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Submission to the European Commission Against Racism and Intolerance as part of its Sixth Monitoring Cycle Country Monitoring Work: Ireland

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Authors	Schweppe, Jennifer;Haynes, Amanda;Neary, Aoife
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European Centre
for the Study of Hate

Submission to the European Commission
Against Racism and Intolerance as part of its
Sixth Monitoring Cycle Country Monitoring
Work: Ireland

Jennifer Schweppe, Amanda Haynes and Aoife
Neary

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Jennifer Schweppe, Amanda Haynes and Aoife Neary

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Executive Summary

This report provides evidence-informed responses to ECRI on matters directly relating to the work of the European Centre for the Study of Hate. The Executive Summary foregrounds key findings and recommendations.

Section I: Effective Equality and Access to Rights

B. Inclusive Education

- Schools are not obliged by any explicit education directive to fight racism and racial discrimination and promote respect for diversity.
- Minority ethnic students experience institutionalised, systemic racism in Irish schools, and there is an urgent need for anti-racism education for students and teachers (Ní Dhuinn and Keane, 2023).
- Although it has been a requirement since 2013 to include homophobia and transphobia in school anti-bullying policies, Neary and Power (2024) found that:
 - 1 in 3 primary staff either did not know whether their school's anti-bullying policy mentioned homophobic and transphobic bullying, or reported that this was not included in the policy;
 - Only 3 in 10 primary staff reported that their school's anti-bullying policy mentioned transphobic bullying.
 - Only 57% of primary staff feel confident in teaching about LGBTQ+ anti-bullying.
- There is no formal national system in place that monitors racist and LGBTI-phobic incidents at school.
- There are currently no formal supports to support teaching staff to work in a multicultural environment.
- There is no requirement or facility to enact transparency in relation to admissions.
- School admissions criteria such as 'legacy/parent as past pupil' continue to limit access for some minority and socio-economic groups.

C. Irregularly Present migrants: Criminal Justice Firewalls

- An explicit firewall should be created between the policing and immigration function of the police. No such firewall exists at present.

D. LGBTI Equality: Gender Diversity and Policing

- Haynes and Schweppe (2019) found that the transgender community's trust in the police is strikingly lower than that of the general public. They recommend:
 - The mainstreaming of trans awareness training in An Garda Síochána;
 - The establishment of specialist roles and victim advocates;
 - The development of trans positive policies (including specific protocols for police detention, victim support and search, arrest and detention).

Section II: Hate speech and Hate-Motivated Violence

Victim Supports

- As highlighted in CM/Rec (2024)4, specialised trauma-informed supports should be accessible to victims of hate related offences across all protected groups regardless of whether the victim has engaged with the criminal justice system. This is not currently the case in Ireland.

Hate Crime/Incitement to Hatred Legislation

- There is no clear timeline for the passage of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022.
- [Schweppe and Haynes \(2023\)](#) set out the core areas of concern with respect to the Bill.
- Section 7(3)(a) of the Bill provides extensive defence to the offence of incitement to violence or hatred that could lead to the Bill being unworkable in practice.
- Given the increase in vocal anti-migrant rhetoric on the part of the far right, this report recommends the explicit inclusion of "migrant status" in the list of protected characteristics in the legislation.

Racial profiling and institutional bias in the CJS

- Ethnic profiling is not explicitly prohibited in law in Ireland.
- Criminal justice institutions in Ireland have yet to acknowledge the challenges of institutional bias and discrimination.
- The State delegation to the CRC and the Chief Commissioner of the national police service have both dismissed the existence of racial profiling in Ireland, despite EUFRA and ITAJ research findings to the contrary.

- Given that awareness is essential to recognition, this report recommends that the ECRI definition of racial profiling from ECRI GPR 11 para 1 be explicitly adopted by An Garda Síochána.
- The state has not yet legislated to:
 - Record use of stop and search powers
 - Introduce an ethnic identifier for stops and searches
 - Monitor ethnic disparities in use of stop and search powers
 - Publish stop and search data disaggregated by ethnicity annually
- Mincéirí/Travellers report concerningly high levels of searches of their home, a matter that requires monitoring and investigation

Hate crime data

- It is not possible, using published police recorded data, to discern the levels, severity, or location of hate crime offences against specific protected characteristics.
- Disaggregated police recorded data is required across all protected groups.
- Raw data should be made available to researchers for purposes of deeper analysis.
- Only data with respect to police recording are published. No information is provided as to the number of prosecutions, convictions or sentences imposed, despite the recommendation of ECRI GPR 11, para 12.
- Irregular special modules on crime and victimisation provide important general population data highlighting the national prevalence of hate crime, and high levels of police underreporting. The absence of breadth and detail, and the irregularity of the modules, limits the usability of the data.

Racist violence

- There has been an increase in far right activity and incidents targeting people seeking international protection and the LGBT community. This Report recommends the formation of a taskforce to develop an evidence-informed response.

Section III: Integration and Inclusion

- Public attitudes towards minorities are generally positive, but there are concerning differences in attitudes towards transgender people and Mincéirí/Travellers which require a concerted response.
- An Garda Síochána has been successful in increasing applications from minorities including Mincéirí/Travellers. Additional data, disaggregated by ethnicity and gender, is required to understand whether these applications translate to recruitment, hiring and promotion.
- Scrutiny of possible obstacles to recruitment should include publication and review of the criteria used by An Garda Síochána for establishing 'good character'.

Conclusion

The report calls for significant improvements in transparency, legislative measures, and support for marginalized communities. These steps are vital for creating a more inclusive and just society.

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Introduction

The European Centre for the Study of Hate includes expertise across a range of areas, and particularly with respect to hate crime, diversity in education, and Mincéirí/Travellers' access to justice. For this reason, we have focused our attention on those areas in which we have evidenced expertise, rather than address all 62 of the listed questions. For ease of reading, we number our answers as per the numbered list of questions provided by the ECRI secretariat. The omission of a listed question should not be read as an indication that we agree with the State report, or that we believe the State is in compliance with ECRI standards in the area.

With respect to Section III.b, we have restricted our comments to Mincéirí/Travellers, as that is our particular area of expertise: we have no recent data regarding the relationship between Roma and the criminal justice system.

Section I: Effective Equality and Access to Rights

B. Inclusive Education

Question 13. What steps have been taken in your country's education laws and policies to address exclusion and marginalisation through inclusive education at pre-primary, primary, secondary and higher levels? (See section II of ECRI's General policy recommendation No. 10)

The Equal Status Act and Employment Equality Act set out that an educational establishment shall not discriminate on the grounds of race, colour, nationality or, ethnic or national origins in relation to:

- the admission or the terms or conditions of admission;
- the access of any student to any course, facility or benefit;
- any other term or condition of participation; or
- the expulsion of a student or other sanction

The Teaching Council of Ireland Code of Professional Conduct (2016) outlines that “teachers should uphold human dignity and promote equality and emotional and cognitive development. In their professional practice, teachers demonstrate respect for spiritual and cultural values, diversity and social justice, freedom, democracy and the environment”. It details a complaints process for teachers who contravene the code of conduct.

There is no explicit education directive that sets out that schools are obliged to incorporate the fight against racism and racial discrimination as well as respect for diversity into the way that they are run. Neither is there a mandated, explicit acknowledgement that school education plays a key-role in the fight against racism and racial discrimination in society. Furthermore, teachers are not prepared or confident in intercultural or anti-racist education (Ní Dhuinn and Kene, 2023).

Question 14. Do your country's education laws and policies specifically provide for human rights education as an integral part of the curriculum: (i) at pre-primary, primary and secondary school levels? (ii) in vocational education and training? (iii) in higher education? (iv) in the initial training of teachers and in their continuing professional development?

Laws and Policies

The 1995 Framework Convention for the Protection of National Minorities was ratified by Ireland in 1999. Article 12 (2) states that parties will “take measures in

the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority”, and “provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities”.

The Irish Human Rights Commission (IHRC) is an independent statutory body set up under the Human Rights Commission Act 2000 with the purpose of promoting and protecting human rights in Ireland. Part of its mandated work includes promoting awareness, education and training on human rights and it provides recommendations on measures that need to be taken to improve human rights in Ireland.

Guidelines and Curriculum

In 2007, ‘Intercultural Education’ guidelines were developed by the National Council for Curriculum and Assessment (NCCA) for primary and post-primary schools. Intercultural education is defined as:

[E]ducation which respects, celebrates and recognises the normality of diversity in all areas of human life. It sensitises the learner to the idea that humans have naturally developed a range of different ways of life, customs and worldviews, and that this breadth of human life enriches us all. It is education which promotes equality and human rights, challenges unfair discrimination, and promotes the values upon which equality is built.

These whole-school guidelines set out how each subject area at primary and post-primary level can incorporate ‘intercultural education’.

However, these guidelines have been critiqued as a “corporate style multiculturalism” that was developed in the context of the ‘Celtic Tiger’ economy and propounds a

“weak version of multiculturalism which directly or indirectly invites certain ‘foreigners’ to call Ireland home so long as they are seen to advance the national interest, while implicitly constructing those who are deemed illegitimate and underserving of the nation’s self-perceived generosity as ‘other’” (Bryan, 2010, p. 254).

Indeed, the everyday reality is such that minority ethnic students experience institutionalised, systemic racism in Irish schools, and there is an urgent need for anti-racism education for students and teachers (Ní Dhuinn and Keane, 2023).

The new *Draft Wellbeing Specification For all Primary and Special Schools* (NCCA 2024) is currently out for consultation. It outlines that the Wellbeing Curriculum aims to 'Foster respect for diversity, championing active citizenship, human rights, fairness, and social responsibility to create inclusive and compassionate learning environments, communities and societies'. It contains learning outcomes related to 'identity', 'a sense of belonging', 'rights and fairness' and 'citizenship'.

At post-primary level, short courses and full subjects address human rights topics explicitly: and Civic, Social and Political Education (CSPE), Politics and Society and Social Personal and Health Education (SPHE). CSPE takes place at junior cycle (age 12-15) and learning outcomes are organised under three strands: 'Rights and Responsibilities', 'Global Citizenship' and 'Exploring democracy'. There is a heavy emphasis on 'human rights' but there is no explicit reference to race, racism or ethnicity. Politics and Society is an optional subject at senior cycle (ages 15-18). Learning outcomes are organised under four strands: 'Power and decision-making', active citizenship, human rights and responsibilities and globalisation and localisation'. Equality and equal human rights are a central theme.

