galway Chamber of Commerce “facilitated access”¹⁸ to more than 2000 members and 350 additional organisations. It contains four steps to raise awareness about diversity in the workplace. It provides definitions of words such as ‘racism’, ‘ethnic minority’ and ‘bullying’ with a four point plan on how to tackle racist behaviour. It also gives examples of how some organisations manage diversity. The document is quite general and is a guideline.

Most businesses who had queries in relation to the toolkit contacted Galway Chamber of Commerce but a few contacted Mr Ernest Bishop directly. Overall, the toolkit has not been widely implemented. The level of training provided by Galway City Partnership was very dependent on the individual needs of the companies involved. A survey was carried out on the businesses who had implemented the toolkit, to analyse the benefits of same. Galway University Hospital and the Galway Bay Hotel were offered as examples of where the toolkit has been implemented in the private and public sectors. Mr Bishop sits on the Diversity Committee in Galway University Hospital and oversees the implementation of the toolkit and has provided suggestions and help when needed. It is unclear how many businesses in Galway are aware of this initiative or hope to participate. If a business is unaware, it is not clear what impact is envisaged by this Toolkit.

The agreed vision for Galway City 2012 is a city that people are proud to be part of, to work in, live in and which is attractive to investors and visitors alike: “An inclusive and people-centred city”. The objectives within this goal include: to increase the understanding and acceptance of the different ethnic groups in the city; to increase multi-cultural activities in the city; increase levels of social inclusion among all members of society. The latest Priority Action Plan available on the website is that for 2006-2008 which includes priority actions for social inclusion, complete with indicators to measure implementation. The website stated that the Board recognised the critical importance of ongoing feedback, monitoring and evaluation.

The Galway Chamber of Commerce Mission Statement is as follows: “Galway will strive to be the best at whatever it undertakes, to achieve excellence in everything, to be to the fore in new developments and to be the leading location in every endeavour it undertakes. This vision can be applied to all aspects of life and business in Galway. Therefore our mission is to make Galway the leading location for business, investment and people.” There is a great deal to reflect upon in this statement, since there appears no measure of its mission in the current Galway Taxi Industry.

One of the tasks of fulfilling the above mission is to promote a vision for today and the future, which will allow business, investment and people to flourish and co-exist. The main contribution of the Galway Chamber of Commerce is the promotion of the ‘Galway Intercultural Toolkit for the Workplace’. According to research conducted by the Equality Authority, investment by businesses in initiatives that promote

¹⁸ The CEO clarified the role of the Chamber in these terms.

workplace equality and foster diversity has substantial benefits for both employees and employers. Another document the Galway Chamber of Commerce provides is 'Managing a Diverse Workplace' – case studies and best practices from Galway businesses – University College Hospital, Galway and Galway Bay Hotel.

It is difficult to find out where the Galway taxi industry issues fit into the Anti-Racism Strategy partially due to the fact the current problems arose after the strategy was drafted.

The Human Rights Legal Obligations

The issue of racism is a larger phenomenon in Europe.

On 19 October 2010 the Secretary-General of the United Nations, Ban-Ki Moon, in his address to the European Parliament, raised one of the most serious challenges for Europe, and therefore Ireland also, in the new millennium:

I wish I could report, today, that the situation in Europe has improved over the intervening years. But as a friend of Europe, I share profound concern.

.....

The 21st century European challenge is tolerance within.

Inclusion, building diverse communities, is as complex a task as the one Europe faced after the Second World War. None of this is easy.

Migrants suffer disproportionately, whether from within Europe or beyond.

Unemployment. Discrimination. Unequal opportunities in schools and the workplace.

And a dangerous trend is emerging.

A new politics of polarization.

Some play on people's fears. They seek to invoke liberal values for illiberal causes.

They accuse immigrants of violating European values.

Yet too often, it is the accusers who subvert these values – and thus the very idea of what it means to be a citizen of the European Union.

Europe's darkest chapters have been written in language such as this.¹⁹ [my emphasis]

On the same day in an address to the Council of Europe on the 60th Anniversary of the European Convention of Human Rights, the Secretary-General of the United Nations reminded Europe, and therefore Ireland, that a subjective, selective approach to human rights is counterproductive. He reminded all Europeans of their shortcomings in the treatment of migrants, especially the treatment of Muslims:

And we see it in democratic countries that choose not to ratify certain international conventions ... or re-interpret conventions to which they have subscribed.

¹⁹ http://www.un.org/apps/news/infocus/sgspeeches/statements_full.asp?statID=984

Of course, there is no human rights paradise on earth.

Here in Europe, ratification of the Convention on the Rights of Migrant Workers and their Families has been disappointing.

Twenty years after it was adopted, none of Europe's largest and most wealthy powers have signed or ratified it.

In some of the world's most advanced democracies among nations that take just pride in their long history of social progressiveness migrants are being denied their basic human rights.²⁰ [my emphasis]

Ireland's obligations for the application of human rights have arisen from its voluntary participation in international²¹ and European treaties²² which they have ratified. Others have arisen from their membership of the European Community and the European Union.²³ The right not to be discriminated against on the basis of race is regarded as a basic right. No state can be excused for not observing the right. States are expected to bring their laws, practices and institutions in line with the non-discrimination principle.

The International Convention Concerning Discrimination in Respect of Employment and Occupation, which Ireland ratified in 1999, includes in the term 'discrimination':

(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;

(b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies.

*2. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.*²⁴

²⁰ http://www.un.org/apps/news/infocus/speeches/statments_full.asp?statID=983

²¹ International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and the International Convention for the Elimination of All Forms of Racial Discrimination and the Convention Concerning Discrimination in Respect of Employment and Occupation, as examples.

²² The European Convention for the Protection of Human Rights and Fundamental Freedoms which is based on the Universal Declaration of Human Rights, for example.

²³ Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin, for example.

²⁴ Article 4 of EU Council Directive permits discrimination on genuine and determining occupational requirement:

Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which

3. For the purpose of this Convention the terms employment and occupation include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.²⁵

Article 1.2 makes reference to the “inherent requirements” of a job which has been transposed into Article 4 of the EU Directive 2000/43/EC as “genuine and determining occupational requirements”. The notions contained in these two exceptions to discriminatory acts have been utilised by the Galway Taxi Association to exclude Africans from the taxi industry when they attempted to launch an apparently new “Quality Charter”,²⁶ by awarding a supposed ‘quality logo’ to those who qualify.

Under ‘standards for entry’ the “Quality Charter” stated that “*Non-Irish Nationals Entry: Only after three years residence in Ireland; full and proper background checks of an equal standing to those of Irish citizens*”. The Taxi Regulator was reported to be seriously concerned that the document might be unlawfully discriminating against non-Irish national drivers on grounds of race, colour, nationality, ethnic or national origin.

Jarlath Kemple, Secretary of the Galway Taxi Association was reported to have asked: ““What’s it to her?” in relation to the Taxi Regulator’s concerns about how the Galway Taxi Association proposes to subject non-national drivers to “full background and character checks applicable to Irish Residents” and he added that “they were entitled to do so.”²⁷ It was reported in the Galway City Tribune that clause was removed “following advice”. This attempt may constitute direct discrimination and indirect discrimination also. The best example of direct discrimination is provided in the photograph on the cover of this report. A good example of indirect discrimination is the “Support Irish” slogan in the taxi industry. The full meaning of this is unclear. Will a car displaying a flag be presumed to be a car driven by an Irish person? One certain way to ascertain this is to take the taxi. If a Lithuanian is driving the car then that customer based her/his choice on a presumption based on the outward appearance of the driver, the colour of the skin. That would be discriminatory.

they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate. See the results of the survey with African taxi drivers who complained about “campaigning” by white taxi drivers to discredit them under the supposed inherent requirements of the job.

²⁵ Article 1

²⁶ Galway City Tribune, “Galway taxi charter may be racist-Regulator”, 29 May 2009.

²⁷ Galway City Tribune, “Galway taxi charter may be racist-Regulator”, 29 May 2009.



The definition in the International Convention Concerning Discrimination in Respect of Employment and Occupation was influenced by Article 1 of the International Convention for the Elimination of All Forms of Racism²⁸ to which Ireland is also a State party. As a result of this status under the International Convention Concerning Discrimination in Respect of Employment and Occupation Ireland undertook, *to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.*²⁹

The Council of the European Union Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin provides the most directly applicable principle in Article 1 where it states:

The purpose of this Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment.

Article 2 sets out the concept of direct and indirect discrimination and harassment as:

- 1. For the purposes of this Directive, the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.*
- 2. For the purposes of paragraph 1:*
 - (a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;*
 - (b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision,*

²⁸ In this Convention, the term "racial discrimination" shall mean 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.

²⁹ Article 2

criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

3. Harassment shall be deemed to be discrimination within the meaning of paragraph 1, when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.

4. An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.

The European Commission sent a letter of formal notice³⁰ that Ireland's national legislation did not correctly reflect the requirements of the Directive. The reason was that the definition of 'indirect discrimination' was deemed to be incorrect because it did not cover future or possible events. The European Commission had also given notice that the exclusion from protection for certain "private" types of employment,³¹ the limitation of the right of interested parties to engage in legal proceedings to help victims of discrimination, the limit on the compensation for victims of discrimination³² and the exclusion from protection against discrimination regarding certain types of housing does not accord with Directive 2000/43/EC.

A criticism of the European perspective on equality is that it has been framed in negative terms because "it confers a right not to be discriminated against, rather than a positive right to equal treatment." It is aimed at preventing discrimination, rather than the more ambitious goal of "actively promoting equality".³³ So while there might be a right to equal treatment, there appears to be no right to be treated as an equal.³⁴ For the right to be treated as an equal, value must be placed in the human right to dignity of all persons, whether you are perceived to be Irish or not.

Article 3 sets the scope of the directive for our purposes in:

1. Within the limits of the powers conferred upon the Community, this Directive shall apply to all persons, as regards both the public and private sectors, including public bodies, in relation to:
(a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever

³⁰ This constituted the first step to which Ireland had two months to reply. As the reply was not satisfactory Ireland was sent a "reasoned opinion" on 27 June 2007 setting out the legal arguments for its failure to comply. A response to the "reasoned opinion" was submitted by the Department of Justice and Law Reform and there are ongoing discussions on other issues.

³¹ For example the Equal Status Act does not apply in relation to registered private clubs. Based on the freedom of association principle it is not unlawful to discriminate in these clubs. If someone is discriminated against, such persons can apply to have the club's licence to sell alcohol suspended.

³² Up to €12,697 for employment equality and €6347 for equal status cases.

