Hate crime legislation

Oifig an Leas-Uachtaráin
Taighde agus Nuálaíocht
Office of the Vice President
Research and Innovation

Staff conducting the underpinning research	Underpinning research linked to UN Sustainable Development Goals
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Countries where the impact occurred

Ireland; global impact also felt via the United Nations, the European Union and Council of Europe

Beneficiaries

Victim-survivors of hate crime and their communities; civil society organisations; the Irish Human Rights and Equality Commission (the National Human Rights Institution); policymakers; politicians

Summary of the impact

Research by the European Centre for the Study of Hate (ECSH) at the University of Limerick informed the introduction of hate crime legislation in Ireland, realised through the introduction of the Criminal Justice (Hate Offences) Act 2024. Prior to the introduction of the legislation, the hate element of a crime was not recognised consistently in the Irish criminal justice process.

The ECSH team provided clear evidence of gaps in the system and through evidence challenged the intransigence of the State on the issue. In doing so, they worked closely with policymakers, civil society organisations, and international bodies. The research of

the Centre helped inform public policy, shape new legislation, and strengthen protection for individuals targeted because of their identity.

Description of the impact

The absence of hate crime legislation in Irish law was decried by national civil society organisations and international human rights bodies. However, the Irish State maintained that hate crime was not a significant issue and that the existing criminal justice system adequately addressed any such incidents.

For over a decade, the ECSH worked with civil society organisations like the Coalition Against Hate Crime, and previously, the Working Group on Hate Crime, to support advocacy efforts and co-develop an evidence base for reform. This ensured that resulting research findings were translated into actionable recommendations that directly informed advocacy campaigns and policymaking [Source 1].

Research led by Professors Amanda Haynes and Jennifer Schweppe of the ECSH provided the first comprehensive evidence that the absence of hate crime legislation in Ireland led to systemic failures in recognising and prosecuting hate crimes [Source 2].

Their third major publication, *Lifecycle of a Hate Crime: Country Report for Ireland* (2017), launched at the Irish Human Rights and Equality Commission [Source 3], revealed that the absence of specific hate crime legislation created a policy vacuum, where the hate element of crimes was often lost as cases moved through the system. The Minister for Justice publicly acknowledged the importance of the research report and committed to reviewing the findings urgently [Source 4]. The research was subsequently cited in national policy documents, including *The Future of Policing in Ireland* report [Source 5], and formed part of a growing momentum for legislative change.

Internationally, the researchers presented their findings to the United Nations Committee on the Elimination of Racial Discrimination (CERD) in 2019 [Source 6] and to the European Commission on Racism and Intolerance, informing the work of international organisations in their calls on the Irish government to act: ECRI's 5th monitoring cycle country report on Ireland cites their research [Source 7].

Following the publication of the draft legislation, ECSH research was cited repeatedly during Oireachtas debates [Source 8], in parliamentary reports [Source 9], and during the pre-legislative scrutiny process [Source 10a], showing a link between academic findings and political discourse [Source 10b]. When the draft legislation stalled, ECSH researchers proposed a pragmatic solution to support the legislation to move forward [Source 11]. In her statement welcoming the passage of the legislation, the Minister for Justice cited ECSH research demonstrating strong public support for hate crime laws [Source 12].

The impact of the ECSH team was not accidental but the result of a deliberate strategy of engagement. By maintaining continuous dialogue with policymakers, responding to consultations, participating in public hearings, and supporting civil society organisations, the researchers ensured that their findings remained influential throughout the legislative process.

The culmination of these efforts was the enactment of the Criminal Justice (Hate Offences) Act 2024, which provides for a legal framework for addressing hate crime, and strengthening protections for individuals targeted based on their social identity. Beneficiaries include marginalised communities who now enjoy greater legal protections; civil society organisations whose advocacy has been empowered; the national human rights institution which relied on ECSH research in its reports; and policymakers who have been equipped with a stronger evidence base for action.

Through sustained engagement, targeted dissemination, and collaboration beyond academia, the ECSH research has achieved tangible societal impact, contributing to a more inclusive justice system in Ireland.

Evidence of impact

1. **Policing and systemic gaps**
   The *Commission on the Future of Policing in Ireland* cited the *Lifecycle of a Hate Crime* report by ECSH researchers as evidence for the assertion that the absence of specific hate crime legislation creates a "policy vacuum," where the hate element of crimes is often lost as cases progress through the justice system. [The Future of Policing in Ireland Report (page 22)]

2. **Impetus for legislation**
   Following the 2017 publication of *Lifecycle of a Hate Crime: Country Report for Ireland*, the Minister for Justice acknowledged the significance of the report:

   “This report on hate crime is a hugely important piece of research and makes a series of recommendations on how our criminal justice system can do better in combatting hatred.

