House of Commons
Northern Ireland Affairs Committee

The Challenge of Diversity: Hate Crime in Northern Ireland

Ninth Report of Session 2004–05

Volume II
Oral and written evidence

Ordered by The House of Commons to be printed 6 April 2005
The Northern Ireland Affairs Committee

The Northern Ireland Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Northern Ireland Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel).

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Committee staff

The current staff of the Committee are Dr John Patterson (Clerk), Hugh Farren (Attached Clerk), Dr Aileen O’Neill (Committee Specialist), Tony Catinella (Committee Assistant), Julia Kalogerides (Secretary).

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Dr Paul Connolly, Queen’s University Belfast, Ms Claire White, Tim Parry Johnathan Ball Trust, Mr Hugh Doyle, Glencree Centre for Reconciliation, and Mr Barney McNeaney, Acting Northern Ireland Commissioner for Children and Young People

Ms Norman Rea, Mr Michael Black and Mr David Bell

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Mr James Knox, Coalition on Sexual Orientation, Mr Duane Farrell, Rainbow Project, Mr P A MagLochlainn, Northern Ireland Gay Rights Association, Mr Gareth Lee, Queerspace, Ms Mairéad McCafferty, Lesbian Line, and Ms Theresa Cullen, Cara-Friend

Mr Jamal Iweida, Muslim Community, Ms Anna Lo, Chinese Community Welfare Association, Ms Eva McKelvey, Northern Ireland Filipino Association, Dr Katy Radford, Belfast Jewish Community, Ms Vivian Harvey, Traveller Movement Northern Ireland, and Ms Nisha Tandon, Indian Community Centre

Jewish Community Victim, Chinese Community Victim, Muslim Community Victim, and Filipina Community Victim

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Assistant Chief Constable Judith Gillespie and Inspector Robin Dempsey, Police Service of Northern Ireland, Mr David Wilson and Mr Brian Dougherty, Northern Ireland Policing Board, Mr Ivor Paisley and Mr Philip Moffett, Cookstown District Policing Partnership

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Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed. Copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel 020 7219 3074). Hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Institute for Conflict Research: Report on Racist Harassment in Northern Ireland

Northern Ireland Council for Ethnic Minorities: Submission to the Independent Commission on Policing for Northern Ireland

POBAL: Press cuttings and correspondence

Irish Congress of Trade Unions: Response to ‘A Shared Future’ consultation

SDLP: Response to ‘A Shared Future’ consultation

Lagan Valley Sinn Féin: Paper on Sectarianism within Lagan Valley

Mr John M Higgins: Letter
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Oral evidence

Taken before the Northern Ireland Affairs Committee

on Wednesday 21 April 2004

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Tony Clarke
Mr Iain Luke
Mr Eddie McGrady

Mr Stephen Pound
The Reverend Martin Smyth
Mr Hugo Swire

Memorandum submitted by the Equality Commission for Northern Ireland

INTRODUCTION

1. The Equality Commission (“the Commission”) is an independent body, established under the Northern Ireland Act 1998, with responsibility for the legislation on equal pay, sex discrimination, disability discrimination, fair employment and treatment, race relations and the public sector statutory duty. The aim of the Commission is to value and promote respect for diversity, eliminate unlawful discrimination, and achieve equality of opportunity for all.

2. The Commission welcomes the opportunity to provide evidence to the Northern Ireland Affairs Committee on hate crime, as we recognise the deep rooted divisions within our society and the impact that this has on the daily lives of many people. The Commission recently responded to the race and sectarian crime legislation in February 2003 and we have submitted our response to the Criminal Justice (NI) Order 2004. This submission is consistent with those recommendations.

3. The Commission is taking account of these wider legislative duties and how they may be harmonised and included in the Single Equality Act in the best interests of all the groups currently covered by the anti-discrimination legislation and section 75 of the Northern Ireland Act. The Commission has recommended in its response to the Shared Future strategy that the good relations duty should be extended to be inclusive of other equality groups under Section 75.

QUESTIONSPOSEDBYTHECOMMITTEE

The reasons for the reported increase in crimes and incidents motivated by hatred within and between the communities in Northern Ireland

4. The Commission is in no doubt that hate crimes are on the increase, across a number of sections of our community, most notable being committed against black and ethnic minorities, gay, lesbian and bisexual people, people of different religious beliefs and also disabled people. Recent research on racist and homophobic crime in Northern Ireland suggests that the percentage of people who had experienced violence and harassment was higher than indicated by comparable surveys in Great Britain and Ireland.

5. We however have seen an increased confidence among members of the ethnic minority communities in reporting hate crimes to the police. Since 1997 the PSNI introduced the monitoring of race hate crime for the first time. Homophobic crime is also beginning to be monitored. The Commission is however concerned that the Police are not using their current powers to full effect and this may reflect an inability in the past of the Police to deal with this. The Commission in partnership with the Community Involvement Branch of the PSNI is progressing the implementation of an inter-agency reporting structure to ensure that more offences are reported to the Police.

6. Statistics on the incidence of hate crimes against disabled people in Northern Ireland are not available. However, we know that levels of harassment against people with learning disabilities are high. A Mencap report—“Living in Fear”—published in 2000, showed that nine out of 10 people had been harassed in the past year because of their disability, and for one third of people with a learning disability this occurred on a weekly basis.

7. DRC Scotland Disability Awareness Survey (2002) showed that a quarter of disabled people have experienced harassment related to their disability and one in 20 disabled people experience harassment on a regular basis.
8. Research by NACRO highlighted that disabled people are four times more likely to be violently assaulted than non-disabled people. They are also four times more likely to be victims of sexual abuse and almost twice as likely to have their homes burgled. The Report also revealed that while disabled people experience greater actual crime and far more fear of crime than the wider population, they are much less likely to report crimes as the criminal justice system largely overlooks the needs and concerns of disabled people. The report concluded that disabled people are often targeted solely because they are disabled and such crimes should be regarded in the same way as racially and homophobic motivated offences.

9. Given the above we are therefore disappointed to note that there are no proposals to extend this “offences aggravated by hostility” approach to “aggravation related to disability” as provided for in section 146 of the 2003 Act in GB. This is surprising in light of section 75 consideration, we have difficulty in understanding why this was not extended to disability.

10. In respect of hate crimes motivated by sectarianism, recent survey analyses suggest that whilst there has been a general improvement in attitudes in relation to community relations between Protestants and Catholics. Evidence also shows that Protestants and Catholics have differing attitudes on a range of issues relating to improving community relations; Catholics appear more amenable to efforts to promote cross-community contact, whereas a perceived sense of mistrust and unease exists within the Protestant community.

11. The issue of homophobic harassment has recently come to the fore in Northern Ireland with at least two murders in Belfast in the past year. Recent research points out that homophobic harassment involves attacks on lesbian, gay and bisexual (LGB) men and women as well as people perceived to be LGB. It includes assault, verbal abuse and bullying in the workplace, on the street and social settings.

12. The research revealed that the percentage of people who had experienced violence and harassment in Northern Ireland was higher than indicated by comparable surveys in Great Britain and Ireland.

13. Any serious programme to tackle hate crime must include rigorous statistical information and other data to ensure that hate crime legislation is effective and targeted on groups who are experiencing this.

To examine the effectiveness of measures taken by government and relevant agencies to tackle prejudice, and to support victims of such prejudice

12. Traditional responses to hostility are assumed to be the sole responsibility of the police. The Prevention of Incitement to Hatred Act Northern Ireland 1970 made a criminal offence wilfully to stir up hatred against a section of the community including any section distinguished by race or religion. This legislation was subsequently consolidated into the Public Order (NI) Order. The findings of the Patten Report, the Criminal Justice Review and the Report of the Stephen Lawrence Inquiry all point to the need to develop a broader approach and to increase the involvement of a wide range of statutory, voluntary and community organisations, including those responsible for education, housing, health and social services. These responsibilities to foster harmonious relations are now underpinned by Section 75 of the Northern Ireland Act 1998, which requires all statutory bodies to promote equality of opportunity and good relations between persons of differing religious beliefs, political opinion or racial group. Therefore, improvements to Criminal Legislation, which act as a further deterrent, and improvements in enforcement will contribute to the promotion of good relations between different groups in Northern Ireland.

13. The Commission has responsibility for the Fair Employment and Treatment Order, the development of a good relations strategy under Section 75 of the Northern Ireland Act and the Race Relations Order 1997 which can and should create interdependence and develop respect for and understanding of the needs and concerns of diverse communities.

14. A number of other developments have also sought to tackle the problem of hate crime; Article 9 of the European Convention on Human Rights provides that everyone has the right to freedom of thought, conscience and religion. Article 13 of the Treaty of Amsterdam includes as Employment Directive, which requires member states to make discrimination unlawful on grounds of religion or belief, disability, age or sexual orientation in the areas of employment and training. It also includes a Race Directive, which requires member states to make discrimination on grounds of racial or ethnic origin unlawful in the following areas: employment, training, education, access to social security and health care, social disadvantage and access to goods and services, including housing and accommodation.

15. The Commission is taking account of these wider legislative duties and how they may be harmonised and included in the Single Equality Act in the best interests of all the groups currently covered by the anti-discrimination legislation and section 75 of the Northern Ireland Act. The Commission has recommended in its response to the Shared Future strategy that the good relations duty should be extended to be inclusive of other equality groups under Section 75.

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16. Whilst we recognise the importance of legislation in combating hate crime, we stress that this emphasis should not overshadow the need for changes in practice, culture and attitudes, and behaviour to combat prejudice of any kind in wider society which reflects a broader community cohesion approach.

To assess the effectiveness of the existing law and proposed changes to that law

Draft Criminal Justice NI Order

17. This Draft Order amends Northern Irish law in two ways. First, it provides for increases in penalties for specified offences aggravated by hostility. This is in contrast to the approach in the Crime and Disorder Act 1998 in Great Britain which introduced new offences of “aggravated offences”. The Act specifies those offences which can be committed as aggravated offences but also provides, in section 82 that the aggravated nature of an offence can be taken into account in sentencing for any offence other than those specific offences in sections 28–32 (and the 2001 Act equivalents).

18. The approach in the Draft Order is to take a “section 82” approach in Northern Ireland, in that Article 2 allows for an increase in sentence for offences aggravated by hostility on grounds of race, religion or sexual orientation. Article 4 then increases penalties for a range of specified offences, frequently from five to seven years. It should also be noted that, since the “Hate Crime” consultation exercise, the Criminal Justice Act 2003, section 146, has allowed for increases in sentences in Great Britain for aggravation related to both disability and sexual orientation.

19. The Commission has consistently held the view that the specific aggravated offences in the Crime and Disorder Act 1998 should be extended to Northern Ireland. Nonetheless, it is also the Commission’s more general view that lessons should be learnt from GB experience and that the legislative process in Northern Ireland should be informed by “best practice” from other jurisdictions. It is clear from the Consultative Paper that research in Great Britain has indicated difficulties with the application of specific aggravated offences.

20. In these circumstances, the Commission is prepared to accept that the practical value of increases in penalties for “offences aggravated by hostility” may outweigh the symbolic effect of specific aggravated offences. It would, however, be essential that this practical effect of extended sentences is strongly advertised in order that an impression is not created that lesser significance is being given to aggravated offences in Northern Ireland than in Great Britain.

21. The Commission welcomes the extension of the “offences aggravated by hostility” approach to offences aggravated on grounds of sexual orientation. While noting a similar extension in section 146 of the Criminal Justice Act 2003, the Commission considers that consultation upon, and equality impact assessment of, the initial proposals contributed to this outcome in Northern Ireland. However, the Commission is disturbed to note that it is not, as yet, proposed to extend this “offences aggravated by hostility” approach to “aggravation related to disability” as also provided for in section 146 of the 2003 Act. Particularly in light of section 75 considerations, the Commission is in difficulty in understanding why this approach has not been extended to this section 75 ground.

22. The Commission accepts that an approach of increasing penalties for “offences aggravated by hostility” may have greater practical benefits than the creation of specified aggravated offences. The Commission would nonetheless wish to see the widest publicity given to the significance of this prospect of longer sentences for offences aggravated by hostility. The Commission welcomes the extension of this approach to offences aggravated by hostility on grounds of sexual orientation but is disturbed that the equivalent extension in Great Britain of this approach to grounds of disability has not yet been adopted in Northern Ireland.

Article 3: “Inciting hatred or arousing fear”

23. Northern Irish law on incitement to hatred has gone beyond the equivalent law in Great Britain in a number of respects. First, it has included the concept of “arousing fear” along with that of “inciting hatred”. Secondly, it covers religious as well as racial grounds. In light of the extension of the “offences aggravated by hostility” approach to offences related to sexual orientation, the Draft Order also extends the “incitement to hatred or arousal of fear” provisions of the 1987 Order to include sexual orientation.

24. The Commission is not aware of similar potential attacks motivated by hatred against or fear of disabled people. In these circumstances, after some consideration of this matter, the Commission is not convinced that it would be appropriate to extend the incitement law to include disability.

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3 For example, sections 28–32 in England and Wales in relation to racially-aggravated offences and section 39 of the Anti-terrorism, Crime and Security Act 2001 which extended these offences to include religiously aggravated offences.
7 The 1986 Act is now amended by the Anti-terrorism, Crime and Security Act 2001 to include religious grounds.
25. Furthermore the Commission notes that Article 8 of the 1987 Order, as amended, refers to “hatred against a group of persons” and “fear of persons”. The Commission welcomes this proposed extension to cover homophobic incitement.

**CONCLUSION**

26. In conclusion therefore the Commission wishes to emphasise the importance of both the criminal justice system alongside the wider social policy agenda to combat hate crime in Northern Ireland. The Commission discussions to date on this wider social policy agenda has included the need to give consideration to hostile and violent crime against vulnerable people, including women, older people and young people. It is vital that the latter is properly resourced and developed consistently to ensure a “joined up approach.”

27. As a single Equality Commission with responsibility for multiple equality grounds, we wish to see equal protection for all in our society, though we recognise that these may entail different legislative and policy measures. 

*April 2004*

**Supplementary memorandum submitted by the Equality Commission**

**INTRODUCTION**

1. The Equality Commission for Northern Ireland initially submitted written and oral evidence to the Northern Ireland Affairs Committee on Hate Crime. We welcome this opportunity to provide further evidence to the Committee. We have only answered the outstanding questions that are within our remit.

**THE PROPOSED CRIMINAL JUSTICE ORDER—QUESTION 7**

**Hate crimes against disabled people**

2. The Commission welcomes the extension of the “offences aggravated by hostility” approach to offences aggravated on grounds of sexual orientation. While noting a similar extension in section 146 of the Criminal Justice Act 2003, the Commission considers that consultation upon, and equality impact assessment of, the initial proposals contributed to this outcome in Northern Ireland. However, the Commission is disturbed to note that it is not, as yet, proposed to extend this “offences aggravated by hostility” approach to “aggravation related to disability” as also provided for in section 146 of the 2003 Act. Particularly in light of section 75 considerations, the Commission has difficulty in understanding why this approach has not been extended to this section 75 ground.

**Wider range of victim categories**

3. The Commission recommends that some consideration needs to be given to increased sentences for attacks motivated by vulnerability, for example the recent increase in attacks on elderly people. However this would need research and evidence before legislation is enacted in this area. Some consideration also needs to be given to gender; again care would need to be taken to ensure that the legislation is focused and sends out the appropriate message. The Commission has recommended in its response to A Shared Future that the good relations duty is extended to cover all section 75 categories.

**Interagency approach**

4. This mechanism has been very successful as definitions have been agreed in areas of race, religious/faith and homophobia in terms of monitoring incidents motivated by hatred. This approach has also benefited agencies in terms of identifying problems and coming up with solutions to alleviate those problems. As stated during our oral evidence, the Commission wishes to see the reporting and recording of sectarian motivated incidents so that we can provide an appropriate response.

**Training**

5. The Commission believes that awareness training in all areas of the criminal justice system is essential if the system is to be responsive to the needs of those affected by hate motivated crime or incidents.

**False Hopes**

6. The Commission has no evidence for this, however we would like to stress that legislation can send out a strong message and as we argued in our response to the Draft Criminal Justice Order that we would “nonetheless wish to see the widest publicity given to the significance of this prospect of longer sentences for offences aggravated by hostility.”
How successful is S75 providing to be, both in achieving its aims and in directly contributing to an environment in which hate crime does not flourish?

7. Section 75 of the Northern Ireland Act 1998 has placed the need to have due regard to the need to promote equality of opportunity between nine categories and have regard to promoting good relations between persons of different religious belief, political opinion or racial group.

8. Section 75 requirements to date have enabled public authorities to:
   — audit policies, written and unwritten, and the currency and effectiveness of them;
   — produce a written summary/version of each unwritten policy;
   — utilise screening, equality impact assessment and consultation processes to make better public policy decisions, in terms of those who use its services and those who, for whatever reason, do not know about or do not access those services;
   — mainstream equality and good relations considerations into policy formulation and review to better deliver services to the public.

9. The Commission’s Progress Report, highlighted evidence of good progress being made on the good relations duty by a number of authorities. Equality and good relations objectives are being included in corporate, operational and business plans, and cascaded down in organizations, including incorporations in individual personal objectives.

10. Where a good relations policy strategy had been developed this was being “screened in” for equality impact assessment purposes. Public authorities applied EQIA processes to good relations related policies such as; in local councils—flying of flags, emblems, bunting; in health—terms and conditions of hospital based nursing staff, to reflect the increasing diversity within the workforce. This work has broadened the good relations focus from an employer one (under the requirements of FETO) to a public service delivery agenda.

Examples which illustrate its success in practice

11. Section 75 has led to the provision of training courses in diversity, anti-sectarianism, anti-racism, equal opportunities and anti-discrimination, good relations, prejudice reduction etc., in public authorities.

12. The provision of such training will have the effect of raising awareness of equality, diversity, multiculturalism and good relations across the public sector and therefore of a significant proportion (almost a third) of the (monitored) workforce in Northern Ireland. In addition, training is often provided to, as well as by, affected groups representing the nine section 75 categories.

13. The Further Education Colleges have taken considerable steps to progress the good relations duty. A three-year programme, AGREE (Actioning Good Relations, Equity and Equality), aimed at mainstreaming the principles and practices of equity, diversity and interdependence within the Colleges, has been drawn up by the Association of NI Colleges (AN IC) and the Colleges, in conjunction with Trademark (a non-profit making consultancy). This course has been accredited by the NI Open College Network at Level 3, and aims to build capacity within the Colleges by training staff to become trainers in the areas of race, religion and political opinion. The first AGREE course began in May 2003 and a second course will begin in September 2003.

14. In addition, ANIC is currently in the process of recruiting a research group to carry out a research project on the “chill factor” in Colleges.

15. In January 2001, Belfast City Council adopted a fourth core objective of Good Relations to complement its existing objectives of Civic Leadership, Best Value and Sustainable Development. The impetus for this new objective was derived partly from new statutory duties set out in the Northern Ireland Act 1998 but was also based on work on community relations and cultural diversity.

16. The Good Relations objective provides a means of integrating and developing the Council’s current work in the areas of equality, community relations and cultural diversity and demonstrates its commitment to their underlying principles.

Changes in Practice, Culture and Attitudes—Question 8

Good Relations

17. The Commission has a unique role and associated experience in terms of monitoring the implementation of the good relations duty under section 75 of the Northern Ireland Act. The Commission also ensures that public authorities effectively implement their good relations duty under the Race Relations (NI) Order 1997 and, comply with their responsibilities under the Fair Employment and Treatment (NI) Order 1998.
18. The Commission’s extensive experience in relation to religious belief and political opinion grounds in ensuring employers meet their obligations under FETO to promote good and harmonious working environments, is a key element in a good relations strategy. Quite often in Northern Ireland, the workplace provides the only common meeting place, successful good relations work undertaken by progressive employers in relation to anti-sectarianism can provide lessons for good relations in local communities.

19. In terms of good race relations, much of the Commission’s work has been underpinned by a commitment to strengthening good relations. This includes our foundation of the Minority Ethnic Liaison Forum, our leadership on European Anti-Racism Week, our provision of financial and other assistance to the sector and our membership of the UK Race Equality Network.

Progress to date

20. The Commission has provided advice and guidance to public authorities. This is summarised as follows:

— Section 75: Schedule 9 of the Northern Ireland Act 1998 requires the Commission to advise on the good relations duty, to oversee the implementation of the statutory duties and to keep under review the effectiveness of the legislation.

— The Commission has provided the Guide to the Statutory Duties (2000, revised 2003 and shortly to be reissued following extensive consultation). This Guide includes Commission advice on the implementation of both duties under section 75.

21. The Commission is monitoring the extent of implementation of the good relations duty by public authorities through progress reports and meetings with public authority equality officers. This includes monitoring the development, screening and equality impact assessment of good relations policies. In particular, the Commission responds to equality impact assessments and provides ongoing advice on the section 75 and FETO implications of policies with implications for good relations such as policies on the flying of flags, display of emblems etc.

22. The Commission has produced a number of guidance documents, including statutory codes of practice on the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment and on Racial Equality in Housing and Accommodation. We have also produced Good Practice Guides on Racial Equality in Education and Racial Equality in Health and Social Care. A further Good Practice Guide on Racial Equality for Travellers in Planning is currently being finalised, and a draft guide on Racial Equality in the Provision of Goods, Facilities and Services is being prepared for consultation.

23. The Commission has also undertaken research on the experiences of Black and Minority Ethnic and Traveller communities accessing services in Northern Ireland.

24. The Commission has produced the Fair Employment Code of Practice, Article 55 Review Booklets (to assist employers to conduct tri-annual reviews), customised Article 55 Review Booklets for Local Councils and other parts of the public sector, and Model Equal Opportunities and Harassment Policies and Procedures. The Commission analyses progress through detailed examination of Article 55 review reports, provides feedback on progress and makes recommendations to employers, including public authorities, on the use of affirmative action measures, to secure and maintain fair participation.

25. The Commission is working hard to ensure that A Shared Future as a policy concept embraces diversity in all its forms and does not simply focus on sectarianism to the detriment of racism, homophobia and sexism. The Commission has recommended that the Good Relations Duty should be extended to cover all the relevant equality categories in the Shared Future and in the Single Equality Act.

May 2004

Witnesses: Dame Joan Harbison, Chief Commissioner, Ms Antoinette McKeown, Head of Policy and Public Affairs, and Ms Judith Cross, Policy Officer, Policy and Research Team, Equality Commission, examined.

Q1 Chairman: Dame Joan and ladies, thank you for coming to see us. I note that you are a very unequal representation of the Equality Commission!

Dame Joan Harbison: It just so happened to be that way.

Q2 Chairman: That is fully understood.

Dame Joan Harbison: It balances the other side of the house!

Q3 Chairman: As you know, we are looking into this vexed question of hate crime in Northern Ireland and perhaps I can start by asking you what is the relative balance of crime across the various categories in which you have a direct interest? Put another way, I suppose what is the biggest problem of hate crime in Northern Ireland and why?

Dame Joan Harbison: The biggest crime has obviously got to be that which is related to the sectarian divide in Northern Ireland and the fact that we are coming out of 30 years of violence and that is the context really in which everything else we do in Northern Ireland is set. I think there has been fairly strong evidence that legislation has been used in the past effectively in Northern Ireland to bring about change through the anti-discrimination
legislation and the promotion of equality of opportunity and I think we have considerable evidence of the achievements which have been brought about by that legislation and by the fact that when it was introduced it was very controversial, it was thought not to be workable in many ways, and indeed now is working very, very effectively and nobody ever thinks about it. In relation to the other aspects of our remit in the Commission we have only very recently got legislation in relation to race and even more recently sexual orientation. We were talking earlier about the fact that we would like the legislation extended to disability as well because we do feel, given the context in Northern Ireland and given the importance of section 75 of the Northern Ireland Act in terms of promoting equality of opportunity and good relations that to leave disability out of this legislation would be a mistake. We will talk to you later perhaps in more detail about the evidence of increasing hate crime in relation to race and homophobia.

