FACING ALL THE FACTS

Connecting on hate crime data in Ireland

Joanna Perry & Shane O'Curry

CEJI A JEWISH CONTRIBUTION TO AN INCLUSIVE EUROPE

ENAR Ireland Working collectively to eradicate racism in Ireland

This report has been produced as part of the 'Facing all the Facts' project which is funded by the European Union Rights, Equality and Citizenship Programme (JUST/2015/RRAC/AG/TRAI/8997) with a consortium of 3 law enforcement and 6 civil society organisations across 8 countries.

Lead Partner

Partners

Joanna Perry is an independent consultant with many years of experience in working to improve understandings of and responses to hate crime. She has held roles across public authorities, NGOs and international organisations and teaches at Birkbeck College, University of London.

Shane O'Curry is the Director of ENAR Ireland, a network of 99 civil society organisations, where he co-developed the racist incident reporting tool iReport.ie, regarded internationally as an example of best practice in civil society hate crime and hate incident monitoring. Shane is a social activist and community educator many years' experience of working against racism and other forms of exclusion.

We would like to thank everyone who took part in our workshops and interviews for their invaluable contribution.

Jonathan Brennan is an artist and freelance graphic designer, web developer, videographer and translator. His work can be viewed at www.aptalops.com and www.jonathanbrennanart.com

www.facingfacts.eu

Background

Facing all the Facts is generating more effective responses to hate crimes at national level and beyond so that bias motivated incidents will no longer be denied and victims' rights protected.

The project has four main objectives:

1. To discover what works and identify gaps and opportunities to improve cooperation and data sharing between criminal justice systems and CSOs;
2. To develop high quality and targeted online training which will advance the implementation of hate crime strategies, and can be tailored to a variety of national contexts and integrated into existing learning programmes;
3. To build the capacity of law enforcement and public authorities to take a victim-centered approach to monitoring and recording hate crime; and
4. To inform EU policy through evidenced and practice-based recommendations on improving hate crime recording, reporting and training methods in these areas.

Online training courses can be accessed by registering on:
www.facingfactsonline.eu

- Hate crime training for police
- Hate crime monitoring for civil society organisations
- Hate crime recording policy-making
- 7 Bias Indicators modules that address the specificities linked to hate crimes targeting the following communities:
  - Disabled
  - Jewish
  - LGBT
  - Migrants and Refugees
  - Muslim
  - People of African Descent
  - Roma
- Hate speech monitoring and counteraction
- Hate speech advocacy
- Online content moderation

For interest in online courses that are not available to the public, such as those customized to specific national or organisational training strategies, please contact the project coordinator:

melissa.sonnino@ceji.org

Introduction

If we are to understand hate crime[1], support victims and reduce and prevent the problem, there are some basic questions that need to be answered:

> ***How many hate crimes are taking place? Who are the people most affected? What is the impact? How good is the response from the police? Are cases getting investigated and prosecuted? Are the courts applying hate crime laws? Are victims getting access to safety, justice and the support they need?***

While 'official' hate crime data, usually provided by police reports, are the most cited source for answers to these questions, they can only tell a small part of this complex story. Understanding what happens to cases as they are investigated, prosecuted and sentenced requires a shared approach and cooperation across government agencies and ministries with responsibilities in this area, however, the necessary mechanisms and partnerships are often not in place. Reports and information captured by civil society organisations (CSOs) can also provide crucial parts of the jigsaw, yet connection across public authority - civil society 'divides' is even more limited.

The Facing all the Facts project used interactive workshop methods, in-depth interviews, graphic design and desk research to understand and assess frameworks and actions that support hate crime reporting, recording and data collection across a 'system' of public authorities and CSOs.[2] Researchers adopted a participatory research methodology and worked directly with those at the centre of national efforts to improve hate crime reporting, recording and data collection to explore the hypothesis that stronger relationships across the hate crime reporting, recording and data collection system lead to better data and information about hate crime and therefore better outcomes for victims and communities.

1 As a general rule, Facing all the Facts uses the internationally acknowledged, OSCE-ODIHR definition of hate crime: 'a criminal offence committed with a bias motive'
2 The following countries were involved in this research: Greece, Hungary, Ireland, Italy, Spain, United Kingdom (England and Wales).

What was found is that a range of factors are key to progress in this area, including the:

- strength and comprehensiveness of the international normative framework that influences national approaches to reporting, recording and data collection;
- technical capacity to actually record information and connect with other parts of the system to share and pass it on;
- existence of an underlying and inclusive policy framework at the national level;
- work of individual 'change agents' and the degree to which they are politically supported;
- skill and available resources of those civil society organisations that conduct recording, monitoring and advocacy.

The research also found that each national context presents a different picture, and none is fully comprehensive or balanced.

This national report aims to describe the context and current picture of hate crime reporting, recording and data collection in Ireland and to present practical, achievable recommendations for improvement. It is hoped that national stakeholders can build on its findings to progress in this critically important piece of broader efforts to understand and effectively address the painful and stubborn problem of hate crime in Ireland.[3]

It is recommended that this report is read in conjunction with the European Report, which brings together themes from across the six national contexts, tells the stories of good practice and includes practical recommendations for improvements at the European level. Readers should also refer to the Methodology section of the European Report that sets out how the research was designed and carried out in detail.

3 The political, legal, social and technical aspects of hate crime in Ireland have been meticulously documented by iReport.ie and by the work of the Hate and Hostility Research Group. Facing all the Facts drew on this rich evidence base to evaluate current national frameworks and action related to hate crime reporting and recording using a participatory approach.

How did we carry out this research?

The research stream of the Facing all the Facts project had three research questions:[4]

1. What methods work to bring together public authorities (police, prosecutors, government ministries, the judiciary, etc.) and NGOs that work across all victim groups to:
- co-describe the current situation (what data do we have right now? where is hate crime happening? to whom?)
- co-diagnose gaps and issues (where are the gaps? who is least protected? what needs to be done?), and;
- co-prioritise actions for improvement (what are the most important things that need to be done now and in the future?).
2. What actions, mechanisms and principles particularly support or undermine public authority and NGO cooperation in hate crime recording and data collection?
3. What motivates and supports those at the centre of efforts to improve national systems?

The project combined traditional research methods, such as interviews and desk research, with an innovative combination of methods drawn from participatory research and design research.[5]

The following activities were conducted:

- liaised with relevant colleagues to complete an overview of current hate crime reporting, recording and data collection processes and actions at the national level, based on a pre-prepared template[6];
- identified key people from key agencies, ministries and organisations at the national level to take part in a workshop to map gaps and opportunities for improving hate crime reporting, recording and data collection.[7] This took place in Dublin on 21 June 2017;
- arranged for in-depth interviews with five people who have been at the heart of efforts to improve reporting, recording and data collection at the national level to gain their insights into our research questions.

4 In terms of its conceptual scope, the research focused on hate crime recording and data collection, and excluded a consideration of hate speech and discrimination. This was because there was a need to focus time and resources on developing the experimental aspects of the methodology such as the workshops and graphics. International and national norms, standards and practice on recording and collecting data on hate speech and discrimination are as detailed and complex as those relating to hate crime. Including these areas within the methodology risked an over-broad research focus that would have been unachievable in the available time.
5 See the Methodology section of the European Report for a detailed description of the research theory and approach of the project, see also Perry, Perry-Kessaris (forthcoming)
6 See Methodology section of the European Report for a full description of the research methodology.
7 See Methodology section of the European Report for agenda and description of activities.

Following the first phase of the research, the lead researcher synthesised existing norms and standards on hate crime to create a self-assessment framework (insert link), which was used to develop national systems maps describing how hate crimes are registered, how data is collected and used and an assessment of the strength of individual relationships across the system. A graphic designer worked with researchers to create visual representations of the *Journey of a Hate Crime Case* (see below) and national *Systems Maps* (see 'Mapping the hate crime recording and data collection 'system' in Ireland' below). Instead of using resources to launch the national report, it was decided that more connection and momentum would be generated at the national level, and a more accurate and meaningful final report would be produced, by directly consulting on the findings and recommendations during a second interactive workshop which was held in Dublin 23 October, 2018.

Civil Society Representatives and academics were invited to attend the first workshop, held in May 2017. Representatives from public authorities, members of the judiciary, officials from the office of the Director of Public Prosecutions, representatives from the Department of Justice, and from the Central Statistics Office were also invited. With the exception of a number of individuals from within *An Garda Síochána*[8] , all invitees from public authorities declined to attend the first national workshop or take part in interviews – a situation that was not encountered in any other country in the Facing all the Facts project.[9] However, in a very welcome development, possibly reflecting the recent increased focus on improving responses to hate crime in Ireland, representatives from the Department of Justice and *An Garda Síochána* and several other representatives of public authorities attended the second consultation workshop, allowing the project to obtain their input and views.

During the final phase, the researchers reviewed the final reports and systems maps, seeking input and clarification with stakeholders, as needed. In addition, themes from this and other national reports were brought together and critically examined in the final, European Report.

8 Guardians of the Peace, the Irish Police.
9 This lack of involvement was also detailed in the Life Cycle of a Hate Crime country report for Ireland, https://www.iccl.ie/wp-content/uploads/2018/05/Hate-Crime-Report-LR-WEB.pdf' for which the DPP and Chief Solicitors Office declined invitations to take part in research and the Chief Justice turned down application for members of judiciary to be interviewed. However, in a welcome development, several representatives from the Department of Justice and AGS and several other representatives of public authorities attended the consultation workshop.

The context of hate crime recording and data collection in Ireland: a timeline

2000, September Dublin Metropolitan District court convicts a bus driver under the 1989 Prohibition of Incitement to Hatred Act, for an incident on a bus in which he racially abused a passenger and told him to go back to his own country. He is also convicted of assault. However, this first ever successful conviction under the 1989 Act10 was subsequently quashed by the Circuit Court in March 2001. The Irish government announces a review of the 1989 Prohibition of Incitement to Hatred Act. The Law Reform Commission has described the Act as particularly ineffectual in combating online hate speech.

May 2001 Six Dublin men are charged under the 1989 Prohibition of Incitement to Hatred Act, for an incident during which there were a number of serious assaults on two black men, a father and son, during which the men were racially abused. One of the 6 men charged was Paul Barry, who would eventually be convicted of assault, but not of Incitement to Hatred. Barry would be charged and detained in relation to the 2010 murder of black teenager Toyosi Shittabey, where the prosecution accused him of fatally stabbing the 15 year old (see below). Barry took his own life while awaiting trial in the Shittabey case. In the absence of hate crime legislation the potential racist element was not pursued in either case.[11]

2004 Mayo farmer Padraig Nally shoots and kills John Ward, a Traveller trespassing on his land. Nally is convicted of manslaughter and imprisoned. A racially charged public and media debate ensues. In 2006 the Court of Criminal Appeal overturns the manslaughter charge and Nally walks free after a retrial in which the jury find him not guilty.

May 2005 Two Dublin men are acquitted of murder, but one found guilty of the manslaughter of Ly Minh Luong in Temple Bar in Dublin on 16 August 2002. Both men were also found guilty of causing harm to Mr Wei Dong, who was assaulted and racially abused in the same incident. Mr Luong died 3 days later from his injuries. It is thought that the case was not treated or recorded as a hate crime.

January 2008 18 years old Marioara Rostas, a Roma girl recently arrived from Romania to join her family, was abducted while begging in the streets in Dublin. Over a two day period, she was sexually assaulted by a number of men connected to a Dublin criminal gang, and died from being shot four times in the head. Her body was dumped in a shallow grave where it was not found for four years. A 2014 trial acquitted one suspect of her murder. In the absence of hate crime legislation the potential racist hate element was not recognised during the investigation.

October 2008 The Morris Tribunal publishes the Final Report of its 5 years of hearings and investigation into serious allegations of *Garda* corruption and

10 https://www.irishtimes.com/news/bus-driver-convicted-under-hatred-act-1.1102950
11 https://www.independent.ie/irish-news/courts/scholarship-plan-to-remember-toyosi-as-man-acquitted-of-stabbing-murder-28946898.html

misconduct. Among the findings was that of a "them and us" culture operating within *An Garda Síochána*, briefly prompting Minority Ethnic recruitment quotas until they were abandoned under austerity and the recruitment freeze in 2009.

