



Address: 208 Tur Uisce, Doughiska, Galway city **Web:** www.ncpd.ie **Email:** david@ncpd.ie **Company number:** 533165 **Charity number:** 20227 **Tax number:** 3207504LH

New Proposed Hate Crime and Hate Speech Laws - Public Consultation

I represent disabled people and disability organisations in Ireland and I am making a submission on their behalf and on behalf of the people of Ireland who have experienced or been the victim of hate crimes and hate speech. This submissions will deal with the factors behind hate speech and hate crimes, the deficiencies and defects in the existing laws, and propose legislative and enforcement changes to address these crimes and reduce their incidence in society. Both national and international research and findings will be presented to back up these legislative and enforcement solutions. It should be pointed out that disabled people and elderly people are particularly vulnerable to hate crimes and hate speech and to attack by gangs both of national origin and foreign origin. I will break this down into several discrete points below.

1. The Irish Constitutional Protection of Free Speech

Freedom of speech is protected under Article 40.6.1. This freedom of speech is quite broad and is Constitutionally protected, and it cannot be suppressed by unConstitutional laws passed by the Dail. There are minor exceptions to this where a person(s) makes death threats, incites hatred and violence, harasses and intimidates, promotes criminality, tries to overthrow the state or engages in mutiny or treason. And there are laws and Constitutional provisions which cover these offences. Freedom of speech is not absolute, as most rights come with responsibilities, and this limits these rights in certain ways. Unlimited rights with no responsibilities as proposed by Libertarians and Neo Liberals would lead to chaos, disorder and crime, a 'law of the jungle', as described by Hobbes in his famous book Leviathan. Ultimately, responsibilities preserve rights, as one person(s) / groups' rights are another's responsibilities. The two are intrinsically linked and act co-dependently. There are several new threats to this Constitutional article (free speech) emerging which undermine

and destroy both rights and responsibilities. These threats are not confined to one article in the Constitution but to the whole Constitution itself and the Irish state. They are of a very serious nature and threaten all Constitutional rights, human rights, democracy, basic freedoms, Irish national security, the Irish state and the Irish people. These will be outlined in the points below.

2. **Political Manipulation which promotes Censorship and the Destruction of the Constitutional Right to Freedom of Speech and Due Process under law**

The proposed legislation could be crafted and used in a way to give certain groups freedom to make false, deceitful and damning allegations against innocent people, and have them falsely charged and falsely prosecuted. For example it is known that extreme left wing, extreme right wing, extreme dissidents, and religious extremists have agendas and are actively involved in making accusations and counter accusations against each other and against innocent members of the general public. The accusations are often vitriolic, hateful, and violent and encourage illegal targeting, surveillance, creation of 'hit lists' and physical violence, contrary to GDPR and other laws. If the proposed legislation favours one group over another, the legislation will become a weapon which one group will use against another. It will become a means to intensify hatreds, manipulate laws, bring false charges, break other laws, and subvert the legal system and the Irish Constitution.

At present there are groups which thrive on false accusations of "racist", "fascist", "communist", "mentally ill", "African xxxxxx", "Christian xxxxxx", "Muslim xxxxxx", "Jewish xxxxxx" and some of them are protected from prosecution for making these false accusations and incitements to hatred.

They rely on inciting large numbers of gullible and naive people to hatred, to violence, to discrimination, to social exclusion, and conflict both online and offline. The purpose of these extreme left wing groups, extreme right wing groups, and religious extremist groups is to:

- (a)** shut down freedom of speech and deprive others of their Constitutional and legal rights
- (b)** target and illegally monitor all opposition and misuse laws and legal instruments to shut them down, jail them, threaten them, harass and intimidate them, and attack them
- (c)** impose their dictatorship on everybody and gradually on the Irish state
- (d)** use democracy itself, the legal system and naive and gullible politicians and others to achieve the above and destroy democracy
- (e)** these were the tactics of tyrants and dictators such as Stalin, Hitler, Mussolini, Mao, Brezhnev, Pol Pot, Idi Amin, Saddam, Napoleon, Nero, Cromwell, etc.

