

**An Coiste Comhairleach Náisiúnta  
ar Chiníochas agus Idirchultúrachas**

**National Consultative Committee  
on Racism and Interculturalism**

20 Harcourt Street, Dublin 2.

☎: (+353 1) 4785777

Fax: (+353 1) 4785778

Email: [nccri@eircom.net](mailto:nccri@eircom.net)

Website: [www.nccri.com](http://www.nccri.com)



**OSCE Special Meeting on the Relationship between Racist, Xenophobic, and Anti-Semitic Propaganda on the Internet and Hate Crimes, Paris, 16-17 June 2004**

**Questionnaire to Participating States**

**Response by the National Consultative Committee on Racism and Interculturalism  
(NCCRI), Dublin, 12 May 2004**

In its decision No. 4 on Tolerance and Non-Discrimination, the OSCE has endorsed, at the Ministerial Council of Maastricht (1-2 December 2003), the decision to hold three events on this topic. Recognizing the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet, the OSCE welcomed the offer by France to host a meeting, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the internet and hate crimes. This meeting will be held on June 16-17, 2004 in Paris.

In order to facilitate discussion the OSCE has requested data on the situation throughout the OSCE area. In this response the NCCRI will outline the situation relating to the Irish context.

## **1. Background and Legal Framework**

While there have been documented cases of racist material on Irish websites, the emergence of sites and their flouting of existing legislation is a new and disturbing development in Ireland, even if only a small number of people are involved in publishing such sites.

The use of words, behaviour or the publication or distribution of material which is threatening, abusive or insulting and are intended, or are likely, to stir up hatred are prohibited under the *Prohibition of Incitement to Hatred Act 1989*. The Prohibition of Incitement to Hatred Act, is currently being reviewed in the Department of Justice, Equality and Law Reform with a view to improving its effectiveness.<sup>1</sup>

The review is taking into account the Protocol to the Cybercrime Convention on combating racism and xenophobia through computer systems and the EU Framework Decision combating racism and xenophobia, on which negotiations are continuing. It is also taking place against the background of an increased number of successful prosecutions under the 1989 Act. The NCCRI has advised the government that the revised legislation specifically include a reference to the internet.

Other relevant legislation includes:

- The *Video Recording Act 1989*, aims to prevent generally undesirable video works from being supplied to the public. Among the grounds on which the Official Censor can conclude that a video recording should not be classified as fit for viewing are that the viewing of the video would be likely to stir up hatred

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<sup>1</sup> In announcing the Review of the Prohibition of Incitement to Hatred Act at the national preparatory conference for the World Conference on Racism, John O Donoghue, TD, Minister for Justice, Equality and Law Reform stated 'Ireland has legislation in place for the past ten years prohibiting incitement to hatred. The Prohibition of Incitement to Hatred Act, 1989 makes it an offence to incite hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, or membership of the Traveller community. I am aware that there has been some criticism of the effectiveness of this Act and I understand that since it was enacted only one case involving an alleged breach of the Act was referred to the Director of Public Prosecutions. That case was subsequently dismissed in the District Court. At my request officials have commenced a review of this legislation and I would welcome any suggestions which may lead to an improvement to the existing provisions of the Incitement to Hatred Act.'

- against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins.
- *Criminal Justice (Public Order) Act* makes threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace (or being reckless as to whether such a breach is caused) an offence (section 6). The Act also makes it an offence to distribute or display material which is threatening, abusive, insulting or obscene with intent to cause a breach of the peace (or being reckless as to whether such a breach is caused).

Ireland signed the ICERD in 1968 and it was ratified in January 2001, following the enactment of the Employment Equality Act 1998 and the Equal Status Act 2000. One of the legal obligations created by this document and monitored by the Committee for the Elimination of Racial Discrimination is contained in article 4(a) of the document. This article requires states, amongst other actions, to:

...Declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof...

The development of a NPAR in Ireland represents a significant opportunity to both build upon and enhance existing policies and strategies to address racism in Ireland and to identify new priorities and aspirations. In order to take a wide-ranging approach the government has designated the Cabinet Committee on Social Inclusion (which includes representatives from all departments of State) to have oversight of the NPAR. In March 2002, the Government published a Discussion Paper entitled 'Towards a National Action Plan against Racism'.<sup>2</sup> This was followed by the publication of 'Diverse Voices', a summary of the consultation process. The first objective identified in Diverse Voices is protection, it states that 'the NPAR should seek to enhance protection against racism, including protection against discrimination, assaults, incitement and abuse'. Specifically this document recommends that 'new forms of disseminating racist material, including racism on the Internet and the circulation of racist e-mails should be specifically outlawed'.

