

Department of Justice and Equality
Hate Speech Consultation

Summary Report on the
***Workshop* strand, (Nov 2019 – Jan 2020)**

by

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‘Hate speech is pervasive, noxious and relentless. Hate speech happens everywhere, behind our backs and directly to us. It is socially acceptable.’

(participant at Collins Barracks workshop)

Contents

- 1. Introduction**
- 2. The Workshops**
- 3. Conclusion**
- 4. Appendices – summary reports of each workshop**

1. Introduction

The Department of Justice and Equality is undertaking a review of the existing legislation on hate speech and is consulting with the public and stakeholders to inform this process. In line with the Department's vision of a *Safe, Fair and Inclusive Ireland*, the review aims to ensure that the legislation on hate speech is effective in addressing expressions of bigotry, intolerance, hatred or prejudice, wherever they occur. By listening to the communities and individuals impacted by hate speech, the consultation captures the views of those best placed to comment on whether the law as it stands is fit for purpose and effective in dealing with such expressions when they arise, or whether it needs to be changed.

The public were invited to participate in the consultation in 3 ways

- i. Through an online **survey** that was widely advertised on social media and in other forums
- ii. By making a formal, **written submission**
- iii. By participating in a **workshop**. These workshops were aimed at individuals and NGOs active in areas or communities who have historically experienced prejudice. Organisations working in these sectors were invited to participate while others requested the opportunity to take part and were encouraged to attend.

The workshop strand of the consultation process commenced on November 26th, 2019, with the final meeting being held January 23rd, 2020. The main groupings/communities polled in the workshops were Migrants, Travellers and Members of the Roma Communities, Persons with Disabilities, Members of the LGBTI+ Communities and Faith Groups. *This summary report draws together in brief the results of these workshops.*

2. The Workshops

A total of seven facilitated workshops were held in various locations across Dublin, Cork and Monaghan. Workshops were attended by Ciara Carberry of the Department of Justice and Equality, also Deputy Secretary Oonagh Phillips and Head of Communications Darragh Brennan, facilitated by Charlton, Walsh and Healy. Five of these meetings focussed on specific interest groups (People with Disabilities, Traveller and Roma Communities, the LGBTI+ Community, Migrants, and Faith Groups) and were attended by individuals from these groupings who identified as directly affected by hate speech. The remaining two workshops were larger and comprised representatives of NGOs with a special interest in the legislation, one session was attended by Members of An Garda Síochána community officers.

The NGO workshops included members of An Garda Síochána, Educators, Community Organisations, Youth Organisations and Service Providers, amongst others. These NGOs had either self-selected for attendance by requesting an opportunity to participate or by being directly invited to attend.

All workshops followed the same format which was:

- A brief introduction to the consultation process from the facilitators
- An orientation to the current legislation from Ciara Carberry
- 1st Session of Small Group work discussion
- Facilitated feedback and discussion
- 2nd Session of Small Group work discussion
- Facilitated feedback and discussion
- Further questions for the Dept of Justice and Equality moderated by Ciara Carberry
- Next steps and close from the facilitators.

The **first small group work discussion session** was designed to capture perceptions of *prevalence and characteristics* of hate speech in Ireland as well as some sense of the *impact*

of these incidents on the affected individuals and communities. The **second session** sought opinions on *responding appropriately and effectively* (including legislative remedies) to hate speech.

2.i. Main Findings

First Small Group Work Discussions

Looking at *prevalence, characteristics and impacts*, the small groups were asked to discuss hate speech specifically by answering the following questions:

Have you or the group you represent experienced Hate Speech?

- Where did it happen?
- What form did it take?
- What elements of Hate Speech should be considered a crime?

What was the effect on you/those you represent?

- How did it make you/them feel?

Analysis

What was most striking in the responses in this session was the very high degree of commonality and overlap between all groups in relation to the answers to these questions.

Prevalence

With only two individual exceptions across the seven groups, all participants had directly witnessed an incident of hate speech or hate crime, with many reporting repeated instances. *‘Hate speech happens daily and in all spaces, not just on rare occasions’* (from Collins Barracks workshop)

Locations and Characteristics of hate speech

2.i.a. Public Transport

In six of the seven groups participants spoke about incidents they had experienced on public transport. These ranged from witnessing hate speech to being physically assaulted. Some of the examples discussed included:

- A father with children was ‘spat at while waiting at Luas stop’ (from LGBTI+ workshop).
- ‘People of African descent are insulted on public transport ‘*Go home, you’re not welcome here*’ etc. (from Cork Consultation).
- One woman (*described* as African) had the experience of helping an elderly passenger who had fallen on a bus and receiving a very negative reaction from the other passengers’ (from Cork Consultation).
- On *Dublin Bus* a young man revealed a swastika tattoo on his leg and pointed it out to a young woman in a hijab. In this case the bus driver intervened and ejected the perpetrator’ (from Collins Barracks Consultation).
- ‘On a *LUAS* an elderly couple from Iraq were shouted at by a group of youths. They shouted vile insults and then attacked the man. The couple reported the incident to the Gardaí but later dropped the case as a result of fear and intimidation’ (from Collins Barracks Consultation).

2.i.b. Online Abuse

Every group detailed particularly pernicious hate speech occurring online. Each group discussed what they saw as the failings of social media platforms to adequately monitor and control the content they publish. Each group also singled out for special mention the ‘comments’ section of online forums, in particular the *Journal*, but other publications also. Again, these seem to be completely unmonitored and to give free reign to individuals and groups to engage in hate speech. One particular individual was mentioned by three separate groups in relation to what they experience as the racism and hate speech evident in her livestreaming on *Facebook* - for example a representative of the Muslim community at the Collins Barracks consultation reported ‘*I’ve been called a terrorist, I’ve been mentioned by ... in videos and she said I should be thrown out of Ireland*’. Travellers reported suffering a particularly high incidence of hate speech on social media, as did members of the LGBTI+

communities, one example cited was that *'The comments made about the Carrickmines tragedy were despicable'* Pavee Point workshop),

The inescapable nature of social media and its constant presence in our lives is an aggravating factor in relation to hate speech in this forum. *'The online element really needs to be tackled in the legislation because there's no escaping it. It's so pervasive and has a 24/7 impact'* (Collins Barracks workshop). *'It is planned, and targeted, social media is contagious'* (Monaghan workshop).

2.i.c. In Education/Health and from Gardaí

Shockingly, there was considerable agreement across most groups that the first experience of racism and hate speech that children encounter is within the education system. *'In school, teachers and other kids say things like 'dirty tramp' and 'knacker' which impacts on the relationship with the teacher and has a knock-on effect on the kids' education'* (Pavee Point Workshop), *'Belongto (LGBTI+ youth group) report that 38% of LGBTI kids are physically assaulted and 77% experience verbal abuse'* in school (LGBTI+ workshop), while a participant in the Cork Workshop noted that some *'teachers use social media to make hateful comments about Travellers'*, A participant in the Monaghan workshop described their experience of *'A primary school teacher commenting and making a joke about an African Child's bushy hair'*. *'Often the first experience of racism is at school – teaching and conditioning other children that it's ok and expected and normal. These are the future shopkeepers, doctors, nurses etc. They're learning racism'* (Collins Barracks workshop).

Several groups detailed their experiences of hate speech within the health system, this occurs as patients, as visitors to hospitals or while attending for out-patient appointments. *'When my daughter-in-law was giving birth in the Coombe, the nurses were friendly until I explained that I work in Pavee Point and that I'm Roma, then they changed'* (Pavee Point workshop). *'When nurses and doctors are disrespectful, it has an impact on health. When the porter in a hospital uses hate speech, no-one will use that service. It's bad for our health and (leads to late) diagnosis'* (Pavee Point workshop).

Most groups also identified the criminal justice system as a place where they encounter hate speech. *'Hate speech is a crime, if it is happening in the policing sector then we have a problem, many of the most horrific comments have come from this sector'* (Collins Barracks Workshop). Members of the travelling community listed instances from the press coverage of court cases which repeated the hate speech used during the trial *'Statements made by judges particularly comments concerning Travellers being like Neanderthals'* (Pavee Point Workshop). Travellers in particular have experienced hate speech from members of An Garda Síochána, during the Dublin workshop in Collins Barracks the following example was given *'Hate speech is often evident in how Gardaí conduct business with Travellers. It's also evident in 'jokes. There was one situation where during a fundraising initiative between the Gardaí and Firefighters they made a video of a boxing match, referencing and 'joking about' Travellers fighting. Each instance of hate speech further normalises the next one'*.

2.i.d. In Public Places

Every group listed 'public places' as a context in which hate speech occurs. This included the built environment where very many of the groups detailed the racist/offensive graffiti they encountered, in one case on their own property *'My house was graffitied with "terrorist lives here"'* (Collins Barracks workshop). The experiences outlined as occurring in public spaces often involve being shouted at by groups of youths, one participant in the Monaghan group for example witnessed *'abuse being hurled at her neighbour's mother (who is a non-national) by two young 17-18 year olds,'* another participant at the same group reported being frequently told to *'go back where you come from'*. Roma women in particular reported experiencing high levels of hate speech on the streets.

