


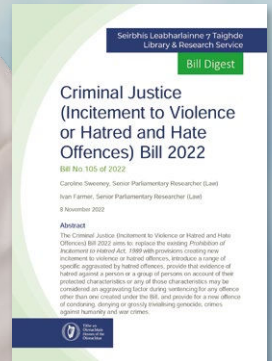


**T**he term 'hate crime' has become embedded in the public consciousness over the last few years.

Christians agree that hating others is wrong. Christ commands us to love our neighbour, no matter who they are.

But disagreement is not hatred. There are activists who want to use hate crime laws to punish those whose opinions differ from their own.

The Government's hate crime Bill risks making this much easier. 



## INSIDE

 **Could you be accused of 'incitement to hatred'?**

# Criminal Justice (Incitement to Violence

*In November 2022, Justice Minister Helen McEntee introduced the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill. It will replace existing hate crime legislation, expanding it significantly. The Bill has been passed by TDs, and is now being examined by the Seanad.*

## STIRRING UP 'HATRED' OFFENCE

The most concerning aspect of the Bill is an offence of inciting hatred against others based on their protected characteristic(s). It carries a five-year prison sentence. At its lowest level it covers someone who:

- Acts in a way that is likely to incite hatred against a person or group because of a protected characteristic, and
- Is reckless about whether that hatred is incited.

This is dangerously broad, because of:

- some of the controversial protected characteristics included (see below);
- the low threshold created by the vague and subjective terms "hatred", "likely" and "reckless"; and,
- the inadequate free speech safeguards.



### The protected characteristics cover contested issues

The protected characteristics include religion (including atheism), gender (which includes genders "other than those of male and female") and sexual orientation.

Yet these are all areas of public controversy and debate. Differences of opinion must not be shut down with the threat of censure through the criminal law.



## WHO COULD BE ACCUSED OF 'INCITEMENT TO HATRED'?

### Preaching in church

A strong sermon commending marriage and celibacy and condemning sexual immorality – including same-sex relations – could be deemed 'abusive' by an easily offended visitor. He may allege the preacher 'knew full well it would stir up anti-gay hate in the congregation'.



### Online activity

People often complain to the Gardai about 'what someone said on social media'. For example, Christians are called hateful because they deny it is possible to 'change sex'. If someone does not like what you say online, you could get a call from the Gardai.



# or Hatred and Hate Offences) Bill

## The offence is too easy to commit

### “Hatred” is not defined

The Bill does not define the term ‘hatred’, which means very different things to different people. One person’s disagreement is another’s hatred. For example, some groups argue that it is ‘hateful’ for a person to refuse to use a trans person’s chosen pronouns.



### “Likely” to incite hatred means nothing actually has to happen

No ‘hatred’ actually needs to be incited. It simply needs to be the case that a reasonable person would consider it likely.

### “Reckless” doesn’t require intent

What matters is not what you think you were doing, but what your accuser, Gardai, prosecutors and courts think. If it is deemed that ‘you must have known that it would be likely to incite hatred’, then you will be found guilty.

## Free speech provisions are inadequate



An Roinn Dlí agus Cirt  
Department of Justice

The Department of Justice has claimed that “genuine freedom of expression” will not be caught. There is a defence for ‘reasonable and genuine contributions to discourse’ in areas including religion and politics. There is also a freedom of expression clause allowing for “discussion or criticism”.

These may protect academic seminars, but risk criminalising ordinary, vigorous religious debate. We cannot condone insulting or ridiculing people of other religious beliefs, but this should not be a criminal matter.

It is also highly doubtful that ‘discussion or criticism’ will be strong enough to protect speech on gender. Trans activists often seem to complain to the Gardai when they are offended by gender critical views, alleging an attack on their identity.

## Up to 5 years in prison for:

### Public reading of Scripture

Reading aloud from Romans 1, 1 Corinthians 6 or 1 Timothy 1 could lead to a complaint that you are using the Bible to stir up hatred against gay people or atheists. The fact that you selected those particular texts, instead of ones activists find more palatable, might be used as evidence of your recklessness.



### Christian publishing

A Christian book with strong warnings about the danger of cults could result in a criminal investigation. If the author is found guilty of stirring up religious hatred, anyone possessing the book could get into trouble.



# FREE SPEECH RESTRICTED INTERNATIONALLY

*There have been many international examples of hate crime laws restricting free speech. Even when the accused is cleared, the process of investigation and trial is punishment in itself.*



A pastor in Sweden was given a prison sentence as a result of preaching against homosexual activity in one of his sermons. His conviction was overturned on appeal.<sup>1</sup>



A Finnish MP stands charged with hate speech after criticising her church denomination's support for an LGBT event by posting a Bible verse on Twitter. Päivi Räsänen is also accused over a leaflet she wrote almost 20 years ago. Although fully acquitted in 2022, she faces a second trial in September 2023. It is more than four years since police began their investigation.<sup>2</sup>



In Canada, Mark Steyn faced legal action for exposing Muslims to "hatred and contempt" because of comments he made about Islam. He was cleared after two years.<sup>3</sup>



In Australia, Daniel Scot was found guilty of 'religious vilification' after he criticised fundamentalist Islam in a Christian seminar. It took him five years to clear his name.<sup>4</sup>



## HATE SPEECH LAWS DAMAGE DEMOCRACY

Hate crime laws, and particularly offences of 'inciting hatred', threaten freedom of religion and belief if they prevent people from giving an account of what they believe. This is as true for atheists as it is for Christians.

We must guard against laws that have a chilling effect on the free exchange of views and ideas. Article 9(1) of the European Convention on Human Rights protects the right to change religion or belief. For this to be possible, there has to be room for religious discourse, even strong disagreement, without the risk of it being labelled incitement to hatred.

Hate speech laws can come at great cost to freedom and do not deliver the benefits that are claimed for them. After considering international examples, historian and author Timothy Garton Ash concludes:

*"there is no correlation between the presence of extensive hate speech laws on the statute books and lower levels of abusively expressed prejudice about human difference".<sup>5</sup>*



References available at [the.ci/hatecrimeroi-ref](https://the.ci/hatecrimeroi-ref)

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