



Sent by email to: minister@justice.ie

Minister Helen McEntee, TD

Department of Justice

51 St Stephen's Green,

Dublin 2,

D02 HK52

3 September 2024

Re: An Taoiseach's comments on the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022

Dear Minister McEntee,

We are writing to you regarding comments made by An Taoiseach Simon Harris on the *Criminal Justice (Incitement and Hate Offences) Bill* during a press briefing at Government Buildings on 26 August 2024. An Taoiseach stated that he wanted to “see hate crime legislation passed in the lifetime of this Government”, adding that you would, as Minister for Justice, be bringing forward amendments to the legislation in the autumn term.¹

As you will be aware, the Commission has been regularly engaged on this issue and has previously flagged a number of human rights and equality concerns arising in connection with the legislative and policy responses to incitement to hatred and hate crime.² With regard to the current Bill, in February 2022 we published our Legislative Observations to the Oireachtas

¹ As reported by the Irish Times, ‘[Hate crime legislation to be completed during Government’s term, say Harris and O’Gorman](#)’ (26 August 2024).

² See commentary in: IHREC, [Ireland and the 6th Monitoring Cycle of the European Commission against Racism and Intolerance](#) (June 2024) pp. 24-26; IHREC, [Ireland and the Convention on the Elimination of All Forms of Racial Discrimination](#) (March 2022); IHREC, [Developing a National Action Plan Against Racism: Submission to the Anti-Racism Committee](#) (August 2021) pp. 11-12; 26-28; 69-76; IHREC: [Submission to the United Nations Human Rights Committee on the List of Issues for the Fifth Periodic Examination of Ireland](#) (August 2020) pp. 23-25; IHREC, [Ireland and the Convention on the Elimination of Racial Discrimination: Submission to the United Nations Committee on the Elimination of Racial Discrimination on Ireland’s Combined 5th to 9th Report](#) (October 2019) pp. 39-51; IHREC, [Review of the Prohibition of Incitement to Hatred Act 1989](#) (December 2019).



Joint Committee on Justice on the General Scheme of the *Criminal Justice (Hate Crime) Bill*.³

In this submission, we welcomed the legislation but made a range of recommendations on the proposed offences of incitement to hatred and hate-aggravated offences, to better align the legislation with human rights and equality standards.

When the renamed *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022* was published, we conducted an analysis of the Bill to determine how our recommendations had been reflected and we wrote to you on 30 November 2023 (copy attached) setting out the substantive issues which remained outstanding in the legislation which should be addressed through amendments to the Bill. We note this has been brought to the attention of senior legislative officials with the Department for their consideration and would welcome confirmation that our recommendations have been incorporated.

The importance of this legislation cannot be overstated as Ireland is witnessing a concerning rise in racism, discrimination and intolerance, unfolding both online and within communities. Lack of adequate hate speech and hate crime legislation has led to impunity for organisers and agitators inciting hate.⁴ We are, therefore, eager that this legislation should be passed by the Oireachtas. However, having regard to rule of law requirements, we also emphasise that there must be adequate time and opportunity for appropriate scrutiny of this legislation given its significance and importance.

We note that the Bill is currently at Committee Stage in the Seanad. Given the uncertainty regarding the date of the forthcoming election, and the comments of An Taoiseach, we seek clarification on the timeline of this legislation moving through the Oireachtas taking into account the need for proper legislative scrutiny of this important Bill.

³ IHREC, [Submission on the General Scheme of the Criminal Justice \(Hate Crime\) Bill](#) (2022).

⁴ IHREC, [Ireland and the 6th Monitoring Cycle of the European Commission against Racism and Intolerance](#) (June 2024),



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Please note that in line with our correspondence policy this letter may be published on our website.

Yours Sincerely,

Deirdre Malone
Director