There is an SPHE short course at junior cycle (ages 12-15) and senior cycle (ages 15-18). At junior cycle, learning outcomes are organised under three strands: 'Understanding Myself and Others', 'Making Healthy Choices', 'Relationships and Sexuality' and 'Emotional Wellbeing'. One learning outcomes states that students will be facilitated to 'appreciate the breadth of what constitutes human sexuality, and how sexual orientation and gender identity are experienced and expressed in diverse ways'.

Senior cycle SPHE has three cross-cutting strands: 'Thinking Critically and Empathetically', 'Exercising Rights, Responsibilities and Inclusivity' and 'Being Health Literate'. learning outcomes are organised under three strands: 'Health and Wellbeing', 'Relationships and Sexuality' and 'Into Adulthood'. The Relationships and Sexuality education strand includes the following prefacing statement: 'Each of the learning outcomes below should be taught in a way that LGBTQ+ identities, relationships and families are fully integrated and reflected in teaching and learning, as opposed to being addressed within stand-alone lessons'. The Rationale states that the curriculum 'supports students in learning how to...understand their rights and responsibilities before the law, and build the skills needed to be a good ally to those experiencing discrimination or inequality'.

Both junior and senior cycle SPHE specifications state that "SPHE thus contributes to building a cohesive, compassionate and fair society; one that is inclusive of all

genders, sexualities, ethnicities, religious beliefs/worldviews, social classes and abilities/disabilities”.

While these new curricular developments are welcome, research in the Irish context cautions us against the limited impact of policy and curriculum changes without systemic change or supports in place for staff. For instance, Bailey (2017), in a policy archaeology of how homophobia and transphobia came to be cited in the 2013 national anti-bullying procedures for all primary and post-primary schools, explains how such moves ignore the systemic heteronormative nature and deeply systemic Catholic character of primary schools. Indeed, a recent national survey with primary school staff (Neary and Power, 2024) confirms that while it has been a requirement since 2013 to include homophobia and transphobia in school anti-bullying policies, 1 in 3 primary staff either did not know whether their school’s anti-bullying policy mentioned homophobic and transphobic bullying, or reported that this was not included in the policy; just 3 in 10 primary staff reported that their school’s anti-bullying policy mentioned transphobic bullying. Furthermore, while 9 in 10 primary staff say that primary pupils should learn about LGBTQ+ anti-bullying, just 57% of primary staff feel confident in teaching about LGBTQ+ anti-bullying (Neary and Power, 2024).

Teacher Education

In 2020, the *Céim: Standards for Initial Teacher Education* were developed by the Teaching Council. Core Elements include ‘Global Citizenship Education’ and ‘Inclusive Education’.

Global Citizenship Education is articulated in the Standards as empowering “learners of all ages to assume active roles, both locally and globally, in building more peaceful, tolerant, inclusive and secure societies” (Teaching Council 2020, p4). The standards draw on the UNESCO definition to affirm that ‘all learners are provided with the knowledge and skills to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture’s contribution to sustainable development’ (cited in The Teaching Council 2020, p.4).

Inclusive Education is articulated as “any aspect of teachers learning aimed at improving their capacity to address and respond to the diversity of learners’ needs; to enable their participation in learning; and remove barriers to education through the accommodation and provision of appropriate structures and arrangements to

enable each learner to achieve the maximum benefit from his/her attendance at school” (The Teaching Council 2020, p.4).

The Council acknowledges that additional learning needs encompass learning differences associated with neurological, linguistic, SES, cultural and ethnic difference (including Traveller and Roma identities) (The Teaching Council, 2020).

While these changes will potentially have an impact in Initial Teacher Education (ITE) programmes into the future, the vast majority of teachers in Ireland have not had the opportunity to engage in professional development in this area, and thus, the pace of change can only be slow without adequate supports and attention to the cultural and systemic factors at play in schools (Ní Dhuinn and Keane, 2023). Furthermore, the reality is that the Irish teaching profession continues to be a homogenous population and not reflective of the diversity that exists in the broader population of Ireland (Keane, Heinz and McDaid, 2023).

Question 15. Are schools obliged to incorporate the promotion of equality and the fight against racism and LGBTIphobia into their activities?

The obligation to promote equality and fight racism and LGBTI-phobia are embedded in the aforementioned ways in formal curricula.

Outside of formal curricula, some schools opt to implement whole-school programmes and campaigns in these areas, including ‘The Yellow Flag Programme’ www.yellowflag.ie, ‘Show Racism the Red Card’ www.theredcard.org and Stand Up Week www.belongto.org/standup

Non-governmental/civic society organisations such as the Immigrant Council of Ireland, the Irish Network Against Racism, Belong To LGBTQ+ Youth Ireland, the Transgender Equality Network of Ireland and Shout Out support some schools in education, training and awareness-raising campaigns but this is not widespread and schools have significant autonomy in their approach to these topics.

Question 16. What concrete measures have been taken to further attendance and full participation of pupils from minority groups, on an equal footing, in the school system?

The Equal Status Acts specify four areas in which a school must not discriminate:

- “The admission of a student, including the terms or conditions of the admission of a student;

- The access of a student to a course, facility or benefit provided by the school;
- Any other term or condition of participation in the school;
- The expulsion of a student or any other sanction.” (IHREC nd)

Gender continues to be a recognised criterion for school admissions policies. While 8.2% of primary schools are single-gender, approximately 31% of post-primary schools in Ireland are single-gender schools.

In 2018, the Education (Admissions to Schools) Act amended Section 29 of the Education Act 1998 to remove religion as a protected criterion in admissions policies for the vast majority of schools. Religion remains as a legitimate admissions criterion for a small portion of minority religious schools such as Church of Ireland, Jewish or Muslim primary schools.

Other admissions criteria such as ‘legacy/parent as past pupil’ continue to be particularly limiting for some minority and socio-economic groups.

The reality of admissions processes in Ireland, however, is that there is no requirement or facility to enact transparency in relation to admissions. In other words, there is a potential gap between what is published as a school’s admissions policy and their practice of admitting students.

Question 17. Is there a system in place to monitor and counter racist and LGBTI-phobic incidents at school?

There is no formal national system in place that monitors racist and LGBTI-phobic incidents at school.

Question 18. What steps have been taken to train teaching staff to work in a multicultural environment?

Continued Professional Development resources and training for in-service teachers is managed by a national body called Oide www.oide.ie They support teachers in subject areas at primary and post-primary levels. There are currently no formal supports to support teaching staff to work in a multicultural environment.

Teacher education programmes are guided by the Céim Standards and accredited by the Teaching Council. The Ubuntu Network www.ubuntu.ie is funded by NGO, Irish Aid and they provide resources and support for teacher educators in the area of Global Citizenship Education.

C. Irregularly Present migrants: Criminal Justice Firewalls

Question 20: Have any effective measures (“firewalls”) been created to ensure that irregularly present migrants have access to education, health care, housing, social security and assistance, labour protection and justice?

There is no firewall between the immigration and policing function of the State, which leads to victims of crime with an irregularly present migrant status being afraid to report their experiences to the police, contrary to ECRI GPR 16. Racial profiling on the part of the police contrary to ECRI GPR 11 compounds this issue (see, for example [McGinnity et al, 2023](#); [ICCL and INAR, 2024](#)).

Recommendations

- An explicit firewall should be created between the policing and immigration function of the police.

D. LGBTI Equality: Gender Diversity and Policing

Question 22: Please outline any policies to promote LGBTI equality and to prevent and combat discrimination against LGBTI people, in particular in ... interaction and relations between authorities such as the police ... and LGBTI people.

In 2017, Haynes and Scheppe (2018), in conjunction with the Transgender Equality Network Ireland, conducted research with Ireland’s transgender community regarding their relationship with the national police service, An Garda Síochána. This was small-scale research funded by a grant from the Irish Research Council. It included quantitative data collected via survey and qualitative data gathered via focus groups or interviews as the participant chose. The realized sample size of 61 survey participants, 19 focus group participants, and 4 one to one interviewees, compares favorably to the realized sample of 305 transgender persons achieved by the large-scale EU LGBTI II survey conducted in Ireland in 2019. The Report contrasts the attitudes to the police of transgender community and the gender population (as gathered in the Quarter 3 Garda Public Attitudes Survey 2017):

- “• 43 per cent of the general population categorise themselves as having ‘high trust’ in An Garda Síochána as compared to 8 per cent of respondents to the Trans Policing Survey 2017;
- 69 per cent of the general population categorise themselves as being ‘very satisfied’ or ‘quite satisfied’ with An Garda Síochána as compared to 34 per cent of respondents to the Trans Policing Survey 2017;

- 84 per cent of the general population agree that An Garda Síochána are ‘friendly and helpful’ as compared with 44 per cent of respondents to the Trans Policing Survey 2017;
- 55 per cent of the general population agree that An Garda Síochána are ‘effective in tackling crime’ as compared with 36 per cent of respondents to the Trans Policing Survey 2017;
- 58 per cent of the general population agree that An Garda Síochána are ‘modern and progressive’ as compared with 20 per cent of respondents to the Trans Policing Survey 2017;
- 36 per cent of the general population agree that An Garda Síochána are ‘well managed’ as compared with 11 per cent of respondents to the Trans Policing Survey 2017; 35 per cent of the general population agree that An Garda Síochána ‘provide a world class service’ as compared with 44 per cent of respondents to the Trans Policing Survey 2017;
- Only 8 per cent of respondents to the Trans Policing Survey 2017 were of the view that An Garda Síochána are trans aware.” (Haynes and Schweppe 2018, p.7)

Recommendations

We reiterate the recommendations of Haynes and Schweppe (2018):

- The mainstreaming of trans awareness training in An Garda Síochána;
- The establishment of specialist roles and victim advocates;
- The development of trans positive policies (including specific protocols for police detention, victim support and search, arrest and detention).

Section II: Hate speech and Hate-Motivated Violence

A. Hate Speech

Question 23: Please indicate any relevant developments, including legislative, new trends and good practices in the area of combating hate speech, in particular via the Internet.