³³ Dr Lisa Waddington 30 June 2001, when the Irish Centre for European Law and the Equality Authority jointly hosted a conference on European and Irish equality law in Dublin. See

<<http://www.eurofound.europa.eu/eiro/2001/09/feature/ie0109101f.htm>>

³⁴ www.equalrightstrust.org.

- the branch of activity and at all levels of the professional hierarchy, including promotion;*
- (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;*
- (c) employment and working conditions, including dismissals and pay;*

However, the wording of Article 2, subsection 2 as stated below gives some cause for concern: at first sight it appears to undercut the right not to be discriminated against and provides a licence to discriminate on the basis of nationality. The issue which looms large here is how does one, a potential customer who is looking to find a taxi from several metres of the nearest available vehicle, ascertain the nationality of a driver except from the obvious features such as skin colour? The applicable section reads:

2. This Directive does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

This subsection was intended to exclude differential treatment in relation to immigration laws including the right to enter, remain and acquire citizenship through various qualifications.³⁵ The European Commission in its Annual Report on Equality and Non-discrimination 2003 Towards Diversity made it clear that the Race Directive applied to “everyone living and working in an EU country, whether they are officially resident there or not.” So discrimination on the basis of nationality in respect of Article 2, subsection 2, outside of immigration issues, is not permitted. It is likely that some of the practices alleged to have been undertaken by white taxi drivers might constitute discrimination on the basis of nationality.

On remedies and enforcement the Equality Tribunal is the only forum to which complaints of racism can be made.³⁶ However it reportedly takes up to 3 years to process a complaint.

³⁵ Erica Howard, *The EU Race Directive*, Routledge, Oxford 2010, p. 92.

³⁶ Article 7.1 Member States shall ensure that judicial and/or administrative procedures, including where they deem it appropriate conciliation procedures, for the enforcement of obligations under this Directive are available to all persons who consider themselves wronged by failure to apply the principle of equal treatment to them, even after the relationship in which the discrimination is alleged to have occurred has ended.

2. Member States shall ensure that associations, organisations or other legal entities, which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring that the provisions of this Directive are complied with, may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under this Directive.

Observation of Taxi Ranks in Eyre Square and Bridge Street



From 1 July-26 July 2010 researchers were posted at the two taxi ranks to observe how customers selected their taxis and how taxi drivers interacted with each other in the course of everyday business. A total of 9 hours and 8 minutes, during the day and evenings were spent by researchers during this period observing 116 African drivers and 95 white drivers in the ranks. Of the 211 cars present over this period of time the majority, 55%, were driven by African drivers.

At the outset it was noted that the Taxi Regulator has stated that the cab rank rule does not have to be observed because the customer makes the choice. The rationale for this rule, where it is applied, is that it provides for a predictable and orderly provision of service for the customer and the taxi driver. The first car in the queue would usually provide the service for the passenger. This is the accepted practice in many other parts of the world.

The observations at the taxi ranks bear out the fact that some customers do not take the first car in the queue. It must be stressed that the choice of taxi might be made for various reasons such as a company that gives discounts, knowledge of friends or acquaintances as taxi drivers, the condition of the cars, as well as the race of the driver. These factors were tested in our survey with the general public which is referred to later.

In one session 13%³⁷ of passengers approaching the nearest taxi changed their minds as they got nearer the cars that were driven by Africans. In another instance an older female passenger waved at a white driver who was standing beside his car to come to the front of the rank to pick her up. Four taxis driven by Africans were positioned ahead of the white taxi driver. In an evening session of observation 30% of passengers³⁸ selected cars driven by white drivers even though African drivers were ahead in the queue. A practice appears to have emerged of white drivers of leaving their interior light on at night.

³⁷ 2 white males and 2 white females.

³⁸ 2 white females and 1 white male from 10 passengers.



Various reasons, possibly not related to the need to attract customers, may explain this practice, such as reading to while away the time. A light on, on the other hand, makes the selection of a taxi driver based on race probably much easier at night.

In another session in the evening³⁹ 16% chose cars driven by whites over cars driven by Africans through active selection by walking down the line to find their choice. In another session in the afternoon⁴⁰ 14% of passengers chose white drivers. While these statistics give some indication of choice of some passengers, it must be noted that taxi selection does not appear to be a widespread practice.

One report, in an evening observation, indicated that a passenger (white male in his 50's) got into a taxi driven by an African which pulled out of the rank for a few metres and then stopped. The passenger got out and took a taxi driven by a white driver. When the African taxi driver reversed into the position he had just vacated a group of three white drivers began complaining and claimed that the African driver did not know what he was doing. They felt he should not have maintained his position at the beginning of the rank but should have gone to the end of the queue. During this exchange the "f" word frequently punctuated the language of the white drivers. There is little doubt that this incident constitutes harassment which is, *"deemed to be discrimination... when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment"* under the EU Directive on Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin.⁴¹

³⁹ 30 passengers, 4 female and 1 male from 17h50-18h50.

⁴⁰ 22 passengers, 3 females from 16h15-17h00.

⁴¹ Article 2(3).

Taxi Company Management

At the outset it was decided to interview taxi management last, after the general public and taxi drivers' surveys. It was not unexpected that they knew about the research and had different reactions to the process. In actual fact only three of the managements we interviewed were actually taxi companies, Failte Taxis, Big O Taxis and Galway Taxis; two were hackney companies who were both planning to become taxi companies and one was a group of African taxis working under an umbrella, Local Taxis.

Our attempts at interviewing Galway Taxis were revealing. The researcher went there on 3 September 2010 at 1.50 pm, told the person at the front desk that we were undertaking research on the Galway taxi industry and requested to speak to someone from the management. The front desk person went off to speak to someone and upon his return said that there was no one there at that moment. The researcher could call back at 3 or 4 pm. As the researcher had forgotten to ask the name of the person with whom he had a conversation he went back to ask. Another front desk person met the researcher on his return. The researcher informed him that he wanted to talk to the previous receptionist to ascertain the receptionist's name. The researcher was given the name "Phillip". At this time Phillip was hiding behind an open door in the office: he did not speak to the researcher, nor offer his name or surname. The researcher returned at 3 pm and was informed that the manager had left at 2 pm. During the exchanges with the receptionist our researcher told him the title of the survey after being asked what the survey was about. The receptionist said he couldn't answer about employment opportunities: only someone in management could answer that. The answers won't mean much coming from him. Our researcher never went back as we had made every reasonable attempt to get their views.

Failte Taxis interview was undertaken with a person named Eugene who was a driver, at 3.30 pm on 3 September 2010. He said there was no head person and that all who worked there were equals. The Big O Taxi interview was done eventually with Allan O'Briain who identified himself as a technical director, on 3 September 2010 at 3.45 pm, after the initial visit provided no member of management present to answer our questions. The interview with Cara Cabs was undertaken with Tommy, the manager, on 3 September 2010 at 2.20 pm. Ger Hourigan, the manager/driver of Claddagh Hackney Company was interviewed at 3.20 pm on 3 September 2010 after the researcher, who had called there at 12.52 pm was informed that the manager would be in only after 3pm. Antonio Lusevi, the manager of Local Taxis was interviewed on 6 September 2010 at 8 pm.

Our interviews revealed that all the taxi organisations (companies, hackneys and umbrella bodies) we talked to did operate a recruitment policy. On the question of whether they had an official or unofficial policy on the hiring of non-Irish drivers all answered 'no' except one, which was formed in order for non-Irish drivers to work together to create more employment opportunities. As all had stated that they had a recruitment policy, none of them had any directives on ethnic diversity in that policy.

On the selection criteria four of them said that previous relevant experience would be their first criterion, followed by knowledge of routes and places around Galway. Only Failte Taxis and Local Taxis selected race of the driver as their third criterion.

With regard to their ever having received applications from non-white drivers all said they had, except Failte Taxis who said they received questions about them but had received no applications. To those who received applications from non-white drivers, the question whether any of those applicants received employment was put. Big O's response was that they do not employ drivers. Everyone is a shareholder who buys into the company and everyone is self-employed.⁴² When asked how many non-whites were drivers in the past, he said he did not actually know but he did recall that there was one Romanian. When he was asked about the Romanian, he said he thought he was a non-white. Not followed up in the questioning was whether the Romanian was a shareholder or not.

Cara Cabs said that non-whites were previously hired but did not elaborate further. Claddagh Hackney Company said it had 1 non-white driver at that moment but in the past there were up to three. Local Taxis has 7 non-white drivers and the others were Polish, Russian, Chinese, Romanian and an Irish. In answer to the question on the total number of drivers employed by them, Failte Taxis said it was between 18-20. The Big O Taxis director could not say because he would have to collate the information. Cara Cabs employ under 30, Claddagh Hackney 23-24 and Local Taxis 12.

When asked how many of their drivers were of African origin, Failte Taxis reported 0, Big O 0, Cara Cabs 0, Claddagh Hackney 1 and Local Taxis 4. For those who had none, they were asked to explain why this was so and Failte Taxis said that it was a group of locals and people they knew who got together; they approached drivers to join in and placed advertisements in the papers but there were no applicants. Big O Taxis said that the directors decide who they admit to the company. There was a person of African origin about two years ago but he committed suicide, he said. Cara Cabs said they had hired Africans drivers previously but there were difficulties with set hours. They did however have one from each of the following countries: Tajikistan, Poland and Lithuania.

They were asked whether their customers have ever expressed the desire to use cars driven only by Irish drivers, if so how did they respond. Failte Taxis said 'yes' and they responded by saying that all their drivers are Irish. Big O Taxis said 'no' but then qualified the answer by saying that was not the only request: "many say don't send him as they don't like his attitude". As they had no non-Irish drivers, it is difficult to envisage the problem of personalities, and not race, occurring with Big O. Cara Cabs said they received no such requests. Claddagh Hackney admitted they have received

⁴² EU Directive 2000/43/EC, Article 14 (b) calls upon Member States to ensure that: "any provisions contrary to the principle of equal treatment which are included in individual or collective contracts or agreements, internal rules of undertakings, rules governing profit-making or non-profit making associations, and rules governing the independent professions and workers and employers' organisations, are or may be declared null and void or are amended."

requests for Irish drivers only and said they send an Irish driver as “you have to please the customer”. Local Taxis have also received such requests but send the driver who is available.

When asked whether they observe the cab rank rule, Failte Taxis said “yes” because it is the only orderly way of doing things but the Taxi Regulator had “put things all up in the air.” The Big O Taxi management representative said he could not tell for sure because individual drivers know best. He said some customers come directly to them, others in the rank beep their horns. Some offer discounts and customers look for those taxis. The local newspaper report on taxi drivers from outside Galway who picked up customers by jumping the queue during Race Week (referred to below) was not recalled by any company interviewed. Cara Cabs maintained it observes the cab rank rule as do Local Taxis. The rule did not apply to Claddagh Hackney as they do not use the ranks.