Indeed under the proposed new law it would become a racist crime for an Irish person to criticise or condemn Oliver Cromwell, The Black and Tans, The British army, certain English Monarchs, certain British leaders during the Irish Famine / Genocide (1845 – 1851), etc. for their criminal activities in

Ireland. False allegations of “racism” could be used to shut down this public criticism, analysis and debate of important subjects. This is political correctness gone mad and this is what certain left wing extremist groups wish to enforce through this new law.

There is one well known extreme left wing activist in ████████ who is using these tactics and he thrives on falsely accusing people of being racists and he is building his political career on these false accusations. Yet he himself is guilty of racism against Jews and has one serious criminal conviction. He openly proposes Communism and his proposed Communist system would be a hell on earth for most people, with gulags, prisons, torture, censorship and oppression as seen in the old Soviet Union, Mao’s China and Pol Pot’s Cambodia. There are also neo nazis and religious extremists with similar agendas who are trying to destroy freedoms, rights and democracy and impose their deluded dictatorships on us all. The proposed new law could empower such people and extremist groups to continue making false accusations, breaking the law, shutting down free speech, inciting hatred and violence, and create the conditions for dictatorship in the future. They will misuse and manipulate laws including the new proposed law and that would be a disaster for this new law.

3. The new law may promote International Terrorism within Ireland and Abroad

There is evidence that religious terrorists from other parts of the world are living in Ireland, including Isis, Al Qaeda, Hizbollah, Al Shabaab, and others. This new law would enable religious extremist preachers and groups to advocate harassment, intimidation, physical violence, murder, terrorism, war, the overthrow of democratic states, etc. under the guise of “free speech”. The new law would protect them in this and indeed actively support them. This has been the experience in other European countries over the last 20 years. This would carry obvious dangers to Irish national security and EU security. Any Minister or government which supports this type of new law would be guilty of treason against the Irish state and could be tried for this in court.

The new law would also make it illegal to criticise religious extremists and their activities while providing them with full legal protection to continue and expand their illegal activities in Ireland. In fact, it gives them power to physically attack other people and groups while hiding behind the terms “racism” and “religious tolerance”. These extremists are engaged in monitoring, surveillance and targeting of people, including Irish people, contrary to GDPR and other laws. And they have links to extremist left wing groups and organisations to help and support them in their activities. These extreme left wing groups can shut down any criticism or legal actions through false accusations of “racism” and “religious intolerance” etc. and hysterical rants in the press and media. Religious extremist terrorists can hide behind this while plotting death, destruction and the overthrow of the Irish state and other democratic states, and of freedom and democracy.

The Irish state has been reluctant to investigate and prosecute these groups. The Irish state also lacks the resources (and motivation) to properly monitor this situation. The experience in France, Germany, Belgium, Sweden, Britain, Netherlands, USA, shows that this threat is very real and continuing. This new law would provide the means for these type of extremists to thrive, to expand, to gain more power, and to undermine freedom of speech, the Constitution, Irish national security, Irish laws and Irish rights.

4. The New Law would Promote Attacks against Innocent People and deprive them of Due Process under Law

The law should be applied equally to everybody regardless of race or any other perceived differences. Under Article 40 of the Irish Constitution, 'All citizens shall, as human persons, be held equal before the law.' This is not the case in practise in terms of policing, charges, prosecutions, and access to courts. Racism unfortunately exists in all races. It is not confined to any one race. Some of the extremist left wing groups are convinced that all racism is committed by native white persons and this false view is becoming dominant in many western countries. It is a false and wrong view which is highly divisive and destructive to societies.

