



# NO HATE SPEECH

A submission in response to the public consultation on the Review of the Prohibition of Incitement to Hatred Act 1989

We work with Travellers to build a just, inclusive and welcoming community in and through faith



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## Introduction

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*First Sunday of Advent 2019*

*Most Rev. Diarmuid Martin , Archbishop of Dublin*

*I think of the emergence of a new language of racism, at times understated in its expression but just as nasty in its effects on men and women who need our help, our care and our respect. I am horrified to find traces of such racism among believers. The terms “refugee” and “asylum seeker” should only arouse heartfelt concern in the Christian heart.*

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As a member of staff of the Parish of the Travelling People, I welcome the opportunity to participate in the public consultation on the Review of the Prohibition of Incitement to Hatred Act 1989.

### **The ACT (1989) and its social context**

The title of the legislation continues, AN ACT TO PROHIBIT INCITEMENT TO HATRED ON ACCOUNT OF RACE, RELIGION, NATIONALITY OR SEXUAL ORIENTATION. [29<sup>th</sup> November 1989]. As the Parish prepares to celebrate the 40<sup>th</sup> anniversary of its ministry to the Traveller community in the Dublin Diocese, we recall our companions on the journey. A few years ago, Pavee Point published a review of its work since 1985. On the cover page there is an eloquent testimony by the author Colum McCann:

*No communities in Ireland have been as consistently tarred and feathered as the Travellers and the Roma. If a lie is repeated often enough it becomes the “truth”. One of the true triumphs of Traveller and Romani life in Ireland in recent years is the culture’s ability to be tremendously resilient in the face of naked racism. Critical to the ongoing success of Pavee Point is the fact that for 30 years the organization has had the ability to look from both within and without, clearly identifying the issues confronting not only Irish Travellers but amongst wider Irish society too, from the top of the political echelon to the smaller, more anonymous corners. Here are the facts: **the Travellers and the Roma are ethnic minorities**. They are, and have been, subject to intense racism in Ireland. For us to move forward – as a thinking, vibrant democracy – we must acknowledge those two essential pillars and open the gateposts from there. **Colum McCann (30 years of Pavee Point, 2015)***

One significant development must be acknowledged in the past 30 years since the introduction of the legislation under review. In March 2017, on behalf of the Parish of the Travelling People in the Dublin Archdiocese, parish priest Paul O’Driscoll welcomed the

official recognition of Ireland's Travelling Community as a distinct ethnic minority group in Irish society. He added that the announcement marked an evolution in the relationship between Travellers and the State; but it is only one step in a long journey on the road to achieving full parity of esteem. Sadly, the tone of public discourse continues to raise concerns.

Some politicians have experienced a violent backlash when they confronted what appeared to be racist behaviour. The media has reported on incidents recently but there are others relating to the political discourse itself, especially around times of elections. Such tactics are devised to preserve privileges by exploiting social divisions.

Racism may be finding new forms of expression within communities throughout Ireland, but the Parish remains close to those other resilient voices declaring that such ways of speaking are not new; and there are none so deaf as those who do not wish to hear. Therefore, as a worker in the Parish, I am compelled to offer this submission to reflect the long-standing concerns raised by those voices. I will consider the first two preliminary issues that have been identified in the public consultation and conclude with a short comment on pastoral work in the digital age:

- 1) the list of protected characteristics
- 2) the use of the term 'hatred' in the Act and whether this should be changed
- 3) other comments

## Issue 1: Protected characteristics

### Question

1. *Are there are groups in society with shared identity characteristics in addition to the list of protected characteristics in the current Act who are vulnerable to having hatred stirred up against; for example, immigrants, refugees and Roma.*

The three diverse groups above have something in common; they are identified by the "host" community as people on the move (or have moved). However, the term "Roma" deserves greater attention.

Grattan Puxon is probably the best source to tell of the origins of the significance of the 8th April for *International Traveller and Roma Day*<sup>1</sup>. He recalls the **first World Romani Congress** which was held on 8<sup>th</sup> April 1971 when the members of the Congress adopted the term "Roma" for the diverse groups who attended the first meeting.

- The **Romanichal** Gypsies or Travellers in England, South Wales and Scottish Borders, Lowland Scottish Gypsies or Travellers constitute more than one group, known as "gypsies", who are recorded in Britain as early as the 12th century and in the 16th century. **Welsh Kale** are extremely closely related to the communities above and to **Norwegian & Swedish Romanisæl** (Tater) Gypsies or Travellers and **Finnish Kale**.

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<sup>1</sup> See [link removed]

- The **European Roma** are descended from the same people as British Romany Gypsies and from Central and Eastern Europe. Many of these people have, and continue, to experience persecution and they are refugees and asylum seekers. They are distinct from the UK's Gypsy community and there is limited interaction between the two.

There are other groups who are not Roma;

- **Dutch Travellers** "Woonwagenbewoners" in Holland, and indigenous **Norwegian Travellers** whose language is "Rodi".
- **Irish Travellers** are not Roma or Romani Gypsies. They are of Celtic descent. There is no evidence to support that the origins of the Irish Travellers as displaced settled people. These theories underpinned the predominant view that they were impoverished settled people who were reduced to an **itinerant** way of life. The members of the Traveller community know themselves as 'Pavee' or 'Minceir' or the 'Travelling People' (Irish: an lucht siúil).

