

## **Review of the Prohibition of Incitement to Hatred Act 1989**

### **Submission to the Department of Justice**

### **By Fingal Communities Against Racism**

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### **Fingal Communities Against Racism was formed in 2019 specifically to counter hate speech being disseminated in the run up to and during the Fingal By-election of November 2019.**

This group took an active campaigning role against attempts by the far-right to make an electoral breakthrough in North County Dublin. In the course of the by-election campaign, FCAR received huge support from residents of towns and communities across Fingal. It is clear people strongly reject racist dog-whistle politics and attempts to divide their communities. This is reflected in the failure of the far-right to make an electoral breakthrough in the region, and the lack of support for a candidate known for her far-right views on immigration and hate speech.

However next year will likely see a general election; we must remain on our guard against the far-right making further attempts at spreading their toxic and divisive ideology. Grassroots, community-based campaigns such as FCAR have a vital role to play everywhere; not least in reminding our public representatives we expect certain standards from them, and in ensuring hateful racist and fascist rhetoric and associated far-right groups don't become normalised to the detriment our local communities.

However local community groups can only do part of the work necessary to prevent the spread of hate.

Unfortunately, Ireland has not been immune to those who promote far-right, supremacist ideologies, seeking to divide communities and set people against each other. This includes attempts to make immigrants into scapegoats for social problems. We want to make sure this toxic racism doesn't take root in our local communities, spreading fear and hatred.

It is essential that we can report hate speech to An Garda Síochána where it is intended to incite hate or hostility to marginalised groups. It is necessary for An Garda Síochána to have legislation which supports effective investigation and prosecution. It is necessary that any new legislation facilitates prosecution of hate speech without the necessity to prove that the speech was acted upon. The danger of hate speech lies in its ability to form hardened mistrust against marginalised groups over time, and create dangerous and violent divisions in our society. It must be enough that hate speech can be prosecuted on the basis that it was intended to cause hate or hostility, and not rely on proving such.

We ask that the review specifically addresses the difficulties of prosecution described in the submissions by INAR (Irish Network Against Racism) and the Hate and

Hostility Research Group, as well as the Irish Council of Civil Liberties (ICCL), and new legislative proposals to replace the Incitement to Hatred Act 1989 specifically address hate speech.

We are concerned that comments at the UN CERD hearing in December 2019 suggest that hate speech might be addressed in conjunction with hate crime (which needs specific legislation), and that this might result in legislation on hate speech which does not adequately address the problems we are faced with in the attempts of the far-right to insert hate speech into our political discourse and to normalise hate speech in our communities.

We call for effective hate speech legislation which applies both offline and online, noting the ineffectiveness of self regulation attempts by social media platforms, and training for An Garda Síochána in addressing hate speech investigations and prosecution.