Racism against white natives should be legally punished the same way as racism against non whites. There must be equality before the law as defined in the Irish Constitution. This is a very important point. There is growing evidence that any person who becomes an innocent victim of gang violence by a foreign national gang or gang of foreign ancestry or a multi-racial gang will be deprived of justice due to gardai being afraid to investigate and prosecute out of fear of being labelled "racist", under the new legislation and existing legislation. There are also allegations of political interference in such policing decisions, due to a political fear of "racism". And the victim of crime may be falsely labelled a "racist" under the new legislation (and existing legislation), thus intimidating them from seeking justice in the courts. This is happening already in Ireland. This has already occurred in Sweden, Germany, Britain and Denmark. It should be pointed out that the above offences are rarely prosecuted and there is growing evidence of cover ups and suppression of cases by senior gardai / DPP. This evidence can be provided to the Dail and to the government. There are outrageous miscarriages of justice where victims of crime are being deliberately deprived of justice.

Unfortunately disabled people and elderly people are often the victims of crimes, particularly gang crimes. And sadly they are deprived of justice due to their lack of power and of connections and the lack of respect for such disadvantaged groups in society.

In addition to the crimes mentioned above which were not prosecuted there are many cases of Africans being racially abused and threatened and the gardai failing to fully investigate and bring prosecutions to court. The DPP has also failed in this area. Genuine cases of racism are being fobbed

off and completely ignored. And if the criminal (racist) has high social status or political connections, this is even more evident. This has been revealed in the penalty points scandal and other scandals involving the rich and elite. Ireland has some of the characteristics of a “Peasant Society” where there is bowing, kneeling and crawling to the Landlord Class (The Elite).

There is also considerable dysfunction in the police which adds to this problem and will be addressed in point 5 below. The new proposed legislation would worsen this and enable crimes to be committed against innocent people and then deprive them of justice under law. And furthermore one category of crime victims will be wrongly branded “racist” or “trouble maker” or “mentally ill” etc. etc.

5. Non Implementation of Existing Laws which render New proposed Laws Useless and Ineffective

There is a dysfunctional police force in Ireland which is not fit for purpose. The investigations of senior gardai colluding with drug gangs and other criminals in Limerick and Athlone garda stations is the tip of the iceberg. The problem is nationwide. The state so far has lacked the motivation to undertake the covert and undercover operations to properly investigate, expose and prosecute this mass corruption and criminality.

There is a very real danger that people, families, communities, groups which have been deprived of justice due to corruption will take the law into their own hands. If this does happen, the Minister for Justice, senior gardai and DPP personnel and some judges will bear responsibility for this vigilante activity, as their failures to address corruption and end it has worsened and accelerated the breakdown of law and order in Ireland. Its time to stop fobbing off people, stop ignoring them, stop stonewalling them, and meet with them, strategise with them, put plans into action, and start implementing measures to end corruption in Ireland. It is a war, a war against the Irish people, and it requires the immediate and ongoing attention and the top priority of government.

If legislation is not enforced then it has no value, no effectiveness, and is useless. Proposing new legislation is counter productive and will not work. The government needs to prioritise garda reform and DPP reform in the form of new laws, new rules, new dismissal procedures, new types of undercover investigations, new prosecutions, and new Constitutional amendments for policing and the DPP and new oversight of this. We need implementation of laws and proper oversight to ensure that laws are enforced and are effective.

6. Hate crimes and Hate Speech against the Disabled

Disabled people and elderly people are vulnerable and are seen as easy targets, and gangs, criminals, and terrorists can sense weakness in people and they attack this weakness. This can create a very vicious system of conflict as others become involved in this conflict and people and

groups struggle to impose justice, and their positions harden over time. Hate crimes and hate speech against disabled people needs to be more vigorously prosecuted regardless of the race or religion etc. of the criminal. Cover ups of crimes based on race, religion, etc. or on the high social status of the criminal should be ended. We need a fair and accountable system of justice in Ireland and proper systems of oversight to ensure this. This new law should address this important issue.

