

## **Submission to the Department of Justice on Hate Speech Legislation**

**12 December 2019**

**Delivered via email: [HateSpeechConsultation@justice.ie](mailto:HateSpeechConsultation@justice.ie)**

### **About Uplift**

Uplift is a people powered campaigning community of more than 225,000 people who take coordinated action together for a more progressive, equal, socially just and democratic Ireland. Uplift members come from all over Ireland and have many different experiences and backgrounds.

### **About this Submission**

Uplift members have been campaigning on rights and equality with people from with marginalised identities, as well as for hate crime legislation directly. Member-driven campaigns have focused on better laws and policies for people seeking asylum, people who are undocumented, people from the Traveller community, people with disabilities, the LGBTQ+ community, women and working class people across the country.

Uplift members were invited to participate in this submission via email survey from 21 November until 6 December 2019. 1,028 Uplift members in total contributed to this submission, from all 26 counties in the Republic of Ireland.

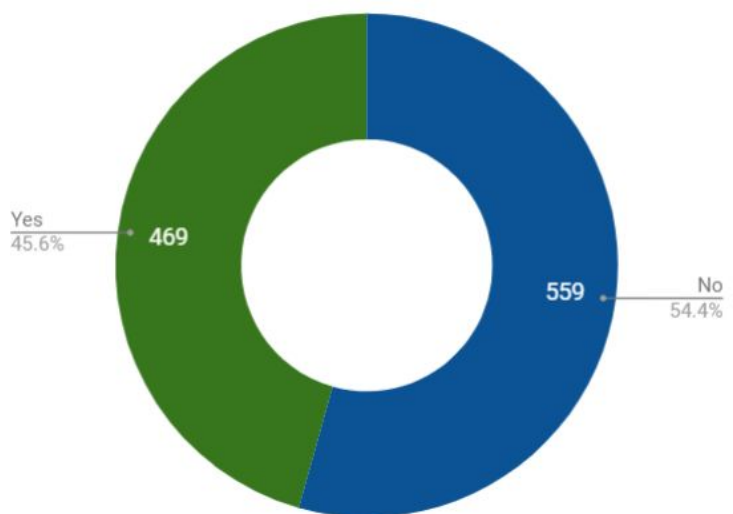
## 1) Identity and Experiences of Hate Speech

Of the 1,028 members surveyed, 45% had directly experienced hate speech themselves and a further 74% had witnessed hate speech. Hate speech was largely experienced on the basis of nationality, race/ethnicity and religion. Hate speech was overwhelmingly witnessed on the basis of race/ethnicity.

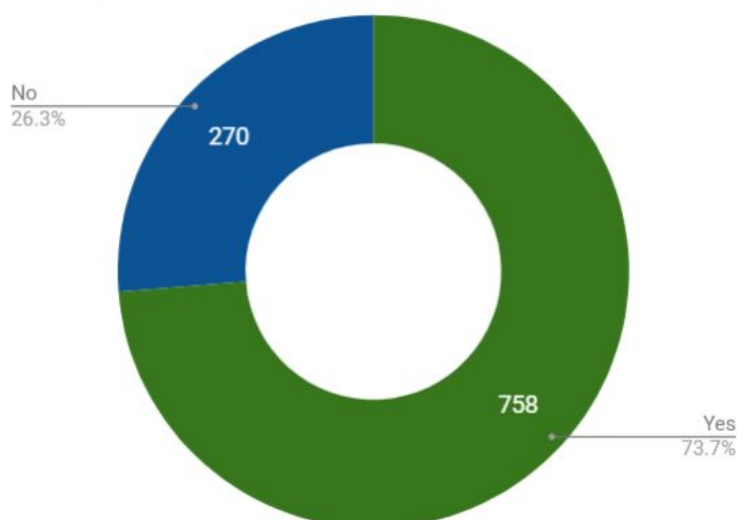
Hate speech was experienced and witnessed by members at an alarming rate, where hate speech was defined as expressions of speech that were intended to “cause offence, insult, humiliation or intimidation of another person or group of people based on their nationality, ethnic origin, religion, gender, sexual orientation or disability.”

As a community, Uplift members are concerned about the effects of hate speech on individuals and society as a whole. Members most commonly reported experiencing hate speech based on perceived race, ethnicity, nationality and membership of the Traveller community, with a total of 393 members (38% of all respondents) reporting this. Members also

Have you experienced hate speech?



Have you witnessed hate speech?



reported witnessing hate speech on that basis at a high rate, with 1,425 instances reported.