2.i.e. Political context:

Many of the groups highlighted the use of hate speech by political representatives as extremely harmful, with extensive impact. Several politicians were named as examples.

Impacts of hate speech on victims

Again, in these discussions there was a huge degree of commonality in the responses between groups. Amongst the most frequently reported impacts were:

- Humiliation
- Fear - hate speech brings with it fear of physical attack
- Isolation, low self-esteem and suicidal thoughts
- One group stressed the point that *'there is a big difference between the experience of general abusive behaviour and threat, and the experience of abuse relating to some aspect of one's identity, in this case the victim experiences the hate element in a much more heightened way'* (Collins Barracks workshop)
- Intimidation – the victims are intimidated by hate speech (almost regardless of the content) *'because they know the intention is to wound and demean them'* (Collins Barracks workshop)
- When experienced in school, hate speech can significantly colour the experience the child has within the education system. A participant in the Collins Barracks workshop described this as being *'harassed out of school by children and teachers'*
- It can have a hugely negative impact on health. Experiencing hate speech in a hospital setting can be a strong dissuading force in terms of keeping appointments or engaging with a service, and as members of the Travelling community noted in the Pavee Point workshop this can often results in late diagnosis of serious illness which in turn impacts on mortality and morbidity rates in the community
- The repeated experience of hate-speech and its pervasiveness on social media leads individuals to have mistrust and expect bias from everyone
- There is a loss of identity, many individuals reported that their children prefer not to reveal their cultural heritage as a way of avoiding hate speech *'In school kids hide their identity, they don't want to say they're Roma'* (Pavee Point workshop) and from the same workshop *'children are getting bullied, how will they grow up with this shame?'* This experience was echoed amongst the LGBTI+ community who also spoke about hiding their private life in their employment context. (Outhouse workshop)
- Repeated exposure to hate speech leads to the normalisation of racism and intolerance. Many individuals talked about the sheer volume of hate speech that is evident on social media, and how it has become utterly normal to encounter it.

- Those speaking about people with disabilities experiencing hate speech expressed concern that some PWD may not hear the comments or those with intellectual disabilities may not understand the content of what of being said in hate speech about them.

2.ii. Second Small Group Work Session

The **second session** polled opinions on *responding appropriately and effectively* (including legislative remedies) to hate speech. During this session the groups were asked to discuss and respond specifically to the following question:

What could be done to respond to hate speech by

- Government
- Others
- In Legislation

Analysis

Again, with this session there was a considerable overlap between all groups in relation to these questions.

2.ii.a. Defining Hate Speech and Legal Issues

All groups discussed the difficulties inherent in providing a legal definition of hate speech while being mindful of the right to freedom of expression. *The 1989 Act has loopholes, we need to rip it up and start again*. *'It needs to have a clear and easily understandable definition'* (Cork workshop). *The threshold is far too onerous for the '89 Act and it is too high. It needs to be strengthened and shouldn't be dependent on intention* (Outhouse workshop). *The test and burden of proof that it must lead to others committing hate acts (the incitement piece) is too difficult*. The requirement that an offence must be intended or likely to stir up hatred was raised as a flaw in the legislation and in need of reform. *In hate speech what is said is damaging to the intended victim and those who overhear it (through the process of normalisation) regardless of whether it leads to violence or not'* (Collins

Barracks). *'The law should include social media and reflect the current situation in Ireland'* and *'The legislation needs to be expanded to cover online commentary'* (Collins Barracks workshop) *The legislation should list those protected by hate speech laws, name protected characteristics, there's a need for more than the traditional nine grounds* (Collins Barracks). There was a general feeling amongst several groups that penalties for repeated offences should be cumulative, as well as an understanding that those in power (politicians or members of the media) who engage in hate speech should be subject to higher penalties as their influence is greater. The lack of successful prosecutions was noted in a few the workshops as evidence to the ineffectiveness of the existing legislation.

2.ii.b. Role of Social Media Companies

There was considerable agreement across the groups that social media organisations need to show greater accountability and play a bigger part in the monitoring and regulation of the content they publish. The feeling amongst one group in the Cork workshop was that there was an argument for using *'German social media rules as a model for how we legislate for social media. In Germany the posting is more closely followed and monitored with the aim of shutting down accounts which have a history of hate speech. It is more stringent than self-policing'*. The Collins Barracks workshop reported that *'social media need to really take ownership of their part in this problem. Many social media companies' HQs are here so we have a special role to legislate'*.

2.ii.c. Education and Training

All groups agreed that education and training have a central role to play in the effective combatting of hate speech. This training should take place within the curriculum from a very early age within the primary cycle with the aim of counteracting the normalisation of hate speech. But more than this, all groups agreed that it is necessary and should be mandatory for teachers in their training and for Gardaí to undertake a module on hate speech as part of their basic training in Templemore. It was also a widely held opinion that all 'front facing staff' in government services should have awareness training in this area.

2.ii.d. National Anti-Racism Campaign

It was widely expressed across the groups that there should be a national multi-platform campaign to combat racism and intolerance. It was felt that this would be the best way to engage with those who would not otherwise encounter these ideas through the education system or in vocational/professional training and development.

2.ii.e. A National Office

Several groups suggested that the development of an agency to monitor and report on the functioning of the new legislation would be a good idea. There were several different ideas as to how the office would function, some visualised it as a Digital Commissioner with special interest in online hate speech, while others saw it as a centre which could administer and track instances of hate speech nationally. This office was also envisaged as being a special division within An Garda Síochána where offences could be reported through an online system and appropriate follow through on the part of the Gardaí could be tracked.

3. Conclusion

It is abundantly clear from the feedback of those consulted as part of the workshop strand of this consultation process that hate speech is very prevalent amongst those communities who have historically experienced prejudice and intolerance in Ireland. Furthermore, there is a strong feeling in these communities that the legislation as it currently stands is not fit for purpose in that it is not protecting individuals and communities from the extremely damaging and long-lasting effects of hate speech. Many of those participating in the process expressed their fear for the future if this situation is not addressed, they made reference to *'the increasing presence of the far right in Ireland, organising and connecting across Europe'* (Outhouse workshop) and the threat this poses. Many fear for their children too, cut adrift in a country that does not seem to want them, hiding their cultural identity where possible. As a participant in the Pavee Point workshop noted, *'It took us 30 years to get our ethnicity, it should bring respect... start with respect'*.

The overwhelming sense from across each of the groups consulted and the larger NGO advocacy groups was that hate speech is a very real and very dangerous phenomenon in Ireland and they welcomed the consultation process initiatives and look forward to being

further consulted by the Department of Justice and Equality as they moved towards publishing a heads of bill and outline the legislative proposals and policy proposals that will emerge in the coming weeks.

4. Appendices

Below are the notes from each of the seven workshops.

Appendix 1. Pavee Point – Traveller and Roma workshop

Notes from Consultation Organised by Pavee Point

Pavee Point Offices, 10th Dec, 2019

Participants: The group included people from Traveller and Roma ethnicities

Also present: A Dept of Justice Official (Ciara Carberry), Facilitator Denise, and notetaker Feargha Ní Bhroin

1. Have you experienced Hate Speech?

Experience

All of the participants indicated that they had experienced hate speech aimed at their ethnicity. Some indicated that their children were sometimes not perceived as Traveller, but these had experienced hate speech directed at and about other Travellers, at school and later on when they joined the workforce, on occasion being so disturbing to them that they requested to change their place of work, for example.

Locations

Participants reported incidents of hate speech occurring in the following locations

- 'At school'
- 'At work'
- 'When guards come onto sites'
- 'On the Pavee Point Facebook page'
- 'Phone calls to work after the high profile candidate in the Presidential election made comments about Travellers, for example'
- 'The comments section of *The Journal* and *The Liberal* are really bad, the use of the P*** word, the K** word'
- 'You get so used to it that you don't even recognise it anymore'
- 'People using derogatory and insulting words towards us on the street, shouting 'P**i' for example'
- 'From Doctors and Nurses'
- 'Statements made by judges particularly comments concerning Travellers being like Neanderthals'
- 'Statements and comments made by politicians and candidates for political positions made in person, in the media and online'.
- 'At sports matches and events'
- 'In college'