**Q4 Chairman:** That was going to be my next question and I should have said before I asked my first question to you, my apologies, that we will have to suspend the Committee because there will be a vote shortly afterwards. I am afraid that is part of the uncertainties of this life here. I was going to come on to ask you how the trend is changing and whether you have got any pointers as to why and where you feel perhaps that the worst threat, if I can put it that way, is coming, aside from the obvious sectarian one?

**Dame Joan Harbison:** In relation to that I think there is some evidence that when one area of, if you like, prejudice disappears another one raises its head, and we did indeed have in the 1990s some evidence that whenever paramilitary violence decreased then racial violence increased. One of the things that has happened over the last number of years in Northern Ireland is that in relation to the issue of sexual orientation, which was very much a hidden one in Northern Ireland, and in relation to race we have really lagged behind the rest of the United Kingdom because it was a long time after the legislation in Great Britain before legislation in relation to sexual orientation was introduced here and indeed it was still perceived as being something in Northern Ireland that was not subject to that legislation. That is a great pity. I think both in terms of race and sexual orientation that what has been most obvious in the last five or ten years has been the growth of confidence in those communities and that growth of confidence, I think, has led to a greater willingness to report various forms of harassment and assault where that has occurred, and that is one of the things where we believe that this legislation would support and help that growth in confidence and that growth in the ability of people within those communities to actually feel that they would be listened to if indeed they did complain.

**Q5 Chairman:** And how flexible is your own organisation in responding to these changing trends?

**Dame Joan Harbison:** We have to operate within a very strict statutory remit but, nevertheless, we have worked very actively with all of the groups and in particular over the last four years with the advent of section 75 we have worked with groups in relation to religion, political opinion, gender, race, disability, sexual orientation, those groups in relation to caring responsibilities because the legislation includes those with and without dependents, and the other one has been both children and older people, and we have worked with all those groups and many other stakeholder groups particularly in the public sector obviously because this is a duty in terms of the public sector to ensure that the interests and needs of those groups are actually addressed through section 75. In that sense we have been very flexible in that we have responded by actively engaging not only with the groups themselves but with those who might be delivering services to them or providing employment for them, in other words the make-up of the fabric of our society. We have worked recently very particularly for example—and I note that you have The Reverend Martin Smyth with you and he will be aware of this—with the South Belfast Partnership Board to try and bring together under the auspices of the South Belfast Partnership Board (but facilitated by the Commission) all the groups because there have been a very considerable number of racial attacks in that particular area to try and open up the lines of communication so if there is fear there that in some way is worked through openly by dialogue. We also work with all the other communities as well and quite recently we have published guidance in relation to the employment and protection of people of different sexual orientation.

**Q6 Chairman:** I shall come to Reverend Martin Smyth in a moment but on that particular problem who were the combatants in these racial attacks? Who is attacking whom in South Belfast?

**Dame Joan Harbison:** We were not actually trying to find out who was attacking whom. What we were trying to do was to create an environment where those who belong to the minority ethnic communities and the people who lived in that area could talk to each other.

**Q7 Chairman:** The point of my question is is it amongst the minority ethnic communities or is it between them and the Northern Irish communities?

**Dame Joan Harbison:** We have no evidence of attacks coming from within the minority ethnic communities. It does seem to be between the minority ethnic communities and the indigenous community.

**Q8 Chairman:** Is there any one minority community in particular subject to it?

**Dame Joan Harbison:** Not really. There have been instances across many of the communities but because the Chinese community is the biggest community in Northern Ireland and at a level at which they are largely involved in the catering trade, they can be easy targets, late at night, where they
live, all of that makes it in some instances easy to target them, but, unfortunately, there have been attacks on very many of the minority ethnic groups from Pilipino nurses to one big group that we work with quite closely which is the Irish Travellers and they also have been subject to these attacks.

Q9 Reverend Smyth: I appreciate, Mr Chairman, the last answer. I was going to ask have you done any historical research on certain attacks because in the past I am aware that there have been attacks within ethnic communities, the Tongs for example in the Chinese community. In that sense they were not ethnic attacks but certainly paramilitary groups who were extorting money from anybody and businesses whether ethnic or otherwise were targets. Has there been any research done at that level? The other question I wanted to ask is there was incitement to hatred legislation in the past particularly on religion. How successful was it in actually dealing with the issues and can we have any greater hopes of dealing with it where it has extended right across the board?

Dame Joan Harbison: In response to your first question, we ourselves have not done any research and I honestly do not think that that would fall directly within our remit. I think that would lie either with government or perhaps the Police Service.

Q10 Reverend Smyth: When we talk about the increase from a nil known base it sounds big but from another base it might not be so big. That is what I am trying to get at.

Dame Joan Harbison: What we are working on to some extent is the police figures and I do not think we have them with us this afternoon but we can certainly give them to you, and those are not within community figures, those are figures which, if you like, use the definition of something that has been defined as a race crime because someone believes it is a race crime, and I think it is between the indigenous community and those from minority ethnic backgrounds. I am not denying what you are saying about there being examples of feuding both within minority ethnic groups and within the Irish traveller groups as well, but we have not done any direct research on that. Sorry, can you remind me what your second question was?

Q11 Reverend Smyth: The question of incitement to hatred, how successful in the past has it been in bringing offences to light and prosecutions to a successful conclusion?

Dame Joan Harbison: As I think we did say in our submission, the use that has been made of that particular legislation is perhaps not as great as it might have been. I do not think, if you were to go back to where I started, that is necessarily saying that we should not have that legislation just because it may not have been used as effectively as it might have been, and I think there are all sorts of reasons for that, not least the changing dynamics within the Police Service for Northern Ireland and the fact that they have been going through this huge period of very considerable reconstruction and development. That is not the only reason, there are other reasons as well, but I still think going back to where I started it is very important that legislation is there because I think that sends out a very strong message to anyone out there who would be feeling that it was something that was acceptable to incite people to hatred that it is not acceptable in our society, and I think the law is a way of saying that. The government, the people whom we have elected have decided that this is not the way we should behave, and that is exactly why I think that the legislation we are talking about today should also be there.

Chairman: Saved by the bell. Can we reassemble as soon after ten past four as possible.

Q12 Chairman: Dame Joan?

Dame Joan Harbison: Chairman, could I just go back to what I said to the Reverend Martin Smyth a moment ago, I will be very very quick. I underestimated our staff when I said we did not have figures. Indeed, we have figures for a nine-month period last year when 280 attacks, which is about one every day, were recorded by the Police Service for Northern Ireland, and that compares with 881 over a five-year period, so it was a very considerable increase in a nine-month period.

Q13 Chairman: Were those racial ones?

Dame Joan Harbison: Those were all recorded as racially motivated attacks.

Q14 Chairman: That does not include sectarian?

Dame Joan Harbison: No. Indeed, the Police Service for Northern Ireland have set up a multi-agency working group on which the Equality Commission actually sits in which they are looking at the whole business of how racially-motivated crime is recorded. That is very important, as I think your question indicated, because unless we know the numbers we do not know what we are actually dealing with. That will certainly continue and will improve over time.

Q15 Mr Clarke: It is an emotive subject but I detected earlier on that what was said was that we did not have enough information in respect of a rise in racial hate crime in the village, in South Belfast, in terms of who was perpetrating it or who were the victims.

Dame Joan Harbison: We know who the victims were. The problem is we really do not know who was perpetrating it.

Q16 Mr Clarke: There have been quite widely circulated reports from organisations such as Operation Black Vote and Searchlight and reports emanating from the University of Ulster which point to two issues, one is links between race hate crime and loyalist paramilitaries, in particular the UVF, who stood down its commander in South Belfast allegedly in response to his failing to get a grip of race hate crimes, and also with groups such as the White National Party and the British National Party and Combat 18 attending events both in the village
itself in South Belfast and concerts which were organised and attended jointly by those groups and loyalist paramilitaries, so should we not be saying that whilst we cannot identify the individual perpetrators that there is clear evidence that the rise in race crime in the village, which on my figures attributes 50% of those additional race hate crimes to being perpetrated in the village in South Belfast, can be linked to loyalist paramilitary activity?

**Dame Joan Harbison:** I do not think it is the role of the Commission to actually attribute the attacks. I think that is a matter for the police and for other agencies who work directly in this area. All I can say is that what our concern should be is that it does not happen and that we as a Commission do everything in our power to ensure that a different environment is created to make such attacks unacceptable so that within those communities, and I think this is what we really are trying to do with the South Belfast Partnership Board, and build up sufficient momentum within the local communities that such behaviour will be regarded by those who live there (and who do not want, I honestly believe, these things to happen within their community) is unacceptable and to give them as much support as we possibly can in standing up against it. I think at the end of the day one of the things that we have to do as a society is take responsibility for standing up against such behaviour and such attacks.

**Reverend Smyth:** Can I clarify with you, Mr Clarke, did you say 50% in South Belfast?

**Mr Clarke:** There is a report and I will make sure then that that is not ever addressed issues. The education system is the end of the day one of the things that we have to proactively addressed in Northern Ireland and I am not sure we could. I think (and who do not want, I honestly believe, these we do need to do an awful lot more things like that.

**Q17 Mr Pound:** You have painted a pretty horrifying picture and if I could just concentrate on the racially-based hate crimes for a moment, I appreciate that a great deal of the problem could be with underreporting or overreporting but I think we can accept as a given that there has been an increase.

**Dame Joan Harbison:** Yes.

**Q18 Mr Pound:** Do you feel that there is any general direction to this increase? You have mentioned groups like Chinese restaurant workers, who are not often the subject of racial attack in the rest of GB, Filipino nurses whom I have never ever heard of racism against, and some of the other groups like Travellers who have a long history of attacks. Are we talking specifics or is there any issue you feel which has led to this general increase?

**Dame Joan Harbison:** The increase in numbers and the increase in visibility of the groups has got to be a factor. I think. There is no doubt that there is still a dispute about the last Census figures. We in the Commission know the efforts that the Census Office went to to actually get an accurate record of the number of minority ethnic groups but there is no doubt about it the minority ethnic groups themselves say that that is an under-reporting, indeed yesterday we had a meeting with some members of the Chinese community who indicated to us that they were aware of the increasing numbers within their community in Northern Ireland and I think increasing numbers coming and settling in particular areas. I do not want to concentrate on South Belfast because it is much wider than South Belfast, and some of the attacks have been in quite rural parts of Northern Ireland as well. What I think has happened recently has been that the emphasis has been on South Belfast because there were more than a couple of particularly horrible attacks where people’s houses and homes were set on fire and things like that.

**Q19 Mr Pound:** Do you feel it is an issue of visibility or is it the case, as has been the case else, where that is something that actually goes with economic advancement and achievement and attainment? Jealousy is probably too crude a word but sometimes we have seen racial crime motivated by envy and by resentment of success. I entirely take your point about visibility but could you weigh those in the balance and come down on one side or the other?

**Dame Joan Harbison:** I am not sure we could. I think we do need to do an awful lot more research on that. One of the things we in the Commission would be very aware of and we are trying to address is the issue that difference and diversity have not been proactively addressed in Northern Ireland at any level because there is a level at which perhaps we were too inward-looking in terms of our sectarian divide and we did not look beyond that to other issues in the community, and consequently we have not ever addressed issues. The education system is segregated, housing is highly segregated, so there is, if you like, a background of difference rather than integration and when you get then people coming in who are and look different as well as everything else and have different cultures—

**Q20 Mr Pound:** What I am trying to establish is whether it is all people who not only look different—in some cases they do not look different until they open their mouth and identify their name—because there is a fairly large corpus of evidence that suggests the overwhelming majority of attacks on Chinese residents are based on protection rackets, are based on protectionism. What I am trying to establish is do you think, for example, in the case of the Chinese, the largest ethnic minority community, we are talking about racism or we are talking about traditional gangsters and protectionism? I appreciate one is your brief and one is not but I would still welcome an answer from your perspective.

**Dame Joan Harbison:** If you go back to Macpherson and the definition of racism the very fact that this happens so much more frequently to the Chinese community indicates that there has got to be a racial element in it, but I have not got sufficient hard evidence to tell me that. That is a gut feeling and an opinion that I am expressing to you rather than I have any insider knowledge of how the people who perpetrate these attacks actually work. There has also got to be, and I said it earlier, a level of opportunism. That level of opportunism is related to the fact that they are Chinese restaurants or
takeaways because the same thing does not happen in relation to the Kentucky Fried Chicken, for instance.

Q21 Mr Pound: Or it could be that the person who owns another franchise is in fact paying the protection.

Dame Joan Harbison: It could be.

Mr Pound: We are moving very, very far away from the brief. Can I just ask you—

Chairman: Just a moment, I have to say that our guests want to be away in half an hour. That means we need brief questions and brief answers.

Q22 Mr Pound: I do apologise. Do you think there is any unifying factor in the increase in homophobic crimes?

Dame Joan Harbison: Certainly there has been a rise recently, and again we have had two murders in the last year in Belfast which are directly related to homophobia. We have some research, again by Neil Jarman and his co-author Tenant, that homophobic harassment involves attacks across the whole spectrum of the gay, lesbian gay and bisexual community, not just one aspect of it and, yes, I think that increasingly we in the Commission are having evidence that assault, verbal abuse, bullying in the workplace, on the street, and even in social settings is increasing. That may well be, to go back to what we said earlier about visibility, because the confidence has increased within this community in the last five or six years. The very fact of being included within section 75 was a very powerful tool for empowering this community and I have no doubt they are now experiencing increased antagonism and hatred as a result of that visibility.

Q23 Reverend Smyth: I think we are aware that following the Stephen Lawrence inquiry there has been a considerable awareness in Great Britain of institutionalised racism. To what extent would you say that is true also in Northern Ireland? Are there any particular areas of public or community life where racism and other types of prejudice are particularly likely to be institutionalised?

Dame Joan Harbison: We published just about 18 detailed submission to the Committee. Reading it months ago some research which demonstrated ... you have built it very throughout Northern Ireland life there were particularly around the increase in racist incidents particularly likely to be institutionalised?

Q24 Reverend Smyth: Did it cover hospitals and education? When I think of West Belfast as I boy who grew up there, my doctor was a Jamaican.

Dame Joan Harbison: I think there were some examples of it within those sectors, certainly within the health sector there was, and we in the Commission have had some examples of children in schools being the victims of institutionalised racism because the schools were behaving in a colour-blind fashion and not actually recognising that children from minority ethnic backgrounds may actually have different needs and need to be responded to differently. There was no recognition that their cultures may be different and their relationships for example with their parents may be very different from the relationships that indigenous Northern Ireland children would have. We have also done some research on both teacher education and also teachers in schools. The interesting thing about it is that virtually every primary school in Northern Ireland, no matter what size it is, has a child from a minority ethnic background in it because virtually very village and row of houses has a Chinese restaurant or an Indian restaurant, so there are very isolated Chinese children and Indian children in our schools throughout Northern Ireland and the teachers told us that they were not equipped to cope with those children or to help them develop their understanding of their own culture, their relationship with their parents, and in some instances they went home to speak a different language from the one they spoke in school, so there are huge issues in relation to that.

Ms McKeown: Can I quickly add that we have to take it in the context of increased diversity within our black and minority ethnic sector in Northern Ireland. Whereas before we had long-established Chinese and Indian communities, for example, it is much more diverse now than it was before. In response to that the Commission has published two good practice guides, one in partnership with the Department of Education on racial equality good practice in education and one on good practice in relation to the Commission has published two good practice guides, one in partnership with the Department of Education on racial equality good practice in education and one on good practice in relation to the Kentucky Fried Chicken, for instance.

Q25 Mr McGrady: Thank you very much for your detailed submission to the Committee. Reading it you get a flavour that you have built it very particularly around the increase in racist incidents and the significance of homophobic harassments that have taken place, and then you raise the issue of attacks on the disabled, but rather strangely to me you have very little to say about the sectarian hate crimes. In fact, you note there has been a general improvement in attitudes. There are contrary opinions being expressed that in fact the situation has deteriorated. Are you able to give any assessment in reality of what is happening there and the scale of the problem and how you can address this as the Commission?

Dame Joan Harbison: Again, as I said earlier, we address it not independently and not by ourselves but with many other agencies. One of the depressing
things was that in response to Shared Future, and some work that was done on the foot of that about secretarianism in our society. John Derby and Colin Knox actually came up with the view that about 40%—it is frightening—of people living in Northern Ireland would support our segregated society, and it is the argument about separate and equal or an integrated society, and that is, I think, a debate that will continue for the foreseeable future, but I do not think there is any doubt at all that both at the level that was being talked about earlier in terms of paramilitarism but also I think on the ground in the segregation that still exists and is showing no signs of diminishing within our housing sector and also within our education sector it will continue to perpetuate sectarianism in Northern Ireland.

Q26 Mr McGrady: Would you comment on the opinion that sectarian hatred crimes are deemed to be indigenous and therefore not racially or sexually or in other ways motivated and therefore that the compilation of statistics that have some meaning (and it will take four or five years before we have meaningful statistics that can be acted upon) are there programmes afoot to distinguish the underlying causes of an attack—purely commercial, purely sectarian/religious or purely racist or whatever—because I suggest sometimes an attack on a particular person is identified not by the attack but by the person which may not be significant at all.

Dame Joan Harbison: One of the things is that in a way in terms of racist attacks that is where we have moved to. If any party to that attack sees it as a racist attack then it is looked at from that perspective. At the very least that has got to be given some credence even after investigation it is not proved to be true. I think in terms of sectarianism where you get high levels—and I think there is evidence from work that has been done in the University of Ulster and evidence from work that was done with the police and some of the work that we indeed ourselves have done that demonstrates that where you have high levels of prejudice and unease and feeling that someone else is better treated than you are or differently treated from you, where you get those sorts of feelings in a society I think it is very easy for them to transfer from one area to another so, yes, I think it is possible that secretarianism spills over into racism. I am not so sure that racism spills over into sectarianism but sectarianism is much deeper rooted in Northern Ireland, as you would know, than the racism. I think the racism has always been there but it has not been as obvious as it has been recently.

Q27 Mr McGrady: Would you like to give any assessment of the scale of sectarian violence at the present time as opposed to ten years ago?

Dame Joan Harbison: Again the police figures are there and I would not have them with me. I think that those of us who live there—

Q28 Mr McGrady: I am not talking about paramilitary activity; I am talking about sectarian activity. They can overlap but I am talking about Catholic versus Protestant and Protestant versus Catholic or any other religion versus any other religion.

Dame Joan Harbison: The evidence we see on a fairly daily basis is that it is still very rife in our society. You can try and look for reasons for it. I think there is no doubt that, if you like, with an improvement in the economic and social status of many Roman Catholics they are now more willing to become involved in cross-community endeavour. I think what has happened is that many of the Protestants feel much more alienated and much more sidelined than they did previously. It is not a role that they had ever seen themselves in previously and I think it has made them very nervous and I think that does lead to sectarian feelings and also expressions of sectarianism in terms of harassment and in terms of the way people treat each other. I think there is a real issue there which as a society we have got to address and I think it is where the politicians have a huge role to play in giving leadership in that.

Ms McKeown: Dame Joan mentioned earlier how important it was we actually record racist incidents. I am also aware that the PSNI are looking at the moment at how to record incidents motivated by homophobia and sectarianism and I think it is really important to answer the question that you have just asked in relation to how do we get an accurate assessment of the levels of sectarianism and indeed homophobia in our society and that is why it is really important to start to collect those statistics so that we know what we are dealing with and the trends that are emerging.

Chairman: We are now running into very serious time problems because I know that you need to be away as close to 5 o’clock as you can so I am going to jump around a bit, if the Committee agrees, because there are some questions we can probably ask in writing and you can let us have a note on later. Mr Luke, would you please ask number seven?

Q29 Mr Luke: Moving slightly away from the traditional type of hate crime and tackling the issue of hate crime against disabled people, do you think there is any benefit to extending the proposed Criminal Justice Order to include hate crimes against the disabled?

Dame Joan Harbison: We are very keen that disability should be included within the hate crimes legislation. Again going back to the recording, the statistics are not available of the evidence of that, but there is some evidence that people with disabilities have been the victims of perhaps not hate crimes as such but certainly crimes that demean, crimes that take place because of the attitudes of those people to people with disabilities as not being people who make a contribution in our society or who again are different and they do not want to be inclusive of them. We also think it is very important that disability is included because of the way in which disability has been included within section 75 and one of the things that we in the Commission would be very anxious to do is to ensure that whatever legislation we have deals with as many of the groups as possible in as fair-handed a way as possible, and
thus I think to leave out people with disabilities of this legislation would be unfortunate. A recent Mencap report showed that nine out of ten people with mental ill-health had indeed been harassed over the previous year during which the research programme was running. That is an awful lot of people who have been harassed on the basis of their mental ill-health and their mental capacity, and I think that it would be our view very strongly that they should be included in this legislation.

**Q30 Mr Beggs:** In the larger paragraph 12 of your memorandum you noted that wilfully stirring up hatred has been a criminal offence since 1970. Have you any indication of how frequently this law has been used, and how effective it has been in addressing the problem?

**Dame Joan Harbison:** I said earlier it has not been used as extensively as perhaps it might have been and I think that that pattern, the criminal justice review and the report indeed of the Stephen Lawrence inquiry here did suggest that we needed a broad approach to all of this and not just the legislation. I think I did say earlier that it is important that while the courts and the criminal justice system have a role to play, it is almost more important that the legislation is there so that it sends out that message of unacceptability, and then I think it is from that that gives the strength to any multi-agency approach such as the Police Service is developing at the moment in terms of recording these sorts of crimes. So even though that legislation has not been as intensively used as it might have been (and I do not doubt that is the case) some of the questions that have been asked round this table today demonstrate that there may well be areas in which this could be used and as we get better at identifying where the perpetrators actually lie, we may well be able to use that legislation much more effectively than we have up to now. This is incremental, we have to develop it. We have to develop the skills, we have to develop the knowledge, and we have got to support the police doing that, and I think that the Police Service are taking many steps at the moment to try and ensure that their skills in relation to the identifying of the perpetrators and then using the legislation in relation to that is improving. That is where I think there is a level at which we as a Commission and all the other agencies must work together in support of the Police Service to ensure that that actually happens.

**Q31 Mr Swire:** You referred earlier to the absence of statistics to back up the figures for crime against the disabled. What steps are needed to encourage more comprehensive reporting of all types of hate crime?

**Dame Joan Harbison:** Again I think more awareness of the fact that it is being recorded. The multi-agency liaison group is working very hard at how they can get those messages out. One of the things I said earlier, and I think this is a level at which I have no doubt at all that there are increased racist crimes, but I also think that more people now report those crimes because they actually have the confidence that they will be listened to. I think that that is what we need to do, we need to create knowledge of the legislation, knowledge of the agencies that are out there to do something about it. We have got to make it easy for people to actually report the crimes and I think this is happening. We have got to take the issues that people raise either with the Police Service or with other agencies very seriously.