April 2010 Toyosi Shittabey a 15 year old black boy from Tyrellstown, Dublin, is fatally stabbed after being racially abused. Two brothers are charged with the killing. One dies by suicide at the start of the trial. The second is acquitted of murder. In the absence of hate crime legislation the potential hate element was not recognized as part of the investigation.

April 2011 An audio recording emerges which captures a number of *Gardaí* in a Garda vehicle making repeated 'jokes' about raping and deporting one of two female environmental protesters they had arrested.

2011 CERD issues Concluding Observations in its third and fourth report on Ireland, urging the introduction of hate crime legislation and the publication of disaggregated data on racist incidents.

November 2011 Dublin Black Taxi driver Moses Ayanwole died in hospital after being assaulted by a passenger. A man was later acquitted of manslaughter. In the absence of hate crime legislation the potential hate element was not recognized as part of the investigation.

January 2013 Fianna Fáil Donegal County Councillor Seán McEniff repeatedly makes comments live on the radio about segregating Travellers and condemning the Council for providing accommodation to a Traveller family. The comments are followed by an arson attack on that Traveller family's home. Efforts to pursue a prosecution under the 1989 Incitement to Hatred Act are unsuccessful.

February 2013 report by the European Commission on Racism and Intolerance (ECRI) urges a ban on Ethnic profiling, the introduction of hate crime legislation and constitutional protections against racism. It emphasises General Recommendation 11, urging better police efforts to combat racism and monitor racist incidents.

July 2013 the Integration Centre publishes 'Recording Racism in Ireland' report which, identifies gaps in Garda procedures on recording racist crimes, it makes a series of recommendations for addressing them.[12]

2013 Gardaí and health workers removed a seven-year-old blonde-haired Roma girl from her family in Tallaght, Dublin on suspicion that she had been abducted by her own family. The next day, Gardaí in Athlone removed a second blonde-haired Roma child from his family. Both children were returned to their families. An investigation

12 Clarke, H. (2012)

found that the families had been targeted as a result of ethnic profiling by health services and the police, however it reported that there was "no evidence of institutional racism" influencing public authorities' decision making process.

December 2013 ENAR Ireland launches iReport.ie, an independent, national online system to capture incidents of racist violence, and police responses to victims. It replaces and further develops the NCCRI recording system, and provides the basis for a number of analyses and reports on hate crime, racist violence and discrimination in Ireland. To this date it publishes the iReports: Reports of Racism in Ireland

May 2014 The Minister for Justice faces opposition questioning after it emerges that *Gardaí* were using the PULSE crime database to record details of Traveller children, some as young as 16 days old.

January 2014 'A Life Free From Fear' Legislating for Hate Crime in Ireland: An NGO Perspective is published by the Hate and Hostility Research Group, University of Limerick.

March 2014 Universal Periodic Review interim report on Ireland recommends the introduction of Hate Crime Legislation

2015 **'Out** of the Shadows: Legislating for Hate Crime in Ireland - Preliminary Findings' is published by the Hate and Hostility Group, University of Limerick.

2015-2017 Garda crime figures found to be so unreliable they are not published by the Central statistics Office (CSO)

July 2016 Fianna Fail backbenchers introduce a private members Hate Crime bill in the *Oireachtas*

2016 A 'discriminatory motive' flag is introduced to PULSE the AGS recording system, including specific groups.

January 2017 the NGO-research coalition, the National Steering Group Against Hate Crime is established. The National Steering Group Against Hate Crime, now re-named the Coalition Against Hate Crime Ireland (CAHC) is a civil society coalition whose members represent groups commonly targeted in hate crimes, including Minority Ethnic Groups, religious minorities, LGBTQI communities, disabled people and people with intellectual disability, and others, as well as academics and researchers. It is charged with harnessing the capacity of collaborating NGOs, monitoring and fact-checking reports, and advising on strategies to push CAHC's agenda for reforming Ireland's laws, policies and practices on hate crime.

March 2017 NGOs present to members of the Oireachtas at a special hearing on hate crime, urging support for a heavily amended Hate Crime bill

May 2017 ENAR Ireland, in partnership with Facing All the Facts hosts a workshop bringing together representatives from across monitoring NGOs and public authorities to identify gaps and opportunities for progress in hate crime monitoring and recording in Ireland.

2017 'STAD: Stop Transphobia and Discrimination Report 2014-2016' is published, highlighting manifestations of transphobia – including reported cases of hate crime, discrimination and everyday micro-agressions – from 2014 to 2016.

2017 'Lifecycle of a Hate Crime, Country Report Ireland' scrutinising Ireland's institutional and legislative framework for the investigation and prosecution of hate crime. The authors identify, among others, a "policy vacuum", lack of police training, and fragmented inter-institutional relationships as factors inhibiting the prosecution of hate crime in Ireland.

January 2018 ENAR Ireland makes its Submission on Ireland's combined draft 5th 6th and 7th State report to the UN Committee on the Elimination of Racial Discrimination (CERD), recommending inter alia - the adoption of Hate Crime Legislation, measures to tackle racial discrimination within An Garda Síochána and the banning of racial profiling, in accordance with the concluding observations from CERD's 3&4th report for Ireland. ENAR Ireland's Civil Society Alternative report is to be submitted to CERD in November 2019.

Feb 2018 ENAR Ireland's submission to the Commission on the Future of Policing in Ireland calls for a human rights based radical overhaul of An Garda Síochána's functions and capacity to deal with hate crime and relate to minority ethnic communities.

June 2018 ENAR Ireland makes its submission to the European Commission against Racism and Intolerance (ECRI) Civil society *Roundtable*, calling *inter alia* - for the adoption of Hate Crime Legislation, measures to tackle racial discrimination within An Garda Síochána and the banning of racial profiling.

2018 The Irish Council For Civil Liberties publishes 'A Human Rights Based Approach to Policing in Ireland' which contains substantial recommendations on Garda reform, with a specific focus on hate crime and hate crime data recording.

2018 The Commission on The Future of Policing in Ireland publishes "The Future of Policing in Ireland" which has clear recommendations on hate crime.

December 2018 an Garda Síochána hold a national seminar to support the development of their national hate crime strategy.

February 2019 Press reports that GSOC, the Garda Síochána Ombudsman's Commission, is carrying out an investigation in relation to allegations that at a 2014 Garda briefing, a senior Garda allegedly made racist comments about black youths. The investigation will also cover an internal Garda probe into the matter.

April 2019 an Garda Síochána revises its hate crime and hate crime incident definition.

October 2019 An Garda Síochána publishes its Diversity and Integration Strategy 2019-2021 including specific obligations on hate crime recording.

The journey of a hate crime

Using a workshop methodology, around 100 people across the 6 countries taking part in this research contributed to creating a victim-focused, multi-agency picture about what information is and should be captured as a hate crime case journeys through the criminal justice system from reporting to investigation, prosecution and sentencing, and the key stakeholders involved.[13]

The *Journey* graphic conveys the shared knowledge and experience generated from this exercise. From the legal perspective, it confirms the core problem articulated by Schweppe, Haynes and Walters where, 'rather than the hate element being communicated forward and impacting the investigation, prosecution and sentencing of the case, it is often "disappeared" or "filtered out" from the process.'[14],[15] It also conveys the complex set of experiences, duties, factors and stakeholders that come into play in efforts to evidence and map the victim experience through key points of reporting, recording and data collection. The police officer, prosecutor, judge and CSO support worker are shown as each being essential to capturing and acting on key information about the victim experience of hate, hostility and bias crime, and their safety and support needs. International norms and standards[16] are the basis for key questions about what information and data is and should be captured.

The reasons why victims do not engage with the police and the criminal justice process are conveyed along with the potential loneliness and confusion of those who do. The professional perspective and attitude of criminal justice professionals that are necessary for a successful journey are presented.[17] NGOs are shown as an essential, if fragile, 'safety net', which is a source of information and support to victims across the system, and plays a role in bringing evidence of bias motivation to the attention of the police and the prosecution service.

The *Journey* communicates the *normative idea* that hate crime recording and data collection starts with a victim reporting an incident, and should be followed by a case progressing through the set stages of investigation, prosecution and sentencing, determined by a national criminal justice *process*, during which crucial data about bias, safety and security should be captured, used and published by key stakeholders. The graphic also illustrates the *reality* that victims do not want to report, key information about bias indicators and evidence and victims' safety and support needs is missed or falls through the cracks created by technical limitations, and institutional boundaries and incompatibilities. It is also clear that CSOs play a central yet under-valued and under-resourced role.

13 See Methodology section of the European Report for further detail
14 ***Schweppe***, J. ***Haynes***, A. and ***Walters*** M (2018) ***Lifecycle*** of a Hate Crime: Comparative Report. Dublin: ICCL p. 67.
15 The extent of this 'disappearing' varied across national contexts, and is detailed in national reports.
16 See Methodology section of the European Report
17 Based on interviews with individual 'change agents' from across these perspectives during the research.

As in most countries, there is serious under-reporting of hate crimes to the police and to NGOs in Ireland. There are also gaps in provision, support and information for victims, leading to drop out and poor outcomes. These points are addressed in more detail below where Ireland's 'system' of hate crime recording and data collection is considered in detail.

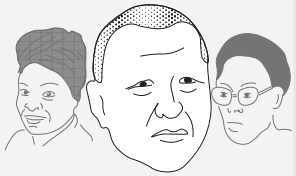
Some specific observations on the Irish context were made during the workshop. First, it isn't possible to find out if victims have been given information about available support or whether, if in need of translation, they understand the situation and process. Second, the limited data that is collected is 'disappeared' as the criminal justice process progresses.[18] This was identified as a 'policy decay effect' during the workshop.

18 Schweppe, Haynes and Walters (2017), p. 67.

JOURNEY OF A HATE CRIME CASE

WWW.FACINGFACTSONLINE.EU

“This is the fifth time it has happened, I must report it but... will I be believed?’



“They’ll find out I don’t have the right papers ... I can’t risk being deported.’

“Last time the police didn't record that I was attacked because I’m gay. How do I know that I’ll be kept safe and it won’t happen again?’

INVESTIGATION

‘It is our duty to keep people safe and fully investigate every aspect of the incident.’

Do police record:
- Type of potential hate crime?
- Bias indicators and victim perception?
- Victim support and safety needs?

Is this information passed to the prosecution?

PROSECUTION

‘Where there is evidence of bias motivation, it is our duty to bring it to the court's attention.’

Do prosecutors record:
- Type of hate crime?
- Evidence of bias and victim perception?
- Victim support and safety needs at court (and beyond)?

Is this information presented to the court?

