

European Commission
against Racism and Intolerance

ECRI
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contre le racisme et l'intolérance

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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF IRELAND
SUBJECT TO INTERIM FOLLOW-UP**

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¹ No developments which occurred after 23 November 2021, the date on which the response of the Irish authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012², not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim follow-up recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

² CM/Del/Dec(2012)1154/4.2.

1) *In its report on Ireland (Fifth Monitoring Cycle), published on 4 June 2019, ECRI strongly recommended that a solution be found to the issue of failure by local authorities to use funding allocated for Traveller accommodation. Possibilities include imposing dissuasive sanctions on local authorities for failure to spend allocated funding or removing the responsibility for Traveller accommodation from local authorities and placing it under the authority of a central housing commission.*

ECRI is pleased to note that the Traveller-specific accommodation budget of €14.5 million for 2020 was fully spent. At the same time, it notes that such funding had to be used mostly to address emergency issues related to the Covid-19 pandemic rather than to meet Travellers' long-standing housing needs.³ Furthermore, ECRI learned that, as of July 2021, just over €2.8 million out of the 2021 budget of €15.5 million had been spent by local authorities and that 17 out of 31 local authorities had not drawn any budget in this area.⁴

While the funding allocation system has been made more flexible as from 2020, so as to allow any local authority to apply for and draw funds at any time throughout the year, ECRI regrets that little has been done to address the structural shortcomings in the identification of the housing needs of Travellers and to ensure greater accountability in the use of the Traveller accommodation funds.⁵ In particular, the implementation of the recommendations set out in the Traveller Accommodation Expert Report⁶ of July 2019 has been significantly delayed and the Programme Board supervising it only met for the first time in March 2021. Moreover, none of the recommendations regarding the increased national oversight of the delivery of Traveller accommodation has been implemented as yet. Most importantly, there has been no major improvement in the accommodation conditions of Travellers.⁷

ECRI strongly encourages the Irish authorities to step up their efforts to implement the recommendations set out in the Traveller Accommodation Expert Report of 2019 and the IHREC 2021 recommendations in this area, doing so notably in the framework of the new strategy pertaining to Traveller and Roma issues,⁸ which is being drafted, and of the Equality review exercise, which is expected to be completed in 2022.

In the light of the above, ECRI must conclude that, despite some encouraging developments, its recommendation has not yet been implemented.

2) *In its report on Ireland (Fifth Monitoring Cycle), ECRI strongly recommended that new hate speech and hate crime legislation be enacted in consultation with relevant civil society actors. Inspiration should be taken from ECRI's GPR Nos. 7 and 15, and hate based on the following grounds should be included: race, colour, ethnic/national origin, citizenship, language, religion, sexual orientation and gender identity.*

³ Only 16 new units of Traveller-specific accommodation were built or refurbished in 2020. For more details, see [Joint Committee on Key Issues Affecting the Traveller Community, Traveller Accommodation - Discussion \(1 June 2021\)](#).

⁴ <https://www.oireachtas.ie/en/debates/question/2021-07-27/627/>; [Joint Committee on Key Issues Affecting the Traveller Community, Traveller Accommodation - Discussion \(12 October 2021\)](#)

⁵ See the [Equality review accounts](#) published by the Irish Human Rights and Equality Commission (IHREC) in July 2021.

⁶ Traveller Accommodation Expert Report, https://researchrepository.ucd.ie/bitstream/10197/12506/2/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00%20%281%29.pdf

⁷ See, for instance, the [Report of the Ombudsman for Children's Office](#) (OCO), published in May 2021.

⁸ The new strategy will succeed to the National Traveller and Roma Inclusion Strategy 2017-2021 (NTRIS), which provides a framework for action on Traveller and Roma issues.

ECRI was informed that, as a result of a comprehensive public consultation with all relevant stakeholders,⁹ a new Criminal Justice (Hate Crime) Bill 2021¹⁰ is being drafted. It should replace the ineffective Prohibition of Incitement to Hatred Act 1989 in its entirety and provide for new hate speech offences, which are expected to be more workable in practice to prosecute perpetrators who deliberately or recklessly incite hatred against others on the basis of a protected characteristic, i.e. race; colour; nationality; religion; ethnic or national origin; sexual orientation; gender (expressly covering both gender expression and identity) and disability. In particular, the new legislation will introduce new, aggravated forms of existing criminal offences, where those offences are motivated by prejudice against a protected characteristic. In determining whether the offence is aggravated by prejudice, the Bill sets out a range of “bias indicators” and, if the hateful nature of the crime is recognised by the court, it would be clearly stated during the sentencing and would carry enhanced penalties. The Bill also covers the public condoning, denying or grossly trivialising of genocide. According to the Irish authorities, its adoption is expected in 2022.

ECRI takes positive note of these very encouraging steps as well as of the further initiatives taken by the Irish authorities in addition to the above-mentioned legislative measures – such as the training of the police force - An Garda Síochána - on hate crime in the framework of the Diversity and Integration Strategy 2019-2021,¹¹ the setting-up of an online crime reporting facility in July 2021¹² and of a new baseline for hate-related incidents, along with the introduction of training and other measures aimed at improving hate crime recording, as well as the ongoing drafting of a National Action Plan Against Racism, which is expected to be published in 2022. ECRI also notes that new provisions affecting online hate speech and hate crime are being drawn up in the framework of the Online Safety and Media Regulation Bill 2020. In this connection, ECRI encourages the Irish authorities to ensure that the provisions and definitions in the respective texts are fully consistent with each other in order to avoid any implementation gap in addressing severe forms of hate speech, both online and offline.

Against this background, ECRI concludes that the recommendation has been partially implemented.

⁹See the [Report on the Public Consultation 2020](#)

¹⁰[https://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_\(Hate_Crime\)_Bill_2021.pdf](https://www.justice.ie/en/JELR/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf/Files/General_Scheme_Criminal_Justice_(Hate_Crime)_Bill_2021.pdf)

¹¹<https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf>

¹² <https://www.garda.ie/en/reportahatecrime/>