<p>Instances of hate speech mentioned</p>	<p>- <i>'In person while at work as a security guard in a shopping centre, this young Traveller was told to watch out for the' bastard Traveller'. After putting up with this hate speech for a while he asked to be moved to another location. He was moved to a chemist where some products were stolen. The owner's first reaction was to ask if it was Travellers who did it'</i></p> <p>- <i>Stereotyping as a result of programmes like 'Big Fat Gypsy Wedding' leading to a belief that all Travellers are very wealthy. 'This programme destroyed Travellers in many ways, kids at school asking to see all our jewels'</i></p> <p>- <i>Derogatory comments from Bishops, Judges and Politicians. 'Dangerous when it gets to that level in society, leads to fear of hate crime and physical attacks'</i></p> <p><i>Roma women in particular experience hate speech when begging in the street. 'One young girl was begging outside a shopping centre, security asked her to leave, when she didn't go immediately, they threw a bucket of water over her. She never reported it. It's very hard to use the ENAR ireport system if you can't read or write. 'So many Roma in the street get hate speech'</i></p> <p><i>'When judges are allowed say what they like in Court, what can ordinary people do?'</i></p> <p><i>'In school kids hide their identity, they don't want to say they're Roma'.</i></p> <p><i>'Children are getting bullied; how will they grow up with this shame?'</i></p> <p><i>'For the next generation, everybody has to be proud of who they are'</i></p> <p><i>'When my daughter-in-law was giving birth in the Coombe, the nurses were friendly until I explained that I work in Pavee Point and that I'm Roma, then they changed. The security told me I was not allowed stay although I was the only visitor and patients were allowed one visitor each. I challenged security and they let me stay. But afterwards when my first grandchild was born and we brought in balloons and flowers which are allowed, they made us take out the flowers. They commented on how expensive the balloons must have been. You always know you are different'.</i></p> <p><i>'Being followed around shops by security'</i></p> <p><i>Roma lorry driver lost his job when they found out about him 'they started to speak bad about him'</i></p> <p><i>'Guards stopping Roma and checking licences/vehicles for no reason'</i></p> <p><i>'Security have a special code for travellers in shop that they use on their walkie/talkies 137 or 138'</i></p>
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	<p><i>'In school, teachers and other kids say things like 'dirty tramp' and 'knacker' which impacts on the relationship with the teacher and has a knock-on effect on the kids' education'</i></p> <p><i>Gardaí asking for ID for no reason</i></p> <p><i>'It feels very dangerous when you hear hate speech from the Government, or candidates in elections'</i></p> <p><i>'The comments about the Carrickmines tragedy were despicable'</i></p> <p><i>'My son had no friends in college, he was isolated, eventually he made friends with an Asian girl who was also left alone, they used to sit in a car together and do the work'</i></p> <p><i>'A mob surrounded a Roma house in Waterford and attacked them'</i></p> <p><i>'Traveller houses getting burned'</i></p> <p><i>'My neighbour told me he would make my landlord get rid of me; he won't let his kids play with mine'</i></p> <p><i>'People need to really look at us, we're human beings just like them'</i></p> <p><i>'After being on TV speaking about Roma issues, my neighbour won't speak to me anymore, we used to get on well, it all changed overnight when she discovered I was Roma'</i></p> <p><i>- 'General assumptions being made about Travellers/Roma that they don't work or get an education, shock when settled people discover they do'</i></p>
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2 What effect did the hate speech have on you and those around you?

- *'Made me feel degraded'*
- *'Effect almost worse than hate crime, it puts the fear of physical attack in you'*
- *'It pushes our community back'*
- *'It took us 30 years to get our ethnicity, it should bring respect, but we're disappointed by it, start with respect'*
- *'When nurses and doctors are disrespectful, it has an impact on health. When the porter in a hospital uses hate speech, no-one will use that service. It's bad for our health and late diagnosis'*

3 What should be changed to improve the situation?

- *'There should be a module on human rights in Garda training, real training, not a tick box exercise and the same for the judicial system. Also, it shouldn't be just a once-off thing, it should be continuous, part of their continuous professional development'*
- *'There should be an advertising campaign to celebrate Roma and Traveller culture'*
- *'There should be more regulation of media and social media, particularly red-tops'*
- *'There should be education as part of teacher training in relation to Travellers and Roma'*
- *'There should be a new act that gets convictions, not like the 1989 Incitement to Hatred act'*
- *'There should be Travellers and Roma working in the Dept of Justice'*
- *'There should be more education on Human Rights'*
- *'There should be a new law, but it must be easy to use with local offices like in Fingal for those people, where you could go and report and feel safe doing it'*
- *'More regulation of Google and social media, if you google traveller, some very bad stuff comes up'*
- *'Education about hate speech needs to start early, secondary school is too late'*
- *'There needs to be a review of any new law, is it working? Are people reporting? It should be specific to communities like are Travellers using it?'*
- *'Guards need to be trained to receive reports of Hate speech, take it seriously and put it in Pulse'*
- *'People need training as to what racism is, not a tick box training'*
- *'The reporting system must be accessible'*
- *'The burden of proof should not be on the victim'*
- *'More recruitment of Travellers and Roma'*
- *'There should be no need to give your ethnicity when reporting'*
- *'There should be a walk-in service to report to, a safe space, not online, not everyone is literate and many have limited English'*
- *'There should be Roma employees in any agency'*
- *'In Romania there's a TV ad campaign about racism'*

Appendix 2. Notes from LGBTI Ireland Outhouse LGBTIQ+ session

Notes from meeting on 'Hate Speech' – DJELF and LGBT Ireland.

Facilitated by Denise Charlton and Dr. Grainne Healy.

Date: 11th of December 2019 (6.30 pm– 8.30 pm)

Venue: Outhouse, Capel Street, Dublin 1.

Participants: There were participants representing experiences of hate speech either personally, or on behalf of LGBTIQ+ people affected.

Three members of the Department of Justice were present (Oonagh McPhillips; Ciara Carberry and Darragh Brennan). CC did a short introduction at the beginning of the evening and then the officials left, as requested to facilitate the meeting's discussions and confidentiality.

LGBT Ireland hosted the meeting and welcomed everyone, highlighting the importance of the opportunity and the consultation session, communicating some of the issues for their service users.

Key issues that were discussed:

1. Have you experienced Hate Speech?

Experiences and impact:

- One father of two children was spat at while waiting at Luas bus stop where the perpetrators were two young people.
- One participant shared experiences of young people who were attacked in school with some experiencing physical violence. Communicated that there is very little redress possible as if the incident is not on school grounds the school can't act. Raised further issue that in order to be able to access Ombudsman, all other avenues must have been accessed. Nowhere for minors to vindicate their rights.
- A member of BelongTo communicated some recent experiences of hate speech by young people accessing their services. 10 kids were victims of hate speech. Also communicated organised, online abuse, of the organisation.
- One participant raised the issues of debate on the current affairs programme *Prime Time* and how its coverage about the Trans community and more generally, questioning what is public debate? What is permissible? What is 'free speech' and what constitutes hate speech (especially by Public Broadcaster).
- Online abuse was raised with shared experiences being consistent, with huge implications for mental health.
- One participant expressed that hate speech is part of being LGBTI+, with people experiencing all sorts of unpleasant speech all the time, especially on social media. He suggested that it can be difficult to distinguish this from hate speech. Example given of during Marriage Equality Referendum and all sorts of posters describing our identities in negative ways. How do you distinguish that some speech is criminal and other is political?

- One participant shared the experience of been physically assaulted but suggested that the constant and consistent verbal abuse had far more negative impact in terms of his mental health and this was believed to be generally true by other participants.
- Several participants raised hate speech when delivered by politicians highlighted. Concern of the impact this has on communities and the responsibility of public representatives not to do it and be opposed to it.
- One experience was online but within a work context. Targeted homophobic and racist narrative. Persistent and consistent and victim talked about how it chipped away at her dignity and feeling of self-worth. Constant feeling of fear and where it might go. Silencing effect on others. When repeated should be considered harassment but couldn't find redress anywhere. Thought there would be laws to protect her but there wasn't.
- Another highlighted the experience (echoed by others) of being asked on 'blind date' and then sexual assaulted. Brought down laneway and raped by three guys. Then got into taxi, shared experience and then was verbally abused again by the driver. Experience of this or physical assault, in this context, known by the community. Fear of it becoming more prevalent. Another participant highlighted the sexualised nature of hate speech.
- Another experience of hate speech and threats from 12 to 14-year olds 'get a rocket and shove it up you're a.... as it's what you like'.
- LGBT Ireland discussed some of the issues that they hear on the LGBTI+ national Helpline. Every day hate speech experienced and communicated. One caller describing the constant abuse and as 'dangling off a bridge'. Also expressed that callers often don't know what is criminal and this needs to be defined and communicated widely – both as deterrent and for victims to access support(s).
- One member of Intersex Community discussed the experiences of the group:
 - One badly beaten physically
 - One experienced consistent abuse and left the country
 - One had committed suicide as a result of the consistent hate speech. High rates of suicide/suicidal tendencies. Called 'freaks' shouldn't exist. Online abuse very relevant. Everyone suffering because of it but particularly young intersex.
 - Participant's partners also abused because of their relationship.
 - One intersex child developed social phobia – wouldn't leave her room.
 - The representative present discussed her experiences in the workplace being forced to move job. Now within her employment she hides her identity and private life. Repeatedly shut down in this context.

The participant communicated that Intersex are 2% of the population and very important that they are covered by the Legislation as often omitted and so vulnerable to hate speech and hate crimes.