The passage of the [Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022](#) has been delayed. In the absence of a timeline, it is unclear

whether it will be passed prior to the dissolution of the Oireachtas, and/or before the visit of ECRI.

While it is true to say that there have been few prosecutions under the 1989 Act, we believe that a large number of prosecutions should not be expected from such legislation: in England and Wales, for example, the so-called “stirring up” offences resulted in just 13 completed prosecutions in 2018-19, while there were 10,536 completed prosecutions for racially and religiously aggravated hate crime in the same year ([Crown Prosecution Service, nd](#)). However, the proposed legislation to replace the 1989 Act provides in [section 7\(3\)\(a\) of the Bill](#) an overly-extensive defence to the offence of incitement to violence or hatred, that may lead to the Bill being unworkable in practice. Section 7(3) provides:

In any proceedings for an offence under this section, it shall be a defence to prove that the material concerned or, insofar as appropriate, the behaviour concerned consisted solely of—

(a) a reasonable and genuine contribution to literary, artistic, political, scientific, religious or academic discourse ...

The definition of “reasonable and genuine contribution” is set out in section 6(1) and is defined as “a contribution that is considered by a reasonable person as being reasonably necessary or incidental to such discourse”. Thus, there is no requirement that the *content* of the contribution be reasonable, simply that the nexus between the discourse and the offending material is “necessary or incidental”. It is difficult to imagine any political speech – that is, speech in public about a subject which is a matter of public interest – that would not come under the defence, rendering the section toothless. It is notable that such a defence was *not* provided in the Prohibition of Incitement to Hatred Act 1989.

Recommendations

- We would urge ECRI to ask the government to consider removing the defence provided for in section 7(3)(a) of the proposed legislation. It has the capacity to provide those who voice extremist racist and xenophobic views with an absolute defence to inciting violence or hatred.

Question 26: What measures have been taken to provide support to victims of hate speech?

There are no bespoke supports provided to victims of hate speech by the government.

The Criminal Justice (Victims of Crime) Act 2017 transposed the EU Victims Directive into Irish law. However, victims of hate incidents which do not meet the threshold of a crime, or victims of crime whose victimisation is not acknowledged by the system - either as a consequence of the victim not reporting or the police not recording the crime - are not entitled to support under this Act.

As highlighted in CM/Rec (2024)4, specialised trauma-informed supports should be accessible to victims of hate related offences across all protected groups regardless of whether the victim has engaged with the criminal justice system.

Recommendations

- We would ask ECRI to query the State regarding the accessibility of supports to victims of crime who have not or cannot engage with the criminal justice system.
- We would ask ECRI to urge the State to ensure that adequate support services are provided to all victims of hate-related offences as per CM/Rec(2023)2 and CM/Rec(2024)4.

Question 30: Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report on combating hate speech.

ECRI in its fifth cycle report commented: "The Prohibition of Incitement to Hatred Act 1989 is seldom used and is particularly ineffectual in combating online hate speech." As we have set out above, it is our view that section 7(3)(a) will result in the legislation designed to replace the 1989 Act being even more ineffectual than the original legislation.

B Hate-Motivated Violence

Question 31: Please indicate any relevant developments, including legislative, and good practices in the area of combating violence motivated by hate on grounds of “race”, colour, language, religion, citizenship, national/ethnic origin, sexual orientation, gender identity or sex characteristics.

Legislation

The passage of the [Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022](#) has been delayed, and it is unclear whether it will be passed prior to the dissolution of the Oireachtas, and/or before the visit of ECRI. As part of our [appearance at the Oireachtas Justice Committee](#), the ECSR made a [submission](#) containing a number of proposed amendments to the Bill we believe necessary for it to be effective and compliant with human rights principles (Schweppe and Haynes, 2021). Following the amendment of the Bill, we made a number of additional suggestions, published in an [extensive report provided to policy-makers](#) (Schweppe and Haynes 2022). The vast majority of these proposals were adopted by the Coalition Against Hate Crime.

Good practices

The development of both online reporting and third-party reporting of hate crime by An Garda Síochána is a good practice introduced since the fifth monitoring cycle, for which the State should be commended.

Recommendations

- Given our concern with the text of the Bill, we produced a further short report, [“Legal and Drafting Issues: Review of Part 3 of the Criminal Justice \(Incitement to Violence or Hatred and Hate Offences\) Bill 2022”](#) (Schweppe and Haynes 2023) which sets out the core areas of concern, which we have set out in three sections: legal concerns; concerns relating to legislative drafting; and practical considerations. We believe that some of these concerns, if not addressed, will lead to a constitutional challenge to the legislation. We would respectfully request that ECRI ask the State to address the legal and drafting concerns we have highlighted in the Bill. It is worth noting that few, if any, of these considerations will change the meaning or intention of the legislation, but they will provide much-needed legislative clarity and consistency.
- We request that ECRI recommend that the State explicitly address anti-migrant hate crime and hate speech in legislation.

- Additionally, while we very much appreciate the good practices introduced by An Garda Síochána, we note the ongoing resistance of the institutions of the criminal justice system to recognize racial profiling, institutional bias and discrimination. We ask that the ECRI definition of racial profiling from ECRI GPR 11 para 1 be explicitly adopted by An Garda Síochána. Additionally, we recommend that institutional bias and discrimination across all criminal justice institutions be acknowledged, with clear indicators agreed to ensure that it can be recognized and addressed.

Question 32: Please provide disaggregated data on hate-motivated violence in recent years and a brief description of the system for gathering such data.

Police data

[An Garda Síochána produces statistics](#) (An Garda Síochána nd) with respect to recorded hate crime, and recorded hate related incidents, that are published annually. It is encouraging to note that the levels of recorded hate crime are increasing over time, and An Garda Síochána is to be commended for producing these statistics.

The published data for 2023 are presented as four graphs and three tables. Together the four graphs provide the following information:

- The total number of hate crimes per quarter (annual total of 548)
- The total number of non-crime hate incidents per quarter (annual total of 103)
- Frequences for the number of times 696 motivations (referred to as discriminatory motivations) were recorded. The total figure of 696 is broken down for 8 broad categories such as 'anti-race' and 'other', although more recording categories are used by the police.
- A regional breakdown of the total number (651) of crime and non-crime incidents. The total is disaggregated for four regions.
- The frequency of crimes disaggregated by offence type for a total of 445 crimes. Only categories of offences for which the count is equal to or is greater than 20 are included.

Most of the cells in the three tables are empty as the data has been withheld either for unspecified reasons or because the count is less than 10. The three tables seek to provide:

- Frequencies for hate crimes and non-crime incidents disaggregated by police division.
 - No data provided for crimes. Withheld for unspecified reasons in respect to all counties but one. In one county data were withheld because the count was less than 10.
- Frequencies for offence type disaggregated by police division.
- Frequencies for discriminatory motivation disaggregated by police division.
 - For the categories of age and disability all data have been withheld for unspecified reasons.

Using police data it is not possible to discern the levels, severity, or location of hate crime offences against specific protected characteristics. It is not possible to discern, for example, the number of antisemitic, Islamophobic, anti-Traveller or anti-Roma crimes occurring in 2023, whether they were public order offences or threats to kill, or where they were geographically concentrated.

Unlike other police services, An Garda Síochána will not make the raw data available to researchers for review.

Only data with respect to police recording are published. No information is provided as to the number of cases that are prosecuted, whether convictions have been secured, and what sentences were imposed, despite the recommendation of ECRI GPR 11, para 12. It is crucially important to note that An Garda Síochána has the capacity to produce these statistics (see Table 6A below) and permitted these to be published as part of the report, [“Combating Racism and Xenophobia through the Criminal Law”](#) (Schweppe and Walsh, 2008: 92-98). However, since 2006, it has not provided such data.

TABLE 6A
Racially Motivated Offences Recorded and Detected, the number which had proceedings commenced and a conviction in 2006

Offence Type	Recorded	Detected	Proceedings Commenced	Convictions
Arson	2	0	0	0
Harassment	1	0	0	0
Assault Minor	39	18	13	2
False Imprisonment	1	1	1	1
Assault Causing Harm	20	9	7	0
Drunkenness Offences	2	2	1	1
Menacing Phone Calls	1	0	0	0
Discharging a Firearm	1	1	1	0
General Road Offences	1	1	1	0
Public Order Offences	50	44	34	10
Robbery from the Person	5	2	1	0
Affray/Riot/Violent Disorder	1	1	1	0
Criminal Damages (Not Arson)	39	7	5	2
Public Mischief & Sim. Offences	1	1	1	0
Prohibition/ Incitement to Hatred	9	4	4	0
Total	173	91	70	16

Source – The Chief Superintendent of the Gardai Síochána 2008.

Non-police data

The Central Statistics Office included Crime and Victimization modules within the Quarterly National Household Survey (QNHS) irregularly from 1998 to 2015. Crime and Victimization is not one of the core modules of the QNHS whose [purpose](#) is to produce labour force estimates. A close reading of the questionnaires used in 2015 show it did *not* include any questions probing hate crimes or hate incidents.

In 2019, the Central Statistics Office addressed crime and victimisation within a special module included in the General Household Survey (Q2-3). Interviewees who stated that they had experienced a specified range of crimes in the 12 months prior to the survey were asked whether they believed the incident happened because of personal characteristics (stated as “characteristics about yourself”) and were facilitated to select more than one characteristic.

The Central Statistics Office (nd) provides the following information about those identifying discriminatory motivations:

Discriminatory Motivation	Personal Crime	Household Crime
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Race, religion or ethnicity	4%	3%
Gender	3%	1%
Age	2%	<0.5%
Disability	<0.5%	<0.5%
Sexual orientation	<0.5%	<0.5%
Another factor	<0.5%	<0.5%
Total	7%	4%

This information is important in terms of highlighting the national prevalence of hate crime, and levels of underreporting.

However, the absence of additional detail regarding the specific characteristic for which the person was targeted limits the usability of the data. In addition, the survey asked about a very limited range of crimes against the person and property and includes only those who are aged 18 or older.