*“I get called “k\*\*\*\*\*r” and “t\*\*\*\*\*r” because I look like a traveller, I get refused entry to pubs and if I do get into a new pub i won’t be served. I get followed around posh shops by security guards even though I’ve never stolen anything in my life. People look down their nose at me, ignore me and make little of me because of this.”*

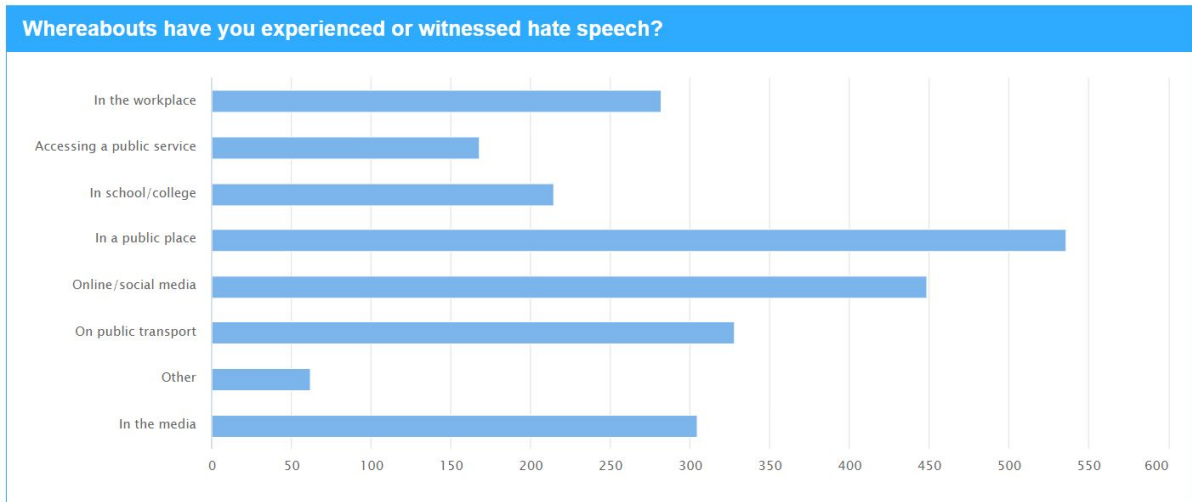
*“Go back to your country is something we hear very frequently when we are out and about, it would be great for us to not have to hear that especially for our children who don’t deserve to listen to this kind of hate.”*

Members also highly reported threats of violence based on gender and gender identity, with many women reporting increasing instances of rape threats which affects their participation in society and mental health:

*“I would also note the misogyny I encounter is happening more and more regularly as well as the **fat shaming and rape threats by random people...** People say how it’s easy to be abusive online when you’re not face to face- I would worry it is spilling out to face-to-face contexts as well. And for my part, **I am increasingly more agoraphobic as a result.**”*

Religion, sexual orientation and disability were the third, fourth and fifth most common characteristics selected by members. Out of the protected characteristics listed, members also often mentioned a **need for further and specific inclusion of mental health and mental disability.**

**Hate speech was witnessed and experienced in a public place in more than half of all cases (52%), followed by hate speech online and on social media (43%).**



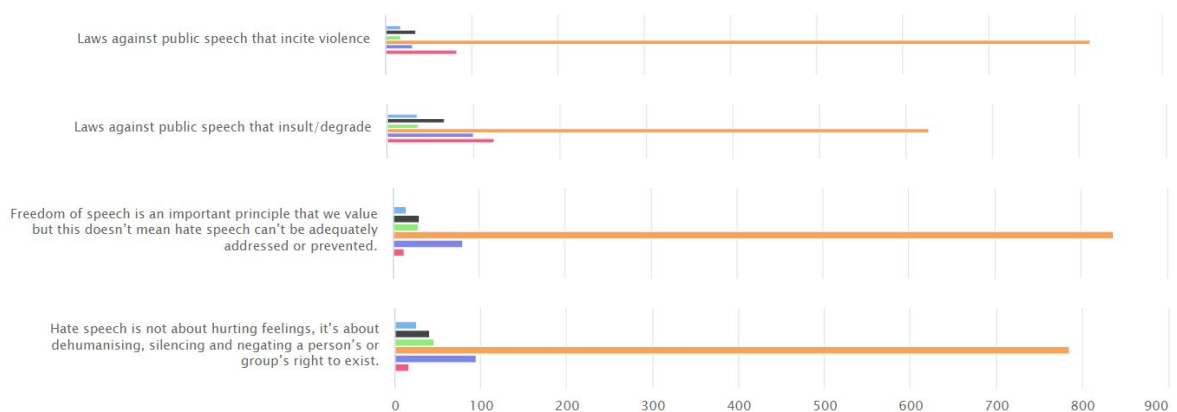
A high number of members experienced or witnessed hate speech on public transport, 305 members reported hate speech in the media and a further 282 members encountered hate speech in the workplace.