   These recommendations include changes to legislation on incitement to hatred and sentencing, better reporting and recording of hate-motivated crimes, enhanced procedures for the investigation of such crimes, and training and guidelines for prosecutors. They are a very valuable contribution to the development of improved policy and procedures in this important area.” [4 July 2018 Statement by Minister Flanagan on hate crime legislation].

The Minister's acknowledgment marked a pivotal shift in the approach of the government, and a new commitment to review and reform hate crime legislation.

3. **Irish Human Rights and Equality Commission endorsement**
   At the 2017 launch of the edited collection, *Critical Perspectives on Hate Crime: Contributions from the Island of Ireland*, the Chief Commissioner of the Irish Human Rights and Equality Commission said:

   "This timely publication provides a valuable insight into the dynamics of hate crime in Ireland and is a valuable contribution to the current debate on modernising Ireland's legal and policy framework to address hate crime." [2017 launch of Critical Perspectives on Hate Crime: Contributions from the Island of Ireland].

   This public endorsement by the Chief Commissioner of Ireland's national human rights institution, reflects the esteem in which the work of ECSH faculty is held, and reinforces the influence of ECSH research on Ireland's legal and policy responses to hate crime.

4. **Oireachtas debates and legislative influence**
   During the Seanad debate on the legislation, Senator Ivana Bacik acknowledged the influence of UL researchers:

   "I wish to pay tribute to the many academics and NGOs that have worked on this issue over the years and whose work has fed into a deep understanding of the sort of legislation that is really needed. University of Limerick, UL, academics, in particular, have led on this." [Oireachtas Debates – Criminal Justice (Hate Crime) Bill, 17 Nov 2020].

   The ECSH team appeared as witnesses before the Oireachtas Joint Committee on Justice in 2021 to advise on the General Scheme of the Criminal Justice (Hate Crime) Bill 2021. [Joint Committee on Justice – Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Justice (Hate Crime) Bill 2021].

5. **Evidence of need for legislation — international perspectives**
   ECSH research has been cited and relied upon by a number of international organisations. The Facing Facts programme's Ireland Country Report (2019) corroborated ECSH's findings, concluding:

   "There is serious under-reporting of hate crimes to the police and to NGOs in Ireland. There are also gaps in provision, support and legislation." [Facing Facts

Ireland Country Report]

The European Commission against Racism and Intolerance (ECRI), citing ECSH research in its 2019 report on Ireland [ECRI Report on Ireland 5th monitoring cycle], echoed these concerns, calling for the introduction of robust hate crime legislation. In the same year, the United Nations High Commissioner for Refugees (UNHCR) cited ECSH research in its submission to the UN Committee on the Elimination of Racial Discrimination (CERD), reinforcing the call for legislative reform. [UNHCR 100th Session].

This growing international consensus, from both research and human rights institutions, underscored the urgency and legitimacy of the ECSH's findings and further bolstered domestic advocacy for comprehensive hate crime legislation.

The legislation addressed long-standing criticism from international human rights bodies regarding the lack of a statutory basis for dealing with hate crime. [New hate crime legislation comes into force].

6. **Evidence of public engagement and societal awareness**
   The impact of ECSH research extends beyond academia through the Centre's collaborations with civil society organisations like the Coalition Against Hate Crime; through the publication of accessible and open access texts; and dissemination of findings to international human rights bodies.

   Their active role in public consultations and policy discourse has helped shape public understanding of hate crime and evidenced broad societal support for legal reform.

   ECSH has contributed to public discourse through print and broadcast media, including *Prime Time*; *Tonight with Vincent Browne*; *Morning Ireland*; *Drive Time*; and *The Last Word*. ECSH research has been cited extensively in print media in Ireland, Northern Ireland, England, India and the USA. As such, the research has made a significant impact on public discourse.

Research description

Research by Professors Amanda Haynes and Jennifer Schweppe, co-directors of the ECSH at University of Limerick, demonstrated that hate crime in Ireland was under-recognised and "disappeared" in the Irish criminal justice system. Their programme of work identified key legislative, procedural, and institutional gaps that hindered access to justice for victims.

The researchers published a series of major reports, including Public Understandings of Hate Crime (2022); Lifecycle of a Hate Crime: Comparative Report (2018); Lifecycle of a Hate Crime: Country Report for Ireland (2017); Out of the Shadows: Legislating for Hate Crime in Ireland (2015); and A Life Free From Fear: Legislating for Hate Crime in Ireland – An NGO Perspective (2014). Their findings revealed how the hate element of a crime was often filtered out of investigations and prosecutions.