Recommendations

We recommend that ECRI suggest:

- Disaggregated statistical data be made available across all protected groups
- Raw data be made available to researchers for purposes of deeper analysis.
- Data on the outcome of cases that were recorded as involving a hate element be made available, and that information with respect to the lifecycle of hate crimes across the Irish criminal justice process be published. Given that such data has been made available previously (see below), we would suggest that ECRI explicitly ask the State why such data are not made available now.
- Dedicated crime and victimisation surveys be conducted according to a regular schedule and including a core module on hate crime and hate incidents to understand the true levels of hate involved victimisation across protected groups.

Question 33: Please indicate any follow up to the recommendations made by ECRI in its fifth cycle report on combating hate-motivated violence.

(1) Legislation

ECRI in its fifth cycle report commented:

“There continue to be no provisions in Irish criminal law defining common offences of a racist or homo/transphobic nature as specific offences, nor any specific or statutory provision for racist or other hate motivation to be considered as an aggravating circumstance for all criminal offences.”

ECRI additionally recommended: “New hate speech and hate crime legislation should be enacted in consultation with relevant civil society actors.”

As set out above, legislation has been introduced but not passed by the Oireachtas. That said, the legislation proposed does include SOGIESC characteristics, which is to be welcomed.

While there was a consultation conducted on the Prohibition of Incitement to Hatred Act 1989 (see, [Department of Justice, 2019](#)), there has never been a public consultation on hate crime. The European Centre for the Study of Hate and the Coalition Against Hate Crime have each submitted similar recommendations for reform of the proposed 2022 Bill, but only one of these recommendations has been accepted by the Department of Justice. Individual politicians are extremely engaged with civil society organisations (including the Coalition Against Hate Crime and the European Centre for the Study of Hate) including by tabling amendments made by these organisations. However, the Minister and her Department have accepted just one of these amendments. While there has been some consultation with some civil society actors on the part of the Department on the issue of hate crime, it is not, in our experience, true to say that the legislation has been developed “in consultation with relevant civil society actors”.

Recommendations

- We would recommend that the Minister and her Department respond to the [proposed amendments to the Bill](#) made by the Coalition Against Hate Crime (2024).

(2) Low level racist violence

ECRI in its fifth cycle report commented:

“There is an undercurrent of low-level racist violence which is not adequately recorded or addressed.”

Since the conclusion of the fifth cycle report, circumstances have altered in Ireland. There has been an increase in incidents targeting people seeking international protection and the LGBT community, as well as far right activity. The following are exemplars of such incidents:

- Approximately 200 protesters gathered outside Ireland’s houses of parliament on the 20th September 2023 (Sherlock 2023). The event was described by Gardaí as “an anti-government, anti-immigration protest” (Tuite 2024), and was also described as a reaction to the introduction of the Criminal Justice (Incitement to Violence and Hatred and Hate Offences) Bill 2022 (Gallagher 2023). Horgan-Jones (2023) noted that the protesters seemed to be gathering around “a variety of tropes that have mobilised the far right here, including Covid vaccines, migration, trans rights, sex education for children, the World Economic Forum, and support for Ukraine” (Horgan-Jones 2023). A “mock gallows” (Gallagher et al. 2023) depicted the lynching of Garda Commissioner Drew Harris and Minister for Children, Equality, Disability, Integration and Youth Roderic O’Gorman, and displayed images of a range of mainstream politicians from both sides of the political spectrum. Protesters sought to block members of parliament from leaving necessitating a Garda escort. As they were leaving parliamentarians were spat upon (McGee 2023).
- In November 2023, a knife attack at a children’s school [was leveraged by far right actors online](#) who spread disinformation and anti-immigrant sentiment. A riot ensued leading to violence targeting police, looting and extensive damage to the city centre (Specia 2023).
- There have been numerous protests at public libraries targeting LGBT-positive materials and LGBT-positive events. Library closures and counter protests have followed. A library staff representative described staff as being [“subject to harassment and intimidation”](#) (Fitzgerald 2023).
- The media reported 16 arson attacks targeting immigrants in 2023 alone, many of which specifically targeted direct provision centres which house applicants for international protection ([Reynolds 2024](#)).

Recommendations

- We recommend the establishment of a task force to examine responses to the rise in far right activity in Ireland.

(3) Data collection

ECRI in its fifth cycle report commented:

“An improved mechanism for collecting disaggregated data on hate crime, including hate speech, should be established. Data should be systematically recorded on the hate motive invoked at all stages of investigation, prosecution, conviction and sentencing and made available to the public.”

As set out above, this data has not been made available to the public since the fifth cycle report.

Recommendations

- We suggest that ECRI reiterate this recommendation, highlighting the necessity of disaggregated data of this nature.

(4) Victim reporting

ECRI in its fifth cycle report commented:

“Alternative mechanisms should be set up to encourage victims to report hate crime incidents, such as third-party reporting systems or dedicated telephone lines, in cooperation with relevant NGOs.”

Third-party reporting has been set up in association with An Garda Síochána, though there are no dedicated phone lines. Additionally, while some funding is made available to well-established NGOs to provide services, this funding is made available only on an annual basis, meaning that multiannual planning for provision of services is not possible. This also creates significant precarity of employment in such organisations, resulting in a loss of institutional knowledge and expertise. By delegating the responsibility to develop, provide and run such services, the State is abdicating its responsibilities without providing appropriate funding for same.

Recommendations:

We would ask that the State be probed on the alternative reporting mechanisms that it provides and supports.

We suggest that multiannual funding be provided to established organisations that support victims of hate crime.

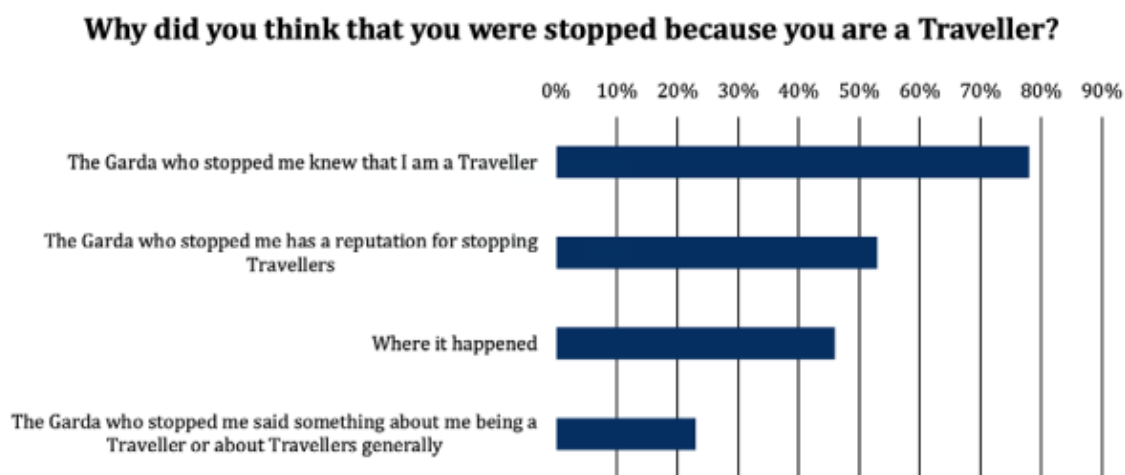
(5) Ethnic profiling

ECRI in its fifth cycle report commented:

“Ethnic profiling by the police should be clearly defined and prohibited by law. All police should be thoroughly trained in identifying, recording and investigating hate crime. More Ethnic Liaison Officers and LGBT Liaison Officers should be recruited and trained and diversity in the police should be increased.”

There has been no change to this position since the fifth cycle report. Since then, research has irrefutably evidenced experiences of racial profiling in an Irish context. The *EU FRA Roma and Travellers in Six Countries (2020)* survey found that, of those Mincéirí/Travellers who were stopped by the police in the 12 months before the survey, 58% thought they were stopped because they are a Traveller. This figure maps almost exactly onto the findings of the Irish Travellers Access to Justice report (Joyce et al 2021): of the respondents to that survey who had been stopped by a garda in the five years prior to the ITAJ survey, 59% believed they were stopped because they are a Mincéir/Traveller.

The Irish Travellers Access to Justice project for the first time documented why Mincéirí/Travellers believed they were racially profiled when stopped:



Of those respondents who stated that they believed they were stopped because they are a Traveller:

- 78% explained that the Garda who stopped them knew that they were a Traveller;
- 53% stated that the particular Garda who stopped them has a reputation for stopping Travellers;
- 46% stated that the location of the police stop contributed to their conviction that they were ethnically profiled;
- 23% stated that the Garda who stopped them said something about their Traveller identity or about Travellers generally.

When presented with this research evidencing experiences of racial profiling on the part of the police in Ireland by the Policing Authority, the [Commissioner of An Garda Síochána Drew Harris stated](#):

“I don’t believe we do undertake racial profiling ...I’m not in a position to accept that’s an allegation for An Garda Síochána. I have to say this is a finding made without recourse to us to have a response to it and this is the place we’re in at the moment ... Racial profiling is a very serious allegation to level against An Garda Síochána and before I would accept that I would want to be certain on the reasons why I was accepting that allegation.” (Hennessey 2022)

At the 92nd session of the UN Committee on the Rights of the Child, the Irish State was asked about the racial profiling of Traveller children leading to overrepresentation within the system. A member of the State delegation responded:

“There have been questions of racial profiling. Racial profiling is not a feature of policing in Ireland. It's not compatible with the human rights obligations of an Garda Síochána, but there have been tensions between particular communities and the guards. It is something we're very conscious of, and conscious that the way in which our society has responded to the substantial number of new people who have come to us and have integrated them and welcomed them without the type of difficulties that we have found in other societies, particularly in Europe. It's really important and that requires ongoing efforts to the bridges including between the police and the newer communities.”

It is of concern that both the State and the Chief Commissioner of An Garda Síochána appear to have summarily dismissed the credibility of the Mincéirí/Travellers who have reported experiences of racial profiling to researchers.

Ethnic profiling has not been prohibited in law, nor has the ECRI definition of ethnic profiling been accepted by the police. This is only to be expected if the police service refuses to accept evidence that racial/ethnic profiling occurs in this State.