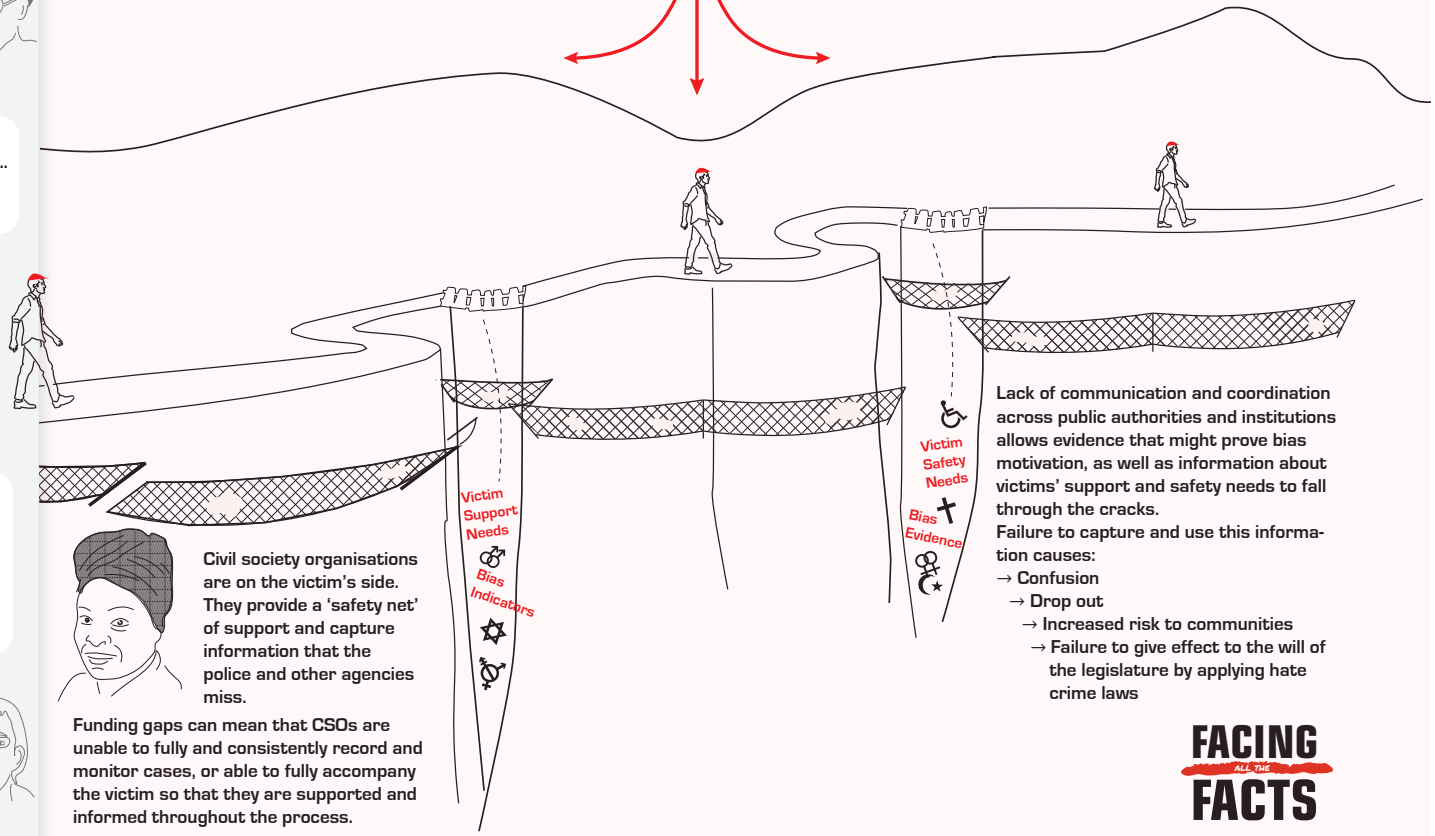
SENTENCING

‘Parliament has passed our hate crime laws. Where the case is proven, we must apply them.’

Does the court record:
- Whether hate crime law was applied?
- Victim support and safety needs at court (and beyond)?

Is this information communicated to the public?

SUPPORT, SAFETY, COMMUNICATION & JUSTICE



Civil society organisations are on the victim’s side. They provide a ‘safety net’ of support and capture information that the police and other agencies miss.

Funding gaps can mean that CSOs are unable to fully and consistently record and monitor cases, or able to fully accompany the victim so that they are supported and informed throughout the process.

Lack of communication and coordination across public authorities and institutions allows evidence that might prove bias motivation, as well as information about victims’ support and safety needs to fall through the cracks.
Failure to capture and use this information causes:
→ Confusion
→ Drop out
→ Increased risk to communities
→ Failure to give effect to the will of the legislature by applying hate crime laws

FACING ALL THE FACTS

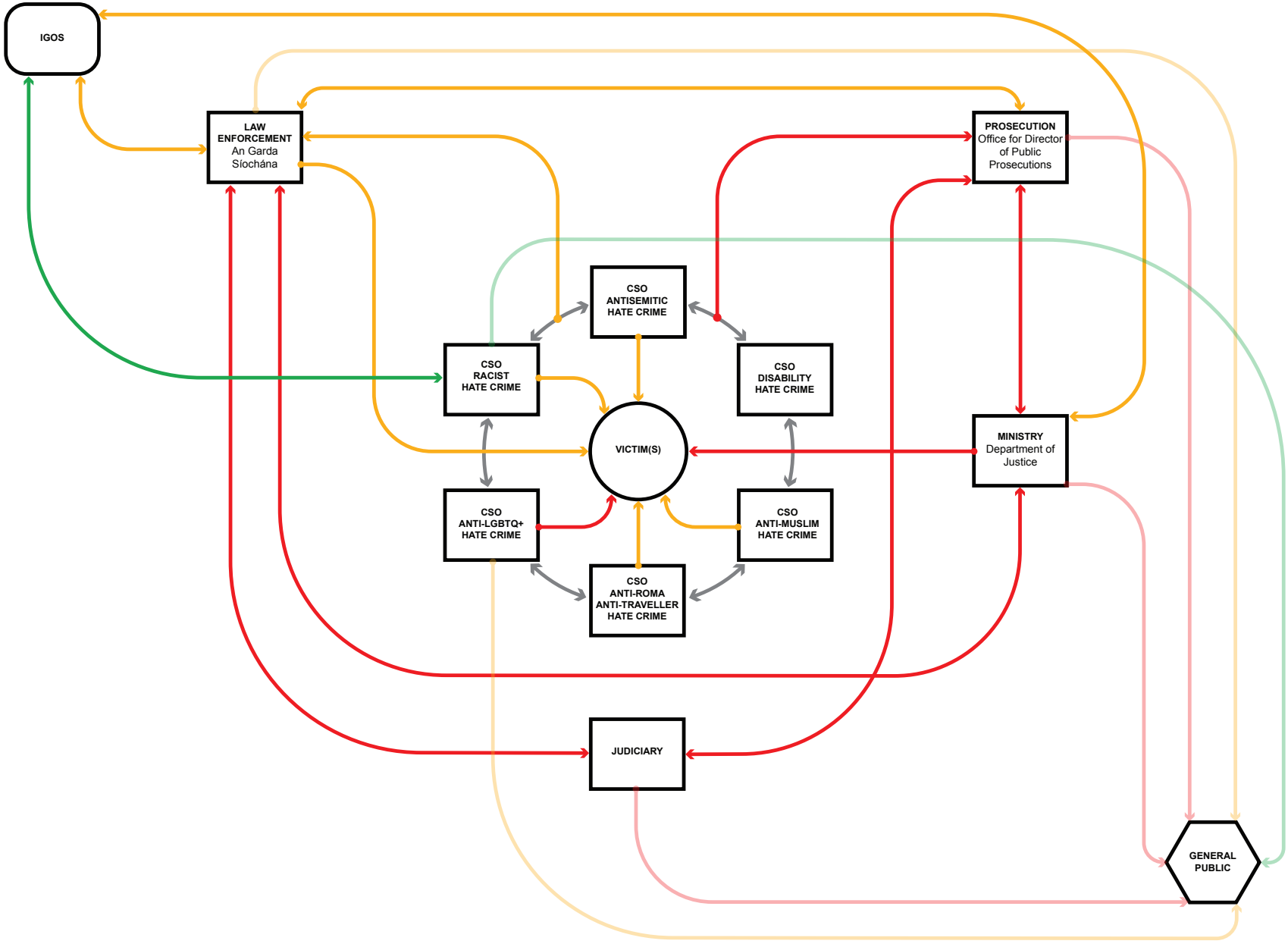
Mapping the hate crime recording and data collection 'system' in Ireland

The 'linear' criminal justice *process* presented in the *Journey* graphic is shaped by a broader *system* of connections and relationships that needs to be taken into account. Extensive work and continuous consultation produced a victim-focused framework and methodology, based on an explicit list of international norms and standards, that seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*. It integrates a consideration of evidence of CSO-public authority cooperation on hate crime recording and data collection as well as evidence relating to the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.[19] In this way it aims to go beyond, yet complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.[20] The *systems* map also serve as a tool to support all stakeholders in a workshop or other interactive setting to co-describe current hate crime recording and data collection systems; co-diagnose its strengths and weaknesses; and co-prioritise actions for improvement.[21]

The systems maps should be studied with reference to the self-assessment framework[22], which provides a detailed explanation for the colour coded relationships. If the map is being viewed online, these explanatory notes can be accessed by clicking on the '+' icon.

Follow the link to use the online, full-screen interactive version of Ireland's systems map.

19 For a full description of the main stakeholders included in national assessments, and how the self-assessment framework relates to the 'systems map', see the Methodology section of the European Report.
20 ODIHR Key Observations, http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/KeyObservations-20140417.pdf: this methodology could also be incorporated in the framework of INFAHCT self-assessment, as described on pp. 22-23 here: https://www.osce.org/odihr/INFAHCT?download=true
21 See Methodology section of the European Report for instructions.
22 See annex X



Evidence of relationships and overall commentary

Good relationship: effective framework and action, with room for improvement.

Adequate relationship: limited framework and action.

Poor relationship: inadequate framework and action.

CSOs (should be) networked for effective advocacy and to serve intersectionality

Responsibility for framework and action flows from public authorities and CSOs to the victim(s) and the general public, not the other way around.

Faded arrows to the 'general public' represent the point that while the 'public' forms the background and context of the national 'system', it should be represented as a specific stakeholder in it.

Commentary

As can be seen from the systems map, there are significant areas of weakness across the network of institutions and organisations with responsibilities to encourage reporting and ensure the effective recording of hate crime data in Ireland.[23]

Until now, from reporting and recording to investigation, prosecution, and sentencing, the 'official' system has not been effectively configured to recognise hate crimes. As with many other countries, a particularly sparse area where data is concerned relates to the prosecution stage of hate crimes. *An Garda Síochána's* (AGS) discrimination marker doesn't travel beyond the investigation stage of hate crime, even when *AGS* is prosecuting the offence. Court systems do not record outcomes at district court or circuit court level (only the high court upwards), and records relating to hate crime in the higher courts are difficult to access. CSOs cannot always provide a 'safety net' of information for victims because they do not have the resources, institutional relationships or networks to systematically monitor cases through to prosecution and record the outcome.

While AGS have used a perception-based definition for recording hate crimes since at least 2015, evidence suggests that to date there has been a lack of clarity across the AGS about how and when to apply it (see Lifecycle of a Hate Crime Report, Ireland, p. 22). There is limited information in the public domain on training relating to the implementation of pre-July 2019 recording policy.[24] There will be a strong strategic focus on training following the approval of the AGS Diversity and Integration Strategy, in July 2019, which also commited AGS to adopt a - now operational - comprehensive definition of hate crime (see below and systems map).

Compounding the problem of transparency is the fact that the Central Statistics Office halted publication of police hate crime data in 2017 , later resuming publication 'under reservation' as they do not reach a satisfactory level of robustness. Published data still do not include statistical information on hate crime, or crimes with a discriminatory motive.

While there are examples of positive cooperation between *an Garda Síochána* and Civil Society Organisations (CSOs), it is mainly ad-hoc and the lack of a strategic and resourced framework for cooperation undermines chances of a sustained increase in reporting, improved recording and refering victims to support.

In terms of CSO recording and reporting, ENAR Ireland's iReport.ie, provides an established route to reporting for victims of racist, antisemitic, anti-Muslim, anti-Traveller, and anti-Roma hate crime, and regular analysis and awareness-raising

23 It is important to note that significant research reports by the Hate and Hostility Research Group have evidenced the current national situation on hate crime recording and data collection through its in-depth and wide ranging interviews with criminal justice practitioners, NGOs and victims.
24 AGS confirmed that training on recording policy was delivered to AGS recruits through the Garda College and to previous 'Ethnic Liaison Officers'.

of the problem. However, iReport has no clear 'third party' reporting route into the police and no possibility to routinely refer victims to support services. CSOs serving LGBTQ+ communities and people with disabilities have yet to embed victim reporting systems. There is no shared methodology across monitoring CSOs, undermining their ability to build a shared picture of the problem and develop advocacy strategies for improvement. Further, when victims do report, there are few specialist support services to refer them to. Some communities, particularly people with disabilities, have extremely limited opportunities to report hate crimes and access support, thus rendering their experience invisible. *An Garda Síochána* and other public authorities are almost entirely in the dark about the risks of harm that this group faces.