Many members who marked ‘Other’ also experienced hate speech in their familial and social networks, in the home and at social events. Members also drew a distinction between public and private speech, with many members being significantly more concerned by hate speech used by politicians and public figures, or people with positions of power in community:

*“Sometimes it is not blatantly obvious but the seemingly innocent ‘throw away’ remark by people of influence in an area or town can cause undue stress and pain.”*

## **2) Criminalising Hate Speech and Freedom of Expression**

**Members reported high prevalence of hate speech, and a need for laws and protection. 88% of members agreed with a need for laws against speech that incites violence, while 73% agreed with a law against insult/degradation of protected groups. Members did report some concerns in the balancing of freedom of expression and the criminalising of speech.**



Overall, members are in favour of stronger legislation in this area. Most agreed that public speech that incites violence, or insults/degrades should be outlawed. As a community, most were also agreed that **the results of hate speech are about dehumanising, silencing and negating a person or group's right to exist.**

In relation to freedom of expression, 81% of members (767) agreed with the statement that **“Freedom of speech is an important principle that we value but this doesn't mean that hate speech can't be adequately addressed or prevented.”** Only 30 members of the 1028 who participated in the survey disagreed with this statement. Members also detailed the difference between hate speech, and freedom of speech and expression:

*“Freedom of expression is not just about speech. It also includes the right of those targeted by hate speech to fully express who they are, the groups they belong to, their belief systems - without fear of reprisal or attack. **Freedom of expression is not just for bigots, and we shouldn't allow them to use human rights terms to further their hateful agenda.**”*

*“**Hate speech is not the same thing as freedom of speech, freedom of speech is important and beneficial to society as a whole, different opinions should be respected, hate speech however, is not an opinion, it damages communities and creates a toxic environment.**”*

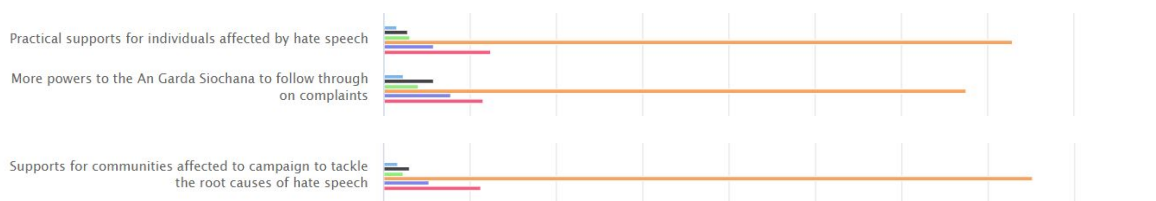
A clear definition of hate speech is needed so that healthy debate is not stifled, and that any legislation is not abused:

*“It's very difficult to achieve a balance between freedom of expression and prohibition on hate speech but it's crucial so any steps in this regard are positive. However, it's also critical to ensure that any steps aren't used as a tool to shut down freedom of expression by future governments.”*

While members are largely in agreement that more robust legislation is needed, there is also a common thread of the need for a holistic approach to tackle the problem of hate speech.

### 3) Protection from Hatred

**Almost all members agreed that support for individuals and communities affected by hate speech is key to protection from hate speech, ranking higher than laws against insult/degradation of protected groups. Solutions outside legislation were presented by members as various forms of education.**



Support for individuals and communities affected by hate speech also included **more effective monitoring and data collection of incidents of hate speech**, and more efficient and **accessible complaint procedures in workplaces, schools and other institutions**.

Members also mentioned that **those with institutional power, including teachers, clergy and public figures should trained** in hate speech identification and intervention.

Members noted the **normalising effect of hate speech by public figures** and the media. Education was also presented as a solution to root attitude and behavioural causes of hate speech, including fear, prejudice and discrimination. This includes funding for intercultural, anti-bullying and community work services.

*“Positive steps **through education and opportunities** to build cross-cultural ties are as important as legislation to criminalise hate speech as ignorance is often at the root of such acts. There **used to be a government agency against racism and promoting interculturalism, NCCRI**. Funding was also available to organise events. We availed of funding in our community. This needs to be reactivated ASAP.”*

Increased power to An Garda Síochána also had support from members, however some concerns were raised in relation to a potential for increasing prosecution and incarceration of minority communities, as well as the behaviour of individual Gardaí.

