

# POLICING AND RACIAL DISCRIMINATION IN IRELAND

**A Community and Rights Perspective**  
**EXECUTIVE SUMMARY**



Irish Council for  
**Civil Liberties**

**FOR ALL OUR RIGHTS. NO EXCEPTIONS.**



IRISH NETWORK AGAINST RACISM



This report was drafted by independent consultants, Diversity Matters, with assistance from staff at the Irish Council for Civil Liberties (ICCL) and the Irish Network Against Racism (INAR). Our thanks to the team members at Diversity Matters: Dr Maria Manuela de Almeida Silva, Megan Flynn Dixon, Jipe Kelly and Joseph Nyirenda.



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# EXECUTIVE SUMMARY

## Project Overview

This report is the final product of the project ‘Strengthening awareness, evidence and advocacy on racial profiling’, funded by the Irish Human Rights and Equality Commission (IHREC) and conducted by the Irish Council for Civil Liberties (ICCL) in partnership with the Irish Network Against Racism (INAR). It was drafted by the independent consultancy Diversity Matters and edited by staff at ICCL and INAR. Its aim is to add to the evidence base regarding the experiences of racial profiling and other interactions with police on the part of members of racialised groups in Ireland, and to provide recommendations for reform. Diversity Matters completed desk-based research, alongside participatory research workshops and telephone and video interviews, to identify existing research on racial profiling, the legal framework regarding racial profiling, and individual experiences of racial profiling and policing in Ireland. A Participatory Learning and Action method was employed to facilitate the participation of racial and ethnic minority communities and for researchers to gain a holistic understanding of the experiences of racial profiling in Ireland.

## Racial Profiling and Human Rights

Since the Black Lives Matters protests across the world in 2020, national and international bodies have been paying more attention to the phenomenon of racial profiling and discrimination in law enforcement. For example, the UN Secretary General submitted a report on Preventing and Countering Racial Profiling to the General Assembly in 2019<sup>1</sup> and the UN Human Rights Council created an Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement in 2021.<sup>2</sup> In Ireland, the National Action Plan against Racism, published in 2023, recognised the potential for racial discrimination in An Garda Síochána by specifically identifying the need to “eliminate any type of policing practice that targets specific racial and ethnic minority groups”.<sup>3</sup>

Conscious and unconscious bias, racism, and discrimination can lead to racial profiling within law enforcement, both by individual officers and within organisations collectively. Racial profiling is a violation of human rights, and governments and police services must make every effort to identify and combat it. Profiling erodes trust between police and minoritised communities, affects the credibility of the police, and impacts community policing efforts. To combat racial profiling, regional and international human rights bodies have recommended a range of strategies, including the adoption of legislation to ban racial profiling, the sanctioning of officials engaging in racial profiling, and the recording of stop and search data.<sup>4</sup>

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<sup>1</sup> United Nations, *Preventing and Countering Racial Profiling of People of African Descent - Good Practices and Challenges*, January 2019, <https://www.un.org/sites/un2.un.org/files/2019/12/preventracialprofiling-en.pdf>, p. 11.

<sup>2</sup> United Nations Office of the High Commissioner for Human Rights, “Mandate: International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement,” accessed 17 August 2023, <https://www.ohchr.org/en/hrc-subsiidiaries/expert-mechanism-racial-justice-law-enforcement/mandate>.

<sup>3</sup> Government of Ireland, Ireland’s National Action Plan against Racism, 21 March 2023, <https://www.gov.ie/en/publication/14d79-national-action-plan-against-racism>, p.18.