Asked if any of their drivers reported negative encounters with independent taxi drivers of non-white origin all but two replied in the negative. The response from Failte Taxis’ representative was that they jump the queue and that he had seen a driver punched in the face. The response from Local Taxis was that they had 16 drivers in 2008; then 4 drivers left because other Irish drivers were asking them why they were working with black taxi drivers. He reported the matter to the Gardai and he has heard nothing since. His lawyers advised him not to take it further because some Irish drivers would see it as pressure and would apply pressure back.

When asked whether they were aware of the Galway City Partnership initiative on racism Failte Taxis said no: they had heard things about it but they are not in any way racist. Big O Taxis, Cara Cabs and Claddagh Hackney were not aware of the Galway City Partnership initiative. 80% of the taxi management we interviewed were unaware. Only Local Taxis were aware of it and described it as “a group that sits down to stop the racism issue.” This indicates that there is a major failure in the Galway City Partnership project on anti-racism.

At the end of the interview with Big O Taxis, Allan O’Briain was asked if there was anything he wished to add. He said that he thought it was a very lop-sided questionnaire.

Taxi Regulation

The Commission for Taxi Regulation was established under the Taxi Regulation Act of 2003 which allows for the appointment of a national taxi regulator as the chairperson of the Commission.⁴³ The duty of the Commission includes a new range of structures and specific provisions that are aimed at the provision of high quality services by taxis, hackneys and limousines at the national levels.⁴⁴ Members of the Commission are drawn from representatives of the taxi industry, local authorities, Gardai, consumers, tourism and other business interests.

The principal function of the taxi regulation includes licensing, control and operations of the small public service vehicles and their drivers. It is also to ensure safe and friendly services, control of fares, vehicle requirements and setting codes of conduct for drivers including dress code and the protection of customers/passengers and drivers. The Commission for Taxi Regulation makes its decisions through a consultative process. It is not a taxi industry representative body, as some taxi drivers believe.

To be qualified as a taxi driver, a person must hold a current driving licence and must pass the Small Public Service Vehicles Entry Test.⁴⁵ After passing the examination, they apply to An Garda Siochana to certify that they are fit and proper person to hold a taxi licence in order to be granted the same.⁴⁶ A person who has applied for refugee status cannot be employed in Ireland. A person granted refugee status is entitled to seek employment under the law. A person who has been granted refugee status in Ireland is in the country legally and may apply for naturalisation to become a citizen of Ireland. It is incumbent upon the leaders of the community to describe the status of such persons accurately and not to resort to naming in a stereotypical and prejudicial way such persons as “illegals”.

The responsibilities of the taxi driver include having the vehicle in fit and proper condition to a reasonable standard; a clean vehicle fitted with a taxi meter and the driver must amongst other things be courteous, well dressed, respectful and take the routes as chosen by the passengers and must give a printed receipt upon payment of the fare.

The taxi driver is also given some protection by the taxi regulator: he can refuse a fare if reasonably convinced that the passenger or intending passenger will conduct himself in a disorderly manner in the vehicle. The driver has the right to be paid a reasonable fare and to terminate the fare if the passenger refuses to a lawful fare and he is also given protection from his vehicle being damaged, therefore the passenger must behave in a proper and orderly manner in the vehicle.⁴⁷

⁴³ See <http://www.transport.ie/upload/general/3739pdf>

⁴⁴ Ibid.

⁴⁵ <http://www.taxiregulator.ie/industry/driver-licensing-and-training/driver-licensing-and-training.html>

⁴⁶ Ibid.

⁴⁷ For more details on rights and responsibilities see Regulations 52 and 54 of S.I. 191 of 1963 and Regulation 35 of S.I. 136 of 1995.

A driver will be disqualified and banned from the industry if found to be in breach and will get an automatic disqualification if convicted of the following:

- Rape
- Manslaughter
- Assault
- Drug Trafficking
- Sexual Offence
- Dangerous Driving
- Driving under the influence

Parking a vehicle where it is prohibited, for example, double-yellow lines, no parking zone, cycle rank, within 5 metres of a road junction will incur a driver penalty points and a fixed charge offence. Taxi operators are not exempt and they do not enjoy any privileged position on the roads. If there are rules for taxi drivers to obey, they should be enforced in a fair and impartial manner.

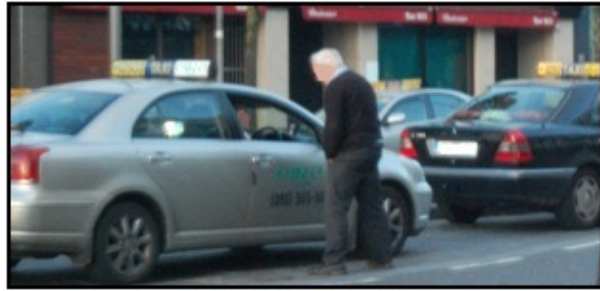
The Commission does not have any special provision for the protection of the players in the industry. Beyond those already stated there appears to be no inherent requirements to qualify as a taxi driver. Our research reveals a concerted, and perhaps organised, plan by some white taxi companies, under the pretext of 'inherent requirements' of the job, to discredit African taxi drivers and possibly not employ them. That does account for the high number of African taxi drivers who work independently. The UN Secretary General, Ban Ki Moon's caution ("Some play on peoples' fears. They seek to invoke liberal values for illiberal causes") rings loud here. The Commission appears to be more interested in the protection of the customers rather than the taxi operators and also has no special provisions on how the taxi companies and other operators organise their businesses. The only relationship between the Taxi Regulator and taxi operators is when their annual licence renewal is due or when there is a complaint against any taxi operator.

However while there is no explicit provision on race, the head of the Commission says individuals take responsibility for their views and actions and "it takes any incidents of discrimination from drivers or passengers extremely seriously and refers all such matters to the Garda or Equality Authority."⁴⁸ In this report it is unclear what the Gardai can do about such incidents. The Commission is now engaging in a skills development programme and a module on diversity will be on the programme. It is clear that the Commission is proceeding slowly in this area.

⁴⁸ See Irish Times of Tuesday, June 22 2010.

Responses of the White Taxi Drivers⁴⁹

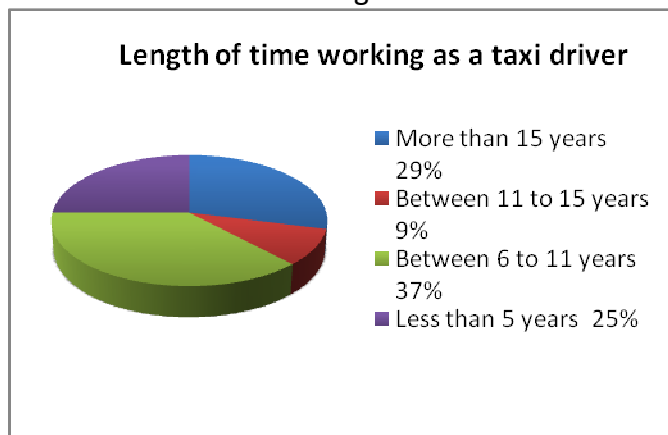
The total number of white taxi drivers interviewed was 41. Of the number who were asked about their applications for a job with a taxi company in Galway in the past, 83% replied that they were successful while 17% were not. The latter are independent taxi drivers. In their descriptions of the process involved



in acquiring their jobs with the taxi companies 47% revealed that they were offered the position of shareholders in the taxi company while 10% pay some funds to the company to receive calls and so on. The rest (43%) just applied, were successful at the interview and got the job. One driver interviewed ventured an opinion on why African drivers were not employed with no support offered for the conclusion: “Black drivers are not employed because they have bad reputations, they charge much, they rape women and companies are right not to employ them.”

“Black drivers are not employed because they have bad reputations, they charge much, they rape women and companies are right not to employ them.”

The research also revealed that 95% of the white taxi drivers had not driven a taxi in another location in Ireland. The data gathered regarding the length of time an individual has been working as a taxi driver is correlated below:



⁴⁹ We could not use “Irish” because that would assume that all white people were Irish, so the Romanian or Polish driver might be confused for a nationality they were not. That word could also include all persons naturalised, and therefore here legally as citizens of Ireland, as Irish but who came from a different part of the world originally. On occasion we referred to “Irish” and “white Irish”, again to distinguish one from the other. So we settled for “white” and “African” as the main descriptors with “white Irish” and “African” making a frequent appearance.

25% who worked in the last 5 years might refer to more recent workers in the taxi industry who benefitted from the deregulation. If the taxi industry should be re-regulated, as some in our survey and newspaper reports indicated, should the last into the industry be the first to be asked to leave as a race-neutral principle of non-discrimination? Of the total number of white taxi drivers interviewed 95% worked full-time. One of the recommendations made by white taxi drivers is to eliminate or restrict part time drivers so that full time drivers might earn a living. It is unclear if that intended elimination or restriction would extend to the 25% of white taxi drivers.

90% of the drivers said that the deregulation of the taxi industry has affected their work adversely	70% agreed that there was more competition now
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The presence of African drivers had affected them said 3% of those interviewed: “Everybody knows that the taxi licence is subsidised by the government as foreign drivers could not afford it. Blacks destroyed the business.” No evidence has been offered to prove the statement that the taxi licence for African taxi drivers is subsidised by the government. Neither is there factual evidence to verify that blacks destroyed the business. Indeed, the emergence of 25% of white drivers in the past 5 years may suggest that there has been migration to the industry as a result of the collapse of the major employer in Ireland, the construction sector.

“Everybody knows that the taxi licence is subsidised by the government as foreign drivers could not afford it. Blacks destroyed the business.”

Another 3% said there were taxis operating in Galway from other areas and towns. A similar percentage says that it takes longer hours to make a profit while 10% said there was no income. 6% maintain that there were drivers with false licences while the same percentage held that there were fewer employees in companies as a result of the deregulation. All interviewees maintained that their work was affected by the economic downturn. 86% are of the view that there is less work as the number of taxis is higher than the demand. Other reasons given were that there were fewer potential passengers who now can afford taxis; most of the foreign customers had returned home. Moreover the costs of maintaining a taxi were high.