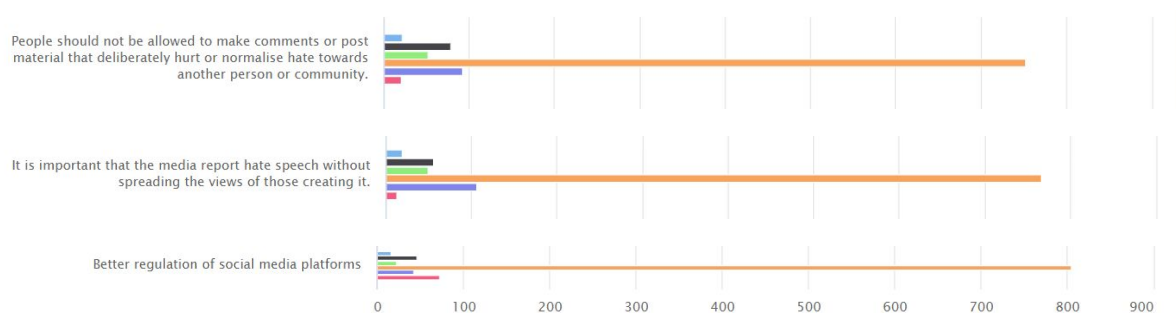
*“It’s **important to implement these new measures in a way that doesn’t allow their weaponisation against marginalised communities rather than protecting them.**”*

*“I think we need to develop a system for combating hate that focuses more on **restorative justice and education.**”*

*“I don’t therefore believe that giving more power to police will address it. **Police need to be educated** - there have been reports of striking and brutal hate speech and actions by Garda members and by county councillors here in Kilkenny.”*

#### 4) Spreading of Hate Speech

A dominant theme from members is the role of online platforms, social media and traditional media in the publishing and distributing of hate speech. 86% of members agreed that better regulation of social media platforms is an effective way to protect against hate speech. 452 members experienced or witnessed hate speech online, and 306 on traditional media.



**Social media companies should be regarded as publishers and be subject to laws governing publishers.** Many members, particularly women, detailed encountering hate speech on line that escalated to direct threats. There is often a lack of response from the platform directly, and intervention is urgently needed for better regulation. ‘Community guidelines’ and report functions on platforms like Facebook and Twitter do not adequately address the issue.

*“Facebook and other social media should not be the only arbiter on what they allow or what they consider as hate speech.”*

*“Being a woman online attracts an enormous amount of hate speech which goes unacknowledged.”*



*“I work with refugees, immigrant workers, and asylum seekers. Sometimes I know they are very upset about what they have experienced or seen on social media because they worry about the day when it will be themselves or worse - their children.”*

**Many members felt that the biggest area of concern was public hate speech by public figures, especially politicians. The reporting of that speech on traditional media was also a cause of concern.**

Members addressed many recent comments from politicians within Ireland, including anti-Traveller and anti-migrant speech, as well as speech from political figures overseas. Members expressed that while political parties and other mechanisms should be used to address hate speech, **the media must also be accountable for reporting on that speech.**

*“The deliberate use of hate speech by political candidates to generate voting support, knowing / suspecting that there are votes in it, but the 'denying' such a ploy, is dangerous for society and deeply concerning that such voters are out there looking for 'leaders' to speak on their behalf.”*

*“Politicians must lead in this issue of hate, exclusion and racism. The recent comments by some politicians are unacceptable and must not be part of the political discourse in this country. The media must be more proactive in stamping out this behaviour.”*

Members also pointed out the platforming of hate speech on traditional media by non-public figures.

*“I think RTE promote hate speech by giving an equal platform to people whose talk is all hatred and violence.”*

*“When the language is repeated it gains a weird sort of traction. It's almost like people don't hear the 'you shouldn't use' part or 'it was terrible to use' part.”*

## **Conclusion**

This submission provides a brief insight into the views of 1,028 Uplift members in relation to the consultation process by the Department of Justice on hate speech legislation. The submission was based on a survey of Uplift members [1] and summarised under experiences of hate speech, attitudes toward criminalisation, measures for protection and publishing and distribution of hate speech.

When examining what measures the Government can take to combat hate speech, it's clear from Uplift members that there is a general consensus that the needs and interests of those affected by hate speech should be core to any decisions made.

It's also necessary to note that hate speech actually stamps out the freedom of expression of marginalised groups, and that education and regulation of hate speech should be seen as supporting mechanisms for everyone in society to participate freely and fully, regardless of their identity. In short, freedom of expression and regulating hate speech need not be cast as in direct conflict with each other.

Finally, it's clear that members favoured education and restoration above criminalisation and increasing powers of the Gardaí. In particular, community leaders such as teachers, priests and politicians were identified as being clear influencers in the battle against hate speech. This means that their education and support is crucial.

On behalf of Uplift members, I would like to thank the Department of Justice for this opportunity to participate in this consultation and wish you the best in your review and planning.

## **Contact**

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Notes

[1] [link removed]