**Q32 Mr Clarke:** Earlier on you referred to the Shared Future consultation and depressingly you told us that 40% of those surveyed said that they did not want the government to “actively promote a shared and integrated society”. Perhaps as bad were the comments from group that said the government should focus its attention on managing the consequences of division, so we are being asked by the community to accept racism, accept difference and for us to manage the consequences of that. Was there anything in the Shared Future strategy that followed the consultation which gives us any hope that the findings can be used to fight hate crime?

**Dame Joan Harbison:** This is a debate that is on-going and will be on-going for some time. I think it is very interesting that you have drawn attention, if you like, to the two sides almost of the Shared Future. I think the bit that you referred to about government and agencies managing the consequences of division is actually more about that over the last 35 years the segregation that we have experienced in Northern Ireland has led to the proliferation of services and particularly public services and I think the management of that is one of the things that needs to be addressed, needs to be discussed, we need to look at how we can actually do that because in sharing those facilities and in sharing those services that creates a much greater sense of ownership of the totality of our society. So while yes I think in many ways it is depressing I do think that there are elements within a Shared Future. I think the fact that 600 people met in the Whitlow Hall of Queen’s from every conceivable part of Northern Ireland, every conceivable shade of opinion, whether it was religion or political opinion, never mind people of different races and all the other section 75 categories, and could meet there and discuss these issues for the very first time in a very open and sharing way is, at the very least, optimistic, and the fact that there were so many young people at that conference who were indeed saying to us we have got to get this right and it is important for us to get it right. I think was one of the things for many of us who were there and we needed to listen to those young people and what they were actually saying. So we are not going to solve it over night but we have powers in relation to creating good relations under section 75, we are using those in every conceivable way we can in terms of developing public authorities and developing good relations strategies. A lot of work is being done in that particular area and indeed there is already a fall-out from that both in the private sector because where the public sector is procuring from the private sector they are saying you have got to have good relations policy here otherwise we will not buy our services from you, and also in terms of the voluntary community sector
likewise there is a much greater pressure to promote good relations within that community because of
government funding being based on the principles of
promoting equality of opportunity and good
relations.

*Ms McKeown:* Just to very briefly say that it depends
on how you look at the outcome of the consultation
on the *Shared Future*. I suppose from an eternal
optimist position, is the glass half full or is it half
empty, 60% of Northern Ireland’s population do
want to live in a shared society and I think the
Commission is saying very, very strongly in our
response to the consultations, as Dame Joan
mentioned, that we want to make sure that the 40%
of our population do not prevent the 60% from
moving towards a very much more inclusive society.
The other thing I would say very, very quickly, chair,
is that you will not have good relations in our society
if you do not have equality of opportunity. Equality
of opportunity is a prerequisite. We have a
responsibility under section 75 for two duties, firstly
in relation to the promotion of equality of
opportunity and secondly in relation to good
relations and we believe one fits very, very closely
with the other, as indeed has government.

**Q33 Chairman:** Right at the end of your submission
you talk about the need for a joined-up approach in
combating hate crime. This implies that the
approach is fragmented at the moment. Where do
you see the particular responsibilities lying and how
would you advocate that this joined-up approach is
put together?

*Dame Joan Harbison:* I have already mentioned a
couple of attempts of a joined-up approach through
the Police Service multi-agency liaison group. We
have groups within the Commission ourselves where
we are trying to encourage joined-up thinking about
all of these issues. I have already said that society has
a role to play. I think education has a huge role to
play.

**Q34 Chairman:** I am meaning specifically the
agencies which have got a responsibility for
combating this and how you think they ought to be
working together more. One can talk about, with
great respect, society and education until the cows
come home but that is something that is going to
happen very gradually. Have you got any solutions
which you would advocate now for getting the
agencies who have the responsibilities for combating
hate crime to work together more closely? Do you
think there should be a joint clearing house or a joint
committee to do the work?

*Dame Joan Harbison:* I think the Office of the First
Minister and Deputy First Minister is working very
hard on creating ways in which various agencies,
whether it is the police, whether it is ourselves,
whether it is representative groups of minority
ethnic groups or other groups can actually work
together. I also think that we have a mechanism
through section 75 and the ways in which
information is being shared both in the public sector
and in the voluntary community sector there which
actually is a way of developing joined-up thinking.
So I think you yourself said a moment ago this is
something we will not achieve tomorrow but I think
the mechanisms for progressing towards it are
already beginning to develop.

**Q35 Chairman:** Do you think that the Northern
Ireland Office in the absence of an Assembly is fully
working towards this end?

*Dame Joan Harbison:* Yes with the OFM and
ODFM, that is absolutely right, I should have
mentioned the Northern Ireland Office, I apologise.

**Q36 Chairman:** Are you getting all the help that you
need from them?

*Dame Joan Harbison:* We work very very closely
with both the Northern Ireland Office and with the
Office of the First and Deputy First Minister. At
every conceivable opportunity we advise them about
the ways in which we think these issues can be
taken forward.

**Chairman:** At one minute to five I have kept my part
of the bargain. Thank you very much, Dame Joan,
and both the other two for coming.
1. INTRODUCTION

1.1 NICEM is an umbrella organisation representing the interests of black and minority ethnic groups in Northern Ireland. Currently we have 23 affiliated black and minority ethnic groups as our full member, which represents most of the black and ethnic minority communities in Northern Ireland. Our vision is of a society where differences are recognised, respected and valued, a society free from all forms of racism and discrimination, where human rights are guaranteed. NICEM works in partnership, to bring about social change, by achieving equality of outcome and full participation in society.

1.2 NICEM organised a consultation seminar on the consultation document: Race Crime and Sectarian Crime Legislation in Northern Ireland on 23 January 2003. Following this consultation a submission was produced, which was endorsed by 23 organisations, including black and minority ethnic groups as well as Trade Unions and local community and voluntary sector organisations. We were pleased to see the cross-sectoral support for our submission.

1.3 Much of the following is based on that initial consultation and submission. We are pleased to see that the legislative proposal takes much from that original paper. However, we are concerned about a lack of response to our concerns regarding the use of legislation: “In our view . . . the primary failing is not the absence of laws on the statute book in NI but the lack of effective application of the existing offences to racist crime . . . The basic concern of NICEM is the persistent reluctance of the police to listen to victims, to treat such crimes as serious, to respond promptly or at all, to investigate efficiently or at all. The consequence is that racist crime is permitted to continue with the serious harm to individuals and communities that should now be well known and understood.” (NICEM response to the consultation on Race and Sectarian Crime, 2003)

1.4 In this context we very much welcome the recognition in the recent Policing Plan of the need for “the police service to have in place proper procedures and practices to provide an appropriate level of response” to hate crime. Such a recognition is essential to begin the process of addressing institutional racism within the PSNI, and indeed the wider criminal justice system. We look forward to actions that can make this a reality.

1.5 Also welcome is the inclusion in the policing plan of a specific performance indicator in relation to the number of crimes and incidents of a racist or homophobic nature, and a specific target “to monitor the number of incidents of a racist of homophobic nature and continue to work towards an accurate baseline of racist and homophobic crimes”. This is one element of the strategy, drawn in part from the Stephen Lawrence Inquiry, that we recommend in this submission. (See further below)

1.6 The explicit inclusion in the Policing Plan is important for a number of reasons, not least because of the link to resources. We hope that the content of this submission, as well as the number of previous submissions we have made in relation to this subject8, can assist in informing progress on meeting this important target.

1.7 In addition, we have an outstanding case now being brought to the attention of the Secretary of State, where a Muslim father was viciously attacked by his neighbours’ son and his peers the day after

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11 September 2001. The police gathered all the evidence, yet the DPP Office refused to prosecute. No reason has been given. Following the decision, we brought the case to the Police Ombudsman’s Office who examined the case and concluded that there is a strong case for prosecution.

1.8 Also of concern is the lack of action from Government on the Race Equality Strategy, which contains specific aims in relation to combating racism and racist crime, and would form the basis of action across all government departments. The consultation on this concluded some time ago, and we are aware that the final document is awaiting Ministerial approval. NICEM is keen to see action on the basis of the Strategy, and the longer it sits on the Ministers desk, the longer that will take.

2. **BACKGROUND – THE EXTENT OF RACIST ATTITUDES IN NORTHERN IRELAND**

The following data highlights the serious need for action to address racism and racist crime in Northern Ireland. It also highlights the fact that such action is long overdue.

2.1 The Northern Ireland Research and Statistic Agency commissioned a number of researches to ascertain the extents of racism in Northern Ireland. The following data is from Connolly & Keenan, “Racial Attitudes and Prejudice in Northern Ireland” 2000, one of the five volumes of the research papers.

2.2 Responses to general questions provided generally positive responses:
- 83% of those surveyed supported the need for effective equal opportunities policies for minority ethnic people in relation to employment and housing;
- 87% felt that school children should be taught about minority ethnic people’s traditions and cultures in schools.

2.3 However, when questions related to attitudes to specific groups, the situation changed dramatically.
- 25% or over were unwilling to accept either a person of African Caribbean, Chinese or South Asian origin as a resident in their local area.
- Over 40% were unwilling to accept a member of any of these three groups as a close friend.
- 54% were unwilling to accept a person of South Asian or Black African origin as a relative by way of marriage.
- 53% were unwilling to accept a person of Chinese origin as a relative by way of marriage.

2.4 With regard to levels of prejudice, Irish Travellers fared the worst:
- 40% felt that the nomadic lifestyle of Irish Travellers was an invalid one that should not be supported or resourced by government.
- 57% were unwilling to accept Irish Travellers as residents in their local area.
- 66% were unwilling to accept an Irish Traveller as a colleague at work.
- 70% were unwilling to accept a Traveller as a close friend.
- 77% were unwilling to accept a Traveller as a relative by way of marriage.

2.5 Racial Prejudice appears to be around twice as significant as sectarian prejudice in the initial attitudes of the population of Northern Ireland.
- Respondents were around twice as likely to be unwilling to accept and mix with people from a minority ethnic background than they would be with those of the other main religious tradition (ie Catholic of Protestant).

2.6 The following data is taken from Connolly & Keenan “Opportunities for all” 2000.

2.7 Racist harassment is a common experience for a significant proportion of minority ethnic people interviewed. Racist harassment and bullying in schools also appear to be a common experience for many of the minority ethnic children interviewed.
- 44% had experienced verbal abuse.
- 29% had experienced damage to their property.
- 10% had actually been physically assaulted because of their racial identity.

2.8 The Equality Commission for Northern Ireland’s Report on “A wake-up call on race: implications of the Macpherson Report for Institutional Racism in Northern Ireland”, 2002 further consolidates Connolly & Keenan’s findings in the institutional setting. These are that:
- Racism is not seen as an important issue, either in Northern Ireland generally or in the sectors (private, public and social partners) in which the respondents were involved (p9).
- There is a general acceptance of Macpherson’s definition of institutional racism, but some unease and occasional opposition (p13).
- Many of the comments were based on relative ignorance and lack of thought, essentially because people have not been confronted by the need to discuss this issue (p13).
- It seems self-evident that we cannot begin to tackle institutional racism until we know what it is and understand how it works (p14).
These figures above give a disturbing picture of the levels and scope of racism within Northern Ireland, the reality of which for black and minority ethnic peoples’ daily lives must be recognised and addressed if action against racist crime is to be effective.

3. **Draft Criminal Justice (Northern Ireland) Order 2004 Comments Submitted by NICEM on Articles 2, 3 and 4 of the Draft Order**

3.1 NICEM welcomes the recognition by government of the growing and serious problem of racist crime and other forms of hate crime in NI.

3.2 Action to combat racist crime is long overdue, and NICEM regrets that while government has been assessing the scale of the problem and the need for action, more people have been victims of racist attacks.

3.3 The proposed legislation is an important step, but, as we explain more fully below, on its own a new criminal justice order will not prevent or deter racist crime unless it is accompanied by major changes to the attitudes and practices of the agencies that form part of the criminal justice system in NI.

3.4 NICEM supports the decision to use legislation, rather than to rely on common law, to ensure recognition of the gravity of hate crime publicly as well as within the criminal justice system. By creating a statutory framework the proposed order should focus the minds of the police, the prosecution and the courts. By requiring a statement in open court, the proposed legislation should make the public more aware of the nature and extent of racist and other hate crimes and how the criminal justice system in NI is responding to these crimes.

3.5 NICEM agrees with the decision to adopt an approach for NI that is not a copy of the legislation which has proved problematic in GB. In its response to the earlier consultation on Race Crime and Sectarian Crime Legislation in Northern Ireland, NICEM urged that NI should learn from the experience in GB; in particular we recommended against enacting specific racially aggravated offences when there was already good evidence of major problems that have been encountered in England and Wales in trying to secure convictions for such offences.

3.6 NICEM endorses the proposal to include hostility based on race, religion and sexual orientation in the draft order, to include both presumed and actual membership of a racial, religious or sexual orientation group, and to define membership of such group to include association with members of that group.

3.7 NICEM is aware of high rates of victimisation and attacks on disabled people, and we recommend that there should be immediate consultation with disability groups and that consideration should be given to amending the draft order so that it also refers to hostility based on membership of a group defined by reference to disability or a particular disability, as is now the case in GB (section 146, Criminal Justice Act 2003).

3.8 NICEM endorses the approach of the draft order to use increased sentences as the primary sanction, so that where any offence is aggravated by hostility, the court is required to treat that fact as a factor that increases the seriousness of the offence, and is also required to state in open court that the offence was aggravated for this reason.

3.9 In principle NICEM endorses the provisions in the draft order that increase maximum sentences for certain offences of assault, criminal damage and harassment, which are necessary to give the courts sufficient scope for increased sentences where such offences are aggravated by hostility. NICEM’s main reservation is that if there is already any disparity in sentencing based on race or religion (see our comments below), then careful monitoring will be essential to know whether these new tariffs increase further any such inequalities.

3.10 NICEM supports the inclusion of sexual orientation to Article 8 of the Public Order (NI) Order 1987. We are aware that few prosecutions are brought for stirring up hatred or arousing fear on grounds of race or religion, and some of the training and monitoring measures we discuss below may shed light on why this is the case. Nevertheless we believe that with evidence of increasing rates of homophobic attacks it is right to extend this protection to groups defined by sexual orientation. (We are puzzled by the statement in the Explanatory Document that maximum sentence for conviction on indictment for such offences is two years imprisonment, as we understood that this had been increased to seven years under section 41 of the Anti-Terrorism, Crime and Security Act 2001.)
3.11 NICEM submits that it is essential for government to acknowledge that the proposals in the draft order on their own are not a sufficient response to the urgent problem of racist crime. The draft order will have little or no real impact if no cases “aggravated by hostility” reach the courts for sentencing because of gaps or failures at earlier stages in the process. In our previous submission we expressed our concern regarding the lack of commitment, training and supervision within the PSNI (and the RUC) to respond promptly and effectively to reported racist incidents or to give ethnic minority victims of such incidents any real confidence in police investigation. We are also concerned that without dedicated training neither the PSNI nor the DPP will collect, analyse and present to the court sufficient relevant evidence to trigger their power of increased sentence.

3.12 Under the existing law as well as under the proposed draft order, there is urgent need to focus on how well equipped—in terms of awareness, policies, procedures, practices, supervision, monitoring—the PSNI and the DPP are to respond to, investigate and prosecute racist and other hate crime. In this context the experience and developments in GB offer some useful models. We assume that the PSNI is already developing for NI guidance on racist and other hate crimes comparable to that produced by ACPO, that the DPP is considering how a version of the CPS Racial Incidents Monitoring Scheme might be relevant in a NI context, and that in both services there are already plans and resources to provide necessary training. We highlight certain changes, drawn in part from the Stephen Lawrence Inquiry Report, that we recommend:

(a) formal acceptance by the PSNI of the Stephen Lawrence Inquiry definition of a racist* incident—any incident that is perceived to be racist by the victim or any other person;
(b) encouragement of reporting of racist* incidents and crimes, including consultation and co-operation by the PSNI with other agencies and local communities;
(c) careful and systematic recording and monitoring by the PSNI of reported racist* incidents, including both crimes and non-crimes;
(d) prompt and thorough investigation of racist* incidents and crimes, giving credence and validity to the report by the victim, providing timely appropriate interpretation or translation support;
(e) careful and systematic recording and monitoring by the DPP of racist* crimes including all decisions regarding the discontinuation of such cases;
(f) a comprehensive programme of anti-racism training (as opposed to the softly-softly approach of cultural awareness) covering the whole of the criminal justice system, including the PSNI and DPP; This training must be compulsory for serving officers as well as new recruits.
(g) a statutory duty needs to be placed on the DPP to give reasons in the case of non-prosecution of hate crime.

* and/or sectarian or homophobic crimes

3.13 NICEM is all too well aware that among the ethnic minorities in NI there are strongly held beliefs, based on their daily experiences, that they are treated unequally and less favourably by the NI criminal justice system. Much needs to be done to establish greater confidence of ethnic minority communities in the criminal justice system. An important step, which was recommended in the major Review of the Criminal Justice System in Northern Ireland (2000) (paragraphs 3.38 and 3.41), and endorsed in the April 2002 NI Omnibus Survey, is to institute equity monitoring, that is monitoring of the criminal justice system as it affects people by community background, gender, ethnic origin, sexual orientation and disability and regular publication of the outcome of such monitoring. There is clear statutory authority for the publication of such monitoring in Article 56, Criminal Justice (NI) Order 1996; all that appears lacking is the commitment to carry it out. In GB, the publication of ethnic monitoring data under section 95 Criminal Justice Act 1991 and the exposure of significant disparities based on race/ethnicity has reinforced the Stephen Lawrence Inquiry recommendations and has made a major contribution to changing practice within each of the criminal justice agencies.

4. Conclusion

4.1 In summary, NICEM welcomes and endorses the provisions in the proposed draft order as an appropriate legislative response to the problems of racist and other hate crime in NI. However, NICEM also cautions that to have any real impact the new legislation must be accompanied by suitable training, guidance, supervision and monitoring to bring about changes to attitudes and practice within the PSNI, DPP and other agencies of the criminal justice system. Without this the legislation will have little or no impact on the daily experience of black and minority ethnic people in Northern Ireland.

March 2004
Witnesses: Mr Patrick Yu, Executive Director, and Ms Tansy Hutchinson, Policy and Research Officer, Northern Ireland Council for Ethnic Minorities (NICEM), examined.

Q37 Chairman: Good afternoon to you both. Thank you for coming to help us with our inquiry into hate crime. May I begin by asking you to explain briefly what your role is on the Northern Ireland Council for Ethnic Minorities, something about your resources and your activities and what sort of impact you have, but as briefly as you can? May I warn you that at about 4 o’clock we will have to adjourn to vote. I am sorry about that.

Mr Yu: My name is Patrick Yu. I am the Executive Director of the Northern Ireland Council for Ethnic Minorities. My colleague, Tansy Hutchinson, is our Policy and Research Officer. NICEM is an umbrella organisation representing black and ethnic minority groups in Northern Ireland. Currently, we have 23 organisations affiliated as full members. They represent the majority of the ethnic community in Northern Ireland. Our role falls into six core functional areas. The first is mainstreaming ethnic minorities into government policy and practice. Under that heading, we are working very closely with the administration to try to change the policy by lobbying for policy change to improve policy and practice and various matters relating from health issues and criminal justice to other policy areas. Our second major role is in public awareness on racism, equality and diversity. We do a lot of training, especially on institutional racism, and we organise anti-racism training for different public authorities in Northern Ireland, in particular under the Section 75 process of the Northern Ireland Act 1998. We also run many educational events and school programmes. Basically, we need more public education about diversity in our society. The third core functional area is the capacity-building of the ethnic minority community in Northern Ireland. Basically, ethnic groups are new in Northern Ireland. The organisation is still in its infant stages. We require a lot of support for training and access to funding, as well as different programmes to support them, including capacity-building on the policy issue in Northern Ireland. The fourth main area of our work is in the whole one-stop service for migrants, asylum seekers and refugees. NICEM has a unique role in Northern Ireland. We are one of the 12 regions to provide national asylum support services in Northern Ireland. We are the only agency in Northern Ireland providing those services. As a result, we provide a range of support to asylum seekers. We also have a unique programme on refugee resettlement and a refugee integration programme. We provide free legal advice and representation to those immigration and asylum cases. The fifth functional area is in providing support to the victims of racial harassment, racial attacks and racial discrimination. That has proved to be very important work, in particular with the increase in racist attacks over the last year or so. Last but not least, there is the function in relation to our networking and campaigning. Normally, in Northern Ireland we work closely with our partner organisations in the UK and especially those key player organisations in the UK, in the Republic of Ireland and also in Europe. We have a unique role in Europe, in particular in terms of legislation such as the Race Directive. We played a crucial role in putting the Race Directive in place in the European Union. This is an outline of our core functions. In terms of our resources, we are a medium sized organisation with 20 full-time staff and receive modest government support. We only receive £50,000 per year from the government under core funding. Most of our funding is project-based. For example, money comes from the Home Office through and the Refugee Council on refugee resettlement and integration, and the National Asylum Support Service. The rest of the projects are on a two or three year basis. I think you are aware that recently the Minister, John Spellar, announced that the core funding for the black and ethnic minority sector will be suspended. It will be for just one more year pending the Government’s Expenditure Review of future core funding for the sector. Basically the core funding for the sector is set up by the previous Devolved government. It laid down the policy that in the third year of the funding, there should be an external review on the impact of the fund towards the sector. As a result, an external consultant was appointed last year and the report was discussed and its recommendations endorsed by the members of the Race Equality Forum, an Inter-departmental Forum with participation from minority ethnic communities, which agreed to continue the funding as impact has been achieved.

We would like to ask the Committee to ask the Minister to sustain everything. That is the background.

Q38 Rev Martin Smyth: May I follow through on that, and you have said that you have the asylum issue as well. Is there a worldwide network which has listed you also as a recipient for asylum seekers? I ask the question specifically because in South Belfast in the past we had at least one family who came from Sri Lanka through the Moscow route. They found themselves stranded on the Newtonards Road when the door of the lorry was left open. They finally got out and ended up at Shaftesbury Square, at your office. It seemed to me rather strange that that coincidence just happened.

Mr Yu: It is not strange in the sense of the UK situation. A lot of asylum seekers arrive in Northern Ireland. Basically they are well organised by the criminals. At any particular time in Northern Ireland there are two major communities which are out of proportion in terms of asylum applications. One is my Chinese community, mainly coming from mainland China. The Triad element organises from outside the UK, from mainland China as well as in the UK. They supply cheap labour to the catering business within the Chinese community. I think the Donegal Road attack recently was affected that way. I think the people living there. They arrange that through other means, like having a baby born in Northern Ireland, because they feel they will get an Irish passport. These are quite well organised. I know that Mr Tony Clarke is interested in organised crime. Maybe we will deliberate on that further later.
Q39 Rev Martin Smyth: May I go on then because in your evidence to the Committee you suggested that the rise in recorded racist incidents in England and Wales from 23,000 in 1999 to 53,000 in 2001 did not reflect a real increase in racism but rather a greater willingness to report incidents. Do you think there has been a real rise in the level of racial incidents in Northern Ireland or has there simply been a greater willingness by the victims of racist attacks to report incidents?

