



IRISH TRAVELLER MOVEMENT



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PRESS RELEASE PRESS RELEASE

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Facebook Case (related to Travellers) Dismissed Under the Prohibition of Incitement to Hatred Act

**Killarney District Court Friday, 30th September
2011**

(September 30th 2011) The first prosecution dealing with online material in Ireland (and specifically Facebook), under the Prohibition of Incitement to Hatred Act 1989 was dismissed today in **Killarney District Court**. The case related to a 27 year old Kerry man who published materials on a Facebook page entitled "*Promote the use of Knacker Babies for shark bait*" and included a range of comments that were both threatening and abusive to the Traveller community.

The case was being monitored closely by the Irish Traveller Movement via their Independent Law Centre as one of the first complainants to bring the specific Facebook pages to the attention of the Gardai. They were present in court today and according to Managing solicitor, Siobhan Cummiskey, "*Hate speech is used to intimidate and degrade vulnerable communities and to inflame prejudices against them and historically it has been shown to be dangerously effective in doing so. The Prohibition of Incitement*

to Hatred Act is an under-utilised piece of legislation riddled with major weaknesses - many of which have been borne out in this failed prosecution. We call on the Minister for Justice to make reform of the law relating to incitement to hatred against Travellers and other vulnerable communities a priority. Any new legislation must also specifically address the internet as the most common medium for hate speech in light of the EU Framework Decision on combating racism and xenophobia by means of criminal law".

Brigid Quilligan, Assistant Director of the Irish Traveller Movement was also present in the court and said *"As a Traveller woman I don't feel justice was served today and commend the two local Traveller women and An Garda Siochana for pursuing this legal action. I have no doubt that the comments made on this Facebook page, if directed at other minority groups, would in other democratic jurisdictions, have provided a different legal outcome. This outdated Act is long overdue reform."*

The Irish Traveller Movement (ITM) established in 1990, is a national network of over 80 organisations and individuals working within the Traveller community throughout Ireland. In a partnership of Travellers and settled people the Irish Traveller Movement are committed to seeking full equality for Travellers in Irish society.

The Irish Traveller Movement Independent Law Centre was established in June 2009. Siobhan Cummiskey is the managing solicitor of the Law Centre. The Centre provides a specialist legal service to Travellers in Ireland and is the only one of its kind in the country. The Law Centre pursues strategic cases in line with the core issues of the Irish Traveller Movement namely, (Accommodation, Equality and Human Rights, Education, Access to Services and Ethnicity) and is open to the referral of cases of this nature.

For further information or comment please contact Jacinta Brack Public Relations Coordinator on 087 27 44 791 or Siobhan Cummiskey managing solicitor of the Irish Traveller Movement Independent Law Centre 087 9758144 itmlawcentre@gmail.com.

Background

The Prohibition of Incitement to Racial Hatred Act entered into force in December 1989 and its enactment was an attempt to comply with Ireland's international human rights

obligations. The Act is underutilized and prosecutions have been few and far between, in fact there were only 18 cases and seven convictions from December 1989 to May 2004 (this is according to the Irish government's First Report to the UN Committee on the Elimination of Racial Discrimination 2004).

Examples of cases taken under the act include the failed prosecution of a Fine Gael councillor in Mayo, who accused Travellers of "lying around in the sun like dogs" instead of participating in FÁS schemes (the comment was considered offensive but not incitement) and the overturning of the conviction of a Dundalk bus driver who called a young child a "black bastard" and told him to "go back to Africa".

The Act is believed to be outdated and has been under review by the Department of Justice for upwards of a decade. A review of the law is particularly important in light of the EU Framework Decision on combating racism and xenophobia by means of criminal law, required to be transposed by Ireland by November 2010. The Directive requires effective implementation of comprehensive and clear legislation to combat racism and xenophobia

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