Since the Facing all the Facts workshops and interviews, An Garda Síochána has consulted on and published its Diversity and Integration Strategy. Relevant commitments include developing and implementing:

- a comprehensive and inclusive definition for hate crimes and incidents, with the necessary electronic infrastructure, that will require *Gardaí* to consider whether an incident is a hate crime or non-crime hate incident and to record them following a perception-based approach;
- an organisation-wide training programme, tailored to key target groups and a 'Diversity Toolkit'
- a communications plan that aims to open up AGS data and action to public scrutiny
- a partnership strategy that includes establishing a national diversity forum to monitor the implementation of the strategy.

These new commitments are reflected in the 'framework' score of the systems map. The 'action' score remains low in many areas as it is too early to assess the impact of AGS' forthcoming Diversity and Integration Strategy.

An Garda Síochána has shown admirable leadership by committing to a transparent and comprehensive approach to improving their information about and responses to hate crime. This should be matched by other criminal justice agencies and supported by ministries. Securing this progress requires comprehensive, institutional frameworks to identify, understand and address legal, policy, data collection and capacity-building issues across the hate crime agenda that have been identified here and by research already cited. It also requires a political commitment to transparency.

These issues are discussed further in this report and recommendations are proposed in the final section.[25]

25 Research reports by the Hate and Hostility Research Group have also evidenced the current national situation on hate crime recording and data collection through its in-depth and wide ranging interviews with criminal justice practitioners, NGOs and victims.

National context

The next sections aim to give context to the 'systems map' and 'journey of a hate crime case'. They present themes gathered through the 'connecting on hate crime data' workshop, desk research and interviews with change agents at the centre of efforts to progress Ireland's understanding of and responses to the problem.

Ireland is almost alone in Europe in its lack of hate crime legislation.[26] The consequences of this legislative void were summarised by one interviewee, 'our criminal justice system doesn't know what hate crime is'….[the absence of legislation means that hate crime] is not recognised by actors in the system when they come across it'. She quotes a former Minister of State in the Department of Justice and Equality who stated that we lack '"legislative threshold of decency" in Ireland.'[27] Several interviewees characterised successive Irish governments and public institutions as culturally conservative, highly cautious and often needing to be brought 'kicking and screaming' through changes such as acknowledging and addressing hate crime and other issues of human rights and equality in Ireland. As a result, one interviewee commented, '[Ireland] is in the foothills' of understanding and addressing diversity and, within this, hate crime. Getting to the higher ground, he argued, requires an institutional understanding that 'you can do things better by doing things fairly'. 'Ireland', he summarised, 'is at the stage of saying the right thing and "celebrating", but we need a serious focus on the day in day and day out aspects of policing in this area'.[28]

The lack of leadership, legislation, political will, policy and strategy on hate crime in Ireland to date has created confusion about the standards that victims should expect and a credibility gap for communities affected by hate crime. As one interviewee observed, 'Without leadership, you make limited progress'.[29] This theme was reflected in the first workshop. Participants agreed that the hierarchical nature of public institutions, and the lack of a national legal and policy framework make the 'system' of stakeholders powerless to move forward in any meaningful way.

The Irish public and affected communities are in the dark about the state's understanding of the problem of hate crime and what it thinks needs to be done about it. There is no reasonable access to available hate crime data. Until very recently, there was no available information about actions to progress the agenda such as training, operational guidelines or policy, again indicating a lack of

26 There are signs of change on this front. The Oireachtas (Irish Parliament) has had some 'sophisticated conversations' about the topic and engaged with the National Steering Group Against Hate Crime, a coalition of NGOs and researchers advocating for the introduction of hate crime legislation.
27 Interviewee four
28 Interviewee one.
29 Interviewee five

national leadership.[30] This state of affairs was described as reflecting a 'culture of secrecy'.[31] In contrast, the Irish authorities are more forthcoming in their exchange of data and information with international bodies such as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), and the EU Fundamental Rights Agency (FRA).[32] One interviewee felt that the official story on hate crime data is in 'bad faith' and reflected the attempt to be seen by international agencies to be doing the right thing, rather than a serious commitment to address hate crime as a complex problem of national concern.[33]

The same interviewee recalled incidents of individuals holding public office and making racist statements, 'with impunity' and the confusion this causes communities.[34] The workshop identified a theme of 'basic problems' in investigation, including collecting evidence, attending the scene and identifying perpetrators.[35]

The Irish government and its institutions have a wealth of high quality reports at their disposal, evidencing problems and pointing to solutions. There are experts across the NGO, public and academic sectors ready to help implement actions for progress. The actions and commitments outlined in AGS' diversity and integration strategy provide the best opportunity to unlock progress and address the cultural and technical barriers outlined here. Several interviewees expressed the fear that only a tragedy would provide the necessary catalyst for the necessary comprehensive change. One interviewee referred to the racist murder of Stephen Lawrence and the unacceptable police response exposed by the MacPherson Inquiry, as an example.[36]

The project's second workshop, which gave participants a chance to comment on the project's research findings and conclusions, was much better attended than the first workshop and included representatives from the Department of Justice, the Policing Authority, an Garda Síochána and others. There was a general acknowledgement that a strategic and cooperative approach needed to be significantly developed in Ireland and that specific action, including several proposed in the consultation report needed to be taken. The consultation workshop was followed by a national and inclusive workshop held by AGS to support the development of its diversity and integration strategy in December 2018, which was finalised in July 2019 and published in Ocotber 2019

30 Unavailable information includes: most of the already limited hate crime data that is currently collected; any guidance setting out how the police and other agencies should currently record hate crime; any information for hate crime victims about the service and response they can expect; a description of the actions that are currently being taken to improve responses to hate crime, for example in relation to training as referenced in the recent FRA report on Hate Crime Recording and Date Collection Practice Across the EU. This state of affairs is in contrast to the information Irish authorities provide to international organisations on request, which is illustrated in the systems map.
31 Interviewee two
32 For example a recent report published by the European Commission included the following example submitted by Ireland: 'hate crime training of investigating officers includes case studies based on real life cases, to help the authorities building the skills necessary to conduct effective investigations and secure evidence of crimes committed with a hate motivation' (EC, 2017, p. 9) however, there is no information about these training approaches publically available at the national level.
33 Interviewee three
34 Interviewee three
35 See also Out of the Shadows and ENAR Ireland 'Submission to the Commission on the Future of Policing in Ireland' http://enarireland.org/wp-content/uploads/2013/07/ENAR-Ireland-Submission-to-CFPI-Feb-2018.pdf
36 Interviewee two

Police-CSO engagement

One interviewee described a common feature of police-CSO relationships, 'Relationships can operate on the "village principle"…In Ireland, you don't have seven degrees of separation, you have two!'.[37] While this aspect of the Irish context can be very supportive, and can mean that many things 'get done' between police and civil society organisations at this unofficial - or as the same interviewee described it – 'clientelist' level,[38] it can also be alienating and suggests that 'unconnected' people and groups can be excluded. Without these connections, those most at risk of hate crime can remain outside the system, with limited access to support and justice. For example, iReport data suggests that a significant proportion of victims do not report to AGS. According to iReport.ie data from 2017 only thirty percent of those reporting crimes to iReport.ie also reported them to An Garda Síochána. A lack of trust in Gardaí to act based on previous experience with AGS was the most mentioned reason for not reporting. The second most common reason was the length of time it requires to report an incident.[39]

There are several positive examples of individual police working with CSOs on specific cases or co-organising ad-hoc training. For example, in Cork City, NASC the Immigration Support Service, in conjunction with the *Garda* Diversity Office, have developed and delivered anti-racism training to over 50 *Gardaí* locally.[40] However, as can be seen in the systems maps, and discussed in this report, such examples of good practice take place in a void of strategic relationships and connection.

A focus on police recording

- The gaps and problems in AGS recording of crimes with a discriminatory motive have been meticulously documented by the *Lifecycle of a Hate Crime* report and elsewhere.[41] The pre-July 2019 situation is summarised below:
- The PULSE police recording system was upgraded in November 2015 and now has the capacity to record hate crime on a broad range of bias motivations, or 'discriminatory motives'.[42] The question of discriminatory motive is mandatory on the system, however, there is no publicly available guidance as to its application.

37 Interviewee two
38 Interviewee two
39 http://enarireland.org/wp-content/uploads/2013/07/ENAR-Ireland-Submission-to-CFPI-Feb-2018.pdf
40 See http://www.nascireland.org/wp-content/uploads/2016/06/Garda-Anti-Racism-Training-Manual-PDF-FINAL.pdf.
41 Haynes and Schweppe, 2017
42 Ageism, anti-Disability, anti-Muslim, anti-Roma, antisemitism, anti-Traveller, gender related, homophobia, racism, sectarianism, and transphobia

- Garda HQ Directive No 04/2007 directs police to use the Macpherson definition and record, as a racist crime, any crime perceived by the victim or any other person as racist. The hate crime definition was updated in 2015 However, evidence suggests that there is a lack of clarity and training across the AGS about how and when to apply the definition[43].
- The *Lifecycle* report found that the discriminatory offence 'flag' in the police crime recording system, PULSE, informs questions of victim support, as opposed to questions and actions of investigation.

> '... the data on discriminatory motivations gathered via PULSE are intended to be used to inform victim support, rather than investigation or prosecution. Interviewees were clear that the selection of a discriminatory marker does not impact the investigation process, while the PULSE report does not form part of the prosecution file.' (p. 204)

It is perhaps important to note that the Irish authorities reported the following to FRA for its 2018 report, Hate Crime Recording and Data Collection Practices Across the EU,

> '[AGS] applies a working definition for Hate Motivated Incidents (HMI) based on the Macpherson definition in use by United Kingdom Policing services including the Police Service of Northern Ireland (PSNI). It applies such definition to any hate motivated incident identified through the substitution of "racist" for other forms of bias, hostility, hate or discriminatory motivations. The definition allows for subjectivity of the perception of a hate motivated incident by "any other person". An Garda Síochána includes the investigating Garda member, other Garda members, witnesses or those advocating on behalf of a victim of a hate motivated incident who perceive such an incident as motivated by hate, hostility, bias or discrimination.
>
> An Garda Síochána official Headquarters Directives give guidance on how to record hate motivated incidents. It stipulates that it is the role of Garda members to investigate the criminal component of the alleged incident not to examine the veracity of the perception that led to it being identified as a hate motivated incident. Garda members are expected to ensure all such allegations are suitably reported and recorded correctly on the Garda PULSE 6.8 (Police Using Leading Systems Effectively) system.'

As we can see, evidence presented by the *Lifecycle* report describes a very different situation than reported by *An Garda Síochána* to FRA. It appears that, on the ground, *An Garda Síochána* has been missing opportunities to use perception-information to guide the investigation.[44]

43 see Lifecycle of a Hate Crime Report, Ireland, p. 22
44 As of early 2019, an Garda Síochána is currently working collaboratively with CSOs, partners and academics to clarify its operational

As detailed in the systems map the forthcoming AGS Diversity and Integration Strategy provides a strong and comprehensive basis for transforming AGS recording and data collection practice as well as its relationships with affected communities. Importantly, new hate crime and hate incident definitions are now operational and changes are being made to policy and technology to ensure that *Gardaí* and *Garda* staff consider the possibility that an incident is a hate crime or non-crime hate incident at the early stages of recording. It is hoped that the evidence here and elsewhere will help prioritise actions for improvement.

A note on perception-based recording

The forthcoming AGS Diversity and Inclusion Strategy includes clear and comprehensive **perception-based** working definitions of hate crimes and non-crime hate incidents, joining a small number of countries in Europe taking this approach.[45] Including the perception of the victim or any other person as an equal ground of crime recording practice shifts the power of naming 'what happened' in an incident to the victim and affected communities and provides a basis for meaningful cooperation with CSOs on hate crime reporting and recording. It sends a powerful message to communities that may had negative experiences with public authorities that their perspective is central to police efforts to better understand and address hate crime.[46].

