

Submission on the Incitement to Hatred Consultation



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The legislation should provide most relevant present situation in Irish context following stated purposes including:

- To give effect to the UN obligations in terms of the Constitution and international human rights instruments concerning racism, racial discrimination, xenophobia and related intolerance in accordance with Irish law responsibilities.
- To provide for the offence of hate crimes and the offence of hate speech and the prosecution of persons who commit those crimes.
- To provide for appropriate restorative justice sentences that may be imposed on persons who commit hate crime and hate speech offences.
- The Bill introduction should promote commitment to uphold the Declaration adopted by the United Nations statement against Racism, Racial Discrimination, Xenophobia and Related Intolerance. As well as Ireland's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.
- The Bill should note that the International Convention requires States Parties to: "declare, among others, an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin".
- The bill should clearly state what is meant by hate speech/communication and include the following:
 1. Displays
 2. Written, illustrative, descriptive and visual matter
 3. Oral statements (spoken word)
 4. Electronic communications directed at an individual or specific group as defined under the legislation
- Establish a commission on hate speech and provide the commission with up to date data on reporting and prosecutions of hate speech
- Provisions to be made for victim impact statements and options for victim led restorative justice sentences

Some objectives to make Irish legislation fit for purpose:

- Give effect to the State's obligations regarding prejudice and intolerance in terms of international law
- Provide for the prosecution of persons who commit offences referred to in this legislation and provide for appropriate sentences
- Provide for the prevention of hate crimes and hate speech
- Provide for effective enforcement measures
- Provide for the co-ordinated implementation, application and administration of this legislation; and
- Combat the commission of hate crimes and hate speech in a coordinated manner."

In conclusion, we should accept that the purpose of prohibiting and discouraging these extreme forms of expression are appropriate and important.