Recommendations

- We would respectfully suggest that ECRI explicitly ask State authorities whether they accept the findings of the EUFRA and ITAJ research regarding racial/ethnic profiling in Ireland on the part of the police.
- We would also suggest that our evidence-based recommendations emerging from the Irish Travellers Access to Justice report could be put to the State delegation, including:
 - o Leadership to acknowledge and understand the prevalence and impact of racial profiling
 - o Record use of stop and search powers
 - o Introduce an ethnic identifier for stops and searches
 - o Monitor ethnic disparities in use of stop and search powers
 - o Publish stop and search data disaggregated by ethnicity annually

Search of Traveller Homes

While not typically considered in the context of racial profiling, we would like to explicitly draw the attention of ECRI to the research of the Irish Travellers' Access to Justice project which relates to search of Traveller homes. The principal of the inviolability of the dwelling is protected under Article 40.5 of the Irish Constitution which provides: "The dwelling of every citizen is inviolable and shall not be forcibly entered save in accordance with law."

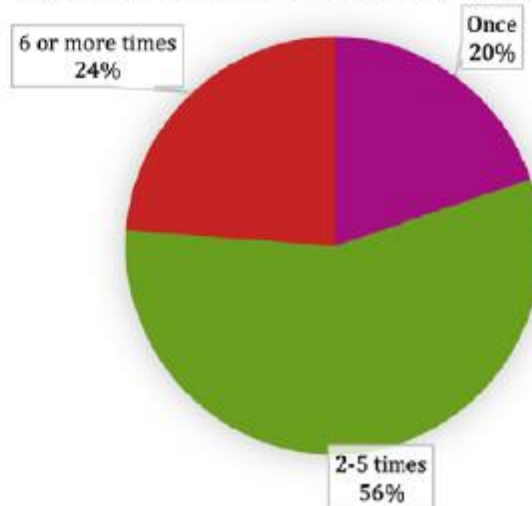
We asked respondents to our survey if they had been present in a home when the gardaí entered without having been invited in. Of our sample, 50% stated that they had been present in a home when the gardaí entered without having been invited in.

In the last five years, have you been present in a home when the gardaí entered it without being invited in?



Of those who were present in a home when the gardaí entered without invitation, 20% stated that they had experienced this on one occasion, 56% reported they had experienced this on 2-5 occasions, and 24% stated that they experienced this 6 or more times.

In the last five years, how many times have you been in a home that the gardaí have entered without permission?



We asked respondents about their most recent experience of being present in a home which the gardaí entered uninvited within the previous five years. Only 11% said that the gardaí presented a search warrant to them or another person present. Of those individuals, just over half believed that the gardaí had come to the wrong home.

Recommendations

We would respectfully request that ECRI explicitly explore the issue of search of Traveller homes with state authorities. We additionally recommend:

- Acknowledgement and understanding of the prevalence and impact of ethnic disparities in home searches by the State and the police;
- Monitor ethnicity in searches of private dwellings including for warrantless searches;
- Publish data disaggregated by ethnicity annually;
- Conduct human rights centred investigation into search of Traveller homes to interrogate the legitimacy of searches.

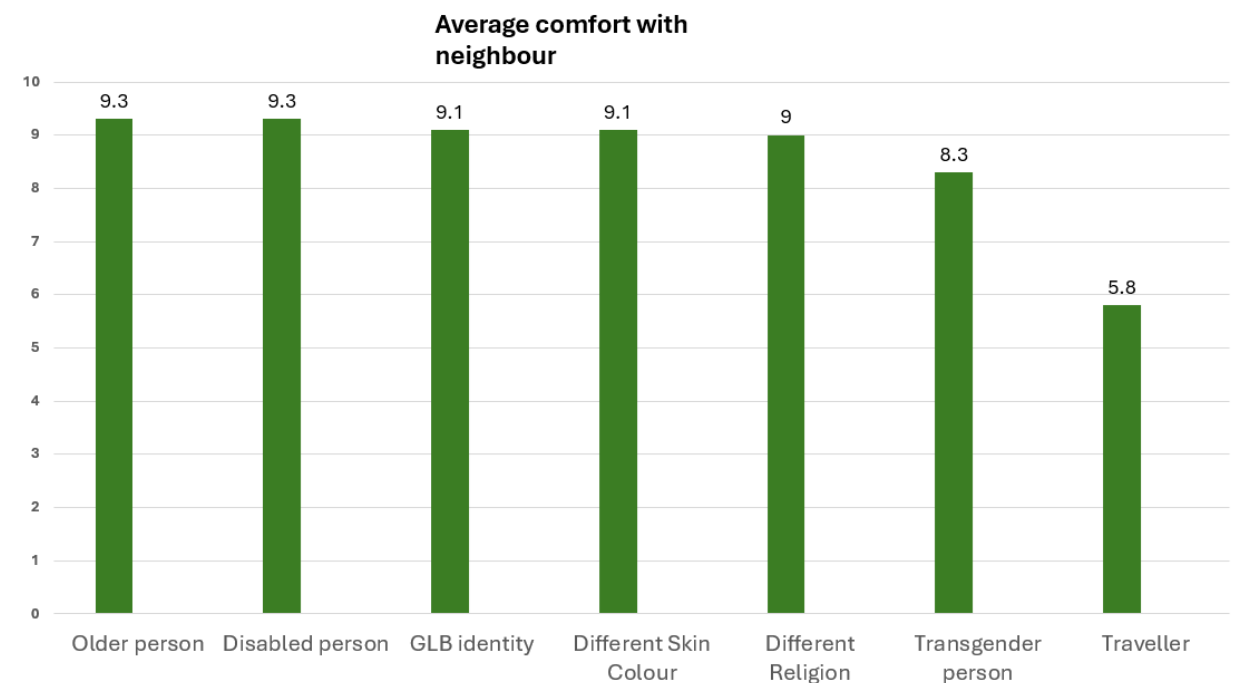
Section III: Integration and Inclusion

Public attitudes to minority communities

The research project [*Public Understandings of Hate Crime*](#) (Haynes et al 2023) was funded by the Irish Research Council New Foundations programme and the Department of An Taoiseach Shared Island initiative and conducted by the European Centre for the Study of Hate at the University of Limerick in association with Queen’s University Belfast. It provides a timely investigation into the beliefs of the general population with respect to hate crime legislation, and attitudes to some of those communities often included in such legislation as “protected groups”. It measures levels of prejudice against individuals due to their racialised identity, ethnicity, religion, sexuality, gender identity, disability, community background (in Northern Ireland) as well as other commonly targeted identities. It is this latter element of the research that we would like to draw to the attention of ECRI.

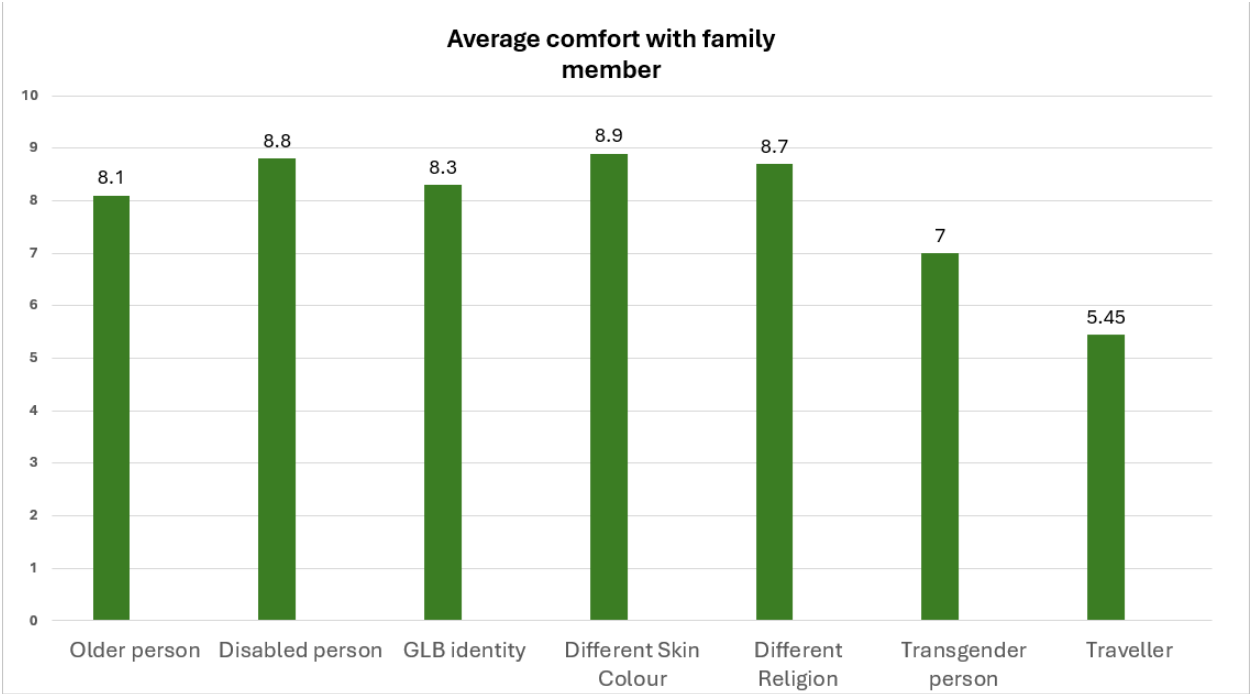
The findings are based on a survey distributed simultaneously in the Republic of Ireland and Northern Ireland from 16-22 February 2023. In the Republic of Ireland, a sample of 1,000 respondents was achieved, and weighted for age, sex and region to align with the population.

We first asked respondents, on a scale of 0-10 where 0 is very uncomfortable and 10 is totally comfortable, how comfortable they would be having a someone with the named characteristic as a neighbour.



As this figure shows, there are generally high levels of comfort - above 9 on a ten-point scale across nearly all categories. There are however two exceptions. Respondents were, on average, slightly less comfortable with the prospect of having a transgender person as a neighbour (8.3) and considerably less comfortable with having someone of Traveller ethnicity as a neighbour (5.8).

In the tradition of social distance scales, entrance to the family is accepted as the closest level of social intimacy. We asked respondents, on a scale of 0-10, where 0 is very uncomfortable and 10 is totally comfortable, how comfortable they would be having someone with the named characteristic as a family member.