Mr Yu: First of all, Members, the issue is a bit complicated. You have referred to the monitoring of racial incidents. The previous RUC set up the Racial Incident Monitoring System in 1997 and that has now been taken over by the PSNI. Basically, if someone was being attacked or harassed in a racial incident, they could report that under the old regime from the guidelines of 1997. The number recorded by the RUC and now the PSNI is only the tip of the iceberg. A lot of people in the ethnic minority communities are victims and come from that background. They do not report cases to the police simply because they cannot find any redress as some of them cannot find a perpetrator. Also, the community has no confidence in the policing because, when they have reported these crimes to them, they have not reacted or responded punctually. Alternatively, when they interview the victim, they do not take race as a factor when they encounter racially-motivated attacks or harassment. As a result, there is very little information or evidence to prosecute further. It becomes a vicious circle. Recently, the upsurge of those incidents to some extent has been portrayed by the media because all this information is with the police. Neither NICEM nor any public domain has this information. Also, more is reported in the media and it sounds like this is increasing. I think in actual numbers it is increasing. We know from other sources that it is increasing. As I say, this is only the tip of the iceberg. At the moment, the Northern Ireland Office under the Community Safety Unit, has a new initiative on hate crime monitoring and I think that will be helpful in the long term to ascertain the extent of the problem of hate crime whether of race, religion or homophobia. I will give you more information in the further questioning.

Chairman: We will take the statistics as read and get those off your written submissions, which will save us some time.

Q40 Rev Martin Smyth: Do you agree with the Equality Commission that the growth in the number and visibility of ethnic minority communities has been a factor in stoking racism?

Mr Yu: I think it is. One of the key issues, when we are talking about racism in general, is that in Northern Ireland we are still living in a more enclosed mono-cultural society in which we know very little about the outside world. After the peace process, we saw a lot of benefits. As a result, we have seen more ethnic minorities moving to Northern Ireland. As I say, a lot of the minority ethnic population is through internal migration from Great Britain. I can give you a good example. As you will see, the Chinese catering business is booming. A lot of Chinese have seen that in Northern Ireland the catering business is not yet saturated. That gives them more confidence to set up new businesses in Northern Ireland. I have seen that changing quite dramatically. It is also reflected in the 2001 census in relation to the rate of mixed marriages. A lot of original Northern Ireland people living in Northern Ireland moved to Great Britain and married ethnic minority people and they are coming back as a result of the peace process. They get new jobs and there are new opportunities. That visibility is increasing. Unfortunately, there are other elements, like illegal migrants and asylum seekers. The number is not as great as was envisaged. I think a lot of the speculation comes from the media. That is not helpful. Visibility may be one of many factors. The major factor is prejudice coming from misinformation, from fear of the unknown of these people, fear of their lifestyle, traditions and other things. There is a fear of those learning prejudice from different sources. That puts it into a more compact situation in which visibility is only one of many other factors creating that kind of situation.

Q41 Rev Martin Smyth: One body, in submitting views to us, has written that there is a legacy of sectarianism in Northern Ireland which has now been transferred into racism, and that is one reason for the growth of racism. Would you agree with that?

Mr Yu: We totally agree with that. I can give you a good example. After the first cease-fire, I personally witnessed an increase of racist attacks within my own Chinese community as well as outside in the black African and black Caribbean communities. There is no doubt about that. Over the last two years, there has been increasing Islamophobia since 11 September, and you can see that if a person has a beard, he is viciously attacked or intimidated in his living area and at his work place. This is the situation in which we live. Part of the jigsaw is that in Northern Ireland, particularly in the past, we denied that any racism existed. If you look at the government documents prior to December 1992—

Chairman: That was a very long “yes”. At that point, I have to suspend the Committee.

The Committee suspended from 4pm to 4.30 pm for a division in the House

Chairman: Mr Yu, I am sorry about this and there will be another division later. Could I ask you to do your very best to keep the answers short.

Q42 Rev Martin Smyth: There have been different methods directed to tackle hate crime. There are proposed measures. Do you see those as possibly being successful or do you think that racial incidents are an unstoppable trend?

Mr Yu: I think that currently racial incidents are non-stop. In my professional judgment, it is worse than a year ago, far worse. One of the key problems we see at the moment is that it is not local people actively committing this crime but the BNP splinter group, the white nationalist party. They are active in Northern Ireland in stirring up racial hatred. They used to put out leaflets targeting black and ethnic
minority communities. I can give the Committee some new evidence today. I received this document this morning through the Belfast Daily Mirror: White Wolf. There were 4,000 leaflets sent out to schools by other extreme groups. The content is outrageous; it is an incitement to racial hatred. It has all the elements of the Nazis. We were outraged by its content. I must say, they are far more dangerous than the paramilitaries because they are actively distributing these things and they have close links with paramilitaries in Northern Ireland. A lot of these attacks have happened as a result of these leaflets, in particular in the Donegal Road area, over the last period. They moved originally from Balemena and the Antrim area two years ago to South Belfast last year when the mosque incident happened in Craigavon, they moved there. You can see they are very active in Northern Ireland.

Q43 Rev Martin Smyth: I appreciate new evidence but the question was: do you think it is an unstoppable trend or can it be stopped?
Mr Yu: It could be stopped with a much more robust strategy developed by the Government. That is why we will provide a little more information later to demonstrate this. They will propose a Race Equality Strategy and we would like this Committee to pledge its support for that with sufficient resources to implement the strategy and the action plan required by the strategy.

Q44 Mr McGrady: Just following your presentation of that White Wolf paper, do you think there is increased presence or support for racist or neo-Nazi organisations in Northern Ireland?
Mr Yu: I do not think there are many organisations affiliated in that category but I confess that the white nationalist party is the key one at the moment and they infiltrate into the local communities. They are trying to serve a wider audience at the moment. Last year, they tried to get elected to the Assembly but they were banned by the Electoral Commission because their name is racist. I do not see them picking up votes in Northern Ireland. I think that if you do not do anything to weed out these organisations, then more and more racist organisations will be set up in future.

Q45 Mr McGrady: You indicated in your earlier remarks also that that type of doctrine that was being preached was more sinister than paramilitary participation. I would like you to assess if there is more of an increase in paramilitarism/racism occurring in Northern Ireland today than there was a few years ago?
Mr Yu: You need to understand the paramilitary situation in Northern Ireland. They have close links with Combat 18 and the BNP in the UK mainland. That is why you can imagine the same group of people harass people on both sides of the community as well as ethnic minorities and gays and lesbians. It is felt in the local community. Firstly, we condemn any paramilitary attack on ethnic minorities. We are very clear about that message. Secondly, I am speaking about the sinister level of attack because of the paramilitaries, those racist attacks last December as well as the leaflets for residents in the Donegal Pass area. There is a public outcry because of this behaviour. I can see that they were stopped from doing that. In distributing this leaflet, they are targeting the Chinese Community Centre. But since the BNP has developed their splinter group in Northern Ireland, they are more actively involved in all these elements. They also link up with the loyalist paramilitaries. That is why in June and July of last year two pipe bombs were thrown at two families in the Donegal Road area. The first pipe bomb was thrown at two South African nurses who work in the City Hospital. The second pipe bomb was thrown at another refugee family. You can see that this is the effect of the leaflets being distributed within the local area.

Q46 Mr McGrady: May we have two very quick answers, please, now. Is this phenomenon regarding the problem of paramilitary participation more urban than rural and, in general terms, are all ethnic groups attacked with the same consistency or vigour or are certain racial and ethnic groups singled out for particular attention?
Mr Yu: The paramilitary involvement currently in the South Belfast area is basically within a very small village area. We should not over-exaggerate the impact. The majority of these things are between them and the others but that is not to say that the paramilitaries were not involved in other attacks outside in the rural area. At the moment, we do not have any cases yet. It is just like cancer; it can spread. In particular, we have more BNP splinter groups becoming increasingly active in the rural areas. For example, in mid-Ulster in Craigavon after the mosque incident and the planning permission, they tried to target the local Muslim community. You can see more and more attacks in those rural areas. Another incident, not related to the paramilitary: in Northern Ireland ten days ago we had the first racial murder in Cookstown in the Moneymore area. An Asian gentleman who operated a shop in the Limestone Road in North Belfast passed away in hospital on the third day. His death united both communities together because he ran his shop in the most difficult area of North Belfast for the last 17 years. That is why I try not to look at just one side of the community. All these problems are happening everywhere, in protestant as well as in catholic areas. We put the message very clearly. We need to take it more seriously, otherwise more people will be killed as a result. We need to be very cautious about not only the paramilitaries but also about ordinary citizens as well.

Q47 Mr Clarke: Mr Yu, we have spoken in the past about the involvement of paramilitaries and also links between paramilitaries and neo-Nazis. We are grateful for the additional evidence which proves links in Craigavon, South Belfast and Portadown; all of these areas have had links. Last time we spoke you also mentioned to me your concerns that there was some protection racket linkage particularly between the attacks in the Donegall Road and
These two groups are out of proportion in terms of Mr Yu: Committee if you do not draw attention to Q52 Mr Pound: Q48 Mr Pound: Q53 Mr Pound: Yu, and, Ms Hutchinson, obviously if you want to background. As I mentioned, certain Chinese Triads Mr Yu: Firstly, the paramilitaries being involved in racketeering is not a new issue within the Chinese community and certain Asian communities running businesses in the local area. The high profile attack in the Donegal Road last December related to revenge by the UVF. That involved racketeering in which a Chinese restaurant owner became the prosecution witness for the PSNI. As a result, the Chinese were attacked and targeted. That is the background. As I mentioned, certain Chinese Triads have close links with the UVF in particular and that muddies the water in that sense. You can imagine that in a lot of these arrangements people come to Northern Ireland through both illegal and legal means. At the moment, we do not have any hard evidence to prove these things since no Chinese are willing to be witnesses. I talked to the Deputy Chief Constable two weeks ago. I am extremely concerned about organised crime within our ethnic minority community, the Chinese and outside the Chinese community. We get certain human trafficking from mainland China and also from Muslim background countries like Iran, Iraq, Afghanistan and Algeria. These two groups are out of proportion in terms of the asylum applications in Northern Ireland. You can see a certain organised element with these people. They organise things so that women from the Muslim community have their babies born in Northern Ireland in order to get Irish passports. You can get this information from the Royal Hospital. They will tell you that these mothers give an address in the Donegal Road and it is the same address for everyone. It is quite well organised in that sense. This does not necessarily have a link with the racist attacks. We would like to say to this Committee that if you do not draw attention to organised crime, the local ethnic community will become the victim in future. When it gets bigger and bigger, it is much more difficult to control.

Q47 Mr Pound: It is a pleasure to see you again, Mr Yu, and, Ms Hutchinson, obviously if you want to answer any of these questions, you are very welcome to do so. We are very grateful for the written evidence that you have given us. There is one particular issue that I want to pick up. You talk about the reluctance of the police to listen to victims. You make the point very powerfully. How about the police minority liaison officers? What is your opinion of their role? Do you think that they are effective? Mr Yu: Firstly, we need to draw a distinction between the function and the role of the liaison officers. They are like community relations officers; they are the link with the local ethnic groups, the ethnic community or individuals. Perhaps you are not aware of the wider situation in Northern Ireland. The population of the ethnic minority is pretty small compared with Great Britain. The 2001 census does not reflect the true figures. We are in dispute with the Government over the figures. We do not want to be difficult here. We estimate that the population is around 30,000 to 35,000, about 1.5 to 2% of the total population. You can imagine that the majority of ethnic minority people live in the Greater Belfast area, in particular, South Belfast. That is why, if you are talking about community relations officers, they can be really helpful in the Greater Belfast area. If you are outside Belfast, things are more difficult.

Q49 Mr Pound: As far as I know, they have minority liaison officers in every police district, in the old former sub-divisions. Mr Yu: Yes.

Q50 Mr Pound: Are you saying that there are, quite rightly, more in Belfast than there are in some of the rural districts or is there an equal amount? Mr Yu: No, at each station they have one community relations officer. My answer is that, because the population is so small, if you go outside the Belfast area, the community relations officer basically has very little role to play because we do not have the local ethnic community organisations. Most of the groups are Northern Ireland based rather than locally based and that is why there is a long way to go.

Q51 Mr Pound: Are you aware of any links that they have established person-to-person rather than liaison officer-BME organisation? Mr Yu: We encourage that. If you go to a Chinese takeaway restaurant and introduce yourself, you can build up good relations. You can tell them but whether they will do it, I do not know. In most cases what happens is that when they report crime to the police, they do not get a prompt response. We understand it is frustrating at the moment. We are sympathetic to the resource allocation of PSNI.

Q52 Mr Pound: Are you aware of any MLOs actually coming from the ethnic communities? Are any of the minority liaison officers actually drawn from the ethnic and minority communities? Mr Yu: No. I can tell you something else.

Q53 Mr Pound: The answer “none” is quite dramatic enough. You are saying none are. Are you aware of any efforts that PSNI are undertaking to try to recruit from ethnic and minority communities? Mr Yu: They do. As a matter of fact, we have less than a dozen black, mainly Chinese, officers but I can tell you more about their experience of working in the force. I was the former Deputy Chairman of the Commission for Racial Equality for Northern Ireland. I also chaired the Legal Committee. We have one very high profile case of a Chinese police officer. His background is quite different from others. We can understand how difficult it is. His father was the first ethnic and only officer working in the RUC since 1966. I met him in 1997 at the Garnerville Police Training Centre where he was posted before retirement. I told him I was very glad
to see him because I knew that he was the only Chinese officer in Northern Ireland. He told me he was retiring the following month. Three months later, I did another training session at Garnerville and I found his son was there. It was amazing. He was also a victim and he was reporting to the CRE Northern Ireland about his ordeal. He was constantly harassed by colleagues. He had been moved from station to station. He got sympathy from his supervisor. The problem was because he was the only officer. The issue does not stop there. His next door neighbour, who was also an RUC officer at the time, made a lot of trouble for him afterwards.

Mr Pound: Do you think this is about individuals or do you think it is a structural, dare I say it, or an institutional problem? What do you think the minority liaison officers could be doing to link more closely and to address the concerns that you raise?

Q54 Chairman: Let us try to look forward rather than backwards. I do not think we have time to look backwards.

Mr Yu: I think that there is no doubt that it is an institutional problem but there is some good practice in the Greater Belfast area and with the Donegal Pass station, which is more progressive than any other station in Northern Ireland. It is very simple. We did the anti-racism training for all the officers in the 1997–98 period.

Q55 Mr Pound: Is that all the officers in the Donegal Pass police station?

Mr Yu: Yes.

Q56 Mr Pound: And you think that has been positive?

Mr Yu: Yes.

Q57 Mr Pound: That is great. Let us underline that in red ink and report that.

Mr Yu: The new training college does not do any anti-racism training which we have been requesting for years and years. They have failed to do that.

Q58 Mr Pound: We have a model of best practice. We have the Donegal Pass model or the Hutchinson/Yu model. We will work on that. I am going to ask a final question because others have questions. It is about the actual prosecutions of people engaged in racial harassment. The latest figure we have for last year is that there were seven cases. Why do you think this is?

Mr Yu: The underlying problem is that if you are the investigation officer, if you do not put race in as a factor, the victim will not give you any other information because they will not trust the officer.

Q59 Mr Pound: You are telling me that an assault can be investigated by a PSNI officer on an individual but, unless the victim raises the issue of race or the investigating officer raises the issue of race, it will be dealt with as a straightforward criminal incident?

Mr Yu: Yes.

Q60 Mr Pound: I appreciate that the PSNI officer should be sensitive but do you think that the victim should state, “In my opinion, this was a racial attack”?

Mr Yu: There are two issues here. Firstly, the victim has to understand there is a racial incident monitoring system. That is why we did the training in the past but the PSNI have never used that service over the last five years. We tell the officers that they play a crucial role and that they need to look into the circumstances. You need to ask the victim: “Is there any racial remark or name-calling? Was there any other incident one week ago, one month ago or any similar incident?”

Q61 Mr Pound: You are saying that the PSNI officer should ask that of every person where the victim is from a minority community. What about the possibility of homophobic attacks? Should they ask every man or woman? A person’s sexuality is not physically evident, except in some dramatic cases. Should they ask those sorts of questions? Are you talking about a general package of sensitivity?

Mr Yu: I can give you another example to reflect the PSNI attitude. One good example is domestic violence. The police treat the ethnic minority cases like they treated domestic violence 15 years ago when you report those crimes to them. This is a good example to reflect the real situation.

Q62 Mr Pound: I think I know exactly. The situation pertains in our part of the world, too. Domestic violence was something that was not considered seriously by the police. It was usually considered that what happened behind the curtains was in the privacy of the home. I know that. That is positive. I am very grateful for your answers.

Ms Hutchinson: May I say, in terms of looking forward, going back to this idea of whether the ethnic minority liaison officers have been sufficient, the issue is not simply about individual officers; it is about the institution. That is very clear. Some brilliant work has been done with the minority liaison officers and community relations officers but, if that is not mainstreamed throughout the entire organisation, then we are never going to get to that institutional level to enable the officers on the ground to investigate the case as one in which race is or may be a factor. That is where we need to get to. Again, looking to the future, one of the things we very much welcomed in our written evidence was the specific mention in the new policing plan of racist hate crime. I understand that referred to looking at having appropriate procedures and practices in place.

Q63 Mr Pound: You also mention the link to resources, which is quite important.

Ms Hutchinson: I was coming to that next, the idea of making sure that those procedures and practices are in place. I would certainly be urging them to look to the Lawrence Report in terms of what exactly those appropriate procedures and practices should
be. The other thing we very much welcomed was looking towards establishing a base line. As we have said previously, we do not know exactly the number of incidents that are happening across Northern Ireland. That plan is something to be welcomed. This is one of the reasons why we welcome it because if it is in the policing plan, it is linked to resources. That is vitally important if we are going to see some kind of outcome from this.

Q64 Chairman: Let us turn now to the draft Criminal Justice Order. How effective do you think the proposals in that will be, not just in tackling the consequences of racism but acting as a deterrent?

Mr Yu: As we outlined in our submission, the proposal itself is insufficient to tackle racist crime.

Q65 Chairman: One of the insufficiencies you have mentioned is the question of including the disabled. As a social group, what is the particular advantage of that?

Mr Yu: I can give you the background. The NIO put their original consultation out last year, which was limited only to racial and sectarian crime. As a result, in our submission, we suggest that these disadvantaged groups are facing the same situation as the ethnic minorities when they are attacked. We propose that this should extend beyond race and sectarian crime; it should cover homophobia and “others”. We have not defined the “others”. We know that there are some disadvantaged groups in the same situation.

Q66 Chairman: Are you saying that there is some hatred against disabled persons as a social group?

Mr Yu: Yes.

Q67 Chairman: How is that manifested?

Mr Yu: We have been talking to Disability Action, one of the key umbrella organisations representing disability in Northern Ireland. They give us different examples of how disabled persons are harassed and attacked because they have disabilities. The original clause comes not just from us; it is in the legislation under Section 146 of the Criminal Justice Act 2003. They consider an increase in sentencing for aggravated crime related to disability or sexual orientation. When I read through Hansard at the time, I saw that there was sufficient information in Great Britain about a disabled person being harassed and attacked as a result of his or her background. As a result, there was legislation.

Q68 Chairman: I am puzzled by this. Is this as a result of their physical disability or is it some who are mentally disabled?

Mr Yu: It is both. It is those with mental disabilities in particular, especially what we call slow learners, within the community. I must emphasise that the same group of perpetrators will attack ethnic minorities as well as certain disabled persons in the local community.

Q69 Mr Tynan: I do not want to go back to the past but obviously we can follow up on the situation where you are welcoming the fact that there are in place proper procedures and practices to provide an appropriate level of response to hate crimes. You argue that that is essential to bring the process of addressing institutional racialism within the PSNI and the wider criminal justice system. Could you provide the evidence on which you base these claims of institutional racism in the law enforcement agencies in Northern Ireland?

Mr Yu: I will not go into the detail. Our submission and the related document—and this was our submission to Patten’s Commission five years ago now—highlight all those incidents of racism within the police force. That was before the publication of Macpherson’s Lawrence Report. We had the same situation before Lawrence happened.

Q70 Mr Beggs: There were serious allegations in Lawrence. Have you raised those allegations with the PSNI?

Mr Yu: We do that. I think we had a very constructive meeting last year in July with the Chief Constable and the Chair of the Policing Board. You will remember very well that (Mr Hugh Watt), the Chief Constable, who was also the former Assistant Commissioner of the Met Police, monitored the post-Lawrence situation. He is an expert in the area. He understands our argument and the situation in Northern Ireland. I am sympathetic to him because he was stopped by the resources. That is why I re-emphasise to this Committee that more resources need to be given to the PSNI to develop their actions against hate crime in race, homophobia and other things. If they do not get sufficient resources, it will be more difficult for the police to deal with this issue alongside other crimes.

Q71 Mr Tynan: So you are convinced the evidence you are submitting proves the fact there is institutional racism in the PSNI. Are you saying the Chief of Police is saying that he agrees with that, that it does exist, and what is he going to do about it?

Mr Yu: I think we confirm all these arguments in our submission and in our meeting with the Chief Constable and the policing board, and that is why I am very pleased to see the policing plan this time of the year; they raise the issue into the forefront. It is also good to see the Deputy Chief Constable arguing the same and we can see how we can deal with it and work together to solve this problem. One of the key problems—and we also try to help the police—is how we build the confidence of our ethnic communities with the police. You can understand that one or two sinister cases, by mouth, by rumour, within the community, will ruin our year’s work.

Q72 Mr Tynan: So which parts of the criminal justice system—the DPP or the courts—would you accuse of institutional racism?

Mr Yu: It would be all levels. We have outlined in our submission paper the policing is the first hurdle, in order to get the prosecution, in order to get sufficient evidence for prosecution. The next hurdle
is the DPP office. I can give you an example, because we still have a couple of high profile cases. The day after 11 September 2001 we had a Muslim family being attacked by their next-door neighbour. His son and peers—five of them—kicked him. He almost died, he was hospitalised for two weeks. He got all the evidence, the police interviewed everyone and then they start to do the prosecution. A year and a half later he received a letter from the DPP office and they refuse to prosecute without reason. You should be aware in Northern Ireland we do not have the same law as in the GB which requires the DPP to explain the reason if they do not prosecute; we do not have that law in Northern Ireland. They still refuse to prosecute. As a result, we thought there was something wrong with the police investigation because the victim had a row with the police officer at the beginning about the evidence being gathered. So we put the case to the Police Ombudsman’s Office to complain whether there was any misadministration by the police. The Police Ombudsman’s Office, after reviewing all evidence and the report, thought there was nothing wrong with the police. They also say in their letter there is already sufficient evidence to prosecute, so the issue is why the DPP do not prosecute even though they have sufficient evidence. So even after the Lawrence Inquiry that is a classic example, and if they have all the evidence why do they not prosecute?

Q73 Mr Tynan: I am sure we will have an opportunity to investigate those claims. The other thing is, with all these proper procedures and practices you have made—you need additional resources. Do you believe that would solve the problem of institutional racism in Northern Ireland?

Mr Yu: I think sufficient resources is the first hurdle. Policy and practice will not change unless they do good, robust training. I think they need to know a little bit more about Section 75, which is one of the key requirements by public authorities to promote equality of opportunity. We have put this in our evidence, how do the police, the DPP’s Office or the courts service to use Section 75 as an example.