<sup>4</sup> Committee on the Elimination of Racial Discrimination, “Concluding observations of the Committee on the Elimination of Racial Discrimination,” Geneva, April 4, 2011, CERD/C/IRL/CO/3-4, 2011, para. 18, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/418/40/pdf/G1141840.pdf?OpenElement>; Committee on the Elimination of Racial Discrimination, “Concluding observations on the twenty-first to twenty-third periodic reports of Spain,” Geneva, June 21, 2016, CERD/C/ESP/CO21-23, paras. 27-28, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/127/19/pdf/G1612719.pdf?OpenElement>; Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined eighth to eleventh periodic reports of Slovenia,” Geneva, January 11, 2016, CERD/C/SVN/CO/8-11, para. 11, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/003/44/pdf/G1600344.pdf?OpenElement>; Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined twentieth and twenty-first periodic reports of Poland,” Geneva, March 19, 2014, CERD/C/POL/CO/20-21, para. 11, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/418/09/pdf/G1441809.pdf?OpenElement>; Committee on the Elimination of Racial Discrimination, “Concluding observations on the combined nineteenth to twenty-first periodic report of the Netherlands,” Geneva, September 24, 2015, CERD/C/NLD/CO/19-21, paras. 13-16, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/216/36/pdf/G1521636.pdf?OpenElement>; Human Rights Committee, “Concluding observations of the Human Rights Committee: United Kingdom of Great Britain and Northern Ireland,” Geneva, July 30, 2008, CCPR/C/GBR/CO/6, para. 29, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/433/42/pdf/G0843342.pdf?OpenElement>; Human Rights Committee, “Concluding observations on the fifth periodic report,” Geneva, December 3, 2015, CCPR/C/AUT/CO/5, para. 20, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/275/30/pdf/G1527530.pdf?OpenElement>; Human Rights Committee, “Concluding observations on the sixth periodic report,” Geneva, August 20, 2014, CCPR/C/JPN/CO/6, para. 20(a), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/142/49/pdf/G1414249.pdf?OpenElement>.

The report uses the following definition of racial profiling from the European Commission against Racism and Intolerance:

**The use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities.<sup>5</sup>**

While the report focuses on profiling or discrimination based on race or ethnicity, we wish to acknowledge that racial profiling can also occur on the basis of intersectional identities, meaning that someone could be stopped on the basis of their race, in addition to their gender or socio-economic status, or in addition to other protected characteristics.

The absence of official disaggregated data on racial and ethnic indicators during policing operations has been used by officials to deny that racial profiling happens in An Garda Síochána. However, numerous civil society reports, academic studies and observations from regional and international human rights bodies have indicated that there is evidence that racial profiling does occur in Ireland. Existing evidence is examined in Section 2 of this report. This includes reports to INAR's iReport.ie system, and studies and surveys by civil society, IHREC and the EU Fundamental Rights Agency. Examples include reports that racial profiling occurs in the use of stop and search powers by Gardaí, discriminatory border checks during cross-border travel between Ireland and Northern Ireland, and evidence that members of the Traveller and Roma community are particularly targeted for racial profiling. The unlawful removal of Roma children from their family in 2013 based on ethnic profiling is one high-profile example.

Section 3 summarises the findings from the consultation process carried out by Diversity Matters. This process involved three workshops held in Dublin, Galway and Cork, seven interviews and a number of written surveys. 36 individuals, from racial or ethnic minority communities and living in Ireland, took part in the consultation process. The report summarises the experiences and perceptions of these participants, and adds to the growing evidence base that indicates that racial profiling exists in Ireland.

The workshops addressed participants' experiences as victims, witnesses and alleged perpetrators of crime. The interviews explored positive and negative experiences with An Garda Síochána. Participants did note some helpful experiences with Gardaí. However, participants largely had negative perceptions of the Gardaí and felt that members of minoritised groups were treated differently than the settled white Irish population. 83% of participants expressed a fear of being racially profiled or discriminated against by Gardaí. Participants identified intersectional discrimination, in particular a perception that people living in areas with lower socio-economic status were treated differently by Gardaí.

Other examples of differential treatment identified by participants include discriminatory use of stop and search powers, a lack of support when filing a complaint or reporting a crime, disproportionate use of force, and excessive scrutiny of members of racial or ethnic communities. Participants experienced various challenges in engaging with Gardaí, including members being rude, but found that younger and female members are more respectful and have more diversity training. The participants identified the lack of diversity within AGS as an ongoing issue.

Section 4 provides recommendations on how to address racial profiling, echoing recommendations made by previous bodies to the Irish State, including the UN Committee on the Elimination of Racial Discrimination.

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<sup>5</sup> European Commission against Racism and Intolerance, *ECRI General Policy Recommendation No. 11* (Strasbourg, FR: European Commission against Racism and Intolerance, 2007), para. 1.