At a technical level, perception-based recording could allow CSO data to automatically be referred to the police for action and for inclusion in police hate crime figures.[47]

However, as with many other police organisations in Europe, AGS do not receive or record anonymous reports of crime. While understandable, this position presents a barrier to full implementation of the benefits of perception-based recording such as third party reporting. Widening the net of recordable incidents as much as possible can improve the national picture of prevalence and impact and the strength of CSO-AGS relationships. These points are returned to in the conclusions and recommendations.

approach to hate crime.
45 See for example, Spain and the UK.
46 Other reasons for adopting this practice have been well rehearsed and endorsed by ECRI, FRA and ODIHR. For example, that adopting a perception based approach to recording hate crimes helps ensure that evidence of bias and victim support needs are identified as early as possible and contribute to understanding risk patterns of hate crime victimisation. See for example ODIHR 2014; FRA 2018; ECRI (2007).
47 For example, this approach has been taken in England and Wales where information-sharing agreements between the police and specified CSOs are in place at the national level. See http://report-it.org.uk/information_sharing_agreements.

Civil society organisations

CSOs have achieved significant progress in evidencing the nature and prevalence of hate crime in Ireland despite limited and precarious resources. A notable example is ENAR Ireland's iReports, which have regularly been cited as good practice by European agencies and featured in the Facing Facts Online courses. iReport data have been used to develop training for ENAR Ireland's Action Against Racism programme, and served as the basis of the Love Not Hate campaign for hate crime legislation. Data from the iReport.ie system is also frequently used to inform ENAR Ireland's submissions, for example in its response to the Irish Government's 2018 draft CERD report, its submission to the Commission on the Future of Policing in Ireland[48], its briefing to the 2018 ECRI roundtable, and its reports to the Policing Authority.[49]

National and international support for innovative monitoring work such as iReport.ie can be a 'real boost'. As one interviewee pointed out, citing iReport.ie and other examples of best practice, 'can turn us around from being [seen to be] a thorn in the side [of the authorities]... to being something [that Ireland] can export and be seen as part of long tradition of [promoting] human rights....'.[50] The vital importance of being connected to an international community working to counter hate crime was also highlighted. One interviewee emphasised the value of her online and in-person network that, 'keep you on your toes'.[51]

However, the quality and consistency of CSO data is hindered by uncoordinated recording across CSOs, and a lack of resources. The full detail of reported racist crime cannot be presented in iReport, partly because some CSOs record reported hate crime without automatically registering it on the iReport.ie platform.[52] The resulting 'piecemeal' picture weakens the overall ability of the CSO community to hold public authorities to account and to persuade them that hate crime is a problem that requires transparency and action. Shrinking funds further undermine CSO's monitoring and advocacy power. As detailed in the systems map, monitoring and recording services for hate crimes and incidents against the LGBT+ community are incomplete.[53] One interviewee explained, 'How can you monitor the centres of power without the resources to do it?'.[54] Another pointed out 'there is a massive resourcing gap in the NGO community'.[55]

48 http://enarireland.org/wp-content/uploads/2013/07/ENAR-Ireland-Submission-to-CFPI-Feb-2018.pdf
49 http://enarireland.org/wp-content/uploads/2013/07/ENAR-Ireland-Submission-to-CFPI-Feb-2018.pdf
50 Interviewee two
51 Interviewee three
52 For example, the Immigrant Council conducts its own hate incidents recording, without necessarily coordinating with ireport.ie. See https://www.immigrantcouncil.ie/campaign/anti-racism
53 There is currently no systematic monitoring of anti-LGB hate crime. TENI monitors transphobic crime through its Stop Transphobia and Discrimination. The latest report is from 2016.
54 Interviewee two
55 Interviewee four

The lack of specialist support service for victims of hate crime in Ireland means that reporting platforms cannot facilitate a process of reporting into *support* and protection for victims and witnesses. The argument that reporting makes the problem visible is laudable, and can be a motivating factor for victims and witnesses to report hate incidents and crimes. However, equally understandably, many might not be motivated to take the time and emotional energy to tell their story if they receive no specialist support or guidance as a result. The Facing all the Facts research in England and Wales found that offering routes to support, protection and access to justice should be an integral element of *reporting* structures run by CSOs.[56]

Research undertaken in Northumbria, England, illustrates the consequence of detaching support from the process of reporting. In 2011 a multi-agency reporting network across several counties in the north of England was comprised of 140 organisations and three members of council staff whose jobs included community outreach and conflict resolution. In 2012 the network recorded over 800 incidents. By 2015, a large number of organisations closed, membership declined by 50% and the staff team was cut. The number of reports for that year declined to 64.[57]

Participants in the first workshop agreed that, ideally, NGOs should pool resources and move towards a 'common literacy' on hate crime recording and presenting data in a more unified way. The recommendations below suggest how to achieve this aim in the most inclusive and holistic way.

Partnerships between NGOs and Researchers

Much of the rich data and analysis of the problem of hate crime in Ireland has been produced by NGOs and researchers working together.[58] Two interviewees highlighted researchers' contributions to NGOs in advising on coding, questionnaires, survey methods, and helping to think through how to effectively present findings from 'shocking' high profile examples to 'everyday' hostility.[59] Examples of cooperation included joint publications and conference presentations.

An interesting example was offered by Dr Lucy Michael who explained how she and ENAR Ireland used the findings in iReport as a basis for deeper engagement with *an Garda Síochána* to understand why victims don't report hate crime. One reason for this under reporting offered by *an Garda Síochána* was that was that victims'

56 See Connecting on Hate Crime Data in England and Wales report and the European Report
57 Clayton, J.; Donovan, C., Macdonald, B., 2016
58 For example see collaboration between the Hate and Hostility Research Group and TENI and between Ulster University and ENAR Ireland.
59 Interviewee three

reasons for not coming forward in Ireland are explained by the fact that they may come from countries where there is no confidence in police. Dr Michael and ENAR Ireland were able to amend the survey questions to test this hypothesis and found that a key reason for why victims didn't report was because they had already had a negative experience with the AGS. These findings could then be used as a basis for targeted and constructive engagement with the police and other public authorities.

The benefits of pooling resources between researchers and NGOs suggest that guidelines on best practice on NGO-researcher cooperation on hate crime recording and monitoring could be developed at the European level, an issue that is further explored in the European report.

Conclusions and recommendations

The case for progress on hate crime recording and data collection in Ireland is clear, yet the barriers to progress are still significant. The lack of legislation and strategy has undermined efforts to acknowledge that hate crime is a serious problem of national concern, and to forge lasting, strategic and productive connections across institutional boundaries. There are also important opportunities to seize, expert resources to rely on and recent signs of a serious commitment to take strategic action. The case for legislation has been comprehensively made, the pockets of cooperation between the police and expert NGOs can be rich and positive, and there is a huge wealth of information and knowledge about both the problems and potential solutions at the disposal of key decision-makers in Ireland. Most promisingly, *an Garda Síochána* has shown strong leadership by creating a transparent and inclusive framework for recording, monitoring and training, even in the absence of hate crime legislation. Accountability bodies such as the Policing Authority, the Garda Síochána Ombudsman's Commission (GSOC), the Irish Human Rights and Equality Commission, and other oversight bodies and accountability mechanisms contained in the recommendations of the Commission on the Future of Policing in Ireland, can each play a key role in delivering the deep cultural change that this and other reports have revealed as necessary. This section identifies realistic and relevant recommendations for discussion and consultation.

Law enforcement, criminal justice agencies and Ministries

Recommendation one Take every possible step to open up public authority action and policy to public scrutiny. In so doing:

- make all available information on hate crime data, training materials and programmes, and recording policy and guidance easily accessible to the general public and affected communities (as a starting point, make all data already compiled and submitted to intergovernmental organisations and agencies easily accessible to the general public).
- Involve qualified and experienced CSOs in the design and delivery of AGS' training strategy outlined in its forthcoming Diversity and Integration Strategy
- Closely involve qualified and experienced CSOs and researchers in policy development and implementation monitoring (see further below)

Recommendation two The Department of Justice should build on AGS' Diversity and Integration Strategy to develop a national strategy and action plan on hate crime, overseen and supported by a board or group that includes all relevant government departments, public agencies, researchers and CSOs that conduct recording, monitoring and provide victim support. The strategy should:

- Build on AGS' newly operational working definitions of hate crime and non-crime hate incidents to agree and implement a system that allows case handling and statistical information to be tracked and shared across the criminal justice process.
- Invest in understanding, evidencing and addressing barriers to monitoring the progress of hate crime cases from investigation to prosecution and sentencing, this could include monitoring and comparative analysis of attrition rates and victim experiences across hate crime types.
- Agree and implement specific strategic actions to move from informal to institutional cooperation with expert and skilled CSOs on:
  - victim support,
  - hate crime training, and
  - increasing the reporting and improving the recording of hate crime

Recommendation three Establish a subgroup of the proposed AGS Diversity Forum to oversee the implementation of the hate crime element of the AGS Diversity and Inclusion Strategy. Work with specialist CSOs and researchers to:

- Develop guidelines on common case scenarios and 'bias indicators' or signs that a reported incident might be a hate crime[60];
- Support the development and delivery of the proposed tiered training strategy including how to support victims to explain what happened and share their perception of why an incident took place and, how to use evidence of bias or discriminatory motivation to support effective investigation and prosecution of hate crimes.
- Agree ways forward to share anonymised and protected data and information, taking full advantage of AGS' perception-based recording policy across the hate crime reporting and recording 'system'. Stakeholders could consider identifying the organisations and/ or category of persons whose anonymised reports would be accepted by AGS (for example, experienced and suitable CSOs and social workers, teachers, care givers, family members, etc), and/or include any anonymous report in its hate *incident* reporting system; AGS and CSOs should work towards an agreement that CSOs will encourage and support victims to report to AGS, noting that having the option of recording anonymous reports can significantly increase the chance that a victim will report.

In carrying out these steps, it is recommended that the Irish authorities consider inviting FRA and ODIHR to co-organise a joint workshop on understanding and improving hate crime recording mechanisms.[61] It is also recommended that the Irish authorities consider commissioning online learning for police call handlers and first responders available from Facing Facts online.

Recommendation four Commission a national crime survey including questions on hate crime.

The Irish Human Rights and Equality Commission (IHREC)

The Commission has identified hate crime and hate crime data recording and monitoring as key priorities for human rights based policing. There is potential for the Commission to explore how it might use its powers under the Public Sector Equality and Human Rights Duty to investigate, highlight and address gaps in Ireland's hate crime recording and data collection framework. This report has identified IHREC as a potential lead for supporting a practical CSO network, as outlined above.

60 Stakeholders can draw on case studies included in the US Federal Bureau of Investigations Hate Crime Data Collection Guidelines and Training Manual: https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf

61 This was accepted and taken forward in early 2019

Disability hate crime

Take specific action to better understand and monitor disability hate crime, with involvement from disabled people's organisations (DPOs) and academics.[62] Consider the possibility of a half-day seminar on the topic as a starting point.

Civil society organisations

While there is some excellent monitoring and reporting work being undertaken by CSOs in Ireland, there should be a focus on developing specialist support services for those victims who do report or who are considering reporting hate crime. As set out above, CSOs should think about how to improve the availability of *supporting* alongside *reporting* mechanisms. In addition, monitoring CSOs should move towards a 'common literacy' and a shared hate crime recording methodology with the aim of presenting data in a more unified way and that allows for direct comparison and information sharing between statutory agencies and civil society organizations. Stakeholders should consider:

- A victim-focused recording methodology, that also includes direct, in-person victim reports, is adopted across all civil society actors, including members of the Coalition Against Hate Crime (Ireland) that currently conduct hate crime recording and monitoring.[63]
- Where possible, that victims and witnesses are referred to support services at the time of reporting. In parallel, advocacy should focus on securing funding for such services, based on the requirements of the Victims Directive, that include the requirement for specialist support services for victims of hate crime.
- The Irish Human Rights and Equality Commission considers taking a coordinating lead in establishing a hate crime recording network, with a dedicated member of staff that supports members of the network to implement the agreed methodology, to jointly report on annual findings, to develop and agree advocacy positions that improve responses and services to victims and to work strategically with AGS as it implements its improvement strategy, including actions outlined in the section above. In considering this role, it is recommended that the example of the Racist Violence Recording Network in Greece is examined.[64]

Finally, ENAR Ireland should consider taking specific actions to strengthen connections and relationships with Jewish and Muslim communities on hate crime recording and data collection.