Ms Hutchinson: Section 75 of the Northern Ireland Act of 1998 places a duty on all public authorities to promote equality. One element of that is having an equality scheme, part of which is commitment in relation to training, to information and to quality impact assess all policies. The PSNI have been covered by this for some time now. One of the main purposes of that legislation is to mainstream equality into the policy practice and service delivery of an organisation. One can see its importance in relation to tackling institutional racism, in that a very similar duty was brought in for England and Wales as part of the response to the Stephen Lawrence Inquiry, so you can see it is vitally important in that context. The PSNI have been covered for some time, they took a significant amount of time to get an approved equality scheme out. One of the reasons for that was the initial equality scheme which was sent out was of quite poor quality. In relation to the implementation, you get a general feeling that the implementation is not happening as quickly and as one might expect considering they were not among the first who were covered by this. They were able to learn from the experience of previous authorities who had been covered and I think one would expect progress to be a little more rapid than it has been. I think that is one of the processes we would be very much encouraging further progress on as part of the tackling of the institutional racism. I understand the DPP are due to be covered very soon when they change to the Public Prosecution Service for Northern Ireland. I believe very much the preparation should be beginning for that at this stage, rather than waiting until an approved equality scheme has been adopted. I think that would certainly significantly assist in looking at the policy and procedures.

Q74 Mr Tynan: So you believe it is going the right way at the present time?

Ms Hutchinson: I believe it is going the right way. I believe we have the legislation in place in terms of Section 75 to enable this process, but we need further commitment to implementation.

Q75 Mr Beggs: You argue that legislation is an important step in tackling racism but “it will not prevent or deter racist crime unless it is accompanied by major changes to attitudes and practices of the agencies that form part of the criminal justice system in Northern Ireland.” Specifically, what changes still need to be made which these agencies are not currently undertaking?

Mr Yu: I think the major one issue is training. Training is the key element. From our experience, when we were going through the whole Section 75 process with different departments, we saw a lot of changes as a result of training provided by us to different government departments; we saw policy and practice has been changed and shifted as a result. That is why, as I said at the very beginning, bad practice comes from ignorance, so training can consolidate and training can also change the attitude within the institution. We think it is very important to empower those staff working in the institution. They need to form their own supportive network to support the ethnic minority or the race equality within the institution. That is why training is so vital to the whole success. If you read through the Stephen Lawrence Inquiry recommendations, anti-racism training was one of the key elements being imposed for the police or other criminal justice institutions.

Q76 Mr Beggs: How could Government departments and the voluntary sector be more proactive in their approach to tackling attitudes which underpin racial incidents?

Mr Yu: I think at the moment the NIO, under the Community Safety Unit start a new initiative on a new monitoring system covering race, religion and homophobia, engaging the Unit over the last three or four months. I think that we will have new hope for the future. The pilot scheme is originally coming from Edinburgh; it has been piloted in Edinburgh.
over the last three years by the local City Council with resources from the Scottish Executive. It is very simple. They developed a monitoring system which will be delivered by different community groups, involving different ethnic minority groups from different community backgrounds. So if any incident happens, that will encourage the community people to report it, so they will put all that information into the monitoring system which will ascertain where it happened, when it happened and also what sort of incident. I think that can help. I can give you a good example from the experience in Edinburgh. Take, for example, the Asian community. Every Friday in the afternoon, after the prayers in the mosque, the woman will be attacked in the next street by the mosque, and the monitoring can highlight those issues. Normally the monitoring is on race but they expand to religion as well. So the two sides of the community are working together.

Q77 Mr Beggs: What lessons have you gathered from practice abroad which might be usefully applied in Northern Ireland to improve racial harmony?

Mr Yu: In the UK as a whole, the CRE or different agencies like the CPS, for example the policy on equality and diversity, basically it is the CPS policy. The DPP Office in Northern Ireland know this policy but they never deliver it or put this policy in place in Northern Ireland. We do not need to reinvent the wheel, we can take the good experience from the UK to Northern Ireland. To give you another example, I have those from the CRE and the performing guidance for the police forces and authorities from the post-Lawrence monitoring process. So a lot of things can happen in that sense. The other thing I need to draw attention to is some work which has been done over the years in the Republic of Ireland. The Department of Justice set up a No Racism Campaign which was basically to run a community fund, so they draw the attention of the general public to how to tackle racism in society as a whole, and to promote a partnership approach between the local community and ethnic minorities working in a local area, to do educational work as well as a specific issue to tackle racism in Irish society. These are different experiences and we can learn from them and bring them back to Northern Ireland.

Q78 Mr Beggs: What role do you see churches and other religious organisations playing in combating racial intolerance?

Mr Yu: Over the last six months the church have played a very proactive role to support asylum seekers, to support victims of racist attacks. Three weeks ago the Presterian Church in Northern Ireland launched a policy to support asylum seekers and refugees in Northern Ireland as well as a non-racist policy within the church. I see support from both sides of the different denomination churches on this issue. The church can play a very important and crucial role on the moral obligation not only not to discriminate and to support the foreigner, as well as not to upset the outsider, among the different traditions in Northern Ireland.

Q79 Mr Beggs: What is your view on how education, schools and housing policies could be more likely to ameliorate racial intolerance and promote racial harmony?

Mr Yu: In relation to the educational system, our educational system is still very minimalistic in promoting wider diversity and pluralism in Northern Ireland. We still have mono-religious education in Northern Ireland. Religious RE in Northern Ireland is only on Christianity, it is not the same in GB where we have religious education in both primary and secondary schools. We have been debating the issues for years now but they do not want to change. At the moment we are losing patience and possibly we will look into legal redress because a new directive gives new power to compel the department; they need to do the right thing. The second thing is in relation to the Citizen Programme. It only has a very tiny element on the race issue. I think we need to make it clear to this Committee that education is so fundamental to promoting wider harmony? education is so fundamental to promoting wider diversity, basically it is the CPS policy. The DPP Office in Northern Ireland know this policy but they never deliver it or put this policy in place in Northern Ireland. We do not need to reinvent the wheel, we can take the good experience from the UK to Northern Ireland. To give you another example, I have those from the CRE and the performing guidance for the police forces and authorities from the post-Lawrence monitoring process. So a lot of things can happen in that sense. The other thing I need to draw attention to is some work which has been done over the years in the Republic of Ireland. The Department of Justice set up a No Racism Campaign which was basically to run a community fund, so they draw the attention of the general public to how to tackle racism in society as a whole, and to promote a partnership approach between the local community and ethnic minorities working in a local area, to do educational work as well as a specific issue to tackle racism in Irish society. These are different experiences and we can learn from them and bring them back to Northern Ireland.

Q80 Mr Campbell: You are an umbrella organisation representing about 23 groups, I was wondering if you could expand on some—and I think you have already done this—of the issues of good practice which large employers, large institutions, engage in which could be replicated across Northern Irelands. Have you any examples you could give us?

Mr Yu: In relation to the private sector, at the moment through Business in the Community we are already promoting the wider diversity of the workforce. Currently Disability Action and NICEM are on the first round of the EQUAL Programme, trying to promote the diversity in the workforce in Northern Ireland. We have been working out a programme with the Employers Association as well as with the trade unions to promote wider diversity. We are also developing our good practice, so we have developed a Race Equality Audit, which has been applied to public and private institutions. So we will do that crucial role to set the standard in order to promote wider diversity in Northern Ireland. I think that is very important. In every single part of society we have a responsibility to promote pluralism. That is why we try to work in
Q81 Mr Campbell: You will be aware that Northern Ireland is a pretty intensely political society. Do you think it would be helpful if the politicians per se and the political parties were to identify more closely with the ethnic minorities? I am thinking of a couple of good practice ideas. For example, if your umbrella organisation were to receive an invite from various political parties to come to, say, a party conference or whatever, so the community from which these attacks are occurring can see the political representatives in the community are standing beside the ethnic minorities, do you think what would be useful or helpful?

Mr Yu: I think it would be very useful. At the moment we are trying to engage in that process. After these high profile attacks in the last six months we have met most of the political parties, especially with the party leaders, and we get good support and get the message very clear. We are also starting to attend the party conferences. We would like to widen this. At the moment we are also thinking about whether in our Assembly—before we re-establish the new Assembly—we can set up cross-party ethnic minority groups so we can have a constant briefing about the situation. I think the dialogue and the meeting is so crucial. So in NICEM we are building and working in partnership with all political parties in Northern Ireland to tackle the issue. The issue is not only about ethnic minorities per se, we worry about it at the moment because all the international attention of the media is on racism in Northern Ireland and it will affect our inward investment and it is not right. I think we need to put across the message that we have problems but the extent of the problem is not so great, and certain parts of the media over-exaggerate the situation with which we disagree. That is why we need to be working hard with the politicians to change our image internationally as well as nationally.

Ms Hutchinson: One positive development we have had recently was NICEM organised a signing of the Anti-Racism Charter in advance of the elections in June which I understand has been signed by every party in Northern Ireland, and that was a very positive move forward.

Mr Yu: There is a European Charter on Non-Racist Society in Europe, basically to encourage all political parties across the European Union to sign the charter. It is a small step.

Q82 Mr Campbell: What about other examples in ethnic minorities, whether the Chinese New Year or other events could be more widely celebrated in the community to ensure the other communities in Northern Ireland see diversity as a welcome thing rather than a threatening one?

Mr Yu: Different cultures are crucial. I have the Chinese, the Indian, we also have the Muslim. At the moment, under the Race Equality Strategy and the Race Equality Forum there will be a Task Force set up to establish a robust policy and strategy to tackle racism in society. We will take into account all those possibilities so that we can work out something for promoting wider diversity in Northern Ireland. We totally agree with what you propose, we need to work together more closely. That is the positive way to move forward.

Q83 Mr Clarke: Let me first of all, following on from Mr Campbell, congratulate the Council on the joint press release you put out on the PUP following the racist attacks in South Belfast. I thought that was an excellent way of co-operating.

Mr Yu: I also draw attention to the fact that we were implicated in the IMC Report about which we were totally unhappy. You can understand the IMC Report was very damaging on the whole thing.

Q84 Mr Clarke: Absolutely but I applaud the action you have taken and I hope you continue to take such action. On the question of monitoring racist incidents, does the Council keep its own database of racial incidents?

Mr Yu: We do. As I mentioned at the beginning, we are almost the only one in Northern Ireland which provides this specific service for the victims of racial harassment and racial attacks. Currently we have around 100 cases over the last year and a half. The number is pretty small because unless we get the referral, unless we know from the paper something has happened, then we do approach the victim. At the moment there is no direct referral from Victim Support or the police. We have been working hard with the police because the current system under Victim Support does not work, because in Victim Support they do not employ black people to work and language is another problem. So that is why we would like to ask the police and the NIO and the Community Safety Unit whether we can play a much more crucial role in the future, so they can refer those victims to us so we can support them not only on the physical issue but on the psychological and legal side too.

Q85 Mr Clarke: This is very worrying to the Committee when it is trying to arrive at a fuller picture of the number of incidents, that we have sometimes conflicting figures in terms of the number of racist incidents which are followed through as crimes against the number of referrals you would have. Forgive me if I say that even those referrals would not in themselves be a true picture, because whether or not something is or is not a racist incident would depend on the hurt felt by the individual who was the victim. Can I say to you that in my small part of GB, Northamptonshire, for the last four years we have had a system of racist incident reporting where anybody—a victim, a witness, an individual who witnesses something in the street—can report a racist incident to the local council for ethnic minorities, and they compile the figures and share them with the police. That way you get a true picture of whether or not somebody conceded it to be racist against those which people think are crimes but
unimportant. Would the Council welcome such an introduction of a more widespread reporting incident process?

**Mr Yu:** We welcome data release. In fact, the NIO Community Safety Unit use the same kind of system which was developed in Edinburgh. It will not only just be the victim but if any people find an incident has happened, they can report it. This is measured by different ethnic minority groups. So it is very important. The community needs to have their ownership and participation, otherwise it will not encourage the ethnic minority people to report these things. Going back to our system itself, when we get the victim, the first thing we encourage is report it to the police. In most cases we will accompany them to the police station. One of my colleagues in charge of the whole thing is also a lawyer and she knows the investigation processes and that is important in her evidence-gathering. That is why the victim feels more comfortable, accompanied by us, to go to the police station. So we would like to encourage that kind of development in the future. That is why we need resources. We only have one staff at the moment and it is so important to bring in all these elements to tackle hate crime in Northern Ireland.

**Mr Clarke:** I think any system has to be simple. With our system it is so important to bring in all these elements to tackle hate crime in Northern Ireland. So it is very important, otherwise it will not encourage the ethnic minority people to report these things. Going back to our system itself, when we get the victim, the first thing we encourage is report it to the police. In most cases we will accompany them to the police station. One of my colleagues in charge of the whole thing is also a lawyer and she knows the investigation processes and that is important in her evidence-gathering. That is why the victim feels more comfortable, accompanied by us, to go to the police station. So we would like to encourage that kind of development in the future. That is why we need resources. We only have one staff at the moment and it is so important to bring in all these elements to tackle hate crime in Northern Ireland.

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**Mr Yu:** Firstly, I need to ascertain your question. Is it related to the hate crime issue or ethnic minorities in general, because they have two different implications and needs?

**Q87 Mr Swire:** I think both.

**Mr Yu:** Firstly, I will deal with hate crime. At the moment, there are no direct resources from the NIO to ethnic minorities to tackle those hate crimes. As I mentioned, the Victim Support scheme is not really practicable for the ethnic minority community, and that is why there should be some new resources to beef up the infrastructure for the ethnic minorities to encourage them to report the crime. Hopefully, the new monitoring system which has now developed alongside the partnership approach will be the starting point, but of course the NIO Community Safety Unit was only the first investment of money, and the system, when they set it up, has constant recurring expenses to keep with the system, and that will have resource implications. Going back to ethnic minorities in general, I think the core funding is fundamental for the whole community infrastructure within the ethnic minorities. Currently, the Government will only administer a scheme for less than half a million, the exact figure is £450,000, which is basically peanuts within the administration. According to our information when we identified the needs of the core funding when the administration was set up three or four years ago we estimated at the time we needed around £1 million for all these organisations. Of course, not necessarily all organisations are eligible for core funding. I must emphasise there is still a long way to go to set up the sector as a whole, so that is why we need to build a lot of resources on the infrastructure. I think our society works very closely with the administration through our capacity-building programme. So it is important, otherwise I will see the ethnic minorities in general can be extended to wider public participation in all the policy areas.

**Chairman:** Mr Yu, Ms Hutchinson, thank you very much indeed for your very thorough answers and for helping us with our inquiry.
Wednesday 12 May 2004

Members present:

Mr Michael Mates, in the Chair
Mr Adrian Bailey   Mr Iain Luke
Mr Gregory Campbell Mr Stephen Pound
Mr Tony Clarke     The Reverend Martin Smyth
Mr Stephen Hepburn Mark Tami

Memorandum submitted by the Royal National Institute of the Blind and the Guide Dogs for the Blind Association

INTRODUCTION

RNIB and the Guide Dogs for the Blind Association welcome the setting up of this inquiry into hate crime in Northern Ireland. Our organisations welcome the chance to participate in the Northern Ireland Affairs Committee enquiry on hate crime.

RNIB is the leading charity working for blind and partially sighted people. Its task is to challenge blindness and the disabling effects of sight loss by providing information and practical services to help people get on with their own lives. RNIB challenges all that put barriers in the path of blind and partially sighted people. It also challenges the underlying causes of blindness by working towards its prevention, cure and alleviation.

The Guide Dogs for the Blind Association wants a world in which all people who are blind and partially sighted enjoy the same rights, opportunities and responsibilities as everyone else. Our mission is to provide guide dogs, mobility and other rehabilitation services that meet the needs of blind and partially sighted people.

Our organisations played a leading role in a coalition, which was successful in getting the Government to introduce an amendment to the Criminal Justice Act 2003 during its passage through parliament to introduce additional penalties for crimes aggravated by disability hatred in England and Wales.

REASONS FOR REPORTED INCREASES IN CRIMES AND INCIDENTS MOTIVATED BY HATRED

Most studies on hate crime do not include hate crime committed against disabled people and the lack of statistics hampers work on this issue. It would help if the fact that people were disabled, together with their access needs was included in the data when a person’s details are entered on to the police computer as a victim or perpetrator. We are pleased that the Metropolitan Police are going to address this issue and we hope that other police forces will follow soon. We understand that the Government are going to be conducting a review of the collection of police statistics and we hope that as a result of that review information about people’s disabilities will be added when they are entered on a police force’s computer. Our organisations would welcome a recommendation from this committee for the review of policing statistics to include Northern Ireland and for it to call on the review to recommend that a requirement for disability hate crime statistics to be collected.

In the United States, legislation requiring data collection has proved to be a powerful mechanism to confront violent bigotry against individuals on the basis of their race, religion, sexual orientation, or ethnicity, and has increased public awareness of the problem and, as a result, an increase in the reporting of those offences. The Department of Justice has established a new freephone number for reporting complaints of hate crimes. Studies have demonstrated that victims are more likely to report a hate crime if they know a special reporting system is in place. In the United Kingdom the Metropolitan Police Community Safety Unit, who record hate crime, flag up hate crime committed against disabled people and have recorded 80 incidences of disability hate crime since the Metropolitan Police started to collect statistics earlier this year.

In contrast a failure to collect statistics and give the impression that the issue will be taken seriously can lead to under reporting. A survey of 129 people with a disability and/or a medical condition for Hate Crime Against Disabled People in Scotland: A Survey Report published in March 2004 found that 40% of those who had been victims of hate crimes did not report them to the police. Of those who did report the attack to the police one in five said that the police did nothing as a result and three-quarters said that the police had taken details of the attack but were unable to do anything.

Our organisations were pleased that the Home Secretary also welcomed the recording of a victim’s disability on the Metropolitan Police Computer and that he would consider introducing this sort of flagging more widely if it proved to be of value. However, whatever general flagging is done we hope that the Committee would agree with our organisations that all forms of hate crime need to be fully monitored.

**Effectiveness of Measures Taken by Government to and Relevant Agencies to Tackle Prejudice, and to Support the Victims of Such Prejudice**

Whether it is hate crime or not RNIB, Guide Dogs for the Blind and NACRO have anecdotal evidence of police not taking reports of crimes by visually impaired people seriously because they could not identify their assailant by sight. The following case study from the Disability Rights Commission and Capability Scotland report on disability hate crime illustrates the issue “A friend of mine with a guide dog was attacked by kids. They kicked and punched him, then took the harness off his dog and scared the dog away. He said there was no point in going to the police because, as the two young people who attacked him rightly said, he can’t identify them.” Their assailant will be counting on the inability of the visually impaired person to identify them and may even target blind and partially sighted people on this basis. However, in some cases it might be possible for a visually impaired person to identify their assailant by the sound of their voice. If this were to happen, criminals would face an added deterrent.

The evidence suggests that this is possible. The first ever conviction for murder based on a voice identity parade was secured at the Old Bailey in December 2002. Assad Khan and Didar Bains were convicted after the witness, Raymond Sarong, identified Khan’s voice in an auditory identity parade. A linguistics expert from Cambridge University was used to make sure that the process was sound. Detective Sergeant McFarlane was commended by the judge for his work.

Our organisations welcomed David Blunkett’s response to our Criminal Justice Bill House of Commons Second Reading briefing on voice identity parades. The Home Secretary said “I am firmly of the view that voice recognition is feasible and I have asked my officials and scientific advisors to reconsider this area urgently to see what steps we can take to further encourage the use of voice recognition by police and criminal justice agencies.”

Our organisations are very pleased that as a result of the reconsideration of the officials and scientific advisors an amendment to Code D of the Codes of Practice under the Police and Criminal Evidence Act (1984) is under preparation. Meanwhile the Home Secretary has issued Home Office Circular 57/2003 to police forces on the use of voice identity parades. Our organisations would welcome a recommendation from this committee that the Northern Ireland Office issue a similar circular and that the Northern Ireland Office adopt the results of the Home Office research.

We would also call on the Police in Northern Ireland to run a campaign against all forms of hate crime similar to the one run by the Metropolitan Police. This campaign included specific publicity against disability hate crime as well as other forms of hate crime. The campaign must however include material in formats, which are accessible to blind and partially sighted people. In addition to collection of statistics on hate crime would allow police strategies and campaigns to be more effectively targeted.

**RNIB’s Assessment of the Existing and Law and Proposed Changes to the Law on Hate Crime**

When the Government in introduced their amendment to the Criminal Justice Act 2003 on 5 November 2003 we asked whether they would introduce similar provision in the Order in Council covering hate crime in Northern Ireland. In response to questions from Baroness Harris of Richmond Baroness Scotland of Asthal said, “We are also considering the issue of hate crime against disabled people in the light of the Government’s amendment to the Criminal Justice Bill. The Northern Ireland Office will be looking at that very keenly indeed.” House of Lords Hansard, 5 November, 2003 Column 821. We are therefore very disappointed indeed that disability hate crime is not included in the draft order and call on the Select Committee to recommend its inclusion for the following reasons:

- **DRC Disability Awareness Survey (2002)** showed that a quarter of disabled people have experienced harassment related to their disability and one in 20 disabled people experience harassment on a regular basis.

- **A survey carried out for the joint Disability Rights Commission and Capability Scotland Report Hate Crime Against Disabled People in Scotland: A Survey Report on hate crime found that 47% of respondents had experienced being frightened or attacked because of their disability and the figure for visually impaired people rose to 57%. One in five respondents were subject to attacks once a week or more often and 25% of those who were frightened or attacked moved home to escape the attacks. 85% of all disabled respondents to the survey supported a change in the law to protect disabled people.”
— We have heard of incidences of hate crime in Northern Ireland. For example, one guide dog owner was consistently taunted for being blind and then had firecrackers thrown over the garden wall at her guide dog. We believe that the failure to include disabled people in the draft order maybe contrary to the spirit if not the letter of Section 75 of the Northern Ireland Act 1998. The failure to offer disabled people in Northern Ireland:

(a) the same protection that they are offered in England and Wales; and

(b) the same protection that those suffering racial, religious or homophobic hate crime in Northern Ireland makes this even more open to challenge.

RNIB believes that hate crime against disabled people is abhorrent wherever it takes place and calls on the Government to extend its draft order to include disabled people.

— One visually impaired women had the fire extinguishers turned on her guide dog, resulting in her dog having to be retired, after having been abused for being blind. Meanwhile, Mencap’s research has found that almost nine in 10 people with learning difficulties have experienced bullying or harassment. Two-thirds of people (66%) said that they had been bullied regularly (more than once a month) with 32% stating that bullying was taking place on a daily or weekly basis. For almost a third of respondents, most days bring another encounter with bullying. Simple activities such as leaving the house, walking to work or catching a bus to the shops are often upsetting and distressing experiences. One person reports being told that people like her should have been put down at birth, having dog excrement put through the letterbox and being threatened with having her house burnt down. Disabled people are targeted because of prejudice and discriminatory attitudes towards disability. Whether it is verbal abuse or physical attacks the effects can be devastating.

— The prevalence of disability harassment and the experiences of disabled people who have been victims of it proves that the current voluntary approach which allows the courts discretion in sentencing is not working.

— Because hate crime against disabled people is not fully recognised in law, the police lack awareness of the issues and a willingness to take complaints seriously. Mencap’s Living in Fear report provides plentiful evidence of this.

— There is widespread support for a change in the law:

— The Scottish Executive pledged last year to develop new legislation to ensure that adequate protection against hate crimes is introduced for disabled people as well as lesbians and gay men, older people and women. The Scottish Executive is currently consulting about possible additional penalties for disability hate crime in Scotland.

— The Disability Rights Commission Legislative Review says, “Harassment should become a criminal offence throughout Great Britain”. In Northern Ireland the Equality Commission is supporting an extension of the draft order to include disability hate crime.

— The Government’s amendment to the Criminal Justice Bill introducing additional penalties for disability and homophobic hate crime had the support of the Disability Rights Commission along with RNIB, the Guide Dogs for the Blind Association, Mind, Mencap, Stonewall, NACRO, the Law Society, the Penal Affairs Consortium, and the Association of Police Authorities.