In 2019, the researchers presented their findings to the United Nations Committee on the Elimination of Racial Discrimination (CERD), following which the Minister for Justice announced the intention to introduce dedicated hate crime legislation. The ECSH contributed to the development of the new law through an analysis of the Heads of Bill and a presentation to the Oireachtas Justice Committee, which went on to cite their research in its final report.

The researchers also made a series of recommendations for reform of the Bill, the vast majority of which were adopted by the national Coalition Against Hate Crime in its policy review of the legislation. When the legislative process stalled, an ECSH briefing document proposed a pragmatic solution that was ultimately adopted by the Government, facilitating the passage of the Criminal Justice (Hate Offences) Act 2024.

Research outputs

Academic journal articles

- Garratt, L., Haynes, A. and Schweppe, J. (2024) '"I felt… caged": Victims of hate crime and their negotiation of space', *Criminology & Criminal Justice*, 0(0). Available at: https://doi.org/10.1177/17488958241276180.

- Haynes, A., Schweppe, J. and Garland, J. (2023) 'The production of hate crime victim status: Discourses of normalisation and the experiences of LGBT community members', *Criminology & Criminal Justice*, 25(3), 890-910. Available at: https://doi.org/10.1177/17488958231160252.

- Haynes, A. and Schweppe, J. (2019) 'Protecting commonly targeted groups in the context of "new politics": The case of Ireland', *Crime, Law and Social Change*, 71, 307–324. Available at: https://doi.org/10.1007/s10611-019-09819-8.

Edited books

- Haynes, A., Schweppe, J. and Taylor, S. (2017) *Critical perspectives on hate crime: Contributions from the island of Ireland.* London: Palgrave Macmillan. ISBN: 978-1-137-52666-3 (hardback); 978-1-349-70748-5 (paperback); 978-1-137-52667-0 (eBook).
- Schweppe, J. and Walters, M.A. (2016) *The globalisation of hate: Internationalising hate crime?* Oxford: Oxford University Press. ISBN: 978-0198785668.

Book chapters

- Haynes, A. and Schweppe, J. (2016) 'Internationalising hate crime and the problem of the intractable state: The case of Ireland', in Schweppe, J. and Walters, M.A. (eds.) *The globalisation of hate: Internationalising hate crime?* Oxford: Oxford University Press, pp. 157–173. ISBN: 978-0198785668.

Research grants

- Funder: Irish Research Council / Department of An Taoiseach (New Foundations – Shared Island) | Date: 2021 | Project title: *AINCH: Hate Crime Beliefs North and South*
- Funder: Marie Skłodowska-Curie Action International Training Network | Date: 2019 | Project title: *NETHATE: Network of Excellence of Training on Hate* | Grant Number: 861047
  External partners: Erasmus Universiteit Rotterdam (Netherlands); Helsingin Yliopisto (Finland); University of Limerick (Ireland); University of Turku (Finland); Universiteit Leiden (Netherlands); Göteborgs Universitet (Sweden); University of Plymouth (United Kingdom); Amadeu Antonio Stiftung (Germany); Universiteit Antwerpen (Belgium); Friedrich-Schiller-Universität Jena (Germany); Trinity College Dublin (Ireland) (Lead author and PI)
- Funder: European Union Rights, Equality and Citizenship Programme | Date: 2019 | Project title: *Call It Hate* | Grant Number: JUST-REC-DISC-AG-2016-04-764731
  External partners: Università degli Studi di Brescia (Italy) (Lead); Univerza v Ljubljani (Slovenia); Háttér Társaság (Hungary); Lithuanian Gay League (Lithuania); Zagreb Pride (Croatia); GLAS Foundation (Bulgaria); Lesbian, Gay and Bisexual Anti-Violence and Policy Group (United Kingdom); çavaria vzw (Belgium); Stowarzyszenie Lambda Warszawa (Poland); Društvo Legebitra (Slovenia); Transgender Equality Network Ireland (Ireland); Stowarzyszenie Miłość Nie Wyklucza (Poland)
- Funder: European Commission, Directorate-General Justice | Date: 2015 | Project title: *Lifecycle of a Hate Crime*
  External partners: University of Sussex (United Kingdom); Umeå University (Sweden); In Iustitia (Czech Republic); Latvian Centre for Human Rights (Latvia); Irish Council for Civil Liberties (Ireland)
- Funder: Irish Research Council | Date: 2015 | Project title: *Monitoring Hate Crime: Analysis and Development of Online Third-Party Forms*
  External partners: Transgender Equality Network Ireland; GLEN (Gay and Lesbian Equality Network); Inclusion Ireland; ENAR Ireland
- Funder: Irish Council for Civil Liberties | Date: 2014 | Project title: Out of the Shadows: Legislating for Hate Crime in Ireland

External partners: National Steering Group Against Hate Crime (comprising 13 leading human rights NGOs in Ireland)