- One of the participants shared the experience of her daughter, a transgender girl who experienced cyber bullying, which led to self-harm and suicidal thoughts. She didn't share with her family as felt they had enough to deal with when she transitioned. The school did try and deal with it as homophobic bullying but just

didn't have the right framework. A hate page was created about her. The school never told the mother (due to GDPR) so unaware of level of hate being experienced. Eventually she got help through Pieta House. Then in 6th year it started again.

- Discussion about secondary hate speech in the workplace, and a shared experience when the boss knew about the situation and then used it for further exploitation. The hate continued through third party.
- The point was raised that someone may not be actually experiencing hate speech directly but aware and affected by the discourse and anxious of possibility for them.

Locations:

- On the street
- At work
- Neighbourhood.
- Public Transport
- Schools (38% physically assaulted; 77% verbal abuse - BeLongTo)
- Online

What should be changed to improve the situation?

- The group highlighted the importance to define what hate speech constitutes in order to be able to tackle it, (both at the individual and collective levels).
- The group also highlighted the importance for the legislation to consider the impact on the family where the individual may not have been affected but the wider family have been. The question was raised whether the victim must be identified for the legislation to be valid.
- Others highlighted the circumstances where even though the experience might be hate speech, the victim doesn't know how to define it or recognise it as that.
- Groups discussed the increasing presence of the far right in Ireland, organising and connecting across Europe. The participants highlighted the importance of identifying and tracking who (if anyone) the perpetrator is linked to. Some perceived language being developed and 'tested' locally to see if it has an impact.
- Participants expressed the need to be very explicit with internet and online platforms as presently, very little being done.
- Robust training for the Gardai as law enforcement body (learning from other jurisdictions how the law is applied and enforced), making it easier for victims to come forward, State to be proactive with same.
- Ensuring the law is monitored, captured through 'Pulse' and statistics generated to analysis effectiveness. Greater surveillance and action by social media platforms were recommended (example given from German context where the State fines

Social Media Platforms if effective surveillance isn't applied (fine per day if no action progressed by the Platform).

- Threshold is far too onerous for the '89 Act and it too high. It needs to be strengthened and shouldn't be dependent on intention.
- There needs to be clarity on what 'witnesses' of hate speech/crime can do.
- Code of conducts should be developed and define what is acceptable and not acceptable – training and implementation for schools, employment. Also needed for politicians. It was expressed that members of Government need to stop engaging in hate speech and a recommendation for sanctions when it occurs.
- It was recommended that all other related laws be updated (example of civil partnership given).
- Infrastructure was recommended to support the application and enforcement of the legislation.
 - The initiation of an Agency recommended.
 - Also a Specialised Garda Unit was recommended where Gardaí are trained on various communities affected or potentially could be affected. Members of more vulnerable communities should be represented (intersex, traveller etc) and employed as part of the Unit. Set up specialised hate crimes units (e.g. Madrid) with victims' services, accessible reporting mechanisms, legal information and representation.
- Mandatory training for those who enforce the law, (Judiciary, Gardaí, Social Workers)
- Wider public awareness campaign was deemed important, as deterrence for potential perpetrators and for those experiencing hate speech. Recommended to start in primary and with younger age group. Need to think of normative impact of public awareness (e.g. drink driving, smoking). Importance stressed for clear definition and rationale also for public awareness as victims may use disassociation as way of coping.
- A recommendation was made to ensure articulated support for whistle-blower(s).
- The discussion highlighted that patterns of behaviour needed to ensure action/sanctions take time to establish. Suggestion that the legalisation should deal with hate speech before that happens and prevent greater, negative, impact.
- There was a recommendation to ensure opportunities to report are more accessible with supports for anyone going through the criminal justice system.
- Within the legislation, it was recommended that there was a need to change judicial discretion - change to 'shall' instead of 'may'. Also expressed was a recommendation for a clear definition of hate crime/speech
- There was a recommendation related to 'children first' type implementation with similar resources, training and monitoring.
- Additional recommendation to educate the LGBTI+ community on what hate crime is but with a need to ensure that reclaimed language by LGBTI be protected.
- Strong recommendation that schools need training, with focus on stopping and preventing bullying/hate speech.

- Recommendation for a mechanism to be developed that can monitor hate of individuals who are constantly publishing and encouraging hate speech
- Recommendation to develop transparent and public available protocols.
- Recommendation to address cross border element of hate speech.

Appendix 3. Notes from Monaghan session with multi-cultural and faith-based group

Notes of Monaghan Hate Speech Consultation

MID Building Monaghan 12th December 2019 6:00pm

Participants: The participants included a mix of nationalities and religions (including individuals from the Muslim, Christian and Hindu faith communities)

Also present: Two Dept of Justice officials, a representative of Monaghan Integrated Development (Frances McCarron) & two Facilitators (Kathy and Padraig), cultural champions and a member male member of Syrian community who is also in an asylum direct provision centre.

2. Have you experienced Hate Speech?

If so, where did it happen?

What form did it take?

When did it happen?

Experiences

All of the participants indicated that they had either directly experienced hate speech or witnessed a peer suffering the same, as a result of their race, and/or nationality, and or skin colour and/or wearing the hijab.

Locations

All the incidents reported occurred within the last few years in a variety of locations including:

- Schools
- Airport
- Hospital
- Immigration offices
- Workplace
- Sport Venues / Clubs
- Media
- Online
- Work Place
- Direct provision centres
- Pub
- At home (with name called/comments by neighbours)

Participants concluded that it can happen anywhere and, in their opinion, bad behaviour has become normalised and tolerated. The participants felt that the online location is more insidious.

“It is planned and targeted. Social Media is contagious.”

We (a local intercultural support group) had to set up a closed Facebook Group to avoid hate speech'

"Restricts life on Facebook because of hate speech"

Fear of backlash from telling their story of discrimination etc. to the newspapers. For example, MRSI survey, only 150 participated because of fear.

Forms of Hate Speech

Participants discussed several different forms of hate speech and discrimination. Their open verbal discourse of their experiences can be categorised as follows;

1. Direct victim of hatred
2. Observation of hate speech / racial abuse at one of their peers
3. Online racial abuse or through the media
4. Personal experience of subtle / unconscious discrimination
5. Reflection on hate speech and discrimination
6. Positive experiences in Ireland

1. Direct Victim of Hatred	<ul style="list-style-type: none"> – <i>"Group of young people very intoxicated hanging around on street corner. Participant was walking on footpath and approached from the other side by one of the young people who shouted, "Who is this bloody black bastard?"</i> – When in direct provision a participant mentioned to a staff member that the water tasted funny and the Manager said <i>"it must have been something you've taken"</i> inferring that the participant had consumed a psychotropic substance. – A primary school teacher commenting and making a joke about an African Child's bushy hair. This made the class and the teacher laugh and upset the child. The parents did not want to complain, they were afraid if they did complain that there might be consequences for them or for their child. Eventually after their child got sick and refused to go to school, they did make a written complaint. The teacher said it was just a joke. – Participants were aware of their peers being exploited by employers who allow other staff to bully them and call them names.
2. Observation of hate speech / racial abuse at one of their peers	<ul style="list-style-type: none"> – On buses participants reported witnessing prejudicial behaviour such as not sitting beside a black person in favour of white person on their own etc. Or groups on the bus picking on the only black/different looking person on the bus and making all kind of racist remarks

	<ul style="list-style-type: none"> – Being denied entry into a pub despite being sober, during evening hours and the pub was being packed. – A female participant stated that her nephews are of darker skin than her and they have experienced bullying at school because of their colour. As a result, they do not want to go to school. – Incidents include <i>“Go back to your own country.”</i> – Female participant witnessed abuse been hurled to her neighbour’s mother (who is a non-national) by 2 young 17-18-year olds (1 boy and 1 girl). The workshop participant called the Gardai, but nothing was resolved. Later that night the neighbour’s window was broken. – Female participant reported that her friend, on several occasions being a victim of verbal abuse from her neighbour. These incidents occur when the neighbour is intoxicated (she is fine when sober). Example <i>“You go home to where you come from”</i> – Participant witnessed non-nationals being abusive towards others, both other non-nationals and Irish. – A male participant witnessed a non-national wearing a shirt with a Union Jack on it being told by a local person that he <i>“would want to watch himself wearing that”</i> – *A brief discussion happened among the group about the oblique nature of this discourse* – An attack on the Mosque in Cavan where the windows were broken while people were inside.
3. Online racial abuse or through the media	<p>Participants spoke about a Facebook group that has been established by local people. They believed that the group had attracted some more right wing/nationalists and that the speech changed and the page began to generate ideas for intimidating foreigners. Latterly workshop participants believed that the Facebook group was against all foreigners and focused on inciting hatred. They believed that once this happened a lot of local people withdrew from the Facebook Group and all that is left involved is people who are not local. The participants believed that Facebook group had started rumours and made people fearful of foreigners in a very deliberate way in order to incite hatred.</p> <p>The consequence of the existence of this Facebook group was to make many foreigners in the town reluctant to get together and stand out together in public, while the Roma community was advised that this was intimidating for others.</p> <p>Other Incidents</p>