Over 95% of the white taxi drivers were aware of the cab rank rule	93% stated that the customer has a right to choose
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When asked for a reason 26% who stated that the customer had a right to choose maintained that this was a Galway practice. Others pointed out that they had a notice in their cars to that effect which the Taxi Regulator supports. One maintained that the right to choose was necessary for the sake of security especially for women who are passengers in taxis driven by Africans. Another said “Black men overcharge” as a justification for there being no cab rank rule while two held the view that the cab rank rule could not function well with so many taxis in Galway. The Galway West TD Frank Fahey was reported to be disbelieving when taxis were “skipping queues at

official taxi ranks to pick up fares”⁵⁰ except for the fact that this was during the Galway Race Week when “rogue” taxis were engaged in “unethical” driving. In the absence of a clear enforced rule of practice taxi drivers appear to earn a living any way they can, by fair means or foul. The Galway Independent summed it up in this way: “The paradox of the present state of the industry is that, using the mantra of ‘competition’, the present government is avoiding making any decision to bring order to the market. A competitive market does not thrive in an anarchic free-for-all. The free-for-all is rapidly becoming free-fall.”⁵¹

“A competitive market does not thrive in an anarchic free-for-all. The free-for-all is rapidly becoming free-fall.”

In answer to the question whether they have ever experienced abuse, including insults and harassment during the course of their work as a taxi driver in Galway 85% of white drivers reported that they did. Of this number only 28% made an official complaint while 72% had not.

73% of these complaints were made to the Gardai	27 % of the complaints were made to the Taxi Regulator
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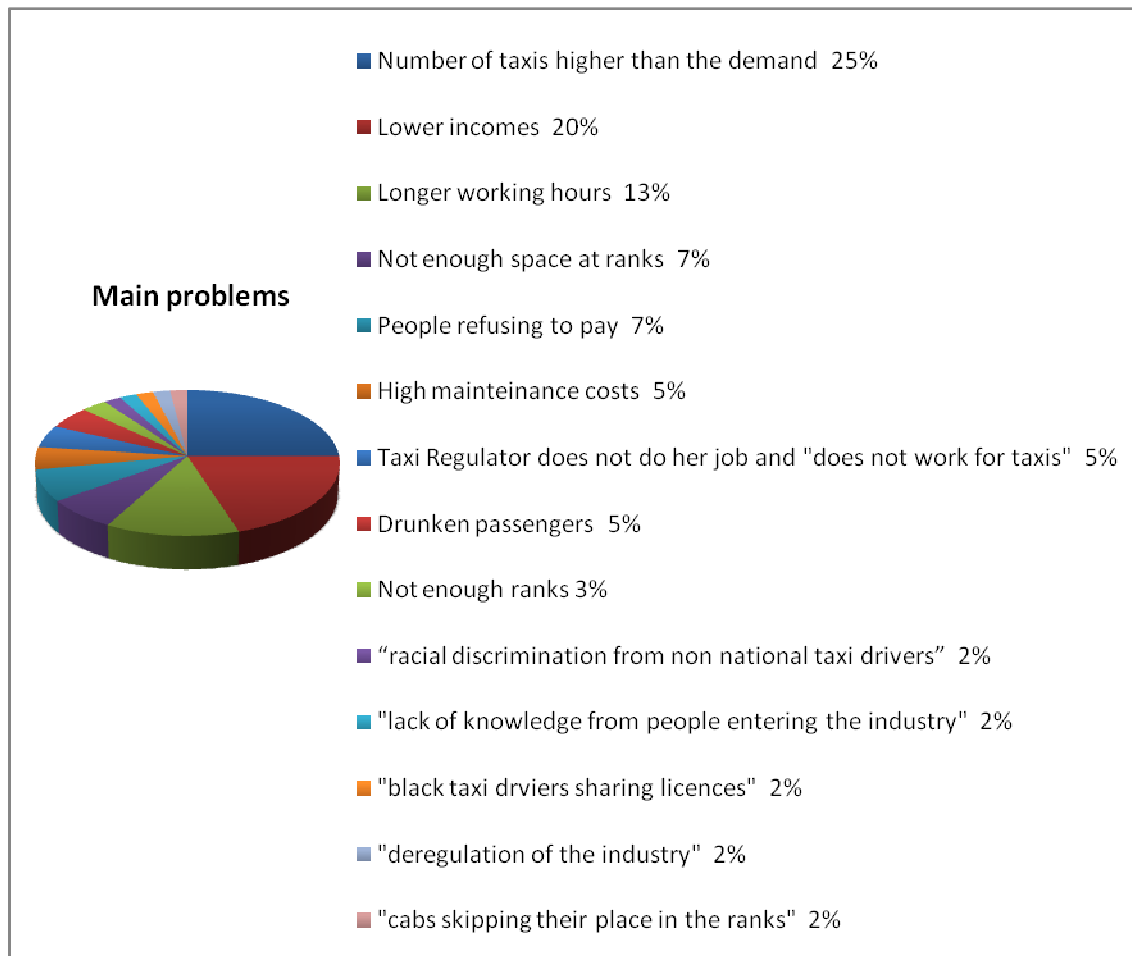
The high 73% reflected the belief that the Gardai are in charge of law and order and of keeping the peace. Two cases were before the courts to determine the guilt or otherwise of the abuser. In a physical attack on a driver the abuser was found guilty and sent to prison.

In 4 instances the outcome of the cases was awaited. In one case where a white taxi driver made a complaint when an African taxi driver refused to take a disabled customer, the court ruled that the customer should make the complaint. In two other cases the customer did not pay and a decision was due. A complaint was made about drivers from outside Galway who came to work during the Race Week.

⁵⁰ Galway Advertiser, 29 July, 2010.

⁵¹ Galway Independent, 28 January 2009.

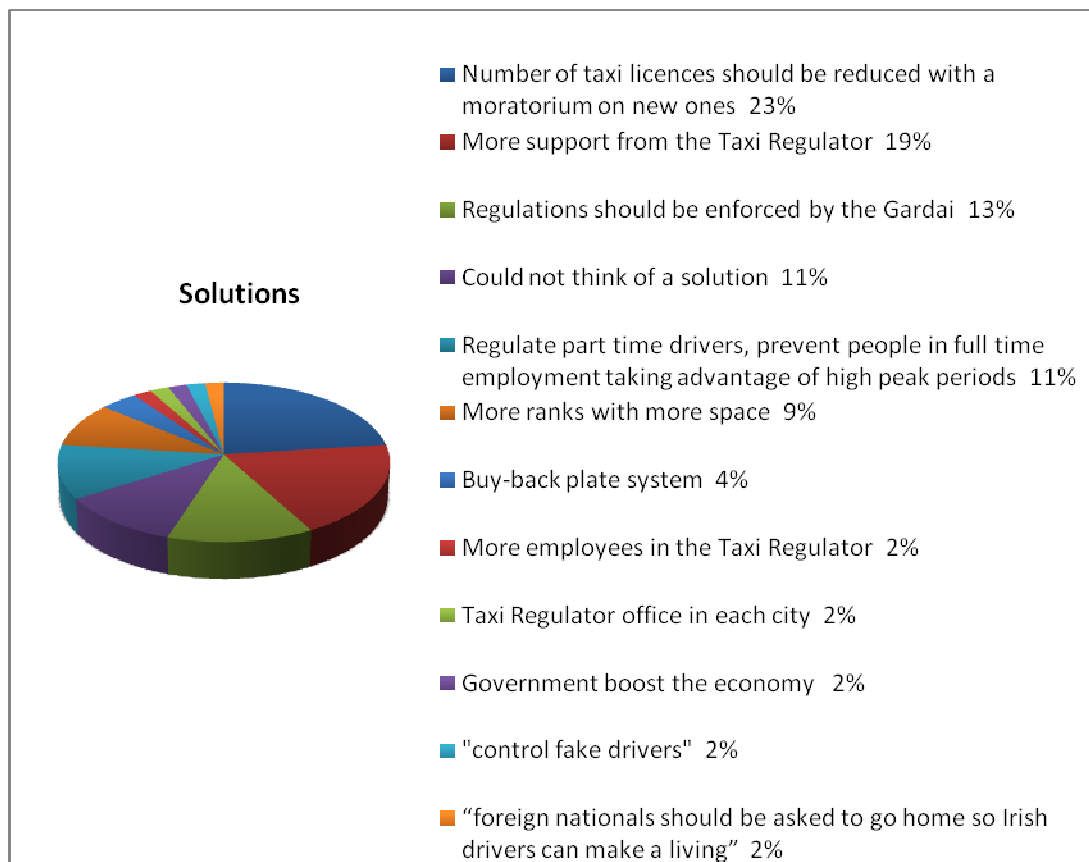
In answer to the question on what were the biggest problems facing their jobs the following responses were received:



"Blacks do not believe in rules."

"They come from countries where there are no security checks and they do not know the area so they should not be given licences."

In answer to what suggestions white taxi drivers would make to rectify the problems they face, the following answers were given:



"Foreign nationals should be asked to go home so Irish drivers can make a living. They should not get taxi plates."

"Too many people are let into the country."

"Australia would not allow it."

"Non-nationals and refugees have ruined the country...it has to stop."

It is very important to note that only 4% of white taxi drivers interviewed identified African taxi drivers, if you include them as part of the 'fake drivers' for the sake of this argument, as a problem while the larger percentage considered the systematic issues with the industry a larger problem. 69% of their solutions to remedy the situation did not allude to race issues.

Responses of African Taxi Drivers

34 African taxi drivers were interviewed. In answer to the question on whether they applied for a job with a taxi company in Galway of the African interviewees responded as follows:



Yes	41%
No	59%

For those who responded affirmatively, they were asked about the process involved in the application:

8% filled out an application form	21% of applicants phoned a company to apply	71% called in to taxi company headquarters for a job
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The outcome:

50% did not get a job offer	36% were offered a job, all with Abbey Taxis, but later "dismissed for being African" by new owner in 2007/8	7% were offered a job, asked to pay €100 , decided it was not worth it and left shortly afterwards	7% misled about job after the interview
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Eventually the 7% who were misled about the job, referred to in the right hand box above, were given a false number to call to find out about the status of the application and were told that the job was no longer available even though the advertisement was in the paper for a number of weeks afterwards. It was stated by one driver in this survey that now no African driver works for a taxi company although a hackney company, Claddagh Cabs, claims to have 1 driver on their books.

The comments from these drivers include the following: "Once they hear your voice you get nowhere"; "...asked and was told they won't hire a black driver"; "Black people are not welcome"; "...have to be white" and "told to deposit €40 000" and "Big O and Pro Cabs always say 'no vacancies', I didn't bother."

"Once they hear your voice you get nowhere"

"Black people are not welcome"

"...told to deposit €40 000..."

