



University of Limerick,
Castletroy,
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4 September 2019

On behalf of the Coalition Against Hate Crime (Ireland)

Submission to the Committee on the Elimination of Racial Discrimination from the Coalition Against Hate Crime (Ireland) to inform the elaboration of the List of Themes in relation to Ireland's Combined 5th to 9th Periodic Reports

About the Coalition Against Hate Crime (Ireland)

The Coalition Against Hate Crime (Ireland) ('the Coalition') is a network organisation comprising of 15 civil society organisations and one academic research group. The purpose of the Coalition is to promote meaningful reform of law, policy and practice as it relates to hate crime in Ireland. The Coalition is preparing an Alternative Report entitled 'Hate Crime and Related Issues' to Ireland's Combined 5th to 9th Periodic Reports on the occasion of CERD's 100th session in December 2019.

Introduction

The Coalition welcomes the opportunity to make this submission to the Committee on the Elimination of Racial Discrimination ('the Committee') to inform its development of a List of Themes in relation to Ireland's Combined 5th to 9th Periodic Reports. This submission sets out the reasons for developing an Alternative Report entitled *Hate Crime and Related Issues* which will be provided to the Committee in due course. The Report will be authored by Dr Amanda Haynes and Dr Jennifer Schweppe of the Hate and Hostility Research Group, who remain available to the Secretariat and the Committee for any further information or clarification that they might require.

On the basis of extensive research conducted by academics and civil society organisations, the Coalition Against Hate Crime would ask the Committee to consider the following four matters in its List of Themes for Ireland: Hate Crime; Hate Speech and the Prohibition of Incitement to Hatred Act 1989; Racial Profiling; Training in the Criminal Justice Process. **According to the EU MIDIS II Survey, Ireland has high rates of hate crime relative to surveyed states.** The Committee has previously made a total of 13 recommendations to Ireland in relation to hate crime and related issues. **Of these 13 recommendations, only one recommendation has been partially implemented. The remaining 12 recommendations remain unaddressed by the State.**

Hate Crime

Despite the Committee previously recommending that Ireland introduce a provision in criminal law to address the hate element of a crime, there is no hate crime legislation in place in Ireland. Research shows that victims of hate crime are slow to report their experiences. Research funded by the European Union further shows that the hate element of a crime is often 'disappeared' in the criminal justice process, thus firmly refuting the claim by the Irish State that the current legal position is capable of addressing hate crime.

Hate Speech and the Prohibition of Incitement to Hatred Act 1989

In Ireland's State Report submitted for the initial and second periodic reports in June 2004, it is indicated that a review of the Prohibition of Incitement to Hatred Act 1989 began in September 2000. This review is still ongoing, nearly twenty years later, and as the Irish Law Reform Commission noted that the Act remains ineffectual to address incitement to hatred in an Irish context.

Racial Profiling

There is no clear statement in law as to the illegality of racial profiling. Although the State has previously committed to providing disaggregated data on racial profiling to CERD, they have not done so. There is no current publicly available official data on racial profiling in Ireland, though 28% of respondents to the EU Midis Survey II in Ireland, who were from a Sub-Saharan African background, believed that the last time they were stopped by the police it was because of their ethnic or immigrant background.

Training in the Criminal Justice Process

There is no diversity training across the criminal justice process. Research has documented significant shortcomings in training made available to Ethnic Liaison Officers within An Garda Síochána, and there is no diversity training provided to judges. All public bodies are obliged under section 42 obligations of the Irish Human Rights and Equality Commission Act 2015 to have regard to the need to eliminate discrimination, promote equality of opportunity and treatment, and protect the human rights of staff, members, and the public. The section obliges such organisations to publish a strategic plan in this regard, and report annually on these issues. The police force and the judiciary are not compliant with their obligations in this regard.

Contact Details

A full report will be submitted to the Committee in advance of the session in which Ireland will be discussed by the Committee. Dr Amanda Haynes and Dr Jennifer Schweppe will be available to the Committee during the Informal Meetings and are further available to the Secretariat and the Committee for any further information or clarification they might require.

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