## Recommendation

*It is important that in a democratic society, the protected minorities are recognised for who they are rather than only how they are perceived to be and that there are opportunities for their participation in combating "hate speech". The term "antigypsyism" does not refer to the minority group but rather to the thinking that targets them. It will be considered further below.*

## Issue 2: Use of the term "hatred" in the Act

### Question

2. Do you think the term "hatred" is the correct term to use in the Act? If not what should it be replaced with? Would there be implications for freedom of expression?

Recalling the origins of the reference above to the Irish Traveller struggle in Dublin<sup>2</sup>, and the contribution to the remembering the "Roma" struggle<sup>3</sup>, there is an important question to ask about the nature of the "hatred" experienced by these communities.

Confronting Islamophobia is not the same as overcoming sexist behaviour, but both reflect power games; colonialism and misogyny. The forms of threat and assault can be expressed in different ways. The fact is, society demonises the Traveller and justifies the conditions for his or her marginalization. So, the term "anti-gypsyism" (with a hyphen) is not used. That term implicitly maintains a focus on society's notion of a minority in its midst; the "gypsy". By removing the hyphen, the term "antigypsyism" dispels the demon and focuses on the disposition of mainstream society. The word refers to the settled ideology. The ideology reflects a "mainstream" mindset that has been shaped by the discourse found in previous public policies. To be effective, it is necessary to address how mainstream society views and treats those they know as "gypsies" and who have been disregarded for generations.

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<sup>2</sup> [link removed]

<sup>3</sup> [link removed]

The word “antigypsyism” is first found in a resolution of the EU Parliament in 2005.<sup>4</sup> The emerging institutional discourse has been informed by the Council of Europe (CoE) when its independent monitoring body, the *European Commission against Racism and Intolerance (ECRI)* expanded the understanding of the term. It stated that “antigypsyism” is,

*a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination; [and] an especially persistent, violent, recurrent and commonplace form of racism ...inflicted on a large number of Roma, and by the too frequent impunity that the culprits enjoy.*<sup>5</sup>

Freedom of Speech is a cornerstone of democratic society. However, “hate speech” is an assault on Irish society “as a thinking, vibrant democracy” by targeting those who deserve protection and failing to act responsibly. The limitations and responsibilities of the freedom of speech are recognised in Article 10, European Convention on Human Rights, 1950 which states that

*The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Freedom of speech can be challenging; it may disturb and offend people, but it is always compatible with the values of democracy and integral human dignity. On the other hand, hate speech assaults the human dignity of those targeted and it undermines an inclusive and equal democratic society.

Hate speech that reflects antigypsyism harms Travellers and Roma. When that form of racist hate is not named, antigypsyism has the power to become invisible and to act out as the way things are done. The Diversity and Integration Strategy (2019 to 2021) of An Garda Síochána contains a priority to develop skills within the force. Among the objectives, it states

- To develop a Garda training programme for Gardaí and Garda Staff to build their competency and capacity to interact more effectively and positively with migrants, refugees, victims of hate crime and people from diverse and minority backgrounds.

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<sup>4</sup> European Parliament. “Roma in the European Union.” *European Parliament*. 28 April 2005.

<sup>5</sup> ECRI. “ECRI General Policy Recommendation No. 13: On Combating Anti-Gypsyism and Discrimination Against Roma.” *Council of Europe*. 24 6 2011, 3-4.

Using the term “antigypsyism” is a step towards recognising the form of “hatred” experienced by Travellers and Roma. The current legislation requires that Garda at the rank of sergeant to make a judgement “that there are reasonable grounds for suspecting that material or a recording the possession of which would be a contravention” of various parts of the Act. If the hatred has no name and is all too common, Gardai of all ranks may act out stereotypical thinking and fail to recognise the form of hate being expressed and instead to blame the victim.

## **Recommendation**

*Provide resources in the training programme for Gardaí to identify and counter antigypsyism.*

## **Other Comments**

Parish staff visit schools and offer intercultural awareness sessions at primary and secondary level. One of the activities of the pastoral workers involves a cardboard cut-out of a figure of a Traveller man who could be called Tom. The children comment on Tom and when something negative is said, a piece is torn from the figure. When something good is said, a piece can be stuck back on. At the end of the exercise, the children are asked to look again at Tom and to say something. A child in a primary school remarked that “Tom is scarred”. The exercise with older youth reflects more “mature” language but the dynamic is similar.

There are concerns about online hate speech and the influence of social media. There are complexities beyond the experience and competence of the Parish. However, in its work the Parish can be guided by the words of Pope Francis on 27<sup>th</sup> September 2019 at the beginning of a seminar, “The Common Good in the Digital Age”:

*A better world is possible thanks to technological progress, if this is accompanied by an ethic inspired by a vision of the common good, an ethic of freedom, responsibility and fraternity, capable of fostering the full development of people in relation to others and to the whole of creation.*

In the appendix below, the examples of responses of search engines demonstrate how common the negative language of antigypsyism can be encountered and promoted. It may not be the intention of the moderator of the search engine, and if an offence is identified there may be further questions about where it exists in cyberspace and whose speech it is. However, like online bullying, it has detrimental effects on the community targeted and it distorts the thinking of others in the general population.

## **Recommendation**

*Regulators should include references to combating antigypsyism as they develop, publish and apply clear policy guidelines on “hate speech”, promote an easily accessible complaint procedure and promote awareness of their role.*

## Appendix – examples of responses to web searches

*Search engine optimization (SEO) is the process of increasing the quality and quantity of website traffic by increasing the visibility of a website or a web page to users of a web search engine.*

1. Bing search “Irish Travellers are”

[link removed]

2. Google search “Irish Travellers are”

[link removed]

3. Youtube search “Irish Travellers are”

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