For those who replied negatively to having ever applied for a job with a taxi company in Galway,

65% said African drivers do not get jobs, it was well known	30% were told by other drivers not to bother because of race issue	5% reported many applied but were never accepted or retained jobs
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One said: "It's an issue of colour." Another reported that some time ago one person, who was not white Irish, was employed by a taxi company. He was a fair skinned man who lived in Britain with parents from the Caribbean and Britain.

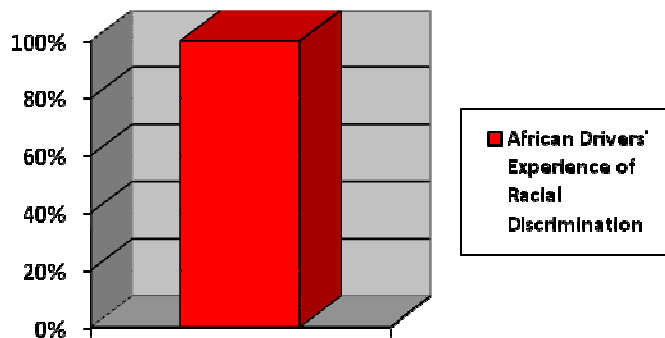
When the African taxi drivers were asked whether they had experienced discrimination while seeking employment in the Galway taxi industry,

62% answered "yes"	35% "no"	3% preferred not to answer the question
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When the 62% were asked to give examples of discrimination, the reasons given in descending order were:

- No company will hire African drivers
- Drivers were fired from another company for 'being black'
- Given false numbers to contact after the application and then told there was no vacancy
- No acknowledgement of, or response to, job applications
- Stated that they experienced discrimination but did not want to provide details
- White drivers were campaigning against African drivers

In response to the question whether they have experienced racial discrimination whilst driving a taxi in Galway, 100% of African taxi drivers answered affirmatively.



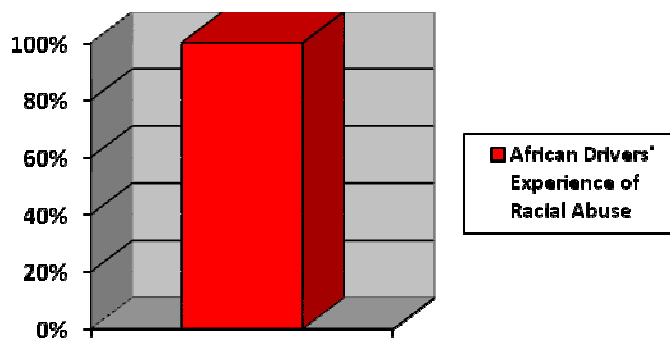
The examples of discrimination evidenced below are in descending order based on frequency of example given by the driver:

1	- customers refuse to get into taxis driven by an African driver - they are frequently discriminated against, one stating that this occurred as high as 4 times an hour
3	racist comments and insults from both customers and Irish drivers including being called a “fucking nigger”
4	aggressive behaviour including attacks on drivers and on their cars
5	Irish drivers breaking the cab rank rule by skipping the queue
6	passengers refusing to pay at destination
7	- in the case of Abbey Cabs, customers requested to be picked up by white drivers - customers complain that Africans over-charge and try to bargain with them by saying they should be privileged to be in Ireland - African drivers should go back to their home countries - drivers from other taxi companies advise customers not to go into taxis driven by Africans
11	- Gardai treat reports of non-payment by customers to African drivers as trivial matters - customers comment on how African drivers are stealing Irish jobs - parents refuse to allow children into a taxi driven by an African driver. (See the section on the role of the press and local politicians which might explain this conclusion.)

In one particular case reported, a customer placed the taxi fare on the seat of the taxi and told the driver to keep the change because they would prefer not to touch black skin.

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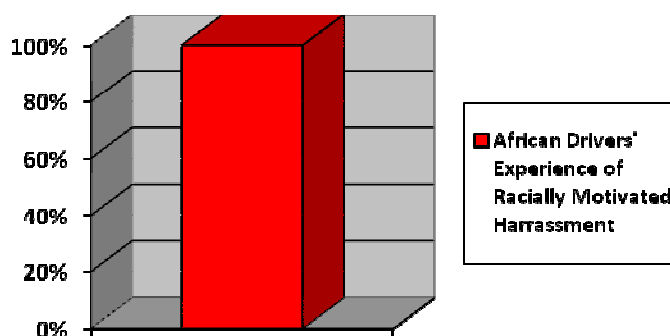
In answer to the question whether they experienced racial abuse, including verbal insults, during the course of their work in Galway, 100% of African drivers answered “yes”.



The racial abuse, ranging from the highest to the lowest, included the following:

- Verbal abuse such as being called “black fucker”, “nigger” and “black bastard”.
- The next was the experience of physical abuse which was followed by experiences of verbal and physical abuse by Irish drivers.
- Up to 5 reported that the abuse was worse at night when the customers were drunk.
- 5 were told to go back to their country.
- 2 reported a refusal to pay the fare to African drivers.
- Gardai are either complicit or indifferent when it came to racial abuse.
- Some customers try to steal the meter.
- Another threatened the driver saying that he was a solicitor, with being sued if he was charged the price displayed on the meter which the “solicitor” claimed was wrong.
- One African driver claimed that Irish drivers “poison the mind of customers”.

In answer to whether any of them experienced harassment that was racially motivated during the course of their work in Galway, 100% replied affirmatively.



The top 5 forms of harassment are racial insults and physical threats, one resulting in a dislocated shoulder. Included in the physical threats were an attack with pepper spray, damage to a car by kicking it and having a licence plate removed forcefully by other Irish drivers who placed it in one of their cars. Other forms of harassment include: customers refusing to pay; inadequate response from the Gardai to various

forms of abuse; confrontations with Irish drivers; told to go back home; the Irish treat racism as a joke; use of the “f” word and “a passenger refused to pay, the Gardai were called and the Gardai said it was not their job to get taxi fares.”

“A passenger refused to pay, the Gardai were called and the Gardai said it was not their job to get taxi fares.”

“I had been physically abused, I managed not to react, reported the abuse on my phone, passenger fled, went to the Gardai who listened and said there was nothing that could be done about it.”

When asked whether white taxi drivers were more likely to get fares than other drivers 97% of the African drivers agreed. When asked for the reasons for this occurrence:

44% said because they were white and/or Irish	38% believed Irish drivers, media and public representatives spread rumours that African drivers are thieves, rapists and overcharge	16% said racist tendencies and racial discrimination	2% included the people choosing taxi companies which only employ white Irish and that the taxi regulations allow for racist behaviour
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When these statements are compared with that reported in the section on press reports and the white drivers’ response to similar questions, there is a strong probability of the existence of a campaign to discredit African taxi drivers in Galway.

In one particular incident, an African driver had picked up an Irish woman and had just pulled away from the rank at Eyre Square when an Irish driver came running towards the car waving. The African driver stopped. The Irish driver went to the passenger’s window and told the passenger to get out of the car for her own personal safety, warning her that she will not be safe with the African driver. The customer refused to get out of the car and eventually the Irish driver allowed the African driver to continue with his journey.

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African taxi drivers were asked whether white/Irish drivers had prevented them from seeking fares and 74% said “yes”. When asked to give details the following were provided:

- Preventing African drivers from getting fares through blocking them into spaces from which they cannot get out.
- Beeping the horn and flashing lights in order to get the customers’ attention.
- Pulling alongside African drivers as they are about to pick up a customer with a view to enticing them into their cars.
- Spreading rumours about African drivers.
- Only white/Irish drivers are allowed to do hotel and Galway Airport pick-ups. In a subsequent interview with Galway Airport management, it was confirmed that one company is the only service provider from the airport as a result of a contract entered into with that company arising from a tender process. Others can drop off passengers but are not permitted to pick up customers. It is important to note that the Galway Airport is owned by the Galway Chamber of Commerce and that the Airport might be receiving subsidies or tax incentives from the Irish State.⁵² If they are, they might be obliged not to provide a contract to a company, if it is alleged to be racist, in their business.
- White/Irish drivers put on the inside light of the taxi at night so it is obvious they are white. Some keep a book open to suggest they are reading.
- Practice of putting Irish flags and symbols on cars driven by white/Irish drivers. (See photographic evidence illustrated above under the ‘Human Rights Legal Obligations’ heading).

Some detail was provided in one response. An African taxi driver dropped off passengers at a house party and was told to wait to collect some customers. A Big O Taxi arrived and demanded that the African driver pull away from the house. The African driver refused and told Big O to phone the police. He was insulted and his car physically blocked in. He was warned not to repeat this.

When asked about the awareness of the cab rank rule 94% of the African drivers were aware of it. The top 2 answers were,

- that it does not work in Galway
- that the customer may decide which taxi s/he chooses

Many believed that if the customer took the first car in the rank there would be order. “Where is the point of queuing if you can do as you wish?” A few questioned why those drivers who were not in the queue in the rank are given traffic violation tickets.

⁵² A comment from Michael Coyle of the Galway Chamber of Commerce confirmed that the Galway Airport is a “90% owned subsidiary of Galway Chamber in the context of commercial contracts entered into by Galway Airport. Such contracts are the responsibility of the management of Galway Airport and I wish to confirm that Galway Chamber does not interfere in the management decisions made by their subsidiary companies.”

When asked whether official complaints were made in relation to being victims of racial discrimination only 50% said they did. This did not reflect a high degree of confidence in the complaints procedure. The most number of complaints were made to the Gardai followed by the Taxi Regulator, taxi associations, Fianna Fail, Equality Authority, Galway City Council and to an African journalist. No one mentioned the Racist Incident Report Form available on the Galway City Partnership website. The complaints were made as far back as 5 years ago and just up to the time of the interview. A summary of the complaints discussed with interviewers is as follows:

- The Gardai were called because of verbal abuse. They only spoke with the customer, not with the driver who actually made the complaint.
- A customer refused to pay the driver, reported the incident to Gardai, as yet they have not replied (waiting 3 months).
- Driver was punched in the face, reported incident, presented evidence to the Gardai, as yet no response.
- Driver was attacked with pepper spray.
- Details of complaint not disclosed but driver stated that the Gardai did not respond.
- Details of complaint not disclosed but the driver has been waiting for over two years for the Equality Authority to respond.
- Customer refused to pay: “police became involved, the man was brought to court without asking the driver for a statement, never received the payment.”
- Driver complained to the Taxi Regulator and Galway City Partnership, about the inequality in the industry, has been waiting three years for a response.
- An Irish driver attacked an African driver. He reported the incident to the police on June 27th, 2010 provided evidence (showed photographic evidence to interviewer). To date, the police have not responded to the report, nor has the Irish driver been called to account for the attack.
- An African driver made a complaint to the Fianna Fail Headquarters surrounding comments made by Councillor Michael Crowe concerning his daughter’s safety while taking taxis at night.
- A complaint was made against Noel Grealish regarding comments he made which the driver felt were offensive.