## Key Recommendations

Globally, different jurisdictions have adopted various strategies to address racial profiling, including enacting laws prohibiting racial profiling, developing guidelines for stop and search, increasing data collection, and introducing diversity and inclusion strategies. This report's recommendations are informed by these best practices, the research findings of the report and recommendations from regional and international human rights bodies.

### RECOMMENDATIONS TO GOVERNMENT

1.	Adopt a comprehensive definition of racial profiling, drawing on the European Commission against Racism and Intolerance definition.
2.	Prohibit racial profiling in law, including all forms of direct and indirect racial discrimination by Gardaí.
3.	Meaningfully implement Action 1.5 of the National Action Plan Against Racism, to eliminate any type of policing practice that targets specific racial and ethnic minority groups by 2025.
4.	Immediately mandate the collection of disaggregated data pertaining to race, ethnicity, religion, gender and disability across the entire Irish criminal justice system, including in all policing operations, the courts and crime statistics, to properly understand how racial and ethnic minorities are treated at each section of the justice system.
5.	Establish an independent and impartial complaints mechanism for victims to report incidents of racial profiling. Encourage victims to report by providing accessible information, including through the availability of easy-read information and information in a variety of formats (audio, video, hard-copy, large print, etc.), and offering free support services.
6.	Publicise information regarding all available procedures for complaints against Gardaí.

### RECOMMENDATIONS TO THE POLICING AUTHORITY

7.	Monitor An Garda Síochána's compliance with their human rights obligations on non-discrimination, as well as Section 42 of the Irish Human Rights and Equality Commission Act 2014 to promote equality and prevent racial discrimination when carrying out their functions.
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## RECOMMENDATIONS TO AN GARDA SÍOCHÁNA

8.	Ensure continuous human rights and anti-racism training for Gardaí, including at the Garda College and through ongoing professional development. <sup>6</sup>
9.	Develop and deliver specific training on racial profiling that addresses unconscious bias and which examines: <ol style="list-style-type: none"> <li>Cross-cultural communication and intercultural understanding;</li> <li>The different manifestations of racial profiling and the impact on the individual;</li> <li>Key indicators of how organisational racial profiling is evidenced;</li> <li>Integrating equality primes, prompts and tools into day-to-day work;</li> <li>Clarifying and building institutional buy-in for the importance of addressing racial profiling; and</li> <li>Designing processes that support past and ongoing learning, planning, and action for eliminating racial profiling altogether.</li> </ol>
10.	Any training related to human rights, anti-racism, and racial profiling must be evaluated on its effectiveness, including through consultation with minorities. To be most effective, experienced and qualified civil society organisations, alongside members of groups with lived experience, should contribute to designing and delivering the training.
11.	Develop and publish a new specific Garda policy on addressing racial profiling and how to prevent, prohibit and monitor it.
12.	Add the prohibition of racial profiling to the Garda Code of Conduct and the Garda decision-making model.
13.	Prioritise diversity in recruitment to An Garda Síochána and take steps to incorporate equality, diversity and inclusion best practice in its recruitment and hiring practices, beginning with the initial application, to ensure that the diversity of Gardaí reflects the diversity of Irish society, including intersectional identities.
14.	Publish an updated Diversity and Integration Strategy.
15.	Appoint more Ethnic Liaison Officers and expand the Garda National Diversity Unit.
16.	Establish and advance relationships and procedures for dialogue and co-operation between Gardaí and minority groups to rebuild trust.
17.	Create effective reporting procedures within An Garda Síochána, including protections for whistleblowers, to provide for effective internal accountability.
18.	Publish all internal policy and training materials relating to human rights, anti-racism and diversity, including any policy that describes how An Garda Síochána deals with and processes complaints.

<sup>6</sup> European Commission against Racism and Intolerance, “ECRI Statement on Racist Police Abuse, Including Racial Profiling, and Systemic Racism,” adopted by ECRI at its 82nd plenary meeting (30 June – 2 July 2020), <https://rm.coe.int/statement-of-ecri-on-racist-police-abuse-including-racial-profiling-an/16809eee6a>.



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