



Advocating for economic, social and cultural rights

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## Background

On September 3<sup>rd</sup> 2019 a seminar on hate crime was organised by the Rights Platform and the South Dublin Public Participation Network with a view to raising awareness and developing effective responses to hate speech and hate crime. One of the key messages from the seminar was the need to strengthen legislation on hate crime.

## Hatred

The consensus view from that seminar is that hate crime is a violent crime motivated by prejudice, when a perpetrator targets a victim because of their perceived membership of a certain social group.

Hate crime is given license through hate speech which targets particular ethnic, religious or social groups as being problematic and the cause of societal failures such as unemployment, housing shortages or poor social services. This is simply untrue and not borne out by the facts.

This 'blaming the victim' is afforded a wider acceptability through a slackening of journalistic standards on the basis of maintaining free speech and the achievement of 'balance' in programmes and articles, thus justifying irrational and unsubstantiated opinions.

Because it is relatively unregulated, social media allows individuals to hide behind anonymity while making unsubstantiated claims and inciting hatred against particular social groups who are often vulnerable.

## The impact

Hate crime and hate speech dehumanises people. It goes to the heart of person's identity, damages dignity and forces people to change their behaviour. Having specific protection in law for victims of hate crime recognises the seriousness and greater damage done by those crimes.

Hate crime and hate speech can lead to fear spreading through communities, with people becoming isolated and torn apart. Ultimately, racist and religious hate speech and hate crimes can lead to ethnic conflict. Demonising people on the basis of social class, sexual orientation or disability drives people into loneliness and despair. This is socially unacceptable and a denial of human dignity, which is at the heart of human rights.

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### Legislative and judicial

- It is clear that the Prohibition of Incitement to Hatred Act (1989) is not a sufficient response to hate speech. This legislation needs to be strengthened, especially since the development of social media, which allows individuals to express hate speech and therefore inciting hate and promoting acts of hatred, some of which are criminal.
- To ensure the legislation is applied training in hate crime for judges is both necessary and appropriate so that hate can be better understood as an aggravating factor to be taken into account in sentencing.
- In addition, sentencing guidelines must be introduced to advise judges on the aggravated factor of hate in sentencing offenders.
- It need to be made clear that the law applies to hate perpetuated through social media, to be clear that a crime is a crime no matter how it is perpetuated.
- There should be a duty on the media and on journalists to refrain from writing, publishing and distributing material that is likely to lead to stirring up prejudice and racism. This might be better addressed through media guidelines and a Media Council to adjudicate on complaints and reported incidences.