7. A New Law which could Promote even more Hatred and Lawlessness

it is inevitable that political and religious extremists will misuse this new proposed law to their own advantage in one way or another. Fanatics are incapable of reason and rationality. Indeed extremists see western governments as tolerant and weak and this weakness is fully exploited. My concern is that innocent people will be targeted and deprived of justice under law and given labels which they don't deserve. The new law could promote the very hatred and division which it seeks to reduce or eliminate. People who are victims of crime, injustices, terrorism and then deprived of justice under law can become radicalised, and this can feed into even more hatred and conflict within societies. Research around the world confirms this. The new law needs to be careful and measured to ensure that it does not become an instrument for promoting more hatred, more injustices, more radicalism, more crime, more conflict.

8. Use of the New Law as a Political Weapon to attack and shut down Political Opposition

There is a genuine fear that these new hate crime and hate speech laws will be cynically used to attack and shut down opposition parties. Certain controversial subjects need to be discussed in the Dail and in the press and media and in the general public. They should not be censored or shut down because they are controversial. There are Constitutional protections for free speech which are there for a reason. And one of the main reasons is that democracies need to debate controversial and difficult issues. Some of these controversial issues may involve serious threats to democracy and the state itself. Indeed vigorous debate and subsequent democratic actions and changes helps strengthen democracies and helps them evolve and better serve the people over time. The great value of democracies is that this is allowed to be done and can be done. In dictatorships and countries heading towards dictatorship this is shut down, censored, attacked, etc.. There are many hidden dangers inherent in censorship of free speech and a '1984' Orwellian World. Are we heading towards dictatorship in Ireland with this new law ?

9. Amendments to existing Hate Crime Legislation

Most hate crimes and hate speech involve slander and defamation against the person, regardless of race, religion, gender, sexual orientation, etc.. There is a strong culture of gossip in Irish society which is many centuries old. Gossip is an insidious type of hatred which is dangerous and often

leads to more serious crimes. It is a hate crime as it wrongly promotes hatred against the person in the community. Gossip or incitement to hatred is not harmless as it promotes a wide variety of other crimes up to and including murder. At present it is too expensive for people to bring cases of slander or defamation to the courts. This is depriving people of an important legal right and democratic right. The Minister for Justice and the government should impose caps on the total legal fees and court fees for slander and defamation cases and allow them to be finally settled in the circuit court. These caps should be set at such a low level that a working class person on 30,000 euros per year can afford to bring a case to the court. This would greatly reduce the number of hate crimes and hate speech in Ireland.

10. More Vigorous Enforcement of GDPR as a means to reduce Hate Crimes and Hate Speech

It is known that left wing extremists, right wing extremists and religious terrorist extremists are secretly monitoring and compiling files on each other, members of the public and politicians for the purpose of furthering their hateful agendas. This is highly illegal. There should be stricter enforcement of the GDPR and other laws against these extremists which engage in illegal, targeting, monitoring, surveillance of other people for the purpose of violence or harassment or causing career, financial and other losses to them. Some of these extremists use 'respectable' organisations as fronts for their activities.

11. Bringing Prosecutions for False Allegations of Racism

As stated above the new legislation could be used as a weapon against innocent people for political purposes or ideological purposes. Political and religious extremist groups and persons will do this with the new law. One extremist man in [REDACTED] is building a thriving political career out of false accusations of racism, and his screaming, hatred and hysterics are shutting down all democratic debate and freedom of speech. There needs to be provisions in the new legislation to include criminal penalties for false accusations of racism. These penalties should include jail sentences.

Irish Constitutional rights, human rights and Irish democracy and freedom are under attack and need to be defended. The new proposed law and the proposed amendment (to existing law) needs to be carefully planned, structured and drafted to remove these threats to Constitutional rights, freedom of speech, human rights, civil rights, data rights, due process under law, democracy, Irish national security, the Irish state and the Irish people.

Yours Sincerely

David Egan MSc

NCPD