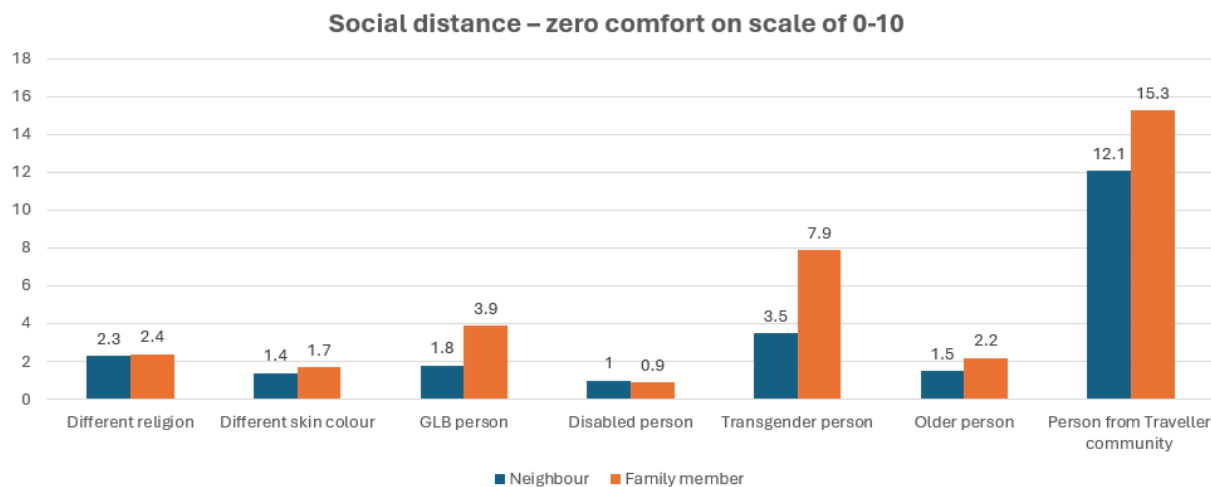


For the most part comfort levels remain high, above 8 on a ten point scale across nearly all categories. In general, the results follow the same basic patterns as in respect to having someone of that identity as a neighbour with the qualification that comfort is lower for each of the groups.

As was the case in respect to the previous social distance item, respondents were slightly less comfortable with the prospect of having a transgender person (7) or a person of Traveller ethnicity as a neighbour (5.45) compared to other groups. Those in the Republic of Ireland, on average, articulate a greater desire for social distance from people of Traveller ethnicity than do respondents in Northern Ireland.

The stigmatisation of Travellers, and to a lesser extent, transgender people is starkly evidenced when data for zero comfort only is presented: This next figure

sets out the percentage of respondents who responded to the social distance questions with 0 – that is, totally uncomfortable.



A relatively small, but still concerning, percentage of the population express total discomfort with either a neighbour or family member from the majority of the protected characteristics. However, we would like to draw the attention of ECRI to two sets of figures here:

- 3.5% of respondents stated that they would totally uncomfortable having a transgender person as a neighbour,
- 7.9% stated that they would be totally uncomfortable having a transgender person as a family member.
- 12.1% of respondents stated that they would totally uncomfortable having a Traveller as a neighbour
- 15.3% stating that they would be totally uncomfortable having a Traveller as a family member.

This research was funded by the Department of An Taoiseach, and has been sent to his office and that of the Department of Justice.

Recommendations

We reiterate here the relevant recommendations of the PUHC research

- “Countering Hate CoP: A community of practice for cross border knowledge transfer and collaborative learning in respect to addressing hate on the island of Ireland” (Haynes et al 2023, p.7).
- “Diverse Ireland Public Education Campaign: Educational campaign using PUHC data to counter divisive domestic and international hate rhetoric by

evidencing popular support for of diversity and inclusion” (Haynes et al 2023, p.8).

- “All-island Programme for Fostering Intergroup Contact: Further social cohesion within and across borders by enhancing intergroup contact in particular with the island’s transgender and Traveller communities and between people from diverse community backgrounds north and south.” (Haynes et al 2023, p.8)
- “PUHC 2.0 Further iteration of the PUHC survey and the eventual conduct of the research on a longitudinal basis” (Haynes et al 2023, p.8)
- “Public Understandings of Hate Speech: Adaptation of the PUHC methodology to research public understandings of hate speech, with particular emphasis on public perception of what constitutes criminalised hate speech.” (Haynes et al 2023, p.8)
- Public Understandings of Hate Speech: Adaptation of the PUHC methodology to research public understandings of hate speech, with particular emphasis on public perception of what constitutes criminalised hate speech. (Haynes et al 2023, p.8)

Question 56: Please provide any available data on representation of Mincéirí/Travellers Roma in public administration. Is there a quota system or are there special programmes designed for increasing their recruitment in the civil service?

We refer in this question to the number of Mincéirí/Travellers working in criminal justice institutions, and particularly the police and the judiciary, and would refer ECRI to chapter 15 of the [Irish Travellers’ Access to Justice Report](#) which is explicitly dedicated to this question. As far as we are aware, no Mincéirí/Traveller has ever been appointed as a judge.

In 2021, An Garda Síochána (2021) announced the Diversity Internship Programme 2021 in which 26 individuals were selected from a pool of almost 500 applicants for a paid placement with the service. Subsequently, the 2022 Garda Recruitment Campaign made a direct appeal for applicants from members of minority communities. The success of these campaigns is reflected in the increase in applications received from Irish Travellers in the most recent garda recruitment drive.

It is unclear, however, how many of these individuals were accepted onto the training programme. While educational disadvantage in the context of the Traveller population is a clear obstacle to eligibility interviewees in our research from Traveller organisations more commonly drew attention to the requirement that trainees “be of good character”, the first criterion listed in the information booklet for candidates. Quite apart from

concerns relating to how an applicants’ own exposure to over-policing or credit history might affect their eligibility to be a member of An Garda Síochána, participants to the ITAJ research highlighted a concern that applicants may be deemed ineligible based on family members’ criminal history. The precise criteria applied in establishing the ‘good character’ of applicants to An Garda Síochána is unclear.

This obstacle that joining the police service presented by obtuse character requirements is further described by Irish Traveller and journalist Martin Warde:

“Recently, on an episode of Claire Byrne Live, a young Traveller man from Galway spoke about his experience of applying to An Garda Síochána. He was on a programme aimed at giving internships to those from a diverse background. An initiative like this is amazing as it lets people experience life as a garda for a while. The intention then for most on completion of the programme is to become a recruit.

This young man failed the comprehensive background check and spoke about the fact that he himself had no criminal record or marks against him on the PULSE database. However, these background checks not only look at the applicant’s record, they also look at their family.

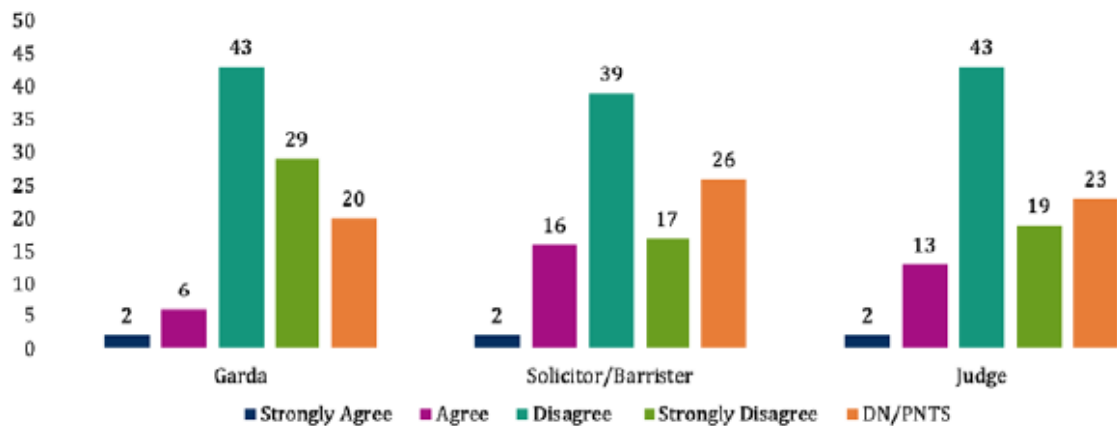
Given that the Traveller community is a small and connected group, it seems unfair to deny a young man the opportunity to make real and meaningful change because of the actions of another person. However, the rational part of my brain tells me that without these comprehensive background checks, there is a likelihood that criminal enterprises may be able to corrupt a garda that is related to them.” ([Warde 2022](#))

While there are a number of Mincéirí/Travellers working as member of An Garda Síochána, [our research](#) has shown that some of these individuals engage in masking or hiding their identity in order to be accepted in the organisation. Interviewees from Traveller organisations spoke of the burden of hiding one’s identity, and the emotional toll this takes:

“... you’re denying part of who you are for whatever reasons, and many Travellers has to do it, you know. Younger Travellers I think, ... more so maybe ... than some older Travellers, ... to get jobs or whatever ... and in a lot of cases that really damaged younger Travellers. And in the end they’d just leave, you know, just couldn’t stay in those positions ‘cause they wouldn’t tolerate it. That was, just was torture, like it [was] mental torture...”
 (Interviewee from Traveller organisation, cited in Joyce et al 2021)

Further, In the survey, we probed whether participants felt Travellers would be accepted by colleagues within the professions. The majority of respondents were of the view that if a Traveller joined the ranks of the criminal justice professions, they would not be treated well by their colleagues, as the graph below shows:

Travellers as criminal justice professionals would be treated well by colleagues



Recommendations

The Irish Travellers’ Access to Justice project made the following evidence-based recommendations with respect to the recruitment practices of An Garda Síochána. As far as we are aware, none of these recommendations have been operationalized, and we would respectfully request that ECRI question the State on the status of these recommendations:

- The publication of annual data for the recruitment, hiring and promotion of underrepresented groups, particularly Irish Travellers, disaggregated by ethnicity and gender;
- The publication of the criteria used by An Garda Síochána for establishing ‘good character’.

- The assessment of An Garda Síochána hiring policies, particularly eligibility criteria, for cultural bias and for their impact on underrepresented groups, particularly Irish Travellers.

Additional topic specific to Ireland: Mincéirí/Travellers and the criminal justice system

The Irish Travellers Access to Justice project

The Irish Travellers' Access to Justice project documents Travellers' perceptions of, and experiences with, the criminal justice process, specifically policing and the courts system. ITAJ was described by the Chief Commissioner of the Irish Human Rights and Equality Commission as "ethically grounded in human rights principles of participation", "a landmark study in both its conduct and findings", and "an empirical leap in delivering an authoritative analysis and evidence-based recommendations for measures to tackle the institutional racism in the criminal justice system towards Travellers."