— In the cases of assault, criminal damage and public order offences the inequality of legal protection is even greater. Disabled people are only protected by the Protection from Harassment Act 1997 with a maximum penalty of six months imprisonment compared to the maximum penalty under the Crime and Disorder Act 1998 of fourteen years. Whilst we are not asking for this law to be changed we do think that disabled people should at least be safe in the knowledge that if they are attacked because they are disabled it will be considered to be an aggravating factor when it comes to sentencing. We also believe that the proposed approach would offer disabled people extra protection against hate crime whilst giving judges flexibility to take account of the circumstances of the individual case.

— Some people believe that in the case of disability hate crime it is not always easy to distinguish whether the crime is based on hostility or perceived vulnerability. Our organisations obviously believe that both should be dealt with but believe that there needs to be particular focus on crimes based on prejudice since we regard these types of ‘hate crime’ as being particularly pernicious and damaging to society. We believe that the requirement to demonstrate hostility during the committing of the crime or immediately before or after in Section 146 of the Criminal Justice Act and carried over into the draft order makes a clear distinction. We also believe that other tactics such as the use of voice identity parade can and should be employed to deal with crimes based on perceived vulnerability.
CONCLUSION

Our organisations feel very strongly indeed about the issues in this response and would very much welcome the opportunity to give oral evidence to the Committee on the important issues outlined above.

We hope that the Committee will include the following key recommendations in its final report:

1. That statistics are collected for all forms of hate crime and that these are used to inform policing strategies and campaigns against hate crimes.

2. That the Committee encourage the Northern Ireland Office to issue advise on the use of voice identity parades similar to that issued by the Home Office in circular 57/2003.

3. That the Police in Northern Ireland run a campaign against all forms of hate crime similar to the one run by the Metropolitan Police. This campaign to be run in formats accessible to blind and partially sighted people.

4. That the draft Order in Council on Hate Crime in Northern Ireland be extended to cover disabled people.

14 April 2004

Memorandum submitted by Mencap in Northern Ireland

COMMENTS ON THE DRAFT CRIMINAL JUSTICE (NI) ORDER

1. ABOUT MENCAP

1.1 Mencap is a voluntary organisation which provides information and advice and a range of direct services for people with a learning disability. We support a membership network of over 70 local groups and Clubs. We campaign alongside people with a learning disability and their families and carers for an equal right to choice, opportunity and respect.

2. ABOUT LEARNING DISABILITY

2.1 It is estimated that 2% of the population—or 33,000 people in Northern Ireland—has a learning disability. Learning disability is a lifelong disability acquired before or soon after birth that limits intellectual capacity. People with a learning disability are likely to have difficulties with communication and understanding.

2.2 People with a learning disability have traditionally been either institutionalised or separated from the wider community or continued to live with their families well into adulthood.

2.3 People with a learning disability are members of their local communities. The services they rely on and use, however, such as schools, day centres, leisure clubs etc may be located many miles outside their local community. This can make it extremely difficult for people with a learning disability to feel included and part of their local community.

2.4 In addition, people with a learning disability experience prejudice and widespread discrimination that often makes them feel outcasts and prevents them from taking a full part in society.

3. HATE CRIME

“I was standing at the bus stop and for no reason people would come up to me and call me names, kick me and push me . . .” (male, 46, Londonderry. Living in Fear, Mencap 1999)

3.1 A survey carried out by Mencap in 1999 found that a substantial number of people with a learning disability are experiencing verbal or physical abuse—many on a daily or weekly basis.

Our survey, which included focus groups from Northern Ireland, found that nearly nine out of 10 respondents experienced bullying in the previous year. Two-thirds were bullied on a regular basis and almost one-third were bullied on a daily or weekly basis. Bullying was identified by people with a learning disability in the survey as “kicking, biting, name-calling, teasing, stealing, pushing, threatening, having things thrown at you, being told to leave a building, hitting, being shouted at, swearing, demanding money, hair-pulling, throwing stones, spitting, poking, being punched, being beaten up, having one’s head banged against the wall”

3.2 Name calling or verbal abuse was identified as the most common type of bullying experienced by people with a learning disability. Names related to a person’s disability were common. Almost a quarter of people who took part in our survey said that they had been physically assaulted.

People with a learning disability were often bullied in public places, such as in the street and when waiting at bus stops, often targeted as lone individuals by groups of people they do not know.

3.3 A significant number of people with a learning disability said in the survey that they had been harassed in their own neighbourhoods, many by neighbours and strangers as well as by local children and young people. People often said that their response to the bullying was either to move house or try to address the problem themselves rather than ask for outside assistance, because of the fear of retaliation.
3.4 Our survey found that in a quarter of cases, people with a learning disability were having to cope with bullying so long that they saw it as a distressing, but inevitable, part of their everyday life.

3.5 At the Mencap in Northern Ireland conference on human rights, held in October 2001 and attended by over 200 delegates, a number of people with a learning disability drew attention to the issue of bullying and spoke about their experiences of being bullied and harassed. During the conference people with a learning disability had the opportunity to identify the rights that were important to them. Included on the list of rights were “the right to feel safe” and “the right not to be bullied”.

4. Barriers to Justice

4.1 Research by Mencap, entitled Barriers to Justice, highlighted the fact that people with a learning disability are disadvantaged when using, or coming into contact with, the legal system because of the complexity of the processes involved, because individuals are not aware of their rights and because they may not be treated as “competent” or “credible” witnesses.

4.2 Despite the high levels of harassment, including assault, experienced by people with a learning disability very few people who commit offences against people with a learning disability are brought to justice. There is little statistical recording by the police of the locations, numbers or severity of incidents.

4.3 Many people with a learning disability do not know who to tell when they have been a victim of crime or experienced bullying or harassment. Some may tell someone in authority, like a member of staff at a day centre, and may expect others to report the incident or crime.

Where incidents are reported, difficulties remain with taking cases to court because of the lack of support available to people with a learning disability to enable them to give evidence and because of assumptions made about their being a credible witness.

5. Inclusion of Disability

5.1 We believe that the Criminal Justice Order should include disability within its remit. A failure to do so, we believe, would mean that people with a disability would not experience equality of opportunity, as required by Section 75 of the Northern Ireland Act.

We believe, too, that a failure to include disability within the remit of the Criminal Justice Order would mean that people with a disability living in Northern Ireland would not have the same protection as that afforded by the Government through its amendment to the Criminal Justice Act 2003 and would disadvantage people who live in Northern Ireland.

5.2 We believe, too, that challenging the prejudice and discrimination experienced by people with a learning disability is essential if we are to create a more diverse and inclusive society in Northern Ireland and if people with a learning disability are to be allowed to live their lives without fear.

Witnesses: Mr Nicholas Russell, Campaigns Officer, Royal National Institute for the Blind and Ms Maureen Piggot, Director, Mencap, examined.

Q88 Chairman: Good afternoon to you both; thank you for coming to help us with our inquiry into hate crime in Northern Ireland. We are looking at the provisions contained in the government’s proposal for a draft Criminal Justice (Northern Ireland) Order. I must say, speaking personally, that I was very surprised to hear, with one exception, that disabled people are the subject of hate crime. As you know, the thrust of this legislation is to deal with sectarian hate, which is well known and well documented. I should be very interested in your views about this, briefly if you would, and also whether you think there is any difference in Northern Ireland to the rest of the United Kingdom. There is no legislation over here against that sort of discrimination, hate, nor, so far as any of us knows, any need for it. What is special about Northern Ireland in this regard?

Ms Piggot: I am not sure that there is anything special about Northern Ireland in this regard. The crime which people with disability experience, and I do believe that it is hate crime, has been unrecognised in England as well as in Northern Ireland. I am arguing the case for Northern Ireland because that is where I live and work and have had 24 years of experience of working with people with disabilities.

Q89 Chairman: What is your experience? How often has this happened? It is a little more understandable in terms of some people with a mental disability, a mental handicap. To many people it is not the same as someone sitting in a wheelchair and they are afraid of it; it may be behavioural, it may manifest itself in many forms. How prevalent is this? Do you have any figures?

Ms Piggot: We have some figures but we do not have all the figures we should like to have. In Mencap we conducted a study in 1999 called Living in Fear and it included Northern Ireland; it was England, Wales and Northern Ireland. We analysed about 904 responses and on behalf of people with disabilities and we also conducted focus groups. The Committee suspended from 3.50 pm to 4.05 pm for a division in the House.
**Q90 Chairman:** You were telling us about your experience with the disabled. Refer it entirely to Northern Ireland, if you would.

**Ms Piggot:** You prefaced your remarks by expressing your surprise that disability organisations are asking for crime against disabled people to be included in hate legislation.

**Q91 Chairman:** Not that they were “asking for it to be included” but that I was surprised it should be necessary.

**Ms Piggot:** It is necessary because it happens and because of a belief that it is motivated in a similar way to crimes against other people who are picked on because of their perceived membership of a group. The motivation is in some way similar; it has to do with the perception of difference, difference in the way people look, difference in the way they behave or perceived differences in those things. I am not sure that any of us understands exactly where that motivation comes from and it is surprising, or perhaps unthinkable, that people as vulnerable as many people with a disability are, should be picked on in that way. Nevertheless the experience of disabled people is that that is in fact what happens. I mentioned the study we did in Mencap of the experiences of people with a learning disability. In that study, nine out of ten people reported that they had at some stage been bullied, harassed or intimidated in some shape or form. Approximately one quarter of those reported that it was a physical attack, a physical abuse. We shall go on later to talk about the types of abuse, but it was very clear that people’s experience was of being picked on simply because they had a disability and the attacks were motivated by that.

**Q92 Chairman:** When did this survey take place?

**Ms Piggot:** In 1999.

**Q93 Chairman:** How far did it go back? If somebody said this happened to them 20 years ago when they were young, would that be one of your statistics?

**Ms Piggot:** There were people who reported that it happened weekly. Some reported that it happened almost daily and was happening at that time.

**Q94 Chairman:** What about Mr Russell and the blind people?

**Mr Russell:** There are not huge quantities of separate statistics for visually impaired people, but I led a campaign to get the amendment to the Criminal Justice, now Act, 2003 to give extra penalties for this hate crime. We did that based on some quite alarming statistics from the Disability Rights Commission surveys, both in Scotland where they showed that one quarter of disabled people have experienced disability related harassment and England Wales where it showed a figure of 22%. More recently, because in addition to the change in the law which has been agreed in England and Wales, the Scottish Executive have a working party looking at hate crime which has just concluded a consultation, as part of that process Capability Scotland and the Disability Rights Committee in Scotland got together and produced a very comprehensive publication about disability hate crime in Scotland. That showed that 47%—

**Q95 Chairman:** I am sorry to interrupt, but can we concentrate on Northern Ireland, which is what our brief is? I am sure things are going on in Scotland, England and Wales, but in the short time we have, we really want to try to get any facts, figures, statistics and trends, that you have which concern Northern Ireland. It may be that in your organisation you do not have those separated out.

**Mr Russell:** There has not been collection of a huge number of statistics for Northern Ireland. What I would suggest is that in the statistics we have for the other parts of the United Kingdom there is nothing to suggest that the situation is any better in Northern Ireland. You did ask me about the visually impaired people and the statistics and that Scottish survey I was mentioning showed that 57% of vision impaired people have been subject to hate crime.

**Q96 Chairman:** Perhaps concentrating a bit on you, Ms Piggot, because you are over there, you started to give us a thumbnail sketch of bullying and harassment. Any other particular forms?

**Ms Piggot:** People report also attacks against their property and being intimidated out of their houses. People have been forced to move because of persistent attacks against them and their families.

**Q97 Chairman:** Because of their mental disability.

**Ms Piggot:** Because of their disability. They believe they are being picked on because they are seen to be different and that is because of their disability.

**Q98 Chairman:** I am trying to differentiate between mental and physical disability but you do not have any Northern Ireland statistics for physical disability.

**Ms Piggot:** I do not have any figures on physical disability. I can refer you to a study which covered all disabilities. It was a study of disabled children undertaken by Barnardo’s in 2002 and in that report, bullying, which was referred to as bullying specifically related to the child’s disability, was one of the chief concerns of children and their families.

**Q99 Chairman:** Let us turn to the nature of the attacks. Any trends of statistics as to who carries out these attacks? Are any of them associated with paramilitary organisations in your experience?

**Ms Piggot:** I would not have evidence that the paramilitaries feature heavily in the attacks on people, but I also would not have evidence to suggest that they do not. The people would tend to be identified as young people and young people in groups would be the most commonly identified perpetrators of the abuse and attacks. People also report that attacks happen on public transport, happen in public places, so it is really quite widespread, it is not confined to urban areas, it is not confined to particular housing estates, it is a common experience of disabled people regardless of where they live.
Q100 Chairman: Again you are referring to your organisation, people your organisation is responsible for.

Ms Piggot: In Northern Ireland, I would have greater knowledge of the people in my organisation, but I also work closely with other disability organisations and in my experience people do not stop to distinguish which kind of disability people have; they make assumptions about disability. Anyone who has a communication impairment is generally assumed also to have a mental impairment. The general public does not make those fine distinctions.

Q101 Chairman: As opposed to someone who is in a wheelchair because they have lost a leg. Do you sense that there is a difference in the way such people are treated?

Ms Piggot: I can believe that there might be, but I do not believe that people who are in wheelchairs are subjected to less intimidation or harassment than other people.

Q102 Chairman: So you think it is common to all people, whatever their disability.

Ms Piggot: I think it is.

Q103 Chairman: Are there statistics which would support that?

Ms Piggot: Not to my knowledge, except these studies of children and their concerns and the bullying amongst children.

Q104 Chairman: Is this something that the young do more, in terms of bullying and harassment, than older people?

Ms Piggot: That would seem to be the case, although it is not confined to young people.

Q105 Mr Pound: If you think that perhaps we are going into this in some depth, it is because you are describing a set of circumstances which are almost unique in the experience of most of us and uniquely terrifying as well. I appreciate that this is between anecdotal and empirical and I understand the response you just gave to the Chairman. Are these attacks taking place within communities or across communities? I think you know where I am going with this. Do you have any evidence that this is one community attacking a member of another community who happens to be differently abled, or is this an attack within the community?

Ms Piggot: It is both. People with disabilities are being attacked as being members of the other community whichever that is, as well as being attacked within communities on the grounds of their disability alone.

Q106 Mr Pound: Is it possible, and I appreciate that it may not be possible, to indicate whether the attack would have taken place had the person not had a visual impairment or been differently abled? Do you think this is part of the normal—if one can use that word without weeping—inter-community aggression?

Ms Piggot: No, I do not think it is. I think it is motivated by the perception of difference which is related to the disability.

Q107 Mr Pound: Overriding community orientation.

Ms Piggot: Yes; irrespective of community orientation I might say.

Q108 Mr Pound: Even more terrifying.

Ms Piggot: Yes.

Q109 Chairman: Do you think that the definition of hate crime is sufficiently precise to accommodate hate crime against disabled people?

Ms Piggot: The concept of it being an aggravating circumstance or an aggravating factor applies equally to people with disabilities as it would to people on grounds of race or sectarian difference.

Q110 Chairman: Another concern we have had expressed to us is that the Order has not been extended to the carers or the families of disabled people. Would you want them included in legislation?

Ms Piggot: I am not sure it needs to be included in the legislation, but perhaps some consideration might be given in looking at the seriousness of the offence to the impact on carers or other family members. Quite often family members are also targeted as part of the attack because of being in the same household or accompanying the person. We should also remember that people with disabilities are in families, people with disabilities might be parents and the children of parents with a disability might be targeted because their parents are disabled. Other family members, siblings accompanying the person with the disability might similarly experience attacks.

Q111 Chairman: I think the Committee is sympathetic in principle to trying to make legislation similar and compatible throughout the United Kingdom. Therefore the fact that it has been included in the Criminal Justice Act 2003, although not yet implemented, is quite a strong point in favour of what you are saying. Assuming that it was included in the Order and it required the police to gather data on attacks on disabled people, what other initiatives would be required in your view to make the introduction of such legislation effective?

Ms Piggot: One of the most important things is letting people with a disability know that their complaints will be taken seriously. In our experience people with disabilities often find that their complaint is dismissed, or that the complaint is not investigated because of police officers’ concerns that they may not be able to substantiate the complaint, or their assessment of the person’s reliability or credibility as a witness. There needs to be training of police officers first of all in assessing the ability and knowing how to obtain evidence from the witnesses or from the victim. Also awareness should be raised amongst disabled people that they have the right to be protected and that they can make a complaint and
also public attitudes, which are the source of the hate crime in the first place, they need to understand more about disability and to understand that it is a crime to pick on people because of their disability.

**Mr Russell:** One thing, particularly from the point of view of vision impaired people who are subject to hate crime, or indeed any crime, is the difficulty they face because they cannot see the person who attacked them. For that reason, during the passage of the Criminal Justice Bill we worked on the issue of voice identity parades, indeed a voice identity parade was used successfully to secure a conviction for murder in the Old Bailey. On the basis of that, Home Office circular 57/2003 has been issued giving guidance to all police forces in England and Wales on the use of voice identity parades. That has not been extended to Northern Ireland and it would be useful if this Committee could encourage that guidance to be issued in Northern Ireland. There is also further work going on looking at Code D under the Police and Criminal Evidence Act 1984 to make a formal revision to that. A lot of research is required and it would be good to encourage Northern Ireland to adopt the results of that research as well.

**Chairman:** Thank you both very much. What you have said to us has been extremely helpful, but it is rather sad that we do not have enough statistics. One of the things you could usefully do even at this late stage would be to try to pick out concrete facts and figures because it is important to know whether the trend is increasing or whether it is standing still and to know in relation to what Mr Pound said and what I said to you earlier how much of this is caught up in the sectarian arguments which remain in Northern Ireland. Someone goes and has a go at a family in a household from the opposite community not specially because there is a disabled person there, but perhaps because it is easier if there is one there, is a different type of motivation from the straight “I’m going to be difficult and rude and harass and bully anybody who is not like me”. If we are going to come to sensible and sensitive conclusions, statistics would be an enormous help in that. Thank you both very much for coming and we shall be reporting when we have finished our inquiry. Thank you.

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**Supplementary memorandum submitted by Mencap Northern Ireland and the Royal National Institute of the Blind**

**Introduction**

Our organisations would like to thank the Northern Ireland Affairs Committee for the opportunity to submit a supplementary submission and for their recommendations about extending the draft hate crime order to include disability and the collection of statistics on disability hate crime.

In this submission we give supplementary information about the level of disability hate crime in Northern Ireland.

**Levels of Hate Crime in Northern Ireland**

Mencap’s Living in Fear Report and the levels of hate crime committed against those with learning difficulties were mentioned in our original submissions. This report includes Northern Ireland and the following case studies from the report maybe of interest to the Committee:

“I was standing at the bus stop and for no reason people would come up to me and call me names, kick and push me.” Male 46, Londonderry.

“I’ve had someone threaten to stab me twice. He lives just behind me. One night I was in the living room and he tried to break in and rob me. One day he threatened to hit me with a stick, when I was on my way to my neighbour’s house. I try to walk on and ignore them but it takes place in my area.” Women, Belfast.

Children are also victims of disability hate crime. The Belfast Telegraph reported on 12 January 2002 that a school for children with learning difficulties had been attacked just three weeks after being opened. The playground at the Ceara School in Lurgan was covered with filth, trees were uprooted, graffiti was painted on walls, signs were pulled down and the intercom system was smashed in a series of incidents over the Christmas break.

In a 2002 report, “Is Anyone Listening? Childhood Disability and Public Services in Northern Ireland” by the charity Barnardo’s, children told of difficulties making friends, coping with bullying related to their impairment.

In a survey carried out by the Northern Ireland Deaf Youth Association, 36% of young deaf people reported that personal safety was an issue. The same proportion of respondents identified bullying as a concern.

A survey produced by Dr Shaun Kelly from the University of Ulster School of Nursing on abuse of people with long-term mental illness in Northern Ireland found that 60% of those surveyed had been subject to serious victimisation or harassment. Examples included:
Six female respondents reported incidents of pornographic material being pushed through their letterbox.

One respondent claimed to have had lit matches put through his letter box on two occasions.

Five reported offensive graffiti eg paedophile or pervert written on the walls or doors of their accommodation.

Three had visits from paramilitary organisations wand were told to change their behaviour or leave their home.

One man claimed that a group of young people regularly sung outside the window “where is the loony.”

Human faeces and urine left at the front doors of victims.

Mentally ill people being stoned, verbally abused or jostled when walking in the street.

In many instances respondents could identify the perpetrators of the harassment as local children, but in many instances the harassment was instigated by teenagers and adults.

Evidence from the study suggests that the victims of these horrific incidences would not be prepared to report them to the police or mental health professionals because “they would not believe me” or “they would think that I was ill again.”

Special needs housing providers in Northern Ireland routinely encounter opposition to the development of housing for people with disabilities, Consultation often includes public meetings at which hostility to disabled people is expressed.

10 June 2004

Memorandum submitted by Committee on the Administration of Justice

To respond directly to the three questions posed by the Committee:

1. The reasons for the reported increase in crimes and incidents motivated by hatred within and between the communities in Northern Ireland

While CAJ has no reason to doubt the suggestion that hate crime is on the increase, current record-keeping is far from satisfactory. This in turn makes any analysis of the problem of hate crime all the more difficult—still more so an analysis of the cause of any alleged increase in such crime.

There is currently some uncertainty regarding the gathering of statistics in this area because the police recording of hate crime is a relatively new phenomenon. CAJ believes that it would be extremely helpful if the NIAC explored initially what is the current situation in hate crime levels in Northern Ireland, and whether it can be independently verified if there has been an increase in incidents, or an increase in reporting, both or neither.

In 1997 the PSNI introduced the monitoring of race-hate crime for the first time. While it is clear that police statistics over the last few years indicate an increase in such crime, it is not clear if this is a rise in the level of such crimes, more routine reporting of such crimes to the police, or more consistent recording of such crimes by the police—or indeed all of these factors. A recent study of racist crime in Northern Ireland highlighted very interesting comparisons with England and Wales and seemed to suggest that the levels of racist crime are proportionately higher in Northern Ireland. If accurate, this would be a very worrying phenomenon, and one which CAJ thinks is not widely known, but is deserving of greater publicity.

Homophobic crime is beginning to be recorded and monitored and the question of data gathering was one of the key recommendations arising from a study into homophobic crime in 2003 (An Acceptable Prejudice? Homophobic violence and harassment in NI, Institute of Conflict Research, Neil Jarman and Alex Tennant, July 2003).

Perhaps surprisingly, the most common hate crime in Northern Ireland (sectarian motivated crime or incidents) has not been formally recorded or monitored to date, and the PSNI is only now consulting on definitions (see attached CAJ correspondence with the PSNI). The latter situation has been commented upon unfavourably by Her Majesty’s Inspector of Constabulary on several occasions (HMIC’s report in 1999–2000 reiterated his concern at the lack of such data). The NI Affairs Committee may want to ask the PSNI to comment on the latest developments to date in this regard.