One driver remarked that to report an incident would be futile. Another said “There would be no point” based on previous experience with the police. “Gardai, when called, speak to customers, not the taxi drivers. They are generally disrespectful.”

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“Gardai, when called, speak to customers, not the taxi drivers. They are generally disrespectful.”

The level of satisfaction with the outcome of 17 complaints is listed and reflects an 88% dissatisfaction with the process. This is a very high percentage and reflects that probability of self-help as very high if not dangerously high.

Satisfied	Number	%
Yes	1	6%
No	15	88%
Undecided	1	6%

They were asked, if a complaint had not been made, were they aware of any authority to make the complaint to?

	Number	%
Yes	17	50%
No	13	38%
No response given	4	12%

The comments linked with “No” answers were as follows:

- “We have our own groups”
- “Would not call the police. I have no confidence in the police, because we are African they won’t care”
- “No point, it would end up being my fault... evidence would go against the black guy”
- “There was no acknowledgement of the wrong done. The police failed to look in to it in an adequate manner”
- “There is an intangible racism, taxi companies are guilty of this because they won’t hire blacks”
- “Being black and African is much worse than being black African American or African British”
- “Guards never make any arrests, there’s racism and oppression from the police”
- “If you go to the Taxi Regulator, and they ask you to go to the Guards”
- “No confidence that the Taxi Regulator can solve the current situation”
- “...wouldn’t make a complaint out of fear that I would lose my licence”
- “Yes... but you can’t report”
- “Gardai called because of verbal abuse, but did not speak to the driver, only the customer. This happened several times”
- “Gardai take white driver’s side”
- “...treated badly by the Gardai on two occasions, no confidence in the authorities to assist”

- “No point”

“Would not call the police. I have no confidence in the police, because we are African they won’t care”

“No point, it would end up being my fault... evidence would go against the black guy”

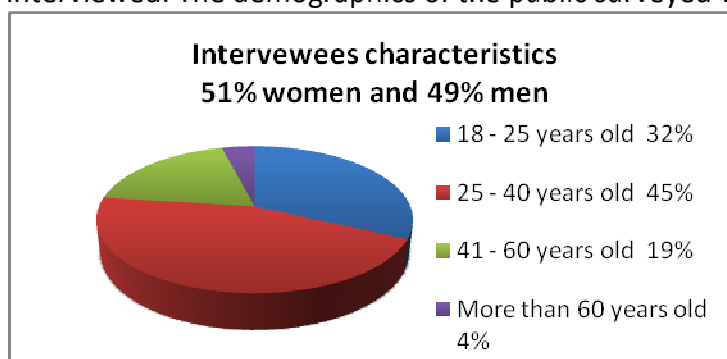
“We have our own groups”

The final comment encapsulates the frustration of and with the various institutions and organisations tasked with resolving racial non-discrimination in the taxi industry in Galway.

Patterns of Public Use and User Perceptions



A survey of the general public's views was carried out. 297 persons were interviewed. The demographics of the public surveyed were as follows:



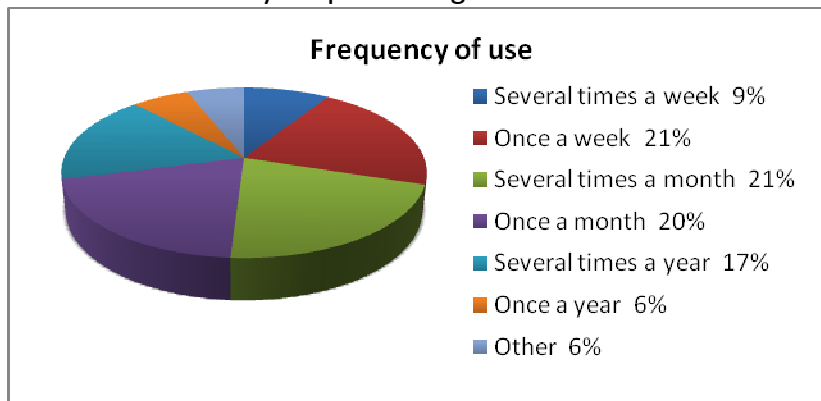
Of the 297 surveyed there is an almost equal representation between the genders with the age group of 25-40 being the largest, followed by the 18-25 category. It was estimated that this group would be representative of the customer profile in Galway. To ensure that responses from people in mainly Galway were received, the survey was conducted when none of the major tourist events such as the Arts Festival or Galway Races, for example, were on.

81% were born in Ireland and 96% live in Ireland. There was no measurement of how many travelled abroad or were influenced by other experiences of taxi usage elsewhere.

Born in Ireland	241
Born abroad	56
Live in Ireland	287
Live elsewhere	10

Data on the frequency of use of the taxi industry were collected to determine the experience of the users. 9% use a taxi several times a week, 21% used a taxi once a

week, 22% several times a month and 20% once a month. There was no measurement of any drop in the figures.



The following factors were considered by the interviewees before getting into a taxi:

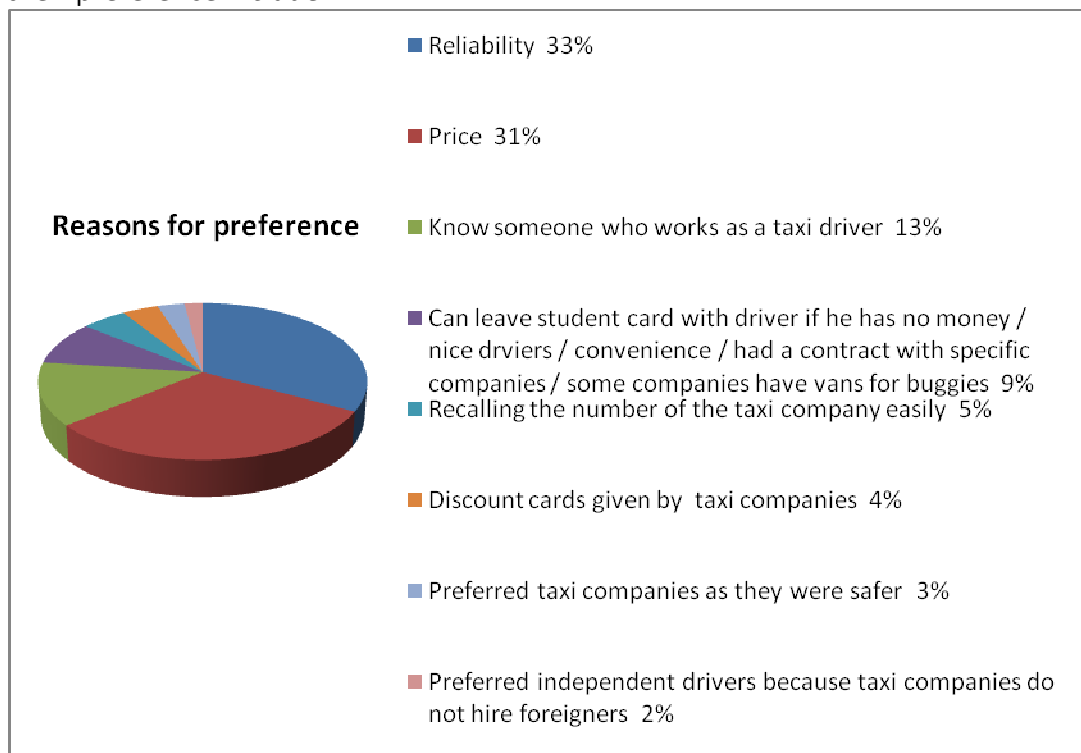
Make and model of the car	8%
Special offers or promotional deals	17%
Race of driver	19%
None of the above	56%

The largest percentage at 56% considered none of these factors as important. Race appears not to be the sole criterion when choosing a taxi. It is not insignificant that 19% will consider the race of the driver and that 17% will consider the price of the journey.

In answer to the question as to whether they had a preference between a taxi firm or an independent taxi driver,

49% expressed no preference	39% preferred a taxi firm	12% preferred independent taxi driver
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Most of the independent drivers, but not all, are African drivers. The reasons for their preference include:



The actual experiences of passengers, of service, price and having an acquaintance in the industry make up the majority of 77% for the reasons in choosing a taxi. The rest of the, mainly subjective, factors make up 23%. There is indeed awareness of the treatment of African drivers, even at 2%.

The vast majority of customers take the taxi from the ranks. While a number did not know the phrase “cab rank rule” 79 % of the customers asked did indeed observe the rule when it was explained.

Do you take taxis from ranks?	Yes	88%	No	12%
Do you observe the cab rank rule?	Yes	79%	No	21%

When asked to provide reasons for not taking taxis from the ranks or not observing the cab rank rule,

62%	gave no reason
26 %	said they were trying to find Irish taxis
6%	stated they took the first taxi they saw
4%	considered race as a factor in choice
1%	- were told by drivers they had a choice - looked out for Big O taxis

An observation of 26% looking for Irish taxis and 4% regarding race as a factor in choice suggests that the campaign against African taxi drivers, as noted in their answers, is more than probable.

On user perception interviewees were asked whether they were satisfied with the service provided by taxis in Galway.

