



Hate Speech Submission of behalf of Migrant Rights Centre Ireland.

13th December 2019

1. In your opinion, what groups or communities of people in Ireland are targeted by hate speech?

People and groups at risk of hate speech are targeted because of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, indigenous origin or identity, disability, migrant or refugee status, sexual orientation, gender identity and intersex status. In Ireland the most at risk of hate speech include, migrants including refugees and asylum seekers, the LGBTIQ community, black and minority ethnic people, religious minorities, women and indigenous communities - Travellers + Roma.

2. Please describe the kinds of hate speech that you think are (or are not) serious enough to be a criminal offence.

There are different definitions on what constitutes hate speech, but generally involves the intense and irrational targeting of a minority group/s, which results in creating harm to an individual or group that is protected by a particular characteristic. Hate speech targets individuals or groups because of who they are and, if not checked, can lead to severe human rights violations, including the perpetration of violence which may result in serious mental or physical injury, and even death.

Accurately labelling certain expressions as hate speech can play an important role in advancing the principles and value which underpin human rights law. It is perhaps impossible to legislate for all types and manifestations of hate speech, however it is possible to set out a range of statuses that need protection. Hate speech provisions should be inclusive of the broadest set of protected characteristics such as race, colour, sex, language, religion, national or social origin, birth, indigenous origin or identity, disability, migrant or refugee status, sexual orientation, gender identity and intersex status.

3. Is it necessary or right to place limits on freedom of expression by making some forms of hate speech a crime? If so, what protections do you think the law on incitement to hatred should offer?

The scope of freedom of expression is broad and includes the expression of opinion and ideas which others might find deeply offensive. The right to freedom of expression however, is not an absolute right, and the State, may under certain circumstances, restrict these rights under international rights law. Rights to freedom of expression can be restricted, but it must be provided by law, have a legitimate aim and be necessary in a democratic society. Protections should relate to how protected statuses are defined. In tandem there needs to be effective reporting and readdress mechanism for victims.

4. Do you think those who are actively involved in publishing, spreading or distributing hate speech should be subject to criminal prosecution?

Yes. To reiterate, the right to freedom of expression is not an absolute right and the State, many under certain circumstances, restrict the right under international rights law in order to protect at-risk groups and prevent a slide into severe human rights violations up to and including genocide. Those who generate, promulgate, pilferage, amplify and/or participate in the development of hateful content should be subject to criminal prosecution.

5. Is there anything else important we should take into account as part of this review?

There has been a very worrying upsurge in Ireland of online and offline hate speech, including anti-immigrant, islamophobic, anti-semitic, transphobic and homophobic speech. It is therefore necessary and timely to introduce this type of legislation, and important to reflect the digital age in legislation as well as offline manifestations. Legislation however must to be effective, specific and enforceable. There must be adequate resources available for training of Gardaí and a public awareness campaign. There also needs to be support available for people affected.

Ends

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