62 Including the European Network for Independent Living (ENIL), national groups, including Inclusion Ireland, the Police Service for Northern Ireland, Justice Signs (Deaf community) as resources.
63 http://enarireland.org/the-national-steering-group-against-hate-crime/
64 The Racist Violence Recording Network in Greece was established by the Hellenic Human Rights commission and the Greece office of the UNHCR in 2011. A funded, independent post of 'assistant coordinator' was established to support members of the network (now more than 40) to develop and follow a recording methodology and to develop policy and advocacy positions based on an analysis of data produced by the network. See 'Connecting on hate crime data in Greece' for more information.

Bibliography

Clarke, H. (2012), 'Recording Racism in Ireland: Report for the Integration Centre', Dublin:Integration Centre.

Commission on The Future of Policing in Ireland (2018), 'The Future of Policing in Ireland', Dublin, available at http://policereform.ie/en/polref/pages/pb18000006, (Accessed on 22 May, 2019).

European Commission against Racial Intolerance (2007) 'ECRI General Policy Recommendations No 11 on Combating Racism and Racial Discrimination in Policing', ECRI: Strasbourg, available at, https://rm.coe.int/ecri-general-policy-recommendation-no-11-on-combating-racism-and-racia/16808b5adf , (Accessed on 22 May, 2019).

European Commission against Racial Intolerance (2013) 'ECRI Report on Ireland (fourth monitoring cycle), ECRI, available at https://rm.coe.int/fourth-report-on-ireland/16808b5808, (Accessed on 22 May 2019).

US Federal Bureau of Investigations (2015) 'Hate Crime Data Collection Guidelines and Training Manual', available online at https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf, (accessed on 8 August, 2019)

(FRA) European Union Agency for Fundamental Rights (2018) 'Hate Crime Recording and Data Collection Practice across the EU', Available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-hate-crime-recording_en.pdf, (Accessed April 22, 2019).

Haynes, A., Schweppe, J (2015) 'Out of the Shadows: Legislating for Hate Crime in Ireland - Preliminary Findings', available at https://ulir.ul.ie/bitstream/handle/10344/4751/Schweppe_2015_shadows.pdf?sequence=2, (Accessed on 22 May, 2019).

Haynes, A. et al. (2017) 'Life Cycle of a Hate Crime country report for Ireland'. Dublin: ICCL, available at https://www.iccl.ie/wp-content/uploads/2018/10/Life-Cycle-of-a-Hate-Crime-Country-Report-for-Ireland.pdf, (Accessed on 22 May 2019)

High Level Group on Combating Racism and Xenophobia, European Commission (2017) 'Hate crime Training for Law Enforcement and Criminal Justice Authorities: 10 Key Guiding Principles', available at https://ec.europa.eu/newsroom/document.cfm?doc_id=43050 (Accessed on 22 May 2019).

HM Government (UK) (1999) 'The Stephen Lawrence Inquiry, Report of an Inquiry by Sir William Macpherson of Cluny', British Government: London, Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf, Accessed on 28 April, 2019

Irish Council for Civil Liberties (2014) 'Universal Periodic Review of Ireland Interim Reporting Stage March 2014 Progress Scorecard, Government's Interim Report and NGO Stakeholder Review', ICCL:Dublin, available at https://www.rightsnow.ie/assets/33/D33ABD13-E5DA-4A01-8E3B5D67B7E4587D_document/ICCL_UPR_Interim_Stage_compendium_March_2014.pdf, (Accessed on 22 May 2019).

Irish Council For Civil Liberties (2018), 'A Human Rights Based Approach to Policing in Ireland'. ICCL: Dublin, available at https://www.iccl.ie/wp-content/uploads/2018/09/Human-Rights-Based-Policing-in-Ireland.pdf, (Accessed on 22 May 2019).

Michael, L., O'Curry, S., (2017) 'Reports of Racism in Ireland, January to June 2017', available at http://enarireland.org/ireport-quartertly/, (Accessed on 21 May 2019)

Michael, L., O'Curry, S. (2018), 'Submission to the Commission on the Future of Policing in Ireland', ENAR Ireland: Dublin, Available at: http://enarireland.org/wp-content/uploads/2013/07/ENAR-Ireland-Submission-to-CFPI-Feb-2018.pdf, (Accessed on 22 May, 2019)

Michael, L., O'Curry, S. (2018) 'Reports of Racism in Ireland, July to December 2017', available at http://enarireland.org/ireport-quartertly/, (Accessed on 21 May 2019).

ODIHR (2014), 'Hate Crime Monitoring and Data Collection: a practical guide', ODIHR: Warsaw, available at https://www.osce.org/odihr/datacollectionguide (Accessed on 22 May, 2019).

Perry, Perry Kessaris (forthcoming) 'Participatory and designerly strategies for sociolegal research impact: Lessons from research aimed at making hate crime visible'

Schweppe, J. Haynes, A. and Walters M (2018) 'Lifecycle of a Hate Crime: Comparative Report', Dublin: ICCL, Available at https://www.iccl.ie/wp-content/uploads/2018/04/Life-Cycle-of-a-Hate-Crime-Comparative-Report-FINAL.pdf (Accessed on 22 May 2019).

Schweppe, J; Haynes, A; Carr, J (2014) A Life Free From Fear: Legislating for Hate Crime in Ireland: An NGO perspective. Hate and Hostility Research Group: Limerick, available at https://ulir.ul.ie/handle/10344/4485, (Accessed on 22 May, 2019).

Facing all the Facts:
Self-assessment grid on hate crime recording and data collection, framed by international norms and standards – IRELAND

This document sets out the evidence that can be used to understand and describe current strengths and weaknesses across the relationships that form national hate crime recording and data collection systems.[1] It aims to build on and complement existing approaches such as OSCE-ODIHR's Key Observations framework and its INFAHCT Programme.[2] Guidance that relates to what evidence can be captured, used and published by public authorities is contained in the accompanying Standards Document. This framework seeks to support an inclusive and victim-focused assessment of the national situation, based on a concept of *relationships*. It integrates a consideration of evidence of CSO-public authority cooperation on hate crime recording and data collection as well as evidence relating to the quality of CSO efforts to directly record and monitor hate crimes against the communities they support and represent.[3]

Table one sets out the general approach to self-assessment and the main relationships in the 'system'. Table two provides the country-based description. It is important to note that there can be many different agencies playing some kind of role in recording and data collection within one country, especially in federalised systems. Where possible, it is important to capture this complexity. For the purposes of this project, the focus is at the national level. Where there is information about significant regional differences within a country, this is highlighted. There can also be significant variations in the legal procedure that governs how cases progress from the investigation to prosecution stages across different jurisdictions. For example, cases can be directly reported to prosecutors as opposed to law enforcement; some cases are prosecuted by law enforcement, not prosecutors. Again, this methodology aims to reflect this complexity, however it remains a 'work in progress', amendable at the national level post-publication. For a full consideration of the limitations of this framework, see the Methodology Report.

[1] See methodology report for more on the concept of 'systems'.
[2] ODIHR Key Observations, http://hatecrime.osce.org/sites/default/files/documents/Website/Key%20Observations/KeyObservations-20140417.pdf; this methodology could also be incorporated in the framework of INFAHCT self-assessment, as described on pp. 22-23 here: https://www.osce.org/odihr/INFAHCT?download=true
[3] For a full description of the main stakeholders included in national assessments, and how the self-assessment framework relates to the 'systems map', see the Methodology Report, Part II.

Table one: Self-assessments: general approach

Relationship	**Evidence used to describe relationships** Two main categories of evidence are applied based on referenced international norms and standards.		**Score**
	Framework	Action	
The main relationships are identified across the system: **Law-enforcement** – prosecution; judiciary; Ministry of Interior **Prosecution** – Judiciary, Ministry of Justice **Ministries -** Ministries (e.g. MoI-MoJ, etc.) **Victim** - law enforcement; prosecution, ministries; CSOs **General public** – law enforcement; Ministry(ies), prosecution; CSOs **CSOs** – law enforcement; prosecution; ministries, other CSOs. **IGO** – ministry(ies); CSOs Further background information about existing IGO frameworks and actions is provided in the accompanying standards document. Other bodies and ministries are also relevant, including equality bodies and non-criminal justice agencies and ministries. These are included where relevant in national reports.	Technical frameworks allow for recording and data collection Policy frameworks allow information to be shared across the system. The most active and responsible ministries produce a policy framework that gives the police and other agencies the technical capacity to identify, record and act on hate crime data. If a government ministry hasn't developed an inter-departmental framework to allow for police to record all bias motivations or led the process to develop joint guidelines on recording and data collection, the police are limited in how they can relate to victims in this area.	Evidence that the frameworks are used – data is recorded, shared, collected, published and information is acted upon to develop policy and improve responses. The 'frontline', whether investigators, prosecutors or CSOs are the ones that 'give life' to, or are limited by, existing policy frameworks.	Each relationship is given a score of 0-3 for: 1. 'framework' 2. 'action' An overall score of 5-6= green; 3-4 = amber; 0-2 = red. Green = Good relationship. Effective framework and action, with room for improvement. Amber = Adequate relationship. Relatively limited framework and action. Red= Poor relationship. Very limited framework and action.

Specific relationships and criteria

Commentary			
Relationship	**Evidence: this column sets out the evidence that is considered when describing a relationship as 'red', 'amber' or 'green' (See table one)** (Refer to end note for relevant international norm/standard)		**Score** Framework: Action: Total: Color:
	Framework	**Action**	
LAW ENFORCEMENT An Garda Síochána **–** **PROSECUTION** The Office for the Director of Public Prosecutions	*Relevant norm/standard:* Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4) Law enforcement are able to record information about victim support and safety. (Standard 5) The prosecution service is able to record information sent to them by the police about bias	*Relevant norm/standard:* Realistic data is produced by the system (very low numbers indicate an unrealistic measure of hate crime prevalence) (Standards 6 and 7). Data is shared systematically across the investigation and prosecution stages to progress individual cases, including meeting victim's safety needs, and to review issues in performance. Law enforcement and prosecution service meet regularly, to review progress and share information and/or take part in joint training.	Framework: 2 Action: 1 Overall colour: amber

	motivations and crime type (Standard 4) and relevant information about victim support and safety (Standard 5) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standard 8; Standard 9)		
	Description of national situation: While Gardaí and Garda staff can currently record a range of 'discriminatory motives' the forthcoming AGS Diversity and Integration Strategy commits to implementing 'working definitions' of 'hate crime' and 'non-crime hate incident' that clarify its policy of perception-based recording and are operational since 2019. The strategy also commits AGS to take specific implementation steps including:	*Description of national situation* Evidence suggests that to date there has been a lack of clarity and training across the AGS about how and when to apply pre-July 2019 AGS recording policy (see Lifecycle of a Hate Crime Report, Ireland, p. 22). It is too early to assess the impact of recently agreed amendments to AGS recording police outlined above. Ongoing concerns about the integrity of AGS crime statistics has led the Central Statistics Office to publish all AGS crime figures 'under reservation' (https://www.cso.ie/en/statistics/crimeandjustice/garda_recorded_crime_statstics/). Published figures do not include hate crimes. The current system allows for very limited exchange of information on hate crimes (crime with a discriminatory motive) between the investigation and prosecution stages of the criminal justice process. The majority of hate crimes (crimes with a discriminatory motive) are tried at district	

	- making the necessary IT changes to the crime recording system - comprehensive training for Gardaí and Garda staff, - partnership working with CSOs and other agencies and - regularly publishing its data. The working definitions are as follows: Hate crimes: 'Any criminal offence which is perceived by the victim or any other person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age, disability, race, colour, nationality, ethnicity, religion, sexual orientation or gender' Hate incidents (non crime) 'Any non-crime incident which is perceived by any person to, in whole or in part, be motivated by hostility or prejudice, based on actual or perceived age,	court level, and are therefore prosecuted by the AGS There is no evidence that AGS and representatives of the Office of the DPP meet regularly to discuss issues relating to hate crime investigation, prosecution or data. While the police have taken part in some training, there is no evidence that representatives of the office of the DPP have been involved.	

