

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Ireland	2014	Ireland / Court of Appeal / No. 186/12 / The People at the Suit of the Director of Public Prosecutions v. Anthony Elders	https://www.courts.ie/acc/alfresco/89491c5c-a243-41e0-9f6d-7613d29f7d79/2014_IECA_6_1.pdf/pdf#view=fitH	Racial or ethnic origin	IECA, Court of Appeal	This case relates to the previous conviction of an Irish man in the Circuit Court for criminal damage and assault on another man of perceived Asian descent following an argument among a number of people. In the course of the assault, racist language was used and the victim sustained lacerations to his face and damage to property. The case was an appeal brought by the appellant against the severity of a sentence of five years imprisonment for assault causing harm and criminal damage. The racist element was judged to be an aggravating factor. However, the Court of Appeal found that the sentencing court had failed to take appropriate account of the mitigating factors during sentencing.	The original conviction resulted in a sentence of five years imprisonment. While accepting the very serious nature of the offence, the Court of Appeal found that the sentencing court had failed to take appropriate account of the mitigating factors and suspended the final 12 months of the sentence, subject to an offer of €4000 compensation being paid to the injured party.	The Court acknowledged that there had been a racist dimension to the attack and that this had been an aggravating factor. The Court acknowledged that this had been considered in the original trial based on the facts of the case.	The issue of racism as an aggravating factor and its subsequent impact on sentencing has been acknowledged as a factor for consideration.	"Among the very many aggravating factors present were that there was a racist dimension, an aspect that was very properly highlighted by the Circuit Court judge. It may be that as counsel for the appellant said that this was not the case where someone was attacked because of their race, but that there was a racist dimension is nonetheless clear and that is an aggravated fact".

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