



Hate Crime and Discrimination

The Prohibition of Incitement to Hatred Act 1989 is Ireland's only legislative provision to combat any form of hate crime, and is largely ineffective. In July 2015, the Minister for Justice and Equality indicated that she would be open to reviewing this law but no review taken place.

Despite recommendations at UPR1, no provisions in Irish law ensure that bias as a motivating factor in relation to the commission of a criminal offence (i.e. a hate crime) is taken into account when sentencing, beyond the discretion of the judge. In its fourth monitoring cycle on Ireland, the European Commission on Racism and Intolerance (ECRI) strongly encouraged Irish authorities to improve and to supplement the existing arrangements for collecting data on racist incidents.

Recommendations

Legislate to introduce aggravated offences and enhanced sentencing where evidence of bias as a motivating or demonstrable factor exists

Monitor the implementation of hate crime laws from inception, focusing in particular on training, reporting, recording, investigation, prosecution and sentencing

Mainstream a victim orientation throughout the criminal justice system

Despite multiple recommendations, the State has failed to reform the Prohibition of Incitement to Hatred Act 1989, neither has it produced a successor to the 2005-2008 National Action Plan Against Racism.

In 2014/2015, empirical research and media coverage of individual cases of victimization evidenced that current provisions are inadequate to address the problem of hate crime in Ireland.

Concrete measures promoting reporting and recording of hate crime have not been implemented, despite Ireland having undertaken to do so, and low rates of investigation are evident. Even if prosecuted, the hate element often does not reach the courts.

Facts and Figures

Data from the Central Statistics Office showed that there were 113 hate crimes recorded in 2013, and 53 in 2014.

In 2014, the Garda Inspectorate reported that during its inspection visits, which included engaging with approx. 1,000 police officers, no officer reported that they had either recorded or investigated a hate crime.

About Your Rights. Right Now

Your Rights. Right Now is a coalition of 17 Irish NGOs, trade unions and civil society groups established by the Irish Council for Civil Liberties (ICCL) in 2010 to coordinate the civil society response to Ireland's first examination under the Universal Periodic Review. This group was re-convened in 2015 in advance of Ireland's second examination. The coalition conducted a number of general and thematic consultations and invited written submissions to inform its report which was submitted to the UN in September 2015.

Members of the coalition are:

- Age Action
- Educate Together
- Free Legal Advice Centres
- Gay and Lesbian Equality Network
- Immigrant Council of Ireland
- Irish Congress of Trade Unions
- Irish Council for Civil Liberties
- Irish Family Planning Association
- Irish Penal Reform Trust
- Irish Traveller Movement
- Mercy Law Resource Centre
- NUI Galway, Centre for Disability Law and Policy
- Pavee Point Traveller and Roma Centre
- Transgender Equality Network Ireland
- Union of Students in Ireland
- Disability Federation of Ireland

For more information see www.rightsnow.ie