Unsatisfied	44%
Satisfied	56%

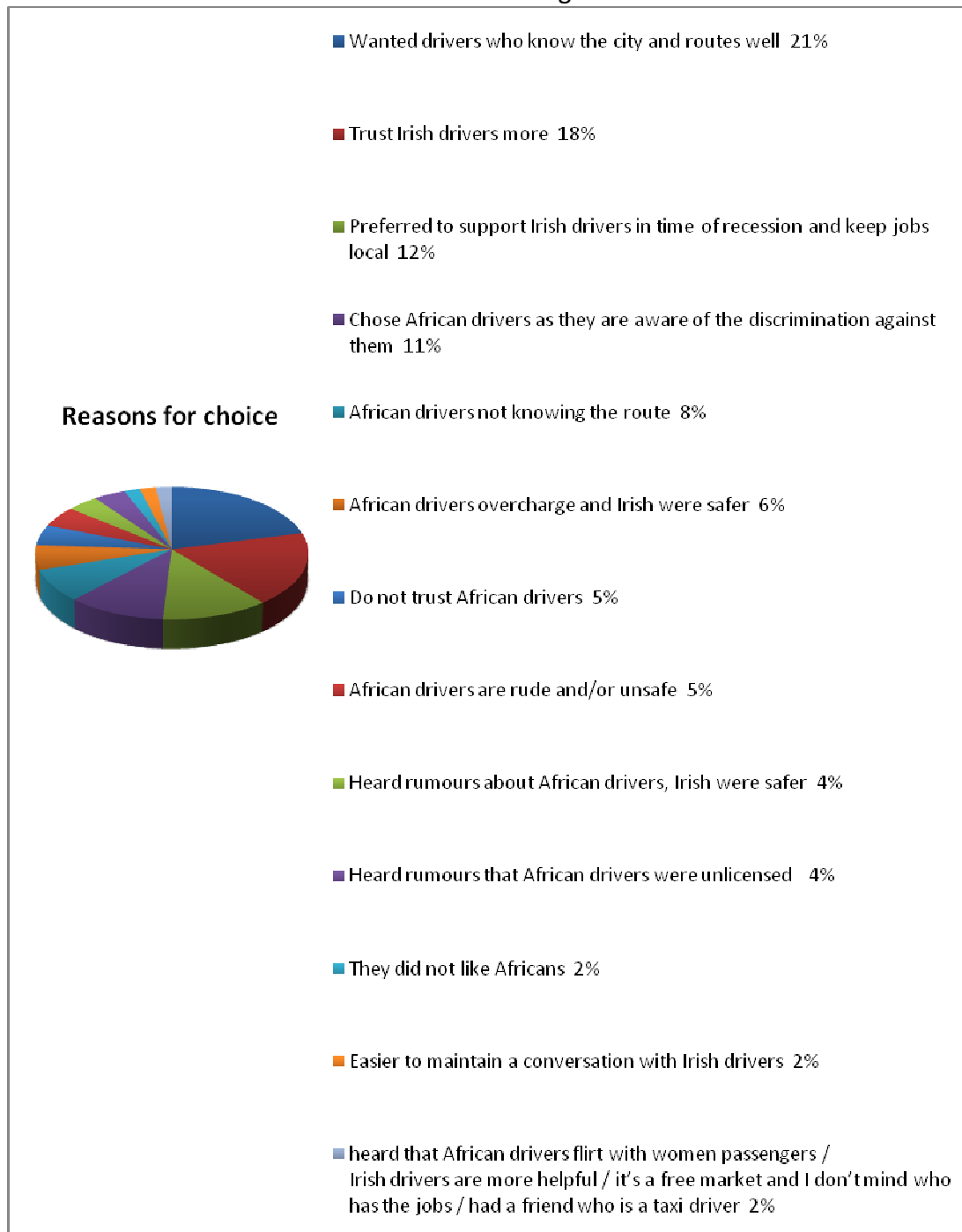
The interviewees gave the following reasons for their dissatisfaction with the industry:

57%	the price or being overcharged
24%	<ul style="list-style-type: none"> - rude drivers - some taxis reluctant to take customers going too short a distance or too long a distance at night - drivers talk too much - verbal abuse by taxi driver - driver had very little English - his girlfriend told him that taxi driver was sleazy towards her - offered drugs by the driver - driver was smoking in the car - bad driving and unsafe car
9%	bad service
7%	African drivers did not know the route
3%	car was unclean

When asked for the preference for a particular driver the survey revealed the largest percentage had no racial preference. At the same time, only 5% had a preference for African drivers. A strong support of 32% for Irish drivers is evident.

Preference for	Percentage
Irish driver	32%
African driver	5%
No preference	63%

The reasons for their choice include the following:



“Because I’m aware of discrimination and racism in the taxi industry and got the impression from conversations with taxi drivers. I have the feeling that black taxi drivers charge less...”

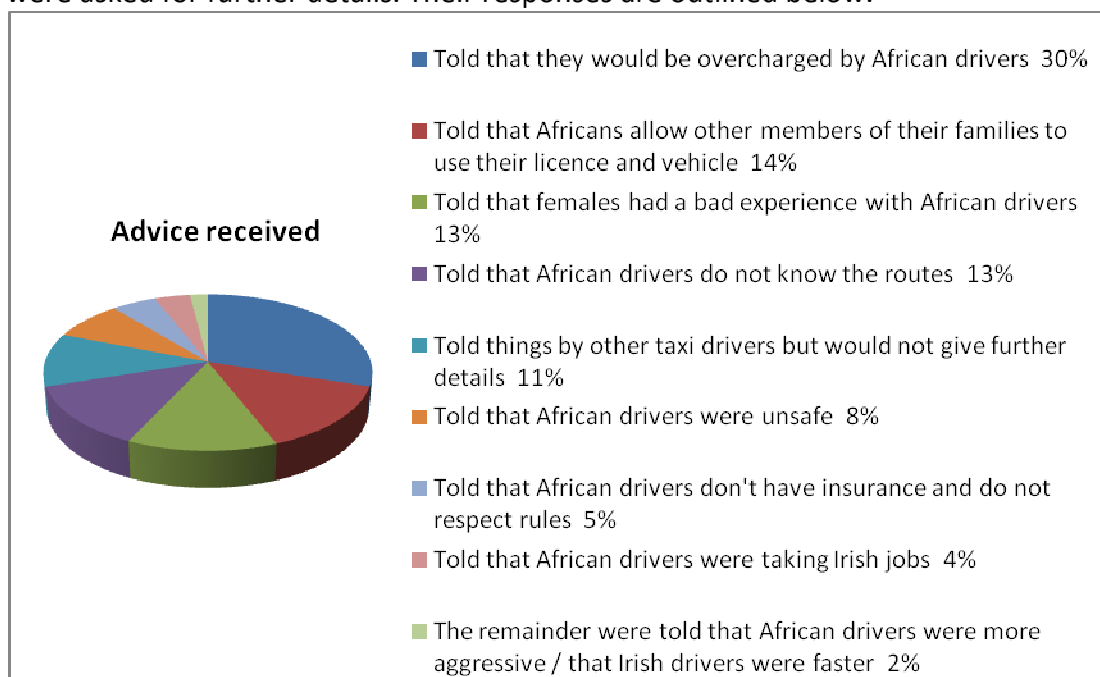
“I was advised by the taxi driver not to use foreign drivers. He said African drivers were sharing licences, thus taking work from him.”

“There’s an article in the papers saying that African taxi drivers do not insure their vehicles...”

“Polish drivers refuse to go a short distance.”

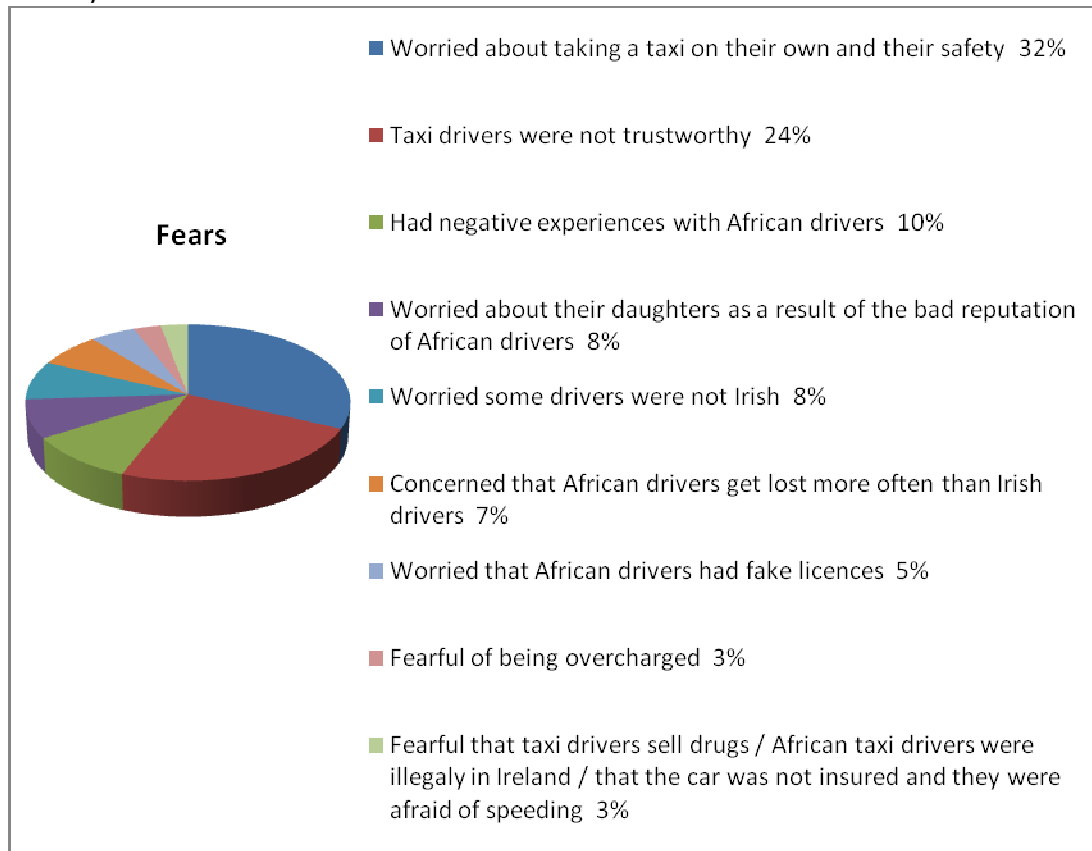
The earlier section on politicians, the local press and racism must be referred to, to compare the similarity of reasoning in some of these statements. A strong inference can be made that their statements have an impact on customer choice of taxis. Again, the statistic of 11% support for African drivers confirms the presence of racism and that some customers are exercising their consumer choice by taking affirmative action against racism.

In answer to the question whether they have ever been advised not to use a taxi driven by an African driver 46% said “yes” and 54% said “no”. Those who said “yes” were asked for further details. Their responses are outlined below:



In answer to the question whether the interviewee had any fears surrounding taking taxis in Galway only 11% said “yes” while 89% had no fears. As mentioned earlier, racism is often based on fear or apprehension. The actual experience at 89% is highly significant if one subtracts the hearsay because it attests to 11% experience of racism.

The following justifications were given by those who had fears about taking taxis in Galway:



More than 59% of the fears surveyed about Galway taxi drivers were not related to African taxi drivers. Again, there appears to be a correlation between the fears and the utterances of political leaders and members of the taxi industry in the local newspapers.

Conclusion

The stated objective of this research report was to ascertain and document recent allegations of racism in the taxi industry in Galway. From the details provided in this report, there should be little doubt about the existence of racism in the Galway taxi industry. For some the statistics might confirm what they already know; for others the same details might be alarming and indicative of the tinderbox situation. A statistic worthy of note is the 89% of the public interviewed indicated they had no fears about taking a taxi in Galway. This does not correlate with the high 46% who had been informed through hearsay and indirect experience not to use a taxi driven by Africans. One explanation might be a confirmation of a campaign to discredit African taxi drivers so that there are more customers for white taxi drivers. It must be noted that African drivers were reluctant to participate in the survey because of some underlying fear of reprisals.