	disability, race colour, nationalist, ethnicity, religion, sexual orientation or gender.' To date, the system has allowed for very limited exchange of information on hate crimes (crime with a discriminatory motive) between the investigation and prosecution stages of the criminal justice process. Part II paragraph 15(1) of the Criminal Justice (Victims of Crime) Act 2017 brings the EU Victims Directive into force in domestic law and requires AGS to conduct a needs assessment, including the need for protection, and 'have regard to…whether the alleged offence appears to have been committed with a bias or discriminatory motive'. There is no bespoke risk assessment for hate crimes and incidents. The majority of hate crimes (crimes with a discriminatory motive) are tried at district court		

	level, and are therefore prosecuted by the AGS There is no national framework or working group defining or overseeing hate crime policy and practice in Ireland.		
	Framework	**Action**	
LAW ENFORCEMENT An Garda Síochána **– JUDICIARY**	*Relevant norm/standard:* Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3,4) The courts have the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7) The two bodies are members of a policy and technical framework that allows cases to be traced from investigation to sentencing stages and to record and share data about victim safety and support needs	*Relevant norm/standard:* Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used). (Standards 6 and 7) Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.	**Framework:2** **Action: 0** **Colour: red**

	(Standards 5, 8 and 9).		
	Description of national situation: AGS are able to record crimes with a discriminatory motive and have committed to take significant steps to improve in this area. There is no available mechanism to share this data with the courts (see AGS-prosecution relationship). There is no national framework or working group defining or overseeing hate crime policy and practice in Ireland. The lack of hate crime legislation particularly undermines the court's ability to record hate crimes as they have no legislative basis.	*Description of national situation:* No data is shared	
	Framework	**Action**	
LAW ENFORCMENT An Garda Síochána **– MINISTRY**	*Relevant norm/standard:* Law enforcement are able to comprehensively record hate crimes, including bias indicators, and specifically flag bias	*Relevant norm/standard:* Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions. Realistic data is produced by the system (very low numbers indicate hate crime laws	**Framework: 2** **Action: 0** **Colour: red**

Department of Justice and Equality	motivations and crime types (Standards 1, 2, 3, 4) Law enforcement are able to record information about victim support and safety (Standard 5) This information can be shared with the MoI or relevant ministry for data collection and analysis. The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs (Standards 8 and 9).	are not being used). (Standards 6 and 7)	
	Description of national situation: AGS are able to record crimes with a discriminatory motive and have committed to take significant steps to improve in this area (see AGS-prosecution relationship). There is no legal or policy framework setting out roles and responsibilities in relation to	*Description of national situation:* With regard to hate crime data, the relationship between AGS and DoJ is unclear	

	understanding and addressing hate crime in Ireland.		
	Framework	**Action**	
PROSECUTION Office of the Director of Public Prosecutions - **JUDICIARY**	*Relevant norm/standard:* The prosecution service is able to record relevant information about evidence of bias and, where appropriate, systematically present this to the court (Standards 4 and 7). There is the facility to record sentencing information, including whether the hate element was considered and the outcome (Standard 7) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs. (Standards 8 and 9)	*Relevant norm/standard:* Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions. Realistic data is produced by the system (very low numbers indicate hate crime laws are not being used) (Standard 6)There is no evidence that the prosecution and judiciary regularly reflect on problems and gaps with the data and information that is captured.	**Framework: 0** **Action: 0** **Colour: red**
	Description of national situation: There is no facility to capture prosecution information relating	*Description of national situation:* No specific data is captured, used or published.	

	to hate crime. There is no national framework or working group defining or overseeing hate crime policy and practice in Ireland		
	Framework	**Action**	
PROSECUTON Office of the DPP **– MINISTRY** Department of Justice and Equality	*Relevant norm/standard:* The prosecution service is able to record relevant information - including about evidence of bias - and to share this with the MoJ for data collection purposes (Standard 4) The two bodies are members of a policy and technical framework to record and share data about bias indicators, crime types and victim support/safety needs Standard 8 and 9)	*Relevant norm/standard:* Emerging information is used – for example, meetings involving both parties discuss available data, problem-solve and identify actions.	**Framework: 0** **Action: 0** **Colour: red**
	Description of national situation: There is no national framework setting out roles and responsibilities in relation to understanding and addressing hate crime in Ireland.	*Description of national situation:* No data on hate crime prosecutions are collected	

	Framework	**Action**	
VICTIM(S) - LAW ENFORCEMENT An Garda Síochána	*Relevant norm/standard:* Law enforcement are able to comprehensively record hate crimes, including bias indicators – including victim perception - and flag bias motivations and crime types (Standards 1, 2, 3, 4) Law enforcement are able to record information about victim support and safety (standard 5) There is a process to keep victims informed about the progress of the investigation (Standard 10, 11, 12, 13,14) Law enforcement can accept anonymous reports of hate crime (Standard 42).	*Relevant norm/standard:* The system is used to record bias motivations and crime types and to ensure specific support to victims (Standards 15 and 16) The system is used to keep victims informed about the progress of the investigation (Standard 11) Action is taken to increase reporting (Standard 17)	**Framework: 2** **Action: 1** **Colour - amber**
	Description of national situation: AGS are able to record crimes with a discriminatory motive and have committed to take significant steps to improve in this area. AGS are obliged to assess victims' support and protection needs, including	*Description of national situation:* Garda HQ Directive No 04/2007 is not in the public domain and evidence suggests that there is a lack of clarity and training across the AGS about how and when to apply the definition (see Lifecycle of a Hate Crime Report, Ireland, p. 22). The role of the 'Ethnic Liaison Officer' (now 'Diversity Officer') includes taking action to engage with communities and increase reporting, however, the impact of these activities is unclear.	

	victims of hate crimes (see AGS-prosecution relationship)	Ongoing concerns about the integrity of AGS crime statistics has led the CSO (central Statistics Office) to publish all AGS crime figures 'under reservation' (https://www.cso.ie/en/statistics/crimeandjustice/garda_recorded_crime_statstics/) There is no available data on the outcome of AGS needs assessments There is evidence that victims have had negative experiences when reporting hate crime to AGS (see successive iReports by ENAR Ireland). There is also evidence that members of the Traveller Communities have negative experiences with the AGS	
	Framework	**Action**	
VICTIM(S) – MINISTRY Department of Justice and Equality	*Relevant norm/standard:* There is an established and resourced framework to gather data about unreported hate crime – for example through victimisation surveys that include questions about hate crime (standards 20, 21, 22, 42)	*Relevant norm/standard:* Relevant policy commitments on improving reporting and support have been made and acted upon (Standard 17) Victimisation surveys are carried out and the results are published in an accessible format (Standard 23)	**Framework: 0** **Action: 0** **Colour: red**

	Description of national situation There is no victimization survey conducted in Ireland.	*Description of national situation* There is no evidence of efforts to improve the reporting of hate crime in Ireland carried out by the DoJ or other ministries.	
	Framework	**Action**	
VICTIM(S) - CSO RACIST HATE CRIME	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standard 31 and 42)	*Relevant norm/standard:* The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	**Framework: 2** **Action: 2** **Colour: Amber**
	Description of national situation ENAR Ireland hosts an online portal- iReport – that allows direct reports of racist hate crimes and incidents by victims and witnesses. It collects reports of all racist crime including antisemitic, anti-Muslim and	*Description of national situation* 188 racist incidents were reported to iReport in 2017. Access to support varies. ENAR Ireland is a networking organization that refers people to its network of reporting centres for support. The capacity to support depends greatly on individual organisations' circumstances.	

	ant-Roma and Traveller hate incidents and crimes. Since 2013 there has been a steady upward trend in reports of racist hate crimes. There is also a national network of reporting centres - http://enarireland.org/ireport-quartertly/reporting-organisations/ The system has been in place since 2013 and ENAR Ireland regularly raises awareness about its existence.		
	Framework	**Action**	
VICTIM(S) – CSO ANTI-LGBTQ+ HATE CRIME	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	*Relevant norm/standard:* The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	**Framework: 1** **Action: 1** **Colour: red**
	Description of national situation The LGBT Helpline run by LGBT Ireland encourages people who have been a victim of a hate crime to contact them to seek	*Description of national situation* LGBT helpline- It is unclear whether the network collates data on the nature and prevalence of hate crime against LGBT people.	

	support. It is unclear whether the network follows a specific methodology to record and collect data on hate crime. The Stop Transphobia and Discrimination (STAD) campaign run by the Transgender Equality Network (TENI) hosts an online reporting portal that can be directly accessed on its website, TENI does not offer direct support to victims.	The most recent figures from the STAD Campaign are from 2016. 15 hate crimes were recorded in 2016, compared to 20 in 2015. These low figures might suggest, among other reasons, that victims are not motivated to report incidents if there is no follow up or specific support offered. TENI is not alone in Europe in having such limited resources that it cannot offer direct support. As stated in the report, 'in the first year of STAD, the online reporting mechanism provided the possibility for people to submit their contact information when they had finished completing the form. The intent was to allow TENI staff to follow-up on the reports and provide support to victims. However, the lack of resources available to support this project made outreach to victims challenging and unsustainable.' (https://ulir.ul.ie/bitstream/handle/10344/6314/STAD%20-%20Stop%20Transphobia%20and%20Discrimination%20Report%202014-2016.pdf?sequence=2, p. 18). In its reporting form, TENI suggests that victims contact the LGBT helpline for support if needed. In 2019, LGBT Ireland plans to relaunch the anti-LGB hate crime monitoring system formerly managed by GLEN.	
	Framework	**Action**	
VICTIM(S) – CSO ANTI-TRAVELLER & ANTI-ROMA HATE CRIME	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	*Relevant norm/standard:* The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	**Framework: 2** **Action: 2** **Colour: amber**
	Description of national situation	*Description of national situation*	

	ENAR Ireland hosts an online portal- iReport – that allows direct reports of racist hate crimes and incidents by victims and witnesses. It collects reports of all racist crime including hate incidents and crimes against Travellers and Roma. There is also a national network of reporting centres - http://enarireland.org/ireport-quartertly/reporting-organisations/ The system has been in place since 2013 and ENAR Ireland regularly raises awareness about its existence.	31 anti-Traveller and two anti-Roma incidents were reported through iReport in 2017. There is well established Traveller support infrastructure, which includes several national, network and local organisations, including the Irish Traveller Movement and its membership, Pavee Point, The National Traveller Womens Forum, Mincéirs Whiden. The network supports members of the Traveller communities, and reports incidents to iReport, however, there is likely to be an under-recording of hate crime by the network, partly reflecting a lack of awareness about the concept and the sometimes poor relationship between AGS and members of the Traveller communities.	
	Framework	**Action**	
VICTIM(S) - CSO ANTISEMITIC HATE CRIME	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	*Relevant norm/standard:* The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	**Framework: 2** **Action: 2** **Colour: amber**

	Description of national situation ENAR Ireland hosts an online portal- iReport – that allows direct reports of racist hate crimes and incidents by victims and witnesses. It collects reports of all racist crime including antisemitic crime. The system has been in place since 2013 and ENAR Ireland regularly raises awareness about its existence.	*Description of national situation* 13 antisemitic incidents were reported to iReport in 2017. Access to support varies. ENAR Ireland is a networking organization that refers people to its network of reporting centres for support. The capacity to support depends greatly on individual organisations' circumstances.	
	Framework	**Action**	
Victim- CSO anti-Muslim hate crime	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	*Relevant norm/standard:* The system is used by victims. The CSO regularly provides direct support to victims or referrals to support services (Standard 29)	**Framework: 2** **Action: 2** **Colour: amber**
	Description of national situation ENAR Ireland hosts an online portal- iReport – that allows direct reports of racist hate	*Description of national situation* 44 anti-Muslim incidents were reported to iReport in 2017. Access to support varies. ENAR Ireland is a networking organization that refers people to its network of reporting centres for support. The capacity to support depends greatly on individual	

	crimes and incidents by victims and witnesses. It collects reports of all racist crime anti-Muslim hate crime. The system has been in place since 2013 and ENAR Ireland regularly raises awareness about its existence.	organisations' circumstances.	
	Framework	**Action**	
GENERAL PUBLIC – LAW ENFORCEMENT An Garda Síochána	*Relevant norm/standard* Law enforcement are able to comprehensively record hate crimes, including bias indicators and specifically flag bias motivations and crime types (Standards 1,2,3)	*Relevant norm/standard:* Hate crime data is produced, published and made accessible (Standard 6) Action is taken to increase reporting (Standard 17)	**Framework: 3** **Action: 0** **Colour: amber**
	Description of national situation AGS are able to record crimes with a discriminatory motive and have committed to take significant steps to improve in this area. AGS are obliged to assess victims' support and protection needs, including victims of hate crimes (see AGS-prosecution relationship)	*Description of national situation* Hate Crime data is not currently published (see AGS-prosecution relationship) AGS undertook a broad consultation while developing its Diversity and Integration Strategy. It is too early to assess the implementation of recent commitments made by AGS to increase reporting, improve recording and communicate progress to the general public and affected communities.	