The findings of the research are based on a large study conducted between 2021 and 2022. The research included:

- A survey conducted with Travellers in Ireland about their experiences with the police and courts in this country in the period 2016- 2021. The data was collected July-December 2021. During the course of conducting that survey, we spoke with 1 in every 60 adult Travellers in Ireland in 25 of the 26 counties.
- 29 interviews with people working in Traveller organisations across Ireland
- Two focus groups with younger and older generations of Travellers.
- Statistical data provided by the Irish Prison Service.

The research finds that Travellers' trust in the Irish criminal justice system is low. Its roots lie in fears of wrongful arrest, excessive use of force, wrongful conviction, disproportionately high sentences, and wrongful imprisonment, that frame the way Travellers engage with and experience the criminal justice system. These fears are well-founded. Our research shows that Travellers are simultaneously overpoliced as suspects and underpoliced as victims, and the overrepresentation of Travellers in prison is long acknowledged. This research, by meticulously documenting Travellers' own accounts of their experiences with the police and the courts, contributes to explaining this phenomenon. The criminal justice system is built by and for settled people, and Travellers perceive that settled people are seen as more trustworthy than Travellers, believed over Travellers, and protected more than Travellers. These perceptions are reinforced by experiences lived by the individual

and shared within the community, through generations. Despite this, Travellers express a commitment to the legal system, and a desire to be protected and acknowledged by that system.

The report documents Travellers' perceptions and experiences of criminal justice institutions as suspects, victims, and those who are the accused in criminal cases. Its key findings reflect a need for radical changes in the way in which criminal justice institutions engage with, perceive, and address Travellers. For ease of access, we set out here the key findings of the research, but can expand on any particular aspect of the findings if that would be helpful to ECRI.

Key findings of the research:

- Half of the Travellers responding to the ITAJ survey were victims of criminal offences in the five years prior to the survey; only one-fifth had been arrested in that time period;
- Half of those surveyed had been present in a home entered into by the gardaí without permission;
- Travellers report hearing expressions of overt racism by gardaí and judges;
- The levels of trust that Travellers have in the gardaí is approximately half that of the general population;
- Travellers have a significantly lower level of trust in judges than the general population has in the legal system; trust levels in the police are lower among Travellers who have been victims of crime;
- Traveller victims of crime are not taken seriously by members of An Garda Síochána.

Perceptions of criminal justice institutions

The Garda Public Attitudes Survey 2019 (GPAS) measures general population attitudes towards the gardaí. When we compare GPAS findings to those of the ITAJ survey with Travellers, we see inverse patterns:

- 71% of the general population agree that with the statement "the gardaí in this area treat everyone fairly regardless of who they are, while 84% of Travellers disagree;
- 95% of the general population agree with the statement that the gardaí would treat you with respect; while 91% of Travellers do not believe that the gardaí treat Travellers with respect; 75% of Travellers believe that judges do not treat Travellers with respect;

- 89% of Travellers believe that the gardaí are more strict in dealing with Travellers compared to settled people; 82% of Travellers believe that judges are more strict in dealing with Travellers compared to settled people;
- 39% of Travellers agree that the gardaí are effective in tackling crime generally; less than half that amount – 17% - agree that they are effective in tackling crime against Travellers;
- 38% of Travellers agree that the courts are effective in tackling crime generally; less than half that amount – 20% - agree that they are effective in tackling crime against Travellers.

Positive experiences

- 36% of respondents shared a positive experience with a garda that had occurred in the five years prior to the survey; 8% shared a positive experience with a judge;
- Travellers described positive experiences with criminal justice professionals as characterised by the professional treating them respectfully; listening to them; being compassionate; vocally defending their rights and dignity; and being responsive;
- A positive experience with one or two individuals from a criminal justice institution, being for most respondents the exception rather than the rule, did not alter respondents' perceptions of the institution as a whole.

Victims of crime

- 83% of Travellers who reported a crime to the gardaí said that their report was not taken seriously;
- 67% of Travellers who reported a crime to the gardaí said that the garda who took the report of their crime did not treat them respectfully;
- While 61% of the general population were satisfied with the service provided by the gardaí after they reported a crime, only 15% of Travellers who reported a crime felt the same way;
- 60% of Travellers believe that hate crime against Travellers is a very serious problem;
- 31% of Travellers had experienced a crime that they did not report to the gardaí in the last five years;
- Of those who chose not to report a crime that they experienced, 87% stated that they did not believe that the gardaí would do anything; and 63% cited a lack of trust in the gardaí as reasons for not reporting.

Racial profiling

- When asked about the last time they were stopped by a garda in the five years prior to the ITAJ survey, 59% stated that they believed they were stopped because they are a Traveller
- Of those who believed that they were racially profiled;
 - o 78% explained that the Garda who stopped them knew that they were a Traveller;
 - o 53% stated that the particular Garda who stopped them has a reputation for stopping Travellers;
 - o 46% stated that the location of the police stop contributed to their conviction that they were ethnically profiled;
 - o 23% stated that the Garda who stopped them said something about their Traveller identity or about Travellers generally;
- In the context of stop and search, Travellers recounted experiences of garda harassment; threats to abuse power; garda provocation, gardaí deliberately escalating conflict; and degrading treatment;
- 32% of respondents said they were stopped with about the same frequency before and after the introduction of COVID-19 restrictions; 14% said they were stopped less during COVID-19 restrictions. Only 54% stated that they were stopped more during COVID-19 restrictions.

Custody

- 64% of Travellers who were in garda custody in the five years prior to the survey did not feel safe the last time they were in custody;
- 81% of those who were on regular medication on the last occasion of being held in a garda station stated that they did not get their medication on time, the majority of whom stated that the delay in taking the medication made them feel unwell.

Search of the home

- 50% of ITAJ respondents had been present in a home that was entered uninvited by the gardaí in the 5 years prior to the survey;
- 20% stated that they had experienced this on one occasion, 56% reported they had experienced this on 2-5 occasions, 24% stated that they experienced this 6 or more times in that 5 year period;
- Only 11% said that the gardaí presented a search warrant to them or another person present on the last such occasion;

- Respondents stated that these garda “raids” on homes are particularly impactful for children.

Bail

- Interviewees from Traveller organisations stated that some Travellers were granted bail only on the condition that they did not return to the town or townland in which they lived;
- This included young people who were told they would be held on remand in Oberstown if they could not secure alternative accommodation.

The Traveller defendant in court

- The vast majority of interviewees from Traveller organisations believe that Travellers are presumed guilty, and have to prove their innocence;
- Of those Travellers who had appeared in court as the accused in the five years prior to the survey, just under half understood all of what was said by the judge, the prosecutor and the defence solicitor or barrister on the last such occasion. A sizable minority understood nothing of what was said by the judge or the prosecutor;
- Only a minority of the accused considered that they were treated respectfully either by the judge, the Gardaí present or the prosecutor. By contrast, almost three-quarters stated that they were treated respectfully by the solicitor or barrister for the defence;
- Of those Travellers who had supported a defendant in a criminal case in the five years prior to the survey, approximately a third said that they had heard anti-Traveller language in the courthouse on the last such occasion: the majority of these had heard it from a garda, with a minority stating that they had heard it from the judge; a solicitor/barrister; a prosecutor; people working in the courthouse; or someone else;
- A majority of interviewees from Traveller organisations were of the view that the sentences imposed on Travellers were higher than those that would be imposed on settled people.

The Traveller victim in court

- Of those Travellers who had attended court as a victim in the five years prior to the survey, slightly less than half understood everything that was said by the judge, the prosecutor and the solicitor or barrister for the defence in the last such case. A minority understood nothing that was said by any of these criminal justice professionals. Levels of understanding expressed were similar regardless of the professional role in question;

- A majority of victims felt they had been treated respectfully by the solicitor or barrister for the defence. Just over half said that they had been treated respectfully by the prosecutor. Half said that the presiding judge had treated them respectfully. Just over a third stated that the Gardaí present had treated them respectfully;
- Half of victims felt they were treated fairly in court;
- Of those Travellers who had attended court to support a Traveller victim of crime in the five years prior to the survey, a majority stated that they heard anti-Traveller language used in the court or courthouse; in this context, legal professionals, courthouse staff and gardaí were mentioned. One victim said that they heard anti-Traveller language used by the judge.

Entry to criminal justice professions

- The majority of survey respondents were of the view that if a Traveller joined the ranks of the criminal justice professions, they would not be treated well by their colleagues:
- With respect to a Traveller who became a garda, 8% agreed or strongly agreed that a Traveller who joins the Gardaí would be treated well by other Gardaí. 72% disagreed, of which 29% strongly disagreed;
- With respect to a Traveller who became a solicitor or barrister, 18% agreed or strongly agreed that a Traveller who becomes a solicitor or barrister would be treated well by other solicitors or barristers. 56% disagreed, of which 17% strongly disagreed;
- With respect to a Traveller who became a judge, 15% of the sample agreed or strongly agreed that a Traveller who becomes a judge would be treated well by other judges. 62% disagreed, of which 19% strongly disagreed.

Complaints

In order to learn more about practices which Travellers experience as supportive or challenging, survey respondents were given the opportunity to tell us about the most positive and most negative experience they had with a member of An Garda Síochána and with a member of the Irish judiciary in the five years prior to the survey. Where a negative experience was described, participants were asked whether a complaint was made.

- 16% shared a negative experience that they had had with a judge in the five years prior to the survey. Of those who shared a negative experience, only a very small minority of those individuals said that a complaint was made; 93% stated that no complaint was made;

- 55% shared a negative experience about Gardaí. Of those who shared a negative experience about Gardaí, 35% stated that a complaint was made about the experience. 63% stated that no complaint was made; the remainder were unsure;
- Fear of retaliation by a judge/garda or the gardaí/judiciary generally was a key reason provided for not making a complaint; other stated reasons for not doing so include the belief that nothing would come of it as well as a lack of awareness of how to make a complaint.