	<p>Facebook: A male participant has seen on Facebook a house given to a Syrian family in Monaghan vandalised with Graffiti. "Go home" written on the house.</p> <p>Misc: On the media (all kinds TV, Radio, Facebook) people make jokes that are not really jokes at all. They are hurtful and should be challenged.</p>
4. Personal experience of subtle / unconscious discrimination	<p>In the Workplace: A female participant reported experiencing discrimination in the workplace and witnessing it. This comes in the form of doing the hard-dirty work rather than the Irish colleagues who are just as capable or more to do this work as well.</p> <p>In Hospital: In A&E in Tralee one participant believed his wife who was in labour was discriminated of in favour of an Irish women who was also in Labour. The Irish woman was given a room the African couple were told to go home and return the next day. They were living in DP some distance away and could not afford to get a taxi there and back. So, they stayed on chairs in the hospital.</p> <p>In Shops: Asylum seekers/refugees often do not get treated well. Often, they are followed around shops by security. It is a form of racial profiling.</p> <p>Government Agencies: It was noted that some communities are very wary of government agencies and would be very reluctant to make any kind of complaint. The example was given of the Roma community who are in fear of both the Gardaí and Tusla, which is difficult for them when they do find themselves needing some civic protection.</p> <p>General Public: For some participants their experience and perception of hate speech was as a verbal challenge, they saw it as a way of people communicating their displeasure. They believed that people felt threatened because of the fact that they looked different and regarded the trigger as ignorance. They believed that some people felt threatened by what they saw as the dilution of the Irish population. They noted that this was not without substance, given the massive change in the Irish population over the last 25 years. <i>'Some Irish people see us the outsiders as the enemy and they are just looking for someone to blame so they blame us'.</i> Also, differences between different cultures for example Muslims and Roma were noted.</p> <p>Sporting Event A male participant involved in cricket, experienced discrimination playing cricket in Northern Ireland with a judgemental umpire. However, the group reflected on this and considered that it could be more of a localised "clannish" bias against outsiders in general rather than being racially motivated.</p>

5. Reflection on hate speech and discrimination	General View: One male participant believes from his own experiences that this is more of a problem with younger people using hate speech and being abusive, this could be behavioural or a means of expressing dissatisfaction.
6. Positive experiences in Ireland	<p>One female participant stated she never experienced any form of hate speech or discrimination nor has witnessed any and has a very positive experience during her time in Ireland</p> <p>Another female participant who had already provided observations of hate speech / discrimination stated that she has many positive experiences. However, Language barrier is the main problem. She says having friendships with Irish people helps.</p>

2 What effect did the hate speech have on you and those around you?

- One participant reported experiencing discrimination in his home country, because he was a in a predominantly Muslim country. He reported becoming accustomed to not being cared about and being the odd one out and so developed resilience to hate speech. He quoted G. Michael Hopf, *“Hard times create strong men. Strong men create good times. Good times create weak men. And, weak men create hard times.”*
- Another male participant explained that emotions change as you age. You can control your emotion as you get older. Hate speech etc., becomes nothing unusual, it is a part of life, you become resilient to it.
- A female participant witnessed another incident of two boys fighting. The parent of one child (who was Irish) hit the other child (non-national, 10 years old). The Gardai did not do very much. The second lady *felt bad, sad and angry because she could not help them.*
- Another female participant reported taking proactive action if threatened. She fights back and stands her ground and stands up to bullies.
- The problem for most foreigners who have to deal with racism and hate speech is that they are not confident, not informed and often afraid and fearful. They don’t know their rights.
- When regular people call you names, that is racism, when government officials and public figures call people names/abuse them, that is hate speech. It makes you fearful.

3 What could be done to respond to hate speech?

Department of Justice and the Law	<ul style="list-style-type: none"> • Need a clear definition of what is hate speech • Need clarity about when racism turns into hate speech • Need new law for most serious cases. Legislation should be clear and in plain English • Should be zero tolerance to hate speech and prosecutions should be made. Have right to complain and there should be consequences for breaking this law. • Politicians need to adhere to the law and to be called out for non-compliance. E.g. saying “Monaghan belongs to the Irish” is not acceptable • Induction for citizenship (History / legislation / know rights) – This is acceptable - and this is not type information • Offence for people in public office – People in high positions should not make hate speeches.
Gardai and Law enforcement	<ul style="list-style-type: none"> • Helpline / helpdesk for Garda to report – racial integration officers – diversity • Racism on the street • Examine the context of the speech and discourse
Family	<ul style="list-style-type: none"> • Family needs to be responsible for their children – bullying starts so young; it’s here where prevention is required • Educate parents
Community	<ul style="list-style-type: none"> • More Integration Programmes • Any form of hate speech should be reported – Should be able to report any of it – Scaled up • Don’t minimise what happened / don’t normalise
Culture	<ul style="list-style-type: none"> • Culture of bullying needs addressing • Hate speech infringes on your own right of individual liberty
Education	<ul style="list-style-type: none"> • What is hate crime / Awareness programmes and training • Education / Awareness in schools

Overall conclusions of the group

Need to educate people about what is hate speech. It should be a public issue. People (foreigners) need to be aware of their rights and there needs to be consequences for people who infringe these rights.

Some participants believed that there needed to be a sliding scale of consequences for all forms of racism and incitement to hatred. That there should be zero tolerance, because if there was any tolerance people would move to more severe forms of intolerance. Other participants believed that there should only be consequences for incitement to hatred, while incidents of racism (while not nice for the recipient) should be tolerated. One of the participants praised the local development organisation for the past two years of progression in the field of integration in Co Monaghan.

Appendix 4. Notes from session with People with Disabilities

Final Notes from Workshops – 15th January PWD

Of those present they included, those directly affected by hate speech, those affected and representing others affected and advocates representing a community of people affected. A range of disabilities were represented. Organisations who stated their presence included Irish Deaf Society, Irish Wheelchair Association, National Council for the Blind of Ireland, National Federation of Voluntary Service Providers, Independent Living Movement Ireland, National Platform of Self Advocates, Voluntary services at St Micheal's House and services at Peamont Community services.

There were two signers also present.

Ciara Carberry from the Department of Justice and Equality addressed the meeting, outlining the consultation process and the importance of the meeting, what they hope might be discussed. Darragh Brennan also attended from the Department.

Denise Charlton and Dr. Gráinne Healy were the facilitators.

The key issues that were raised:

- The group questioned whether some people with disabilities actually understood what is meant by hate speech and the importance of ensuring awareness with the definition in any new legislation.
- One participant shared her experience of hate speech on public transport by a group of children. This was a shared experience where another participant discussed her experience on a bus, moving places, then actually leaving the bus, with the youths following her calling her names. Others had similar experiences. As transport was a common location of hate speech, it was suggested that there was the opportunity for a collaborative campaign in this context. The campaign with transport providers on racism was highlighted and recommended for expansion (the campaign trains staff, links into a reporting mechanism, raises awareness for those experiencing it and those who witness it and offers support to those who report).
- Infanticide of people with disabilities was also raised with limited awareness by the majority population of how misinformation or misunderstanding of the abilities and capacities of those with a disability can be discriminatory and prejudicial and for some, fatal.
- A further point was made in relation to understanding of what constitutes hate speech, where those experiencing it don't see themselves as victims but reduce and restrict their world to avoid it (i.e. experience on transport and then stop using same).
- The difficulties in reporting hate speech and/or crime was highlighted and the need for accessible information and further access to supports if a report is made and progressed.
- The need for training was highlighted, the Gardaí were raised as a key target for training, assuring across all Garda Siochana and that all members are included in the training.
- The challenge when those that are the victim of hate speech are unaware of it was also raised– (i.e. Deaf; Intellectual disabilities – not hearing or seeing or understanding) – the dilemma for those as witnesses and clarity around consultation

with them and their representatives re the appropriate actions being recommended for them is important.

- Proper consultation with those affected was highlighted and the current workshops welcomed. It was stressed how important it was that those affected are included in the design and application of the legislation. Also, in any awareness campaign that is developed and other supports.
- One participant discussed the challenge for the group of institutional residents he worked with, with intellectual disabilities, when trying to access supports in the community. It is problematic that the limited understanding of others who may also be also accessing the services can cause difficulties within the service-user community.
- The recent progressive changes achieved in Ireland (Marriage Equality and Repeal 8th) were highlighted as key precedence in changing hearts and minds with a systematic approach resources and strategic public awareness campaigns achieving a shift in attitudes and creating the context for change. Lessons learnt from these campaigns were thought to be relevant to changing attitudes towards people with disabilities and should be considered as actions along with law change.
- One participant raised the issues of euthanasia – the high level that included people with disabilities when it was introduced in other countries and now it is about 25% of those undergoing euthanasia in such jurisdictions. Questioned whether hate speech was at the root – but something about society facilitating self-hate.
- Political leadership was highlighted as important and the dangers when people with a public profile express hate speech and how this can be amplified and translated on the ground. The UK was given as an example where this happened and people with disabilities were considered ‘scroungers’. This must be stopped.
- The culture of a country was deemed important – example of Bangladesh versus Korea – with different approaches (one accepting disability (Bangladesh) the other a dangerous context to be in). Paying attention to culture was raised as important.
- Many participants raised the importance of public awareness and education, seeing the legislation as the deterrent and a punitive stage, but also highlighting the need for a kinder society, where the application of the legislation is a last resort.
- Misunderstanding was further highlighted as the context for hate speech – an example given of when a visual of a woman in the UK with a cane reading her phone when viral – messages were posted that because she was looking at her phone, ‘she was faking being blind’. This was prompted by a misunderstanding of the spectrum of sight issues.
- Discussion on how those with good intentions (including charities) can discriminate against those with disabilities – a common approach is to focus on vulnerabilities rather than abilities and highlight shortcomings and indicate how people with a disability are a burden rather than the benefits provided by people with disabilities and how language matters in this and other contexts.
- Perception that there is very little discussion in the political sphere about people with disabilities and often little or limited representation (e.g. Citizen’s Assemblies).

