

13 Dec 2019

Re: Review of the Prohibition of Incitement to Hatred Act 1989

To whom it concerns:

The following submission to the Hate Speech Consultation is being made on behalf of the Gay Project – a NGO working with and for gay, bi+, queer, other men who have sex with men and members of the transgender community. We recommend that:

- 1) Section 1 of the Incitement to Hatred Act be amended to include protections on the basis of ones gender identity, gender expression, and sex characteristics (in addition to sexual orientation) in order to provide adequate protection for transgender, non-binary, intersex people as well as those of other gender minorities.
- 2) That the current test for the incitement of hatred be lowered as it is set too high. It was reported in the Irish Times (19 June 2017) that there have only been five convictions under the Act. That said, the legislation must be balanced fairly against the right to freedom of expression.
- 3) The legislation should robustly and explicitly cover all forms of modern online communication and be future proofed.
- 4) An automatic review to take place every five years should be built into the Act by way of an amendment.
- 5) Hate Crime legislation must be progressed alongside this review.

Kind regards,



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On behalf of Gay Project

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