Any serious programme to tackle hate crime must be based upon good statistical and other data, and it would therefore be helpful if the NI Affairs Committee explored the plans that exist to fill the current lacunae of such data.
2. Examine government measures to tackle prejudice and support the victims of such prejudice

As CAJ indicated in its commentary on the consultation around race crime and sectarian crime legislation, there are many measures over and above legislative changes that government can promote to address issues of racism, sectarianism and homophobia. In our February 2003 paper, we urged the authorities to consider legislative change as simply part of a larger package of measures that would also address the need for:

- Human rights education that would encourage respect for diversity, equality of treatment, and tolerance.
- Measures to tackle institutional racism, sectarianism and homophobia, most particularly in the criminal justice and policing agencies.
- Training programmes that would assist the public sector (and again especially the criminal justice and policing agencies) to challenge racist, sectarian or homophobic practices and develop appropriate responses. In particular, specialised training in evidence-gathering in hate crimes, to ensure that any legislative changes result in successful court action.
- Improved representation of people from under-represented groups on public bodies, in senior positions within the public service, and in decision-making organs.
- Greater political commitment to the current positive duty placed on all public bodies to actively promote equality of opportunity and good relations regardless of race, religion, political opinion etc.
- Policy measures by public authorities explicitly aimed at countering racist and sectarian behaviour should also be explored—eg policies relating to housing, to graffiti, to the use of public spaces etc. should be assessed with a view to countering behaviour motivated by racial or sectarian bigotry.
- Improved research into the nature of hate-crimes and the main sites for such behaviour, as well as models of good practice in responding to such behaviour. In particular, it is vital to gather reliable data on the nature of racism and sectarianism in Northern Ireland, and on the level of these and other hate-crimes. CAJ has elsewhere noted the concerns of Her Majesty’s Inspector of Constabulary at the delay in setting up systems allowing the police to record sectarian crime in Northern Ireland.
- More public education campaigns.
- Effective response to the needs of victims—both within the formal criminal justice system and via support networks.

3. Effectiveness of the law and proposed changes

Again, we can quote directly from our February 2003 submission on hate crime legislation to the effect that CAJ believed that legislation should be introduced to allow for sentencing to address hate-crime motivation. We argued that it is better to separate out the alleged crime—murder, assault, etc.—from the alleged motivation of the criminal act. Thus, courts should first come to a finding of fact as to whether any motivation. We argued that it is better to separate out the alleged crime—murder, assault, etc.—from the alleged motivation of the criminal act. Thus, courts should first come to a finding of fact as to whether any motivation occurred. This first decision must be the primary one, regardless of the alleged motivation of the suspect. Dealing with motivation in the same process as dealing with the crime can confuse and undermine the finding of fact. As has been discovered in England, the merger of two concepts “offence” and a “racially aggravated” offence, has proved quite difficult to operationalise. In practice, the fusion of two quite different notions has meant that people clearly guilty of an offence escaped any punishment at all, since the racial aggravation element of the charge could not be sufficiently proven.

On the other hand, it is both a natural and proper part of the duty of sentencing for the judge or magistrate to weigh up any mitigating or exacerbating elements in the offence. The level of damage caused to the individual and—in the case of hate crime—the “group” the individual was thought to “represent”, and indeed wider society, seem quite proper and necessary elements for the sentencer to bear in mind. Indeed, the sentencer is provided with a certain level of discretion precisely in order to gauge the penalty which is most appropriate to the nature of the crime and in determining this, they must examine all aggravating or mitigating elements of the offence.

CAJ did not support any of the other three legislative options on offer in the government paper (Race crime and sectarian crime legislation in Northern Ireland, NIO consultation paper, November 2002). One option would have allowed magistrates to find alternative verdicts. This might assist in the event that the “racial aggravation” element of a crime could not be proved, since it would allow the magistrate to set this element aside and still proceed to make an independent judgement on the offence itself. The real disadvantage of this option, however, is that it gives far too much discretion to the magistrate, and raises concerns about the due process rights of the defendant. In an attempt to protect and promote the rights of those who are the victims of hate crimes, it is vital that we not set aside the rights of the accused, who is innocent until proved guilty. Nor did we accept the option that legislation cover racially aggravated offences but no other hate crimes. The last option offered was to mirror the Crime and Disorder Act in England and Wales and create offences “aggravated by” sectarianism/racism or homophobia. The disadvantages of
merging the offence and its motivation have been explored in great detail by the University of Cambridge study, which highlights a series of problems such as: definitions, evidential problems in proving “motivation”, workload created by greater per cent of contested charges, low conviction rate.

As noted earlier, draft legislation is now in circulation (the Criminal Justice (NI) Order 2004), and CAJ will comment before the 9 April 2004 deadline.

There are, however, a number of additional legislative changes that could usefully be made and which we commented upon in our 2003 paper:

1. The Public Order (NI) Order 1987 should be brought more in line with its British equivalent by incorporating section 5 (1) of the 1986 Act which outlaws “threatening verbal abuse and behaviour” and outlaws threatening, abusive or insulting behaviour “within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby”. (see para 2.2 of the government consultation paper)

2. The Protection from Harassment (NI) Order 1997 creates several offences of harassment and includes reference to racial harassment but does not refer to sectarian harassment. This should be amended accordingly.

CAJ has also long campaigned for a Bill of Rights for Northern Ireland and, in the last few years, for a single piece of legislation to counter discrimination and promote equality—a Single Equality Bill for Northern Ireland. Both of these initiatives go much further than addressing issues specific to hate crime, but clearly a society-wide debate around the protection of rights, and documents that lay down principles of equality and human dignity, would make a major contribution to creating a fairer society, in which hate crime is less likely to occur or to be accepted.

The Council of Europe has issued a booklet providing a series of excellent recommendations relating to comprehensive national legislation to combat racism and discrimination.11 CAJ would recommend that the Northern Ireland Affairs Committee study this material closely with a view to determining additional improvements to be made to the legislative framework over and above the recommendations in this commentary.

However, this section of CAJ’s commentary on legislative responses to hate crime cannot conclude without emphasising the vital importance of enforcement. There is little value in amending or complementing current legislation with additional protections if these provisions are then left unused or under-used on the statute book. The experience to date has been very troubling in this regard. For example, on the statute books already, Northern Ireland has the Protection of the Person and Property Act (NI) 1969, which is extremely broad in its provisions. Amongst other provisions, it makes it an offence if a person “unlawfully causes, by force, threats or menaces or in any way whatsoever, any other person to do or refrain from doing any act” (section 1). Similarly, article 9 of the Public Order (NI) Order 1987 makes it an offence to use or display threatening, abusive or insulting words or behaviour, with intent to stir up hatred or fear of a section of the Northern Ireland community, or where such fear or hatred is likely to be stirred up. Yet, while the incidents appear to abound in which people are forced to do or refrain from doing things due to force, threats or menaces, and where such fear or hatred appear is likely to be so stirred up, the number of people charged, and found guilty, under this provision is again very small.

Some of the reasons for this experience of non-enforcement are due to problems of definition (see earlier debates around Crime and Disorder Act).

Alternatively, problems of non-enforcement can lie in the reluctance on the part of some victims of hate crime to come forward and seek official help, given their fear that this may only lead to further opprobrium being suffered by their “group”. The EU race equality directive12 establishes some protection for individuals facing discrimination by stating that “associations, organisations or other legal entities . . . may engage, either on behalf of or in support of the complainant, with his or her approval, in any judicial and/or administrative procedures”. Consideration should be given by the authorities to this provision and to other ways in which protection could be afforded to victims of hate crime, so that they willingly come forward to work with the police and the criminal justice system to ensure that the law is effectively enforced.

Yet other concerns about non-enforcement relate to the unwillingness or inability of the criminal justice agencies to gather appropriate evidence and pursue it. We commend to your attention important concerns raised in this regard by the NI Council for Ethnic Minorities. Institutional racism and sectarianism is often a matter of what is not done, and not only what is done. The real test of anti-hate crime legislation will be more reporting and recording of hate crime and more successful prosecutions, with a view to making such criminal behaviour increasingly unacceptable.


CONCLUSION

The state has a range of duties under international human rights to ensure equality, prevent discrimination, and afford security of the person. This positive duty requires a range of legislative and other measures.

CAJ urges the Northern Ireland Affairs Committee to recommend to government that they introduce strong anti-hate crime legislation, that supplementary legislative measures be introduced alongside this specific hate crime legislation, and that steps be taken to ensure more effective enforcement. Training, and education should be provided to the police and all criminal justice agencies to ensure that the legislative changes actually impact on the ground. The problem, however, lies not only with the criminal justice agencies, since these by definition come into play when a crime has been committed. A range of initiatives must be taken by the state and some of these have been highlighted at the outset of this paper. If legislative changes are not part of a much bigger project, hate crime will continue to be a major problem for Northern Ireland.

March 2004

Supplementary memorandum submitted by the Committee on the Administration of Justice

COMMENTARY ON CRIMINAL JUSTICE (NI) ORDER 2004

DRAFT LEGISLATION

Article 2.1.3(a) . . . the offender DEMONSTRATES towards the victim of the offence hostility based on . . . or Article 2.1.3(b) the offence is MOTIVATED (wholly or partly) by . . .

There was some confusion in the public debate around government proposals in this regard. Some commentators expressed the concern that the test for “aggravation” was being set higher in Northern Ireland than the so-called “Lawrence” test, where it is the presumption of the victim, or any third party, that is crucial in determining the extent to which an offence can be considered racially motivated. CAJ accepts that the current formulation suggests that courts cannot rely solely on the wholly subjective test of a victim or third party’s perception, but requires some evidential test for sentencing purposes. This, we would emphasise, is acceptable but needs to be complemented by the much broader “Lawrence test” at the stage of monitoring, recording and investigation of allegations of hate crimes, if successful prosecutions (and the evidential test that such prosecutions require) are to follow.

Article 2.5: definitions

— see comments above regarding the broader Lawrence definition of hate-motivated crime. While, for evidential reasons, it is useful to define “presumed” to mean “presumed by the offender”, one must wonder if there could also be situations which would fall outside these exact parameters. For example, if a group of people attacked an individual on the basis of his/her real or perceived racial or other origin, would it be necessary to prove that each individual attacker was similarly motivated?

— An obvious problem with the definitions concerns the issue of sectarian crime. While some hate-crimes are directed at individuals because they are, or are perceived to be, Catholic or Protestant, others relate to their real or perceived political opinions (unionist or nationalista), or to their real or perceived communal allegiances (to particular football teams etc). In Northern Ireland, religious belief, political opinion and communal identity are often conflated, and there are likely to be situations of sectarian crime where a strictly “religious” motivation may prove difficult to argue. The explanatory document did not explore whether the proposed language would cover all relevant situations. Crimes often take place in Northern Ireland because someone is wearing the “wrong” football shirt, or carrying the “wrong” sporting gear, or wearing the “wrong” school uniform; can one be sure that the current definitions will cover this form of hate crime? There is no explanation why the term “sectarian” is not thought a more useful categorisation of such motivation.

In Scotland (Criminal Justice Act 2003), reference is made to “the victim’s membership (or presumed membership) of a religious group, or of a social or cultural group with a perceived religious affiliation”. In the definitions section, reference is made inter alia to “support for the culture and traditions of a church or religious organisation or participation in activities associated with such a culture or such traditions.” CAJ is unaware if these definitions cover all of the likely religiously motivated hate-crime scenarios, but it seems to better reflect the reality—it is rarely doctrinal belief per se that is the cause of conflict.

OTHER ISSUES

The problem about definitions is relevant to a range of debates beyond the formulation of this specific legislation. CAJ has raised a number of concerns in this regard in correspondence with the Police Service for Northern Ireland (see attached). It is vital, if sectarian hate crime is to be tackled effectively, that there be clear definitions that allow for effective monitoring, recording and investigation.
Equally, on monitoring, one has to be careful to gather useful data. The explanatory note clarifies that the term “racial groups” includes Irish Travellers (Part III, article 2(5) but does not clarify if racial attacks will be monitored in a way to differentiate whether the racial attacks are aimed at Arabs, Chinese, Travellers, or all of these groups and more. Will “religious group” be monitored differentially as between Catholics/ Jews/Muslims/Protestants? A rash of attacks on the homes of Muslims may, for example, need a different response to a rash of attacks on Catholics or Protestants in isolated enclaves, and the data must be capable of being separated out to allow for different responses.

Once the legislation has been amended, CAJ presumes that the sentencing guidelines will be explicitly amended. We would propose that this would provide a further opportunity to engage with the judiciary, other criminal justice agencies, and the police in anti-racist/homophobic/sectarian training. It is vital for those responsible for implementing this legislation to develop their own awareness of and sensitivity to the societal problems created by hate crime, and the contribution that institutionalised racism/sectarianism/homophobia can make, sometimes quite unwittingly.

The opportunity should be taken of this overhaul of the legislation to examine why current legislation is failing to effectively tackle hate crime. Reference is made in this text to amending other relevant legislation—see Articles 3 and 4 and the amendments being made to the Public Order (NI) Order 1987, Offences against the Person Act 1801, and Protection from Harassment (NI) Order 1997. It is CAJ’s understanding that much of this legislation has been relatively little used in the past to tackle hate crime. Yet, there is little point in merely adding to the amount of legislation outlawing hate crime, if the legislation is then not implemented. There should be an examination of why this legislation has not operated effectively to date.

CAJ is aware of the significance of good law in outlawing criminal behaviour, but also notes that a range of other educational and institutional measures are necessary if hate crime is to be tackled in a holistic and effective way. We will not reiterate the details of what is needed but would refer to earlier CAJ submissions on this topic to the Northern Ireland Office and the Northern Ireland Affairs Committee (see submissions dated February 2003 and March 2004).

Witnesses: Ms Maggie Beirne, Committee on the Administration of Justice (CAJ) and Professor Tom Hadden, examined.

Chairman: Welcome Ms Beirne and Professor Hadden. Thank you for coming to help us. We have some questions for you about your experience as leading—and long-term if I may say so—members of the Committee on the Administration of Justice; I can remember us meeting when we were a lot younger.

Q112 Mark Tami: Could you begin by briefly giving us details of the work carried out by the CAJ and the Northern Ireland Human Rights Commission in relation to the whole issue of hate crime?

Ms Beirne: CAJ would not monitor hate crimes closely. Our involvement has been at a distance, both commenting on proposed legislation, commenting on policy initiatives by government and we work closely through a number of mechanisms with organisations which work on racism in society, homophobia, sectarianism, but we do not directly monitor this.

Q113 Mark Tami: In your submission, you do mention that you have undertaken a number of projects relevant to the inquiry into hate crime.

Ms Beirne: Over the years we have produced a number of research projects, particularly into racism and we have made numerous submissions to the UN Committee on the Elimination of Racial Discrimination. In fact we were one of the groups which were quite instrumental in ensuring that race legislation was extended to Northern Ireland 20 years after it was introduced in Britain. Those were the kinds of things we were thinking about. We have also done work around issues of harassment by the police and army, where issues around sectarianism may have arisen, but not hate crime in quite the same way.

Professor Hadden: I should start by saying that my status here is not entirely clear. I am a member of the Human Rights Commission, but I am not sure that I am speaking exactly for them. I shall probably be saying the same thing anyway. I can certainly explain what the Human Rights Commission has or has not been doing about this. The primary responsibility in this area is the Equality Commission in the sense that they look after discrimination on the grounds of race and other grounds. We had a very useful joint discussion with the Equality Commission two or three months ago which was primarily concerned with putting pressure on the UK Government to develop a national action plan against racism and hate crime is clearly one aspect of that. The direct responsibility for monitoring the extent of discrimination and hate crime in respect of the various groups you are concerned with is the Equality Commission. We take a superior view. We comment on what other people are doing rather than being directly involved in monitoring or enforcing.

Q114 Mark Tami: Turning to the draft Order itself, do you feel that the range of groups covered by that and the hate crimes covered by that are adequate?

Professor Hadden: There is an important distinction which is being missed, or was certainly being missed in relation to your discussions in respect of disability and mental disability, that this draft Order is about increasing sentences in respect of existing criminal offences, whereas some of the things which are being
talked about in relation to hate crime are about raising the standards so that harassment and attacks which are not directly physical become criminal. It seems to me that by jumping to disability, you would in a sense be jumping the gun, because disability is not covered under the ordinary hate crime legislation.

Q115 Mark Tami: Do you think it should be?
Professor Hadden: I would be more sympathetic to the idea of extending the lower level of hate crime, that is activities which harass or which bring into disrepute, that kind of thing in respect of disabled people and mentally disabled people, rather than jumping immediately to increasing the penalty. I shall come back to the increased penalty point later.

Ms Beirne: When we commented on the legislation, we were very keen that it cover race, sectarianism and homophbic crime and that was already an extension. We did discuss disability. We actually looked at all the potential groups, because obviously the elderly are frequently vulnerable to criminal attacks and so on and should this count as hate crime? We felt that it was really if individuals were being targeted because of membership or presumed membership of a group. I was very interested in the last exchange because we were not sufficiently aware of the extent to which this was an experience of people with disabilities. I think we shall be going back thinking about whether we should have proposed that disability be included, but we would not argue for it to be extended more generally to elderly, the young, and such groups. It is individuals who are targeted because of their membership or presumed membership of a group and that that should be recognised through sentencing. I think I am saying that we are probably still open to discussion like the Committee.

Q116 Chairman: As indeed we are.
Ms Beirne: We shall be learning and listening to the Committee's deliberations.
Professor Hadden: The Human Rights Commission submission on the Order suggests that it might be extended to all section 75 groups. I have a slight concern about that because all section 75 groups would include women, would potentially include people with dependants or without dependants. It does seem to me that the purpose of a measure like this is to highlight a particularly serious problem and if you include everybody, then you have lost the point.
Your questions to the previous witnesses were to the point that it is important to establish that there is a particular problem of attacks against a particular group which require the courts to take account of them and to make public that they have taken account of them. One point to which I would draw your attention which I do not think is in the Human Rights Commission summary is the requirement under the Crime and Disorder Act 1998 in England, section 84, sub-section 3, which requires the court, when increasing the penalty for a particular offence on one of the stated grounds, to make a statement openly in court that that is what they are doing.

Rather than rolling it up in an increased sentence, the court is obliged under that sub-section to draw public attention to the fact that the sentence has been increased as a result of the attack on the particular group. It is a requirement of a statement in open court that the sentence is being imposed in the light of the aggravated nature of the offence. So the Draft Order does provide for this.

Q117 Mark Tami: Moving on to international law, how does the UK address the whole issue of hate crime in that respect, but also then perhaps looking at Northern Ireland? Does it fall short in even covering that? Do you feel that the draft Order helps to address that problem or are we still falling short even of a UK perspective?
Ms Beirne: I would not say that hate crime has been clearly defined in international human rights law either, but certainly in making recommendations we would draw on the non-discrimination provisions and things like the two international covenants and the conventions on racial discrimination. Equally, at the Council of Europe level, you have important provisions through the Framework Convention. Those are ones where there is definite responsibility on the state to protect people. They would not have defined it in the same formulation as hate crime, but it clearly would be in conformity with the UK's international obligations that legislation be introduced to improve and build upon the provisions that already exist.
Professor Hadden: I can expand on that a little bit.
As you know, the submission from the Human Rights Commission makes reference to the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), articles 4 and 5, which require signatory states to make criminal not only attacks on people on the basis of their race, but also the dissemination of ideas of racial superiority. It is quite clear that the UK, as far as I can discover, has not done that in respect of the dissemination of ideas of racial superiority or the dissemination of ideas in respect of the other groups we are talking about. I am not sure they should. I have a feeling that to criminalise the dissemination of ideas is perhaps a step too far and that it is better to focus on criminalisation of incitement to violence, of harassment, of things like that. Even though the UK is not technically complying with its international obligations, I am not sure that I personally would—

Q118 Mark Tami: You would not want to see more state action in this area.
Professor Hadden: —to the dissemination of information about superiority or lack of superiority of these groups. ICERD, the Convention, also makes a distinction between things which are to be criminalised, which are attacks, harassment, incitement to violence, that kind of thing, which is article 4, and article 5 is about a state obligation to deal with discrimination. That distinction is important. There are some things which are better dealt with as criminal offences and other things which are better dealt with by way of civil discrimination legislation. There is no international
obligation, for example, to make criminal the act of
discrimination. The international obligation is to
make criminal harassment, incitement to violence,
things of that nature. That is about right.

Q119 Mark Tami: Would you agree with that as well
or would you take a slightly different view?
Ms Beirne: I would take a slightly different line. We
have a lot of material in Britain and certainly in
Northern Ireland which is hate filled and inciting
hatred and I should be quite concerned at not
addressing those issues of dissemination of hate
literature.

Professor Hadden: That is clearly covered; I am not
disagreeing on that. It is just the dissemination of
ideas seems to me to be a slightly too wide a
formulation and that it should be tied to the kind of
harassment, incitement to which Maggie has just
referred.

Q120 Reverend Smyth: I often wonder whether there
is much difference between people in any place. If
certain things get out of hand anywhere, the same
thing comes to the surface. I notice that CAJ have
specialised in looking at the sentencing rather than
the aggravation. Do you think that is a wise decision,
bearing in mind that it is bringing us out of line with
the English legislation? Would we not be better
keeping these aggravated offences so that it is getting
a message across that things are seriously wrong and
have to be dealt with?

Ms Beirne: I would certainly agree with The
Reverend Smyth that we have to get a strong
message across that the offences need to be seriously
addressed. Our concern in looking at the experience,
because we have now had the experience in England
and Wales of legislation where you have racially
aggravated offences, is that it seems problems have
arisen in a number of instances, for example if you
cannot prove the racial element within the crime
then the whole crime falls. Someone may have been
the subject of a very, very serious assault, but it has
not been possible to prove there is a racial or
sectarian element and therefore it falls. We thought
it would be much better to look at the finding of fact
on the issue of the alleged crime and then look at the
question of sentencing. If you like, one always looks
at the exacerbating or mitigating factors at the
moment of sentencing and it seems to us that the
motivation of the crime and the fact that society
wants to give a particularly strong statement in
regard to motivation might be the point at which you
would introduce it. There are then problems in that
we have maximum sentences and we actually
propose how that might be addressed. It is precisely
on the basis of having had the advantage of some
experience in England and Wales that we think we
need to bear that in mind in introducing the
legislation in Northern Ireland. It may be the
Northern Ireland experience will then be
transposed back.

Q121 Reverend Smyth: So legislation has been
passed in Northern Ireland which has never been
used and one has to face facts: if we change the
legislation will it be implemented? Do you actually
agree that the maximum sentences for offences
aggravated by racial and homophobic hostility
should be higher than the maximum sentences for
the same non-aggravated offences?

Ms Beirne: Yes, we do think that they should be
higher, that there should be potential for giving
higher sentences.

Q122 Reverend Smyth: Do you think this will be the
effect of the proposed Order as presently drafted?

Ms Beirne: I supposed the answer is yes and no. Yes,
that is obviously the intended effect, but I could not
agree with you more that one of our concerns in
responding to this particular consultation is that we
would seem on the face of it to have legislation which
outlaws very serious offences which does not seem to
have been very actively used. It was not clear to us
from the consultation document whether there had
been a very detailed survey of why that might be and
therefore how we could ensure that whatever
additional legislation is introduced does in fact meet
the problems which have been experienced in the
past.

Q123 Reverend Smyth: Shakespeare had a word for
it: intention.

Professor Hadden: I have three comments I would
make on that line of questioning. I have been trying
desperately to find out over the last two or three days
how many prosecutions are actually carried out
under this kind of legislation. I must say I have not
been making a lot of progress. I gather that there are
some representatives of the PSNI, who are here who
may be able to assist you on that. There is apparently
a difficulty about the release of statistics tomorrow,
but not today. I have not been able to ascertain any
figures at all as to how much the existing hate crime
legislation has been used, so I cannot help you on
that. On the question of the increase of sentences, I
had some discussions yesterday with some
representatives of the Crown Prosecution Service.
Their attitude was that judges in sentencing in this
area tend to look at the picture overall and to come
to what they think is an appropriate sentence. It may
be an attack on a woman, it may be an attack on a
young child, it may be an attack on an old person.