- One group questioned the title of the Act – ‘Hate Speech’, ‘Incitement to Hatred’ – wondered did people associate their experience with the strength of the language to describe the Act?
- A couple of participants raised the historical context of hate speech, where people with disabilities were segregated and/or institutionalized. People didn’t integrate and there was limited awareness by the wider population. Need for campaign to counter this.
- The need for accessible information, for people of all capacities and abilities. Very important to translate the legal terminology – e.g. Easy to Ready Guide.
- Fear was expressed that the legislation might be tokenistic – and the Capacity Legislation given as an example. How to deal with the ambiguities and nuances and the challenge of this was highlighted.
- Further recommendations included:
 - Adequate funding for wrap around services and awareness campaigns, to support the legislation.
 - The need to monitor and evaluate the legislation (reference to the existing Act and the lack of prosecutions). Monitoring to include comparison between reporting and prosecutions.
 - Training for frontline people – education around people with disabilities. Those training to work with people with disabilities highlighted for attention (i.e. students).

Appendix 5. Notes from Immigrant communities and faith-based groups

Notes of Consultation Organised by the Immigrant Council of Ireland

Clayton Hotel 26th Nov 2019

Participants: The groups included a mix of nationalities and religions (including individuals from the Muslim and Jewish faith communities)

Also present: Three Dept of Justice Officials (Ciara, Siobhan and Darragh) & Facilitators Denise and Kathy

Have you experienced Hate Speech?
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Experience

All of the participants indicated that they had experienced hate speech as a result of their race, nationality, skin colour, wearing the hijab.

Locations

Participants reported incidents of hate speech occurring in a variety of locations including:

-‘Driving in my car with my young daughter’

-‘In work’

-‘In public places like the Post Office, Schools, the Welfare Office’

-‘Online/Social Media, ‘often the comments people leave as no horrible’

-‘Shopping Malls’

- 'Public transport, especially buses' (Even when the driver calls the Gardaí there is nothing they can do, abuse is not an offence, generally they just take the person off the bus and deal with it as anti-social behaviour' The Gardaí need better law to back them up.*
- 'At home where you should feel safe, from neighbours'*
- 'Graffiti in various locations'*
- Stickers and posters on lampposts*
- Statements by public figures made in person, in the media and online'.*

Forms of Hate Speech

Participants identified two types of hate speech 1) personal attacks and 2) organised hate speech organised by groups.

Forms of hate speech	<ul style="list-style-type: none"> -<i>'General negative statements made about particular groups/ negative stereotyping of certain groups.'</i> -<i>'Making fun of people because of their nationality'</i> -<i>'Online, where threats are made in relation to certain groups or individuals</i> -<i>Emotional abuse where people are stripped of their self-esteem</i> - <i>The linking of certain groups to terrorist activities can be particularly dangerous and destructive</i> -<i>Statements designed to create hate, containing no facts or evidence to back up the statement which in turn is based on untruths. '... recent questions in the Dáil which suggested that remittances sent from Ireland to Nigeria could be the proceeds of crime.'</i> -<i>'The making of inflammatory statements without facts by general election candidates'</i> -<i>'Any statements that can put people at risk, and especially those made by public figures and those running for election. Individuals in positions of power are operating at a different level and need to be very conscious of their actions'</i> -<i>'I have been told to go back to my own country so many times.</i> -<i>'I have been told Ireland is not like the jungle, you should go home.'</i> -<i>'Insinuations that a Brazilian woman is a prostitute, makes her and other Brazilian women second class citizens'</i> -<i>'Loud abuse when people are drunk that breaches the peace'</i> -<i>'The attitude that us foreigners are all the same, that we have taken their jobs. So, people think it is ok to write that, because they think that. They need to know that their words have power to influence others to act and power to create anxiety for foreigners.</i> -<i>'Victims of hate crime can be offended, oppressed'</i> -<i>'Sometime hate speech can be so nuanced, subtle and implied that it can be hard to spot, so the focus must be on intent.</i> -<i>'At the heart of hate crime is the belief that people who are different are less than fully human. There is a view that</i>
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	<i>members of minority communities are faceless and interchangeable. These are the beliefs that have to be changed.'</i> <i>- 'There can be hate speech between minority communities.'</i>
Other hate crimes	<i>- 'Physical attacks on individuals',</i> <i>- 'Spitting'</i> <i>- 'Egging my house'</i>
Personal attacks	<i>- 'Random personal attacks, which might include name calling'</i> <i>- 'Targeted personal attacks where individuals are targeted because of their identity and or activism, one participant reported have a phone of her included in a video which reported that she was responsible for 'the genocide of Irish people'.</i> <i>- 'Many attacks are random, it not clear if they come out of hatred or ignorance. -It is hard to establish the intent associated with an action/incident. Some people can think that foreigners have no value and that they have been skipped over because of foreigners.'</i>
Other	<i>- 'Give the complexities of proving intent sometimes civil law is better for dealing with hate crime as there is no requirement for proof beyond reasonable doubt.'</i>

Appendix 6. Cork workshop notes

Cork Consultation 21/01/20 Clayton Hotel

Meeting facilitated by Denise Charlton and Gráinne Healy, notes taken by Feargha Ní Bhroin

- Have you or the group you represent experienced Hate Speech?
 - Where did it happen?
 - What form did it take?
 - What elements of Hate Speech should be considered a crime?

Feedback

Group 1

Everyone in the group had encountered hate speech either personally or as a representative of a targeted group. It happened: -

- on the radio, more commonly on certain programmes and certain stations, there are some instances where it appears there's an active campaign against the Traveller community
- In negative articles in newspapers (and in comments section online)
- A lot on social media
- Sometimes it seems that the prejudice is due to ignorance
- LGBT community is targeted a lot
- Hate speech encountered particularly by some groups in pubs, this location adds an additional level of threat of aggressive and bullying behaviour, or fear (on the part of the victim) of physical assault

- Immigrant population are targeted particularly on social media
- Trans people also experience hate speech most frequently on social media

Group 2

One group member had never experienced hate speech. The others reported the following:

- The traveller community experience it a lot in shops and bars
- While accessing services (particularly housing- Cork City Council was mentioned specifically). Not all staff there, but some are known for it.
- Sometimes it's overt and sometimes less so. There can be hidden discrimination.
- People of African descent are insulted on public transport and in shopping centres- '*Go home, you're not welcome here*' etc. One woman (*described* by the group as African) had the experience of helping an elderly passenger who had fallen on a bus and she got a very negative reaction from the other passengers
- Group members in the LGBT community encounter hate speech in the street and public spaces, this happened especially during the marriage equality referendum. Sometimes there are also direct threats in the office of the local LGBT group
- It happens a lot on social media
- Some political platforms engage in hate speech and this is encountered through the media
- The Gardaí use hate speech
- It was noted that the LGBTI+ community, and in particular Trans people have experienced a rise in hate speech and hate crime recently

Group 3

This group reported the following locations and instances:

- In public spaces
 - In education, teachers using social media to make hateful comments or posts about Travellers
 - Ordinary posts on Facebook
 - Comments on Facebook and comments on YouTube, Twitter, Petitions circulated on Change.org etc
 - Negligence on the part of newspapers not checking references in articles
 - Conversations about communities that cause isolation though the group were not sure if this could be characterised as hate speech. The groups mentioned were LGBTI+ and those in Direct Provision
 - Anti-trespass laws as a form of hate speech
 - Hate speech in TV dramas, use of anti-Traveller terms in Young Offenders for example and the discussion of this in school the next day
 - Politicians and their campaigning
 - Using examples of someone to demean a group for example interviewing an 'ex-gay' person to show that they can be cured, or this life is a choice
- **What was the effect on you/those you represent?**
How did it make you/them feel?

