



Helen McEntee TD, Minister of Justice,
51 St Stephens Green,
Dublin 2
(by email)

Dear Minister McEntee,

Review of Prohibition of Incitement to Hatred Act 1989

I am writing to you in relation to the ongoing work of your department to update the Prohibition of Incitement to Hatred Act 1989 with the view to the incorporation of Hate Crime into new or amended legislation. The National Women's Council (NWC) has engaged with departmental officials seeking to ensure that gender will be a protected category in any new hate crime legislation.

In light of recent events where the privacy and dignity of women was shockingly violated, and where campaigners who sought to address and highlight these violations were subsequently targeted themselves with threats and intimidation, the NWC wants to highlight the need not only for legislation for the specific crime of image-based abuse, but for a broader understanding that such activities can be part of wider pattern of abuse and hate.

In October this year the NWC held two events specifically addressing targeted sexist and racist attacks on women in public life. With the National Traveller Women's Forum and AkiDwa, the webinar '[Women and Racism](#)', highlighted the need for Hate Crime Legislation that included misogyny. In partnership with the European Parliament, the '[Women in Politics: Online Abuse](#)' highlighted the wider implications for democracy when many women do not run for office out of fear of being abused and harassed, because they are women. Speakers highlighted that women in politics are much more likely to experience serious and unrelenting online abuse just for the fact that they are a woman speaking out. For women from minority backgrounds sexist abuse is often compounded by issues such as racism and homophobia. The collective impact of these gender targeted actions affects all women, creating overall hostile public fora.



This gender-based targeting of women and girls is recognised by the Istanbul Convention, and article 40 requires states to, “take the necessary legislative or other measures to ensure that **any form** of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment, is subject to criminal or other legal sanction (our emphasis)”. In addition, the Council of Europe Recommendation on Preventing and Combating Sexism (CM/Rec 2019) calls for specific actions including hate crime legislation to mobilise against sexism in Europe.

The NWC believes that gender-related hate crime must be accurately identified through the criminal process. This will ensure that a hate element is recognised and addressed from the point of recording, to the point of sentencing and post-conviction processes. Naming gender as a protected ground would make it more culturally acceptable to object to the behaviour; would recognise the additional harm caused to the individuals involved and others who identify with them; would have a symbolic value through delivering a clear societal message; would allow for important record keeping, collection of data, and targeted responses to offenders.

We hope that the Department of Justice Review of the 1989 Incitement to Hatred Act has taken cognisance of the need for gender to be a protected ground and we look forward to the report with optimism,

Kind regards

Orla O'Connor
Director

cc. Minister Roderic O’Gorman; C. Baxter, C. Carberry