Recommendations

We reiterate the three key recommendations of the Irish Travellers' Access to Justice Project:

- "[T]he introduction of an ethnic identifier throughout the criminal process from the point of reporting to the point of sentencing, including entry and search of homes and stops and searches which must be recorded. This includes a commitment to make the resultant data available to independent researchers and the publication of an annual report on ethnic minorities in the criminal process" (Joyce et al 2021, p.12);
- "[T]he development, publication, funding and implementation of a criminal justice strategy for the Traveller community, with a remit within and across each branch of the criminal process to address gaps in trust, legitimacy and accountability impacting the Traveller community. This strategy should include the development of an independent Traveller justice advisory group to provide advice on justice related issues and to monitor implementation of the strategy" (Joyce et al 2021, p.12);
- "[T]he establishment of a robust and effective independent complaints body operating across the criminal legal process and staffed by a dedicated team of investigators with no continuing connection to any of the criminal justice agencies. This body should be able to accept and respond to complaints regarding any criminal justice agency or professional including customs officers and judges." (Joyce et al 2021, p.12)

Further detailed recommendations are available in the Report across the following themes:

- Legislative and policy development
- Implementation of existing policy
- Transparency

- Accountability
- Review
- Monitoring systems
- Training
- Collaboration/community engagement
- Specialist supports
- Further research.

We would respectfully request that ECRI ask the state as to the status of these recommendations with respect to their implementation.

Bibliography

Bailey, S. (2017) 'From invisibility to visibility: a policy archaeology of the introduction of anti-transphobic and anti-homophobic bullying guidelines into the Irish primary education system', *Irish Educational Studies*, 36(1), 25–42.

Bryan, A. (2010) 'Corporate multiculturalism, diversity management, and positive interculturalism in Irish schools and society', *Irish Educational Studies*, 29(3), 253–269.

Central Statistics Office (nd) *Crime and Victimization 2019: Introduction and Summary of Results*, available:

<https://www.cso.ie/en/releasesandpublications/ep/p-cv/crimeandvictimisation2019/introductionandsummaryofresults/>

Council of Europe (1995) *Framework Convention for the Protection of National Minorities and Explanatory Report. H (95) 10*, Strasbourg: Council of Europe.

Crown Prosecution Service (nd) Hate Crime Report 2018–19, available [cps.gov.uk/sites/default/files/documents/publications/CPS-Hate-Crime-Annual-Report-2018-2019.PDF](https://www.cps.gov.uk/sites/default/files/documents/publications/CPS-Hate-Crime-Annual-Report-2018-2019.PDF)

Department of Justice (2019) *Review of the Prohibition of Incitement to Hatred Act 1989 Public Consultation October 2019*, available:

<https://www.gov.ie/en/consultation/c3d5e9-hate-speech-public-consultation/>

Fitzgerald, C. (2023) 'Explainer: Why are protesters targeting Ireland's libraries?' *The Journal*, <https://www.thejournal.ie/library-protests-ireland-6135746-Aug2023/>

FRA (2020) *EU LGBTI II A Long Way To Go For LGBTI Equality: Technical Report*, Luxembourg: Publications Office of the European Union

Gallagher, C. (2023) 'Who Are the Oireachtas Protesters and What Were They Protesting against?' *The Irish Times*, available:

<https://www.irishtimes.com/crime-law/2023/09/21/who-are-the-oireachtas-protesters-and-what-were-they-protesting-against/>

An Garda Síochána (nd) *Hate Crime Online Reporting Statistics 2023*, available: <https://www.garda.ie/en/information-centre/statistics/hate-crime-statistics.html>

Haynes, A., Schweppe, J., Brown, K. and Macmillan, R. (2023) *Public Understandings of Hate Crime: Ireland, North and South*. European Centre for the Study of Hate: Limerick.

Haynes, A and Schweppe J. (2018) *Gendered policing and policing gender: The Trans Community and An Garda Síochána*, available: <https://hdl.handle.net/10344/7453>.

Hennessey, M. (2022) 'Policing Authority 'not satisfied' with Garda Commissioner's comments on Traveller profiling', *The Journal*, available: <https://www.thejournal.ie/blind-justice-policing-authority-5889553-Oct2022/>

Hilliard, M. and Jones, N. (2023) 'Staff at Swords Library Confronted by Protesters over LGBTQ+ Books', *The Irish Times*, available: <https://www.irishtimes.com/ireland/dublin/2023/04/06/protesters-enter-swords-library-to-oppose-lgbtq-books-for-young-people/>.

Horgan-Jones, J. (2023) 'Who or What Was behind This Week's Protests Outside the Dáil?' *The Irish Times*, available: <https://www.irishtimes.com/politics/2023/09/23/who-or-what-was-behind-this-weeks-protests-outside-the-dail/>.

Irish Council for Civil Liberties and Irish Network Against Racism (2024) *Policing and Racial Discrimination in Ireland: A Community Rights Perspective*, available: <https://inar.ie/wp-content/uploads/2024/04/1.-POLICING-AND-RACIAL-DISCRIMINATION-1.pdf>

IHREC (nd), *Education*, available: <https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/what-does-the-law-say/education/>

Keane, E., Heinz, M. and Mc Daid, R. (2023) *Diversifying the teaching profession: Dimensions, dilemmas and directions for the future*. Taylor & Francis.

Mcgee, H. (2023) 'US Student Gets Sucked into Dáil Mob Confrontation on First Day as Political Intern', *The Irish Times*,

<https://www.irishtimes.com/politics/2023/09/22/on-first-day-as-political-international-american-student-gets-sucked-into-mob-confrontation/>

McGinnity, F., Laurence, J., Cunniffe, E. (2023) *Comparing Migrant Integration in Ireland and Northern Ireland*, Dublin: Economic and Social Research Institute, available: <https://www.esri.ie/publications/comparing-migrant-integration-in-ireland-and-northern-ireland>

National Council for Curriculum and Assessment (Ireland) (2005) *Intercultural education in the primary school: enabling children to respect and celebrate diversity, to promote equality and to challenge unfair discrimination*, available: [ncca.ie/media/1903/intercultural_education_in_the_primary_school_guidelines_for_schools.pdf](https://www.ncca.ie/media/1903/intercultural_education_in_the_primary_school_guidelines_for_schools.pdf)

National Council for Curriculum and Assessment (Ireland) (2024a) *Draft Wellbeing Specification For all primary and special schools: For consultation*, available: [ncca.ie/media/csmh55u0/draft_primary_wellbeing_specification_2024.pdf](https://www.ncca.ie/media/csmh55u0/draft_primary_wellbeing_specification_2024.pdf)

National Council for Curriculum and Assessment (Ireland) (2024b) *Draft Senior Cycle Social, Personal and Health Education (SPHE) Specification For consultation*, available: [ncca.ie/media/6269/draft-sc-sphe-for-consultation.pdf](https://www.ncca.ie/media/6269/draft-sc-sphe-for-consultation.pdf)

Neary, A. and Power, J. (2024) *Belong To Primary: New Foundations for LGBTQ+ Inclusivity in Primary Schools*, University of Limerick and Belong To LGBTQ+ Youth Ireland, available: <https://doi.org/10.34961/researchrepository-ul.25974778.v1>

Ní Dhuinn, M. and Keane, E. (2023) "But you don't look Irish': identity constructions of minority ethnic students as 'non-Irish' and deficient learners at school in Ireland', *International Studies in Sociology of Education*, 32(4), 826-855.

Pollak, S. (2024) 'Far Right or Lone Wolf – Who Is behind the Wave of Arson Attacks on Migrant Housing?' *The Irish Times*, available: <https://www.irishtimes.com/podcasts/in-the-news/far-right-or-lone-wolf-who-is-behind-the-wave-of-arson-attacks-on-migrant-housing/>.

Reynolds, P (2024) 'Gardaí fear copycat arson attacks after 16 fires in past year', RTE online, available: <https://www.rte.ie/news/ireland/2024/0119/1427400-arson-attacks/>

Schweppe, J. and Haynes, A. (2021) *Submission to the Joint Committee on Justice on the General Scheme of the Criminal Justice (Hate Crime) Bill 2021*, available: <https://doi.org/10.34961/researchrepository-ul.25673865.v1>.

Schweppe, J. and Haynes, A. (2022) *Review of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022*, available: <https://doi.org/10.34961/researchrepository-ul.21517635.v1>

Schweppe, J. and Haynes, A. (2023) *Legal and Drafting Issues: Review of Part 3 of the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 - June 2023*, available: <https://doi.org/10.34961/researchrepository-ul.24183786.v1>.

Sherlock, C. (2023) 'Thirteen Arrested after Demonstrators Bring Mock Gallows to Leinster House Protest.', *Breakingnews.ie*, available <https://www.breakingnews.ie/ireland/several-arrests-after-demonstrators-bring-mock-gallows-to-leinster-house-protest-1529212.html>.

Specia, M. (2023) 'Ireland's Riot Was Not a Surprise to Those Who Watch the Far Right', *New York Times*, <https://www.nytimes.com/2023/12/07/world/europe/dublin-riot-far-right.html>

Teaching Council (Ireland) (2016) *Code of Professional Conduct for Teachers*, 2nd ed., available: <https://www.teachingcouncil.ie/en/publications/fitness-to-teach/code-of-professional-conduct-for-teachers1.pdf>.

Teaching Council (Ireland) (2020) *Céim: Standards for initial teacher education, Maynooth: Teaching Council*.

Tuite, T. (2023) 'Thirteen People Charged after Arrests at Leinster House Protests', *The Journal*, available: <https://www.thejournal.ie/thirteen-people-charged-after-arrests-at-leinster-house-protests-6174098-Sep2023/>.

Warde, M. (2022) 'Martin Warde: Let's hope rise in Travellers applying to become gardaí translates to jobs', *Irish Examiner*, available: <https://www.irishexaminer.com/opinion/commentanalysis/arid-40864745.html>

SUSTAINABLE DEVELOPMENT GOALS

4 QUALITY EDUCATION



5 GENDER EQUALITY



8 DECENT WORK AND ECONOMIC GROWTH



10 REDUCED INEQUALITIES



11 SUSTAINABLE CITIES AND COMMUNITIES



16 PEACE, JUSTICE AND STRONG INSTITUTIONS



17 PARTNERSHIPS FOR THE GOALS



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