Some white taxi drivers allege that their businesses have been ruined by the entry into the industry of African taxi drivers. There is very little evidence to suggest that they have a similar concern about white drivers who joined the industry in the last 5 years. They appear to have succeeded in spreading their message to their captive customers and the wider public appealing to them to support the Irish taxi industry through their spirit of nationalism. Only 4% saw African drivers as a threat to their jobs while 96% referred to systemic issues in the taxi industry. One conclusion is that there is a small but vocal group who are articulating their racist ideas as influential facts. Indeed, their call for protectionism in the industry results in discrimination on the basis of nationality and race. Also, they attempt self-regulation, allegedly because of the ineffectiveness of the taxi regulation system, and thinly disguised as the inherent qualifications of being a taxi driver. The only real inherent qualifications have already been made apparent in the Taxi Regulators' guidelines.

They do share one concern with the African taxi drivers: the inability of the Gardai to be effective in ensuring some semblance of law and order in the industry. Where the law and law enforcement fails, self-help will most likely fill the void. Linked to this is the perception that the Taxi Regulator is ineffective and cannot enforce any of the rules she sets up. It is unclear why the cab rank rule is not enforced when some of the taxi drivers, white and African, see the potential in it to bring order to a taxi rank. The call for clearer regulation of the industry is apparent but quicker action to attend to the concerns of all taxi drivers is called for.

The details provided by the African taxi drivers, especially the level at which they have experienced racism, racist violence and racist harassment are shocking: some readers might wonder why matters have not precipitated more confrontational action long ago. While not condoning confrontational action the survey predicts the high probability of it occurring. Taxi drivers' distrust of the institutional arrangements for the complaints and resolution mechanism is understandable, but worrisome at the same time. The only resort they have to any form of conflict resolution is through their own groups. That is because the legal system of protection fails them so frequently that they have lost confidence.

There is no doubt that the press have a public duty to verify details and not publish every opinion which borders on racism, or in fact, is racist. A commitment to non-racism requires an evidence-based approach of journalism, especially when politicians purport to speak on the basis of information that they supposedly have from their constituency. The gratuitous usage of race and nationality in press reporting is disturbing as it results in stereo-typing and generalisations. The National Consultative Committee on Racism and Interculturalism reported this as a concern and called for an independent complaints procedure to deal with such complaints.⁵³ The International Federation of Journalists has adopted a clearer prohibition on discrimination than the Irish Press Council's (which it calls 'a work in progress') prejudice to hatred approach.⁵⁴

Politicians should take heed that one unintended consequence of the parochialism of Irish politics might leave them open to restating the racist views of sections of their constituency. That would leave them open to accusation of collusions in these matters. They should also be aware that parochial and constituency politics would further marginalise groups who may not be qualified to vote but who, in time, might well be⁵⁵. Regular consultation with these minority groups might alleviate any accusation of collusion with racist acts and utterances but concerted action on their behalf might be better.

A conclusion is that the initiatives of Galway City, while very comprehensive on paper, are unclear in their practical effects on the taxi industry. The lack of awareness and under-utilisation of the Racist Incident Report illustrates the city's inability to bring effective change. The mission statement of the Galway Chamber of Commerce is hortatory and meaningless if only 2 institutions of over 2000 members have adopted the Intercultural Toolkit for the Workplace, one of which is a public hospital.⁵⁶

The responsibility to enact laws arising from its international and regional obligations to combat racism lies with the Irish state. The EU Directives have been transposed

⁵³ Amnesty International, Breaking Down Barriers: Tackling racism in Ireland at the level of the State and its institutions, Beirne and Jaichand, 2006, p. 9.

⁵⁴ Article 7 of the Declaration of the International Federation of Journalists 1954, amended by the 18th World Congress in Helsingor, June 1986: "The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins".

http://ethicnet.uta.fi/international/declaration_of_principles_on_the_conduct_of_journalists Compare that with the Code of practice of the Press Council of Ireland, 1 January 2008, in Principle 8:

"Newspapers and periodicals shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness, or age."

⁵⁵ The figure at 2006 was reported to be 12% of the population in an address by Minister of State with Special Responsibility for Equality, Integration and Human Rights, Ms Mary White, TD in the conference on Expanding Equality Protection in Goods and Services on 21 May 2010.

⁵⁶ At its launch "it was warmly welcomed as a valuable support to business in framing HR and Customer Services policies" according to the CEO of Galway Chamber.

into law⁵⁷ and have led the UN Committee on the Elimination of Racial Discrimination to express concern in 2005 that the 2000 Equal Status Act only covered government functions under the definition of a service in a limited way.⁵⁸ In 2003 the Equality Authority, created under that Act, provided recommendations on the way the existing non-discrimination protection could be enhanced if it had a statutory role to establish, maintain and enforce standards on equality action plans.⁵⁹ The government ignored them and subsequently the Equality Authority has had its budget slashed, before the recession was identified as a crisis. Now it has a reported 2-3 year delay in processing complaints. The National Consultative Committee on Racism and Interculturalism, which was tasked with rolling out the anti-racism action plan was closed in 2009, confirming that the Government's notion that we could not afford the right to non-discrimination.

The Incitement to Hatred Act, 1989 was passed so that Ireland could ratify the International Covenant on Civil and Political Rights. It was a politically expedient act and, at that time, the debate in the Dail indicated that the minister did not want to make the problem larger than it was because Ireland had no large number of immigrants then.⁶⁰ It is very difficult to get a conviction under the Incitement to Hatred Act. The law has been under review for more than a decade with no haste in sight for its amendment. In a much shorter period the Government deemed it very important to introduce a number of other laws, including blasphemy laws which were not based on a high incidence of occurrence. By its failure to enact clear laws, the Government makes the duties of the Gardai difficult to fulfil which opens them to accusations of collusion with racism.

Finally, given that this report has established, on the evidence herein, initial concerns at the Irish Centre for Human Rights of a high probability of racism among the taxi service providers, there is a duty upon us to advise the National University of Ireland, Galway. While the EU directive permits positive or affirmative action, it is not required. Ireland has not included it in the Equality Act of 2004. We call upon the National University of Ireland, Galway to take the lead by providing a clause in all contracts for procurement, where Irish or European tax is used for the purchase of goods and services, for tenders to reveal their employment diversity plan to be considered in a bid.⁶¹ There are a number of ways in which service providers can be "incentivised" towards practicing human rights values. The 2004 Public Procurement Directives⁶² of the European Union provide a basis for this where they permit a strategic policy instrument to combat racism, institutional discrimination and to

⁵⁷ Equality Status Act, 2000 and the Equality Act, 2004.

⁵⁸ UN CERD Committee on reviewing Ireland's first report.

⁵⁹ Amnesty International, *Breaking Down Barriers: Tackling racism in Ireland at the level of the State and its institutions*, Beirne and Jaichand, 2006, p42.

⁶⁰ Ingram and Jaichand, 'Ireland: From Domestic Pre-Occupation to Wider Reception in Jaichand and Suksi (eds) *60 Years of the Universal Declaration of human Rights in Europe*, Antwerp: Intersentia, 2009, p. 208.

⁶¹ Professor Christopher Mc Crudden has done extensive work on public procurement and legal change where he advocates for the regulation of the market place through purchasing power to advance social and ethical values, Christopher Mc Crudden, *Buying Social Change: Equality Government Procurement and Legal Change*, OUP, 2007.

⁶² 2004/17/EC and 2004/18/EC.

promote equal opportunities for minorities, men, women and disabled persons. Not to do so would mean that every Irish tax payer may well be unintentionally supporting racial discrimination.

Recommendations

- That the Irish Centre for Human Rights withdraw from any contractual service arrangements with any taxi company investigated in this report until we are satisfied that their employment practices and policy do not discriminate against potential drivers on the basis of race.
- That the National University of Ireland, Galway requires an employment diversity plan for all contracts for procurement for the purchase of goods and service. Any evidence of racial discrimination disqualifies a bid.
- That the National University of Ireland, Galway, as part of its positive action hire the services of taxi companies or individual operators, named in this report or with a proven record of employing all drivers irrespective of their race, as service providers in the interim before the new tender to provide such services is advertised and awarded under principles of human rights.
- That the local newspapers and periodicals review their reporting styles with a view to eliminating gratuitous references to race or nationality and stereotyping, and to amending their guidelines accordingly.
- That the press make the general public aware that their taxes might be utilised for goods and services by companies with employment practices which might be potentially racist.
- That the Galway City officials, who have attempted social dialogue so far, acknowledge the presence of racism in the city and pledge to eradicate it through targeted and realisable actions which are evaluated and made available as public documents.
- That the Galway City officials call on all taxi drivers to attend trainings on racism as soon as possible and to facilitate agreement on the proposed Code of Conduct to regulate their industry.
- That the Galway City officials underline their concern by providing resources, economic and human, to the Galway City Partnership for them to achieve their stated objectives.
- That the Galway Chamber of Commerce take active steps to ensure that the trade and tourism in Galway is not tarnished by accusations of racism and that they set up information meetings with a view to training all businesses in Galway on anti-racism.
- That the Galway Chamber of Commerce terminates its arrangement with any taxi company investigated in this report for service at the Galway Airport until it is verified that their employment practices and policy do not discriminate against potential drivers on the basis of race. They are urged to take the same positive measures as the National University of Ireland, Galway will be implementing.
- That the Commission on Taxi Regulation take heed of the complaints of all taxi drivers with a view to ameliorating the situation as quickly as possible.
- That this report serves as notice to the Gardai to take positive steps to rebuild the confidence of taxi drivers in their commitment to law and order.
- That the government of Ireland provide an unambiguous response to racist employment practices by providing, firstly, resources to the Equality Tribunal to deal with the backlog of cases urgently, and secondly amending the Equal

Status Act to include the right of interested parties to engage in legal proceedings to assist victims of discrimination and remove the limits on compensation for victims of discrimination.

- That the government of Ireland's commitment to combat racism will be measured by legislative reform of the outdated and ineffective Incitement to Hatred Act of 1989.
- That the government of Ireland ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted by the UN 2 decades ago because the number of migrants today account for nearly 12% of the population.
- That the general public inform their political representatives of the urgent need to implement the public procurement directives (2004/17/EC and 2004/18/EC) into law to combat racism as set asides, positive action hiring, and diversity from both gender and ethnic perspectives to reflect the demographics of the new Ireland.







The Irish Centre for Human Rights

Celebrating 10 Years of Teaching, Research and Advocacy

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