## **2. Possible relationship between racist, xenophobic, and anti-Semitic Propaganda on the Internet and Hate Crime**

In Ireland the term racist violence is understood to mean violence that is in part or in total motivated by racism against the person or property in the form of:

- Homicides, including murder and manslaughter
- Assaults, including assault causing harm and harassment
- Violence against property, including criminal damage
- Incitement to Hatred<sup>3</sup>

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<sup>2</sup> Ireland, National Action Plan against Racism Steering Group (2003) Diverse Voices, [PUBIE0131]

<sup>3</sup> These are general crime categories adopted by the Gardaí and adapted for use in this submission.

While there has not yet been any specific studies on the link between propaganda on the internet and hate crime in Ireland, there is evidence which suggests that level of racism in Ireland are influenced by context and propaganda. Consequently there is the potential for internet based materials to provide a context for increasing numbers of hate crimes.

### **3. Existing means of addressing the relationship between racist, xenophobic, and anti-Semitic propaganda on the internet and hate crimes**

While there are no specific bodies to monitor racism on the internet, such as Inach, in Ireland. A number of mechanisms existing for collecting data on hate crime more generally, these include the Garda PULSE system, and the racist incident monitoring procedure of the NCCRI.

The new Garda information system, PULSE has been adapted to record racist incidents. Recorded incidents in 2003 are listed below.

Incident	Anti-Semitism	Xenophobia	Racism
Arson	0	0	2
Assault causing harm	0	0	8
Assault minor	0	0	15
Attention and complaints	0	0	3
Burglary	0	0	1
Criminal damages (not arson)	0	0	27
Harassment	0	0	1
Possession of offensive weapons	0	0	1
Incitement to Hatred - Section 2	0	0	1
Incitement to Hatred – other offences	0	0	1
Public order offences	0	0	6
Robbery from the person	0	0	1
Theft from person	0	0	1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>68</b>
<b>Total 2000-2003</b>	<b>1</b>	<b>5</b>	<b>278</b>

**Racially motivated incidents by type of incident 2003. Source: An Garda Síochána, as of December 2003**

In May 2001 the NCCRI established a voluntary procedure for reporting racist incidents in Ireland.<sup>4</sup> It publishes a report every six months of the incidents logged. The majority of the incidents that are included in these reports have been forwarded by non-government organisations working closely with the NCCRI, including key organisations working with Travellers, refugees and asylum seekers and migrants. Other incidents are reported directly to the NCCRI. The data that is generated by this reporting system is primarily qualitative and indicative of key issues that need to be addressed.

Since this system was established three racist websites with a specific focus on Ireland have been drawn to its attention, purporting to represent the Irish National Front, the Irish Fascist Party and the NSRUS (National Socialists R Us). However there have also been a range of reports of posting of racist material in chat rooms and on other websites, which appears to be a more significant problem.

<sup>4</sup> Reporting forms are available at: [www.nccri.com](http://www.nccri.com)

The NCCRI participates in the governments Internet Advisory Board, which is currently considering its next steps with regard to racist material on the internet.

#### **4. Measure to Educate Users and Heighten Public Awareness**

There have been a number of public awareness initiatives in recent years which have considered the broad area of racism in Ireland. These initiatives did not focus solely on racism on the internet, however they played a role in heightening public awareness on the question of racism in general.

The Anti-Racism Awareness Programme 'Know Racism' has been instrumental in seeking to change cultural attitudes to discrimination. The Government originally allocated €5.7m to the programme over a three year period. This programme ended in 2003. The approach of the programme is based on partnership and seeking to develop actions and initiatives, in the areas of media and communications, education, community and local development, political parties, and other areas such as the workplace, policing, sport and the role of religious organisations, which have the potential to have real and sustainable impact.

The NCCRI seeks to raise public awareness about racism and interculturalism through the coordination of events linked to International Day Against Racism (March 21st ) and through publication of a range of materials and resources.