Feedback

The effects mentioned in response to this question were

Group 1

- Shame
- Isolation
- Hiding cultural background (particularly in order to get jobs etc)
- Fear of direct physical assault or threat of assault
- Frustration at exclusion from social activities
- Anger at being called names

Group 2

- Fear and anxiety
- Changing behaviour (*'toning down'*)
- Desire to stay home/hide
- Sense of rejection
- Mental health effects – suicidal thoughts
- *'A feeling that we are not welcome'*

Group 3

- Fear of attack
 - Embarrassment
 - Humiliation
 - Wanting to protect your children
-
- What could be done to respond to hate speech by
 - Government
 - Others
 - In Legislation

Feedback

Group 1

- The 1989 Act has loopholes. *'we need to rip it up and start again'* It needs to have a clear and easily understandable definition.
- There should be increased awareness of the problem of hate speech, and what precisely constitutes it. The same for hate crime.
- We need to remove the requirement that the incitement to hatred actually results in a hate crime.
- There needs to be an awareness and an exploration/discussion of the distinctions and boundaries between Freedom of Speech and Incitement to Hatred
- Perhaps use German social media rules as a model for how we legislate for social media. In Germany the posting is more closely followed and monitored with the aim

of shutting down accounts which have a history of hate speech. It is more stringent than self-policing.

- Religious groups should be free to practise and express their faith without abusing this right or straying into hate speech.
- We need action in schools to educate children about hate speech. In Traveller experience this is where the issues start. There should be training in cultural awareness and diversity, looking at different ethnicities and minorities. School has a role in teaching respectful debate and disagreement.
- Teachers and other professionals working in communities, (e.g. social workers) should be supported in not seeing difference as threatening or negative. They need to understand and come to recognise the impact of cultural references on minority communities e.g. the references in *Young Offenders*.
- We need to look at penalties, they need to be far more severe. There is a parallel here with Drink Driving which used to be complete culturally acceptable and normal and this is no longer the case. '*Things can change*' Similarly with the introduction of seat belt laws, there's huge compliance now.
- Penalties need to get more severe the more you offend, so they should be cumulative for each instance of hate speech.

Group 2

- Gender identity and gender expression need to be included in the new legislation and an awareness of Traveller ethnicity. Generally, it should be broadened to include various groups and it should be easier to be prosecuted under the law.
- We need to look at international best practice to see if there are any models available to guide us
- There should be a lower threshold for the law to allow a greater number of convictions. There should be a lower test for incitement to hatred and it must also cover online communications.
- We need greater clarity on what constitutes hate speech. A better definition.
- There should be guidelines for judges so that they take it into account as a factor in sentencing, also that they do not engage in it themselves.
- We need to balance freedom of expression with curtailing hate speech
- We should have an automatic review of the legislation after a number of years
- The legislation should refer to both perpetrator and victim in terms of impact and consequences. There should be perpetrator programmes linking them to other agencies.
- The legislation should allow for proper follow up and documentation of reports of hate crime. Sometimes Gardaí are informed of hate crimes at the moment and nothing ever happens. Would it be possible to report some crimes online? Some communities have lost trust in the Gardaí and do not feel they would get a sympathetic response.
- There should be a greater importance attached to anti-bullying programmes in schools
- There should be some protocol around the kind of feedback that's given to victims after reporting this crime

Group 3

- Hate speech and hate crime need to be clearly defined
- Legislation needs to be broadened to include verbal and physical abuse
- Incitement to hatred should be broadened to include *attempting* to incite to hatred
- There should be clear rules around abuse of power, those in greater position of power can have more effect when they use hate speech – broadcasters, politicians, judges etc
- Government bodies, Public bodies and social media should all be held accountable for the language they use
- When thinking of punishments/consequences in relation to this law they should increase in severity with repeated incidents
- This legislation should link with and support equality law
- An office or ombudsman should be instituted to monitor implementation of the Act
- There should be awareness campaigns and education around diversity and inclusion
- Ethnicity, culture and minority groups should be on the school curriculum from junior infants on

Appendix 7. Notes from Dublin workshop

Collins Barracks Dublin Consultation 23/01/20

Meeting facilitated by Denise Charlton and Gráinne Healy, notes taken by Feargha Ní Bhroin

- Have you or the group you represent experienced Hate Speech?
 - Where did it happen?
 - What form did it take?
 - What elements of Hate Speech should be considered a crime?

Feedback

Group 1

Many different groups represented at this table—all had common experiences. Represented were International students, people with disabilities, Roma community, migrant communities, asylum seekers, LGBTI+ and HIV activists and African migrants.

Hate speech happens daily and in all spaces, not just on rare occasions. It occurs in public spaces and in institutions. Gardaí and judges use hate speech and in so doing give power to others to use it also. This is the hardest to combat because there is a sense that they cannot be challenged.

It's also encountered in services and institutions, sometimes it's less overt and therefore hard to tackle but you can feel it. Online and on social media hate speech is often in the form of accusations of 'taking resources' -usually housing – from others, or 'causing' the homeless problem. The idea that some are taking resources from other people is seeping

into the public consciousness, the homelessness debates brings out overt racism and more covert, hiding behind certain words and attitudes. Landlords also use hate speech.

There was a fear expressed in the group for the future, for the second and third generation migrants, born in Ireland who may experience an identity crisis.

Hard to know here if the responsibility lies with the individual poster of these comments or opinions of the platform they're published on.

Group 2

Looked at a number of incidents experienced by group members or those they represent from the Muslim, LGBTI+ and refugee communities. Three of these instances were on public transport.

- On a *LUAS* a group of youths shouted 'she's got a bomb in her bag' speaking about a young Muslim woman. This centred all the attention on her and made her very uncomfortable. No one intervened.
- On *Dublin Bus* a young man revealed a swastika tattoo on his leg and pointed it out to a young woman in a hijab. In this case the bus driver intervened and ejected the perpetrator.
- On a *LUAS* an elderly couple from Iraq were shouted at by a group of youths. They shouted vile insults and then attacked the man. The couple reported the incident to the Gardaí but later dropped the case as a result of fear and intimidation.
- A young Muslim woman also reported being attacked on the street and having her hijab pulled off, the attackers recorded the incident and shouted insults at her.
- A gay couple was insulted and abused in a barber's shop by someone who saw them and ran in from the street to insult them.
- A young lesbian girl intervened when two older men were harassing an LGBTI group in *Burger King* and the men punched the girl. Security did not intervene.

The group also made the point that when problems arise between people from two minority communities, they are very unlikely to report the issue to the authorities.

Group 3

The Traveller community experience hate speech across all forums including in shops, in court, when accessing public services and online.

Hate speech occurs in institutional contexts (within education for example) which normalises it, both for Travellers and settled people. These institutions bolster and reinforce each other. Young Traveller children experience hate speech at a young age at school. It has a huge impact on them and often a knock-on effect in relation to attitude to education. They are often singled out among their peers and treated differently. It can escalate to physical violence.

It can occur in hospitals, on transportation, sometimes there's an outright refusal to allow individuals from certain communities access to services.

Hate speech is evident in the media too, during the presidential election for example. It occurs at regular intervals in the political sphere. These instances grab public attention but there's little thought for the consequences. This kind of public racism needs to be addressed.

Hate speech manifests differently for different groups, and different communities suffer in different ways. But generally, the systemic nature of it allows its continuation.

Hate speech is often evident in how Gardaí conduct business with Travellers. It's also evident in 'jokes'. There was one situation where during a fundraising initiative between the Gardaí and Firefighters they made a video of a boxing match, referencing and 'joking about' Travellers fighting. Each instance of hate speech further normalises the next one.

Group 4

This group made the point that there is a continuum of hate speech and abuse, from throwaway comments up to rape threats etc. They reiterate the point that it is pervasive, noxious and relentless. Hate speech happens everywhere, behind our backs and directly to us. It is socially acceptable to engage in hate speech about Travellers for example

The examples the group gave included:

- judges remarks which perpetuate stereotypes
- online platforms (calling for sterilisation of Travellers for example)
- Emails to organisations representing identity groups calling for genocide
- Landlords
- Neighbours
- Public transport
- Media
- Schools
- Public spaces
- Politicians' remarks
- In homes
- Consultations with residents around proposed housing

Group 5

This group listed the following locations/contexts for hate speech

- Media – radio, TV, Opinion pieces in newspapers
- Online (very frequent and with no apparent consequence)
- Place of worship
- People's homes
- Between neighbours and in the neighbourhood (graffiti)
- Politicians
- Shopping centres/Public places
- Pubs/hotels
- Public transport

- Sport places, GAA, football
- Work place
- College/School
- Hate mail

The group felt that hate speech should be criminalised where there is:

- a threat of violence
- direct verbal abuse
- repetition of negative stereotypes
- calls for segregation
- discriminatory slurs
- identity denial

‘I’ve been called a terrorist; I’ve been mentioned by (well known named hate speech speaker) in videos and she said I should be thrown out of Ireland’

My house was graffitied with ‘terrorist lives here’

It was reported in a national newspaper that ‘People of my spiritual belief engage in human sacrifice’.