	Framework	**Action**	
GENERAL PUBLIC – MINISTRY Department of Justice and Equality	*Relevant norm/standard:* MoI has access to law enforcement and other official hate crime data (see relevant relationships).	*Relevant norm/standard:* Data and information (for example on hate crime strategy and actions plans) are produced, published and made accessible (Standard 6).	**Framework: 2** **Action: 0** **Colour: red**
	Description of national situation The Department of Justice and Equality hosts the Office for the Promotion of Migrant Integration (OPMI), which, until 2014 collected and published data on hate crime. These used to be found at www.integration.ie The department also hosts the Victims of Crime Office which could assist with the tracking of cases by following up letters from the police to victims. It is unclear which government ministry takes responsibility for	*Description of national situation* It is unclear which government ministry takes responsibility for collating and publishing hate crime data and statistics in Ireland. There is no evidence that strategic action to increase reporting have been undertaken by the DoJ.	

	collating and publishing hate crime data and statistics in Ireland. There is no cross-government framework setting out roles or responsibilities in relation to understanding and addressing hate crime in Ireland. There is no national crime victimisation survey to indicate the prevalence of hate crime.		
	Framework	**Action**	
GENERAL PUBLIC – PROSECUTION The Office of the Director of Public Prosecutions	*Relevant norm/standard:* Prosecution service records and captures data on the number and outcomes of hate crime prosecutions (Standards 4 and 7).	*Relevant norm/standard:* Data on prosecuting hate crime are produced, published and made accessible (Standard 6).	**Framework: 0** **Action: 0** **Colour: red**
	Description of national situation There is no comprehensive framework for the hate element	*Description of national situation* The DPP's office does not publish data on hate crime prosecutions.	

	to be recorded at the prosecution stage. As a result, no drta can be produced.		
	Framework	**Action**	
GENERAL PUBLIC – JUDICIARY	*Relevant norm/standard:* The courts record and captures data on the number and outcomes of cases where hate crime laws were applied (Standard 4).	*Relevant norm/standard:* Data on hate crime sentences are produced, published and made accessible (Standards 6 and 7)	**Framework: 0** **Action: 0** **Colour: red**
	Description of national situation The courts system does not record outcomes from district or circuit courts. As a result there is no court data relating to hate crimes at this level. As evidenced in the Lifecycle of a Hate Crime Report, Ireland, it is possible to search records of the High Court and the Court of Appeal for cases involving hate crime, as these are courts of record. However, in the absence of hate crime laws, a recording framework, and clear responsibilities on Irish authorities to communicate the	*Description of national situation* In its review of cases heard by the Court of Appeal, the Lifecycle of a Hate Crime Report, Ireland identified no cases where the terms 'hate' or 'hatred' were used, and three cases where there was a racist element (pp. 64-66).	

	outcomes of cases involving an element of hate or hostility towards specific groups, these cases are very unlikely to come to the attention of the public.		
	Framework	**Action**	
GENERAL PUBLIC – CSO RACIST HATE CRIME	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	*Relevant norm/standard:* The CSO regularly publishes data and information describing victims' experiences of hate crime based on their own recording systems (Standard 39). The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	**Framework: 2** **Action: 3** **Colour: green**
	Description of national situation ENAR Ireland hosts an online portal- iReport – that allows direct reports of racist hate crimes and incidents by victims and witnesses. It collects reports of all racist crime including antisemitic and anti-Muslim hate incidents and crimes.	*Description of national situation* ENAR Ireland's iReport publishes annual data including detailed methodology, statistics and analysis of hate crimes and incidents in Ireland. Data used as a basis for high profile media campaigns such as 'Love not Hate'.	
	Framework	**Action**	
GENERAL PUBLIC – CSO ANTI-LGBTQ+	*Relevant norm/standard:* The CSO is able to systematically record hate crimes and incidents using a transparent	*Relevant norm/standard:* The CSO regularly publishes data and information describing victims' experiences of hate crime based on their own recording systems (Standard 39).	**Framework: 2** **Action: 1**

	victim-focused methodology that is accessible to its target community(ies) (Standards 31 and 42)	The CSO uses its data to raise awareness about the problem and to advocate for improvements (Standard 40).	**Colour: amber**
	Description of national situation The new LGBT Helpline being set up by LGBT Ireland encourages people who have been a victim of a hate crime to contact them to seek support. It is unclear at this early stage whether the network follows a specific methodology to record and collect data on hate crime. The Stop Transphobia and Discrimination (STAD) campaign run by the Transgender Equality Network (TENI) hosts an online reporting portal that can be directly accessed on its website. accessible on its website.	*Description of national situation* The LGBT helpline does not publish information on hate incidents it has dealt with. TENI publishes hate crime figures as part of STAD. The most recent figures from the STAD Campaign are from 2016. 15 hate crimes were recorded in 2016, compared to 20 in 2015. These low figures might suggest, among other reasons, that victims are not motivated to report incidents if there is no follow up or specific support offered. TENI is not alone in Europe in having such limited resources that it cannot offer direct support. As stated in the report, 'in the first year of STAD, the online reporting mechanism provided the possibility for people to submit their contact information when they had finished completing the form. The intent was to allow TENI staff to follow-up on the reports and provide support to victims. However, the lack of resources available to support this project made outreach to victims challenging and unsustainable. The report excludes incidents reported by witnesses. (https://ulir.ul.ie/bitstream/handle/10344/6314/STAD%20-%20Stop%20Transphobia%20and%20Discrimination%20Report%202014-2016.pdf?sequence=2, p. 18).	
	Framework	**Action**	
CSOs-LAW ENFORCEMENT An Garda	*Relevant norm/standard:* The two bodies are members of an agreement to refer cases for	*Relevant norm/standard:* Structures and frameworks are used in a meaningful way/ the two bodies connect in meaningful ways. For example, The civil society organisation uses its data to raise	**Framework: 2** **Action: 1**

Síochána	support services (Standard 16 and 29) There is a structure for connection, that could include specialist police networks, a training agreement, information-sharing protocol, etc. (Standard 24, 25, 26, 41, 42) Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement. (Standard 8 and 9)	awareness about the problem and to advocate for improvements (Standard 40).	**Colour: amber**
	Description of national situation Until now there has been no national framework setting out roles and work relating to referring cases for support, input into training, or to address other issues relating to hate crime reporting, recording and data collection in Ireland.	*Description of national situation* Data sharing between AGS and CSOs can take place on a case by case basis, particularly if a specialist officer is involved. The FRA report, Hate Crime Recording and Data Collection Practices Across the EU reported, 'No information about structured and systematic cooperation between law enforcement agencies and civil society organisations related specifically to recording and collecting data on hate crime was available at the time this report was published'(p. 61, 2018).	

	The AGS recently agreed Integration and Diversity Strategy commits AGS to, 'engage with internal and external stakeholders in a proactive and inclusive manner to build trust and identifty the policing needs of all diverse, minority and 'hard to reach' communities', including the establishment of a 'Garda National Diversity Forum'. These initiatives could form the basis of more systematic and meaningful connection across CSOs and AGS.		
	Framework	**Action**	
CSOs-PROSECUTION The Office of the Director of Public Prosecutions	*Relevant norm/standard:* No expectation that there is an information-sharing agreement in place. Both bodies are members of a cross government group that regularly considers evidence of hate crime prevalence and responses to the problem and considers actions for improvement (Standards 8, 9 and 41)	*Relevant norm/standard:* Evidence of CSO input into prosecutor training; and/or joint case reviews, and/or specialist prosecutors offices that make connections with CSOs, then include the relationship (Standard 25)	**Framework: 0** **Action: 0** **Colour: red**

	Description of national situation There is no national framework setting out roles and work relating to referring cases for support, input into training, or to address other issues relating to hate crime reporting, recording and data collection in Ireland. CSOs do not have the capacity to systematically support victims and monitor the case through to prosecution, or record the outcome.	*Description of national situation* There is no evidence of ad-hoc or systematic cooperation between CSOs and the Office of the DPP on individual cases, training or information-sharing.	
	Framework	**Action**	
IGO – MINISTRY Department of Justice and Equality, **LAW ENFORCEMENT** An Garda Síochána **(two lines)**	*Relevant norm/standard:* There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa. (Standards 30, 32, 33, 34, 35, 36, 37) Parties are able to influence international norms and standards on hate crime	*Relevant norm/standard:* See standards document for ongoing action by IGOs to connect with national authorities on hate crime reporting, recording and data collection National assessment will look at these factors: Data is shared with IGO in line with agreed obligations/as part of regular requests. National representatives attend IGO networking events National representatives ask for and implement capacity-building activities in the area of hate crime recording and data collection.	**Framework: 2** **Action:1** **Colour: amber**

	reporting, recording and data collection and related activities and guidelines See standards document for information current platforms of exchange and cooperation.		
	Description of national situation N/A – this is a set international framework.	*Description of national situation* It is unclear which government ministry takes the lead on hate crime policy and strategy at the international level. AGS regularly represent Ireland at meetings of the OSCE Office for Democratic Institutions and Human Rights National Points of Contact on hate crime. AGS and DoJ regularly represent Ireland at meetings of: - The European Union for Fundamental Rights meetings relating to police recording and other matters identified by the High Level Group on Racism and Xenophobia - meetings of the High Level Group on Racism and Xenophobia AGS coordinates responses to requests from OSCE-ODIHR and FRA for OSCE annual hate crime reporting and regular FRA reports respectively. Data relating to hate crime has not be referred to ODIHR since its 2014 report 2011 CERD issues Concluding Observations in its third and fourth report on Ireland, urging the introduction of Hate Crime legislation and the publication of	

		disaggregated data on racist incidents. 2014 Universal Periodic Review interim report on Ireland recommends the introduction of Hate Crime Legislation 2013 report by the European Commission on Racism and Intolerance (ECRI) urges a ban on Ethnic profiling, the introduction of hate crime legislation and constitutional protections against racism. It emphasises General Recommendation 11, urging better police efforts to combat racism and monitor racist incidents.	
	Framework	**Action**	
IGOs- CSO RACIST HATE CRIME	*Relevant norm/standard:* There is an agreement and framework for data and information on hate crime to be shared with an IGO and vice versa (Standard 37) Parties are able to influence international norms and standards on hate crime reporting, recording and data collection and related activities and guidelines See standards document for information current platforms of exchange and cooperation.	*Relevant norm/standard:* Data is shared between the two parties as part of regular requests. CSOs attend IGO networking events and ask for and implement capacity-building activities in the area of hate crime recording and data collection	**Framework: 2** **Action: 3** **Colour: green**
	Description of national situation	*Description of national situation*	

	N/A – this is a set international framework.	iReports are regularly cited in briefings and reports to international bodies on Ireland. ENAR Ireland regularly attends international meetings convened by the European Commission, the FRA and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to share insights and good practice on hate crime recording and data collection in Ireland. ENAR Ireland regularly contributes to shadow reports for the UPR and other IGO reports.	