- What was the effect on you/those you represent?
How did it make you/them feel

Feedback

Group 1

Specific words and slurs are used to target the different groups represented, these are demeaning and degrading. Even more so when also witnessed by others. In public spaces it sometimes spills over into physical violence. Hate speech creates fear of the threat of violence, and fear that if a migrant is attacked and retaliates, they will be deported. There is a huge impact on mental health.

What’s the crossover between discrimination and hate speech? Sometimes hard to define where one ends and the other begins.

Very hard to prove that hate speech occurs, people would have to be willing to act as witnesses. There is a sense of powerlessness in the face of it.

Group 2

This group stressed the point that there is a big difference between the experience of general abusive behaviour and threat, and the experience of abuse relating to some aspect of one’s identity, in this case the victim experiences the hate element in a much more heightened way. It feels targeted and there’s a pattern to it. There is a huge element of violence, or threat of violence in the hate speech used online. It is intimidating, just the intent of it is intimidating almost regardless of the content. There was a discussion around the responsibility and accountability for this. The group expressed the opinion that the

existing legislation only addresses the incitement aspect so does not cover the individual perpetrator's own behaviour and actions.

The test and burden of proof that it has to lead to others committing hate acts (the incitement piece) is too difficult. In hate speech what is said is damaging *in itself* to the intended victim and those who overhear it (through the process of normalisation) regardless of whether it leads to violence or not.

Group 3

Hate speech and anti-Traveller sentiment has a huge impact on Traveller children at school, so much so that they are often harassed out of the school by children and teachers. Often the first experience of racism is at school - teaching and conditioning other children that it's ok and expected and normal. These are the future shopkeepers, doctors, nurses etc. They're learning racism.

'Our parents in the '60s understood that what was happening to the native Americans, happened us. Not about colour of skin. Racism is racism'.

Group 4

The same impacts are shared across all groups – generally speaking there is a big mental health issue.

- People experience mistrust and expect bias
- They feel unsafe and intimidated, even in their own homes
- There may be issues with low self-esteem and suicidal thoughts or attempts
- Drug and alcohol misuse to cope
- Trauma may lead to anger issues and attempts to retaliate
- Avoidance of certain places or situations
- Isolation and lowering of expectations, lack of hope
- Employment and education opportunities
- Lack of housing opportunity
- Fear to speak up and stand up for others
- Loss of identity
- Dropping out of school
- Internalised homophobia
- Self-harm and harming others
- Physical harm and fear of physical harm
- Avoidance of political engagement
- Normalising of bad behaviour
- Desensitisation and resulting non-reporting of hate crime

Group 5

This group listed the following as effects of Hate Speech:

- Negative stereotyping and internalisation of these negative images
- Shame

- Anger
- Confusion- identity crisis
- Frustration
- Mental Health Issues

What could be done to respond to hate speech by

- Government
- Others
- In Legislation

Feedback

Group 1

Could there be a more specific definition of hate speech that is not limiting? One that captures the causing of harm, and that the harm may be physical or psychological? There is difficulty in proving intent. Could existing legislation be updated to include online and social media activities? It needs to reflect the current Ireland. We need to protect all our marginalised groups, look at the vulnerable characteristics and maybe expand our definitions of who may be covered. We also need to look at our definition of hate.

There needs to be care taken that there is law enforcement for any legislation. A comprehensive reporting structure would have to be put in place. This implies that this system itself would not engage in hate speech from guards to judges.

There would also have to be a public education programme to raise awareness of hate speech and its negative impacts. Raising awareness should be cornerstone of a new approach, the profound effect it has and the damage it does. This would also work to counter the normalisation of stereotypes. Education and training is very important here. Issues of respect and equality should be central to all school ethos. Departmental focus in terms of education, it happens pervasively, it should be an issue that's tackled by the department as a whole.

Any legislation would have to put emphasis on the internet. The rapid rate of change here makes it difficult legislate but this notwithstanding, it would have to look at the regulation of social media platforms and accountability. There should be a focus on the internet and the role of Multinational Corporations. They have a duty of care to their users/subscribers and they need to improve their moderation of discussions/posts. The moral ambivalence of corporations needs to end, they need to take responsibility for the commentary they publish.

There should be a national action plan on racism

Group 2

There should be penalties for those who engage in hate speech. The penalty for those who should know they're causing harm should be more severe. This would include public servants, political representatives for example. There should be education for others, perhaps those who may not be as aware of the great harm caused by hate speech. There should be training for Gardaí in dealing with the problem and with hate crime.

There should be a quick penalty with an appeal process to ease reporting of hate crime. There should be on the spot fines of different tiers, to make it easier on the victim. The burden of pursuing the crime should be removed from them.

The legislation should list those protected by hate speech laws, name protected characteristics, there's a need for more than traditional 9 grounds. It should also be recognised and reflected in the legislation that certain types of people have the power to influence others. Therefore, those with greater power should pay a greater penalty.

The legislation needs to be expanded to cover online commentary. There should be criminal responsibility on online platforms. There should be an Online Safety Commissioner who would oversee social media platforms.

There should be an Anti-Racism Strategy.

Perhaps there could be a Restorative Justice element?

There's a need for follow-through from Gardaí. There should be special Garda Units to deal with this issue, as well as a special module of training in this that forms part of all Garda training in Templemore. There's a need for greater diversity within the Gardaí. There should be special sanctions for Judges and politicians who engage in hate speech.

We need to target the normality of hate speech.

Group 3

Education should play a big part in any programme. Not only in school but also in the workplace. Also, in Templemore and Garda training. Also, young people not linked in to education are at risk of learning hateful attitudes, these need to be reached.

People in media need to be taken into account. Perhaps a digital commissioner needs to be put in place. There should be stronger monitoring of social media. And training around the kinds of language that is acceptable and not-acceptable.

Should hate crime be separate legislation or should it be part of existing systems, is it an aggravating factor, captured at the time all the way from charge sheet?

In terms of preventing and responding there should be a national campaign, on public transport etc so people see it every day.

Also talked about the need for social media to really take ownership of their part in this problem. Many social media companies' HQs are here we have a special role to legislate.

There should be a facility to allow third party reporting.

Group 4

Legislation needs a true, clear definition that can allow for a delineation or distinction between purposeful hate speech and unintended. There is a difference between ignorance and hate speech and you can't legislate for ignorance.

Perhaps the legislation should include specific words or terms or would this make the scope overly narrow?

Outside the realm of legislation, education and training is very important. Unconscious bias training would be very useful, particularly for staff in government/state services. Respect and anti-racist education should begin very early.

There may be incitements that are not themselves hate speech. Singling out individuals or groups without the use of any offensive words. People need to be educated in this and be aware of these strategies.

It's also important that the legislation allows for the future development of language.

Gardaí need to be trained. The development of 'diversity officers' does not inspire confidence. There's a lumping of 'diversity' and 'radicalisation' into the same category. There's very little focus on white supremacy and far-right activism here.

It's very important in hate speech that the context is taken into account. Who says what is of huge importance. When drafting the legislation it's important to look at the likely impact of the speech, the harm done and the accountability for the comments. The onus is currently on the victim, they have the burden of proof. Resources need to be put in place, the victims of this are often the most vulnerable in society. Access to justice must be made simpler and should not carry a cost.

There should be an action plan on racism.

Legislation should include rehabilitation and restorative justice, otherwise there's a risk of victimisation and reinforcement. The perpetrators are often disadvantaged themselves. Community groups need to be better resourced and spaces made for people to meet and mix.

People are 'conditioned' and see a certain social order, they see disadvantaged and easy targets in terms of a pecking order. Those in power are gatekeepers of society, these include teachers and Gardaí.

Currently the legislation is not remotely good enough, we need to tear it up and start from scratch. We need an educational, institutional and cultural shift. We need to 'bring them with us' (those who engage in hate speech).

We need hate speech ambassadors. The equivalent of yellow flag intercultural training in schools.

The understanding of the impact of hate speech is critical, but this should not fall solely on the victim to have that understanding. Protected categories need to be defined as categories of people that are victims, so the harm done by hate speech is amplified by ongoing disadvantage, victimisation and discrimination.

Hate speech is a crime... if the gift is in the policing sector then we have a problem, many of the most horrific comments have come from this sector.

Group 5

There needs to be a clear description and definition of the limits of freedom of speech.

Proving incitement is impossible currently.

The definition of hatred is very unclear. What precisely do we mean when we talk about hate speech?

Are there good examples internationally we can model our legislation on?

Naming protected groups explicitly is critical.

The online element really needs to be tackled in the legislation because there's no escaping it. It's so pervasive and has a 24/7 impact.

The law should reflect the new context we have here in Ireland now with a changing demographic, but also racism here is not new. Travellers have been victims of this behaviour for years.

Changing law is one thing, but it's also very important to change attitudes.

The restorative justice piece is very important.

Politicians and institutions have a huge part to play in tackling hate speech.

Investigation and prosecution of crimes targeting specific groups should be taken more seriously e.g. criminal damage as an aggravating element of the crime. Currently, people are given a pulse number then nothing else happens. Concentrating on the targeted element is vital.