They look at the situation in the round and then
come to what they consider to be the appropriate
sentence, rather than going through the process of
saying, if this had not been a disabled person it
would have been X, but now it is X + 1. That is why
it seemed to me that section 82B in which the court
is required to say they have specifically taken into
account that this is a racially motivated or
homophobic attack or crime is the useful bit. The
third point is that I am not actually convinced that
increasing the sentence is the best way of dealing
with people who commit this kind of offence.

Criminologists, penologists and probation officers
do not always take the view that simply bumping up
the sentence, putting the chap away for an extra year
is going to help to resolve the problem. If you think
of drink driving offences, people are devising better
methods of discouraging people from engaging in
drink driving than simply putting them away for an extra year or two, so I would urge the Committee to think of encouraging the courts to develop better ways of dealing with people who are racially motivated or motivated on homophobic or any of these other grounds to change their ways. I am not sure that putting on an extra year or two will always do that. I am interested that there is a conference in Belfast in July run by the National Association of Probation Officers which is specifically looking at the way in which the system can help and persuade and encourage and deter people who are offending in this way from continuing their activity. My inclination would be to say that simply putting them away for another year probably would not do that.

**Q124 Mr Clarke:** If we are going to increase sentences for those who carry out aggravated crime, hate crime, then we are going to need to provide the evidence, yet Northern Ireland has less monitoring and less evidence to put forward than other regions in the UK. Last week we interviewed the Northern Ireland Council for Ethnic Minorities who said that there was no real monitoring and that attacks were carried out and the true nature of an incident was often hidden, or not recorded, and that the police simply followed up with a crime record which ignored the fact of the hate crime. Would you welcome closer monitoring and better ways of recording race and hate crime from the victim's perspective? Surely it is for the victim to decide whether or not they had been a victim of a hate crime rather than the police? The police may wish it not to be recorded, but surely the individual should have some recourse, some way of presenting to a body that they believe they have been the victim of a hate crime? Would you welcome that or agree that is the way forward?

**Professor Hadden:** The PSNI does produce figures. I was making a distinction between incidents and prosecutions. We do have figures in the Chief Constable's report, which you probably have, of racial incidents from 2000 to 2003 and homophobic incidents from 2000 to 2003. I have those figures which I could hand over to you if you wish.

**Q125 Mr Clarke:** We have seen the figures. Our question is that even the incidents do not paint the full picture.

**Professor Hadden:** That comes down to the argument over the McPherson test. Is it the perception of the victim that matters most or is it some evidence that either the circumstances or the intent of the offender is relevant. That is quite a difficult one. Certainly in terms of strict criminal law it would be quite difficult to convict somebody of an aggravated offence on the basis simply of the assertion by the victims that they were attacked on those grounds and without any other evidence. It seems to me that the Order itself and the British legislation is about right in saying either proof of intent on the part of the offender or else surrounding circumstances. Simply to say that because the victim claims it was, does not seem to me to pass the test of proof beyond reasonable doubt for criminal purposes. It may be that you would want to collect statistics in relation to that, but there is a distinction between the proof in a court for the purposes of making this statement or a different kind of sentence rather than increasing the sentence. There is a distinction there which is important.

**Ms Beirne:** May I pick up on a point which the Chairman made with the last panellists, asking how useful it would be to get statistics and to have a sense of how big a problem this is? That is actually a very strong argument for recording incidents and crimes. One of the real problems we have is that race attacks have only been recorded officially in the last few years; homophobia for even less time; we are now trying to determine definitions to record sectarian crime. It seems particularly surprising perhaps in the Northern Ireland case that sectarian crime has not been recorded to date. It is extremely important to have shared definitions and to record this information. I obviously agree with Professor Hadden that we have to make a distinction between how that then follows through in terms of evidence in court, but all the more reason why it is extremely important from the earliest possible phase of an incident, a crime or an alleged crime for the police to be recording that a racial, sectarian or homophobic element is imputed so that they will be looking to see whether there is any evidence to back that up when it eventually comes to court. One last thing is that I think there is some confusion which seems to be developing. The CAJ had correspondence with the PSNI around the definition of sectarian incidents and the recording of sectarian incidents and crimes. They have just now responded to that and that debate is ongoing. It does seem as though we are having different groups of people having different discussions about the definition and the legislation will perhaps be slightly narrower than what is being recorded. There may be some advantage in the Committee urging for a co-ordination between these various debates so at the end we can ensure that the evidence is being effectively gathered, that we can see what the trends and changes are, and that we can then prove cases in court where necessary.

**Q126 Reverend Smyth:** We are aware that article 4 of the Order would increase the maximum penalty for a number of offences, regardless of whether or not they are aggravated. This would mean that the potential sentence for non-aggravated offences in Northern Ireland would significantly exceed that in England and Wales. Does this concern you?

**Ms Beirne:** Since we have made the proposal, no, not particularly. It is very unusual for civil liberty groups to be arguing for more prison and more sentencing. However, we think that when these crimes have been proven, they need to be effectively responded to by the courts. No, it does not worry us to have these disparities.

**Q127 Reverend Smyth:** You both suggest that in addition to legislative change, other measures are needed to tackle prejudice and to support the victims of hate crime. Could you please explain briefly—and
that might be difficult, but just try to keep it brief—
the type of changes which should accompany legislative changes?

Professor Hadden: I cannot say that I am an expert
on the best way of dealing with these types of
offenders. You would be better to ask probation
officers and other people who are dealing with that
kind of treatment of offenders as opposed simply to
banging people up in prison. I am not at all
persuaded that it will not perhaps make matters
worse. There is a slight danger of creating martyrs if
somebody is put away. He or she may come back to
his peer group later on with the idea that they have
been put away for doing this, they have not changed
their views at all so let us get on with it. I would much
prefer you and the penal services to focus your minds
on better ways of encouraging people to cease this
sort of activity, perhaps working with members of
minority communities would be one way of doing it
to get across the idea that they are not devils and not
so different as perhaps the people thought when they
embarked on the attacks. That kind of approach
would be much more useful than simply increasing
the sentence and putting people away longer and
filling up the prisons.

Ms Beirne: CAJ proposed a number of measures.
We obviously emphasised the importance of a Bill of
Rights, single equality legislation, human rights
education, the need for training programmes within
the police and the criminal justice system, more
public education programmes, improved
representation of people from under-represented
groups on public bodies and obviously the very fact
that this legislation would be going through and
there would hopefully be better recording and
reporting and following up will also give signals
about the need to support victims and to support the
organisations which work with these different
constituencies.
Chairman: Thank you both, Professor Hadden and
Ms Beirne, for coming to help us with this rather
difficult inquiry.

Supplementary memorandum submitted by the Committee on the Administration of Justice

Attached please find a letter being sent in the same post to the Northern Ireland Office regarding CAJ’s
view (albeit belated) that it would be important to include “disability” in the grounds covered by hate crime
legislation.

In our oral testimony to the Committee, in response to the Rev Martin Smyth, I indicated CAJ would
have no particular problem of principle in having differential pieces of legislation across the different UK
jurisdictions. It would have been more accurate for me to say that, as an organisation committed to ensuring
the highest standards of administration in Northern Ireland, we have no problem in principle with having
better civil liberties and human rights protections than elsewhere in UK. We will, however, definitely seek
to challenge any attempt to introduce lower standards.

Criminal Justice Division
Northern Ireland Office
Massey House
Stormont
Belfast BT4 3SX
17 May 2004

Dear Sir/Madam RE: CRIMINAL JUSTICE (NI) ORDER 2004

While I realise that the consultation period around this legislation is completed, the Committee on the
Administration of Justice (CAJ) was only made aware of some additional concerns in the course of its
testimony before the Northern Ireland Affairs Committee on 12 May 2004.

When responding to the initial consultation document (in February 2003) and to the draft legislation (10
May 2004), CAJ had not realised that the issue of hate crime on the basis of disability was already covered
in the equivalent legislation in England and Wales. To our recollection, there was no allusion to disability
in the original consultation material, and we therefore concentrated on arguing why the English legislation
needed to be extended beyond race, to sectarian and homophobic crime. While we did consider the issue
of disability (and indeed other section 75 categories), we were unsure if “hate crime” was the appropriate
denomination, whether there were problems in this domain, and we hesitated to make further suggestions
to “extend” the legislation, had we realised that disability was included in the English equivalent legislation,
we would have argued for its inclusion in the Northern Ireland legislation.

While, as we indicated in our testimony, we have no problem in principle with differential provisions
across the different UK jurisdictions, CAJ will always campaign for the best possible provisions in Northern
Ireland and we think that in respect to disability we should therefore mirror more closely the Criminal
Justice Act 2003. MENCAP’s testimony to the Northern Ireland Affairs Committee was doubly
impressive—firstly in highlighting that there are already documented cases of hate crime on grounds of
disability, and secondly highlighting the need for some recognition of this problem if we are properly to document trends and counter such crimes ever more effectively. Last but not least, CAJ thinks it would give entirely the wrong signal to the public that disability is included as one of the grounds for hate crime in England and Wales, but is not given a similar status in its NI equivalent.

**Memorandum submitted by Police Service of Northern Ireland**

The Police Service of Northern Ireland presently record hate crimes and incidents where a racial or homophobic motivation is perceived by the victim or any other person.

Policies and procedures are currently being developed to record incidents where a religious motivation is perceived and this may also include a perceived political motivation.

**Racial Incidents**

The Police Service of Northern Ireland responded to 226 racially motivated incidents in the period April 2002 to March 2003. Since April 2003 up to and including 10 February 2004, 321 incidents have been recorded (See table 1 for further statistical information).

The under reporting of racially motivated incidents, for a variety of reasons, continues to concern and present a challenge to police.

**Racial Incident Monitoring**

In January 1997 the Police Service of Northern Ireland implemented a racial monitoring policy (General Order 92/97). The purpose of this policy was to put in place procedures to monitor and record racial incidents.

The Police Service define a racial incident as being:

“Any incident which is perceived to be racial by the victim or any other person”.

“Any other person” may include a police officer or an individual, who is not the victim, but may have witnessed an incident which they perceive to be racial.

This definition is consistent with that recommended by the Stephen Lawrence Inquiry. It does not require there to be evidence to confirm that an incident has a racial motivation but is recorded on perception alone. Where an incident has been reported as racial, a police officer should not question the perception if they do not concur with the view of the victim or other party.

All Racial incidents reported to police are presently recorded by the investigating police officer on a “Racial” form. This form is then submitted to the Minority Liaison Officer for further consideration and action.

**Minority Liaison Officers**

In 1997 Minority Liaison Officer’s were introduced to all 38 police sub divisions, now reduced to 29 Districts. The specific role of the officer is to contact victims when a “Racial” form is received, unless the victim has specifically asked them not to. This officer will provide practical advice, support and information on the progress of any investigation.

This officer is also required to maintain contact with local minority ethnic support groups and individuals. The direct dial telephone details of these officers is circulated locally and made available through the police service web site.

Local forums for minority ethnic groups has been established in a number of districts to ensure that their views are considered and their needs supported.

Minority Liaison Officers have received specific training in relation to cultural diversity and refugees and asylum seekers and in October 2003 a seminar was held where representatives from the Indian, Traveller, Muslim and Chinese Communities met with the Minority Liaison Officer’s on a formal basis. Representatives from the Northern Ireland Council for Ethnic Minorities and the Multi Cultural Resource Centre were unable to attend.

**2001 Northern Ireland Census**

The 2001 Northern Ireland census figures were circulated to all police commanders following publication in 2002. These figures provided for the first time an ethnicity breakdown for each police district to provide an estimate of the various minority ethnic groups represented across Northern Ireland. Whilst there has been much speculation as the accuracy of the figures, with some sources speculating that they could be as much as twice the number recorded, this information has been helpful to police.
A recent publication highlighted Northern Ireland as one of the highest regions in the United Kingdom for racial incidents calculated on the census figures compared with per head of population and the average number of incidents over a three year period. Whilst the level of racially motivated incidents is unacceptable using the current census numbers may inaccurately predict the level of attacks.

A breakdown of the 2001 census ethnicity figures is attached.

**Multi Cultural Independent Advisory Group**

In June 2003 the Police Service established the Multi-Cultural Independent Advisory Group. This group currently consists of a number of members from within the Indian, African, Persian, Chinese, Arabic and Pakistani communities. This group meets quarterly, or more frequently as required, to consider and review policies which may impact on minority ethnic groups and to provide a forum for relevant issues to be raised with the police service.

**Racial Incident Reporting and Monitoring**

The Police Service is currently reviewing the system for recording racially motivated incidents. The Integrated Crime Information System is currently being developed to facilitate the recording of incidents along with crimes of a racial motivation to ensure that an accurate picture is created to assist police analysts to assess racial incidents and obtain more accurate information and enable them to proactively prevent further incidents occurring.

**Racial Incident Reporting**

The Police Service recently progressed a partnership with Crime Stoppers to provide an opportunity for victims who may not wish to identify themselves to have incidents recorded and also to promote the use of Crime Stoppers as a means to report information on racially motivated incidents. The Police Service following a number of serious incidents recently distributed 29,000 leaflets in the South Belfast area specifically promoting this service.

The facility to report incidents via the Internet is currently being developed and it is hoped that a number of third party reporting centres can be piloted in the near future.

**Training**

Training in relation to the delivery of the policy in respect of racial incident investigation, recording and monitoring is currently carried out in a number of ways including distant learning modules, “PoliceNet”, the Police Service intranet, and within the training college.

All student officers and detectives are trained in relation to the investigation of hate crime, including racial incidents.

A Cultural Awareness Guide is currently being developed to provide practical advice and information in relation to the main minority and vulnerable groups, cultures, faiths within Northern Ireland to all operational police officer’s and civilian support officers.

**Information and Communication**

The Police Service presently make available information in relation to racial incident investigation and the role of the Minority Liaison Officer in English, Arabic, Urdu, Chinese (Simplified and Traditional), Portuguese, Italian and Hindi. This information is available in the form of a leaflet and in “pdf” format on the Police Service web site.

A contract is presently maintained with a local translation and interpretation service to ensure that interpreters are available to assist police to communicating with any person who may require this assistance. This contract has been reviewed and will shortly be circulated for tender including an additional element of telephone interpretation to increase the ability to communicate without any unnecessary delay.

**New Directions Conference—October 2002**

On 21 and 22 October 2002 the Chief Constable hosted an International Human Rights Conference at the Ramada Hotel, Belfast. The theme of this conference was “New Directions—A Human Rights and Racial Equality Focus on Policing with Ethnic Minority Communities”.

Delegates attending were representative of various Minority Ethnic Groups from across Northern Ireland, international organisations and local statutory and non-statutory bodies.

A copy of the conference report is available at:

http://www.psni.police.uk/latest__new__directions__report__with__cover.pdf
ETHNIC POLICE OFFICER’S ASSOCIATION

The Police Service is currently developing an Ethnic Police Officers Association.

HOMOPHobic INCIDENTS

The Police Service of Northern Ireland responded to 35 homophobic incidents in the period April 2002 to March 2003. This was a reduction in reports from the previous year’s 40 incidents. Since April 2003 up to and including 10 February 2004, 59 incidents have been recorded (See table 2 for further statistical information).

Under reporting and reduced reporting of reported homophobic incidents, continues to concern and present a challenge to police.

HOMOPHobic INCIDENT MONITORING

In July 2000 the Police Service of Northern Ireland implemented a homophobic incident monitoring policy (General Order 42/2000). The purpose of this policy was to put in place procedures to monitor and record homophobic incidents.

The Police Service define a homophobic incident as being:

“Any incident which is perceived to be homophobic by the victim or any other person”

“Any other person” may include a police officer or an individual, who is not the victim, but may have witnessed an incident which they perceive to be homophobic.

This definition is similar to that for the recording of racial incidents. It does not require there to be evidence to confirm that an incident has a homophobic motivation but is recorded on perception alone. Where an incident has been reported as homophobic, a police officer should not question the perception if they do not concur with the view of the victim or other party.

All homophobic incidents reported to police are recorded by the investigating police officer on a “Form 80” homophobic incident report form. This form is then submitted to the Minority Liaison Officer for further consideration and action.

MINORITY LIAISON OFFICERS

In 1997 Minority Liaison Officer’s were introduced to all 38 police sub divisions, now reduced to 29 Districts to specifically support victims of racial incidents. In July 2000 the remit of the Minority Liaison Officer was extended to include victims of homophobic incidents. The role of this officer is to contact victims when a “Form80” has been received, unless the victim has specifically asked them not to. This officer will provide practical advice, support and information on the progress of any investigation.

This officer is also required to maintain contact with local lesbian, gay, bi-sexual and transgendered (LGBT) groups and individuals. The direct dial telephone details of these officers is circulated locally and made available through the police service web site.

A Belfast LGBT forum, with police representatives from Headquarters, South, North and East Belfast, Castlereagh and Lisburn has been established to ensure that the views of the LGBT community are considered and their needs supported.

Minority Liaison Officers have received specific training in relation to sexuality awareness and in October 2003 a seminar was held where representatives from the Coalition on Sexual Orientation and Northern Ireland Gay Rights met with the Minority Liaison Officer’s on a formal basis.

LGBT INDEPENDENT ADVISORY GROUP

The Police Service has been attempting to establish an LGBT Independent Advisory Group to meet quarterly, or more frequently as required, to consider and review policies which may impact on members of the LGBT community and to provide a forum for relevant issues to be raised with the police service. Whilst this has not been possible at this time due to limited resources within the LGBT Sector regular contact is maintained locally and corporately with various LGBT groups.

HOMOPHobic INCIDENT REPORTING AND MONITORING

The Police Service is currently reviewing the system for recording homophobic incidents. The Integrated Crime Information System is currently being developed to facilitate the recording of homophobic incidents, along with crimes, to ensure that an accurate picture is created to assist police analyse homophobic incidents and obtain more accurate information and enable them to proactively prevent further incidents occurring.
HOMOPHILIC INCIDENT REPORTING

The Police Service recently progressed a partnership with Crime Stoppers to provide an opportunity for victims who may not wish to identify themselves to have incidents recorded and also to promote the use of Crime Stoppers as a means to report information on homophobic incidents. The Police Service recently distributed 29,000 leaflets in the Greater Belfast area specifically promoting this service.

The facility to report incidents via the Internet is currently being developed and it is hoped that a number of third party reporting centres can be piloted in the near future.

TRAINING

Training in relation to investigating, recording and monitoring homophobic incidents is currently carried out in a number of ways including distant learning modules, “PoliceNet”, the Police Service intranet, and within the training college for student officers and detectives.

A Cultural Awareness Guide is currently being developed to provide practical advice and information in relation to the main minority and vulnerable groups, including LGBT groups, within Northern Ireland to all operational police officer’s and civilian support officers.

INFORMATION AND COMMUNICATION

The Police Service presently makes available information in relation to homophobic incidents investigation and the role of the Minority Liaison Officer. This information is available in the form of a leaflet and in “pdf” format on the Police Service web site.

AN ACCEPTABLE PREJUDICE

The Police Service welcomed the recent research commissioned and published by the Office of the First and Deputy First Minister and conducted by Dr Neil Jarmin and Ms Alex Tenant, Institute for Conflict research.

This research highlighted a number of positive developments by the Police Service and made a number of recommendations which are being taken forward as follows:

Recommendation 4: Improving reporting

There was a further drop in the number of incidents reported as homophobic in 2002–03 to 35, a drop from 40 for the previous period. A third party reporting scheme has been in place for some time with three LGB organisations, namely Northern Ireland Gay Rights, Rainbow and Cara-Friend. These organisations complete details on incidents and forward them to the District Minority Liaison Officer. Whilst there have been a number of incidents reported in this way it has not, to date, resulted in an increase in reporting to police. The PSNI recognise the need to provide alternative options for reporting and are engaged in consultation with “Crime Stoppers” and considering the introduction of internet reporting.

Recommendation 5: Improved Information

The PSNI presently record details on homophobic incidents by type on incident and sexual orientation. Details are recorded by the investigation officer on a “Form 80” and passed to the local Minority Liaison Officer (MLO) for further action and follow up. The MLO is responsible for an analysis of incidents to determine if any preventative action can be prevent further attacks. PSNI presently manually record both homophobic incidents and crimes. Incidents are currently not available on the Integrated Crime Information System and therefore a detailed analysis of both incidents and crimes is not possible at this time. This has been identified and work is ongoing to progress an IT solution to this situation to enable a detailed and accurate assessment of incidents to be carried out.

Recommendation 6: Hate Crime Unit

PSNI presently have dedicated Minority Liaison Officers in every Police District with a specific role in respect of homophobic incident reporting. Support to victims, analysis of information and liaison with local LGB groups. A review of the PSNI’s response to Hate Crime is ongoing with a view to developing a new Hate Crime Policy. Community Safety is leading on this development.
**Recommendation 7: Training**

Training on LGB issues, homophobic incident reporting and recording is a part of Student Officer initial training and Detective training and members of LGB groups have been involved in this. Training for all Minority Liaison Officer’s was carried out in October 2002 by the Training House specifically on issues which frequently effect these groups. A Cultural Awareness Guide is currently being developed to provide information to all police officers on Minority and Vulnerable Groups including LGB groups. The information in this booklet has been drafted in consultation with representatives of the LGB community.

**Recommendation 9: Homophobic Bullying**

This is not an issue exclusively for Police but is one that is being addressed within the Citizen and Safety education programme delivered by PSNI Community and School Liaison Officers across the four key stages.

**Recommendation 11: Levels of Policing**

This issue has been the subject of much debate between PSNI and LGBT representatives. On the basis of recorded incidents it has been difficult for police to identify patterns in order to enable proactive operations to take place to prevent incidents of this type. The police have been criticised by LGBT groups for not taking steps to prevent attacks in the Giant’s Ring/Barnett’s Park/Minnow Burn areas which crosses three DCU Boundaries. These locations are regular “cruising” areas where a number of attacks have taken place, including the murder of Ian Flannagan in September 2002. The lack of any regular identified pattern of incidents has made it difficult to “police” attacks of this nature and would require a dedicated police operation over an extended period. Despite concerns raised by police with LGB Groups in respect of the personal safety of people frequenting these areas they continue to be regular meeting places for Gay and Bisexual men. The sharing of information between Castlereagh, Lisburn and South Belfast DCU’s has enabled a more accurate picture to be developed of the nature and frequency of incidents in this area.

Further criticism has been levelled at police in respect of the perceived imbalance in resources deployed to detect persons involved in Unlawful Public Sexual Activity and to prevent homophobic incidents. A number of recent operations across Northern Ireland, arising out of public complaints, have detected a number of persons engaged in unlawful public sexual activity. The most recent operation was carried out in Wine Tavern Street, Belfast where 11 men were detected, three charged, seven cautioned and one juvenile reported.

Police continue to work closely with LGB groups to encourage reporting of incidents, provide “personal safety” information and prevent homophobic incidents.

**Recommendation 12: Support Services**

A Minority Liaison Officer is maintained within each District with a specific responsibility to support and advise victims of homophobic incidents and maintain contact with local LGB support groups. A South Belfast initiative has brought the MLO’s from Lisburn, North and South Belfast and Castlereagh with LGB representatives on a quarterly basis to discuss a number of issues including support to victims.

**Recommendation 13: Personal Safety**

Highlight safety issues within the LGB community can be difficult due to the lifestyle which some members of these groups live. One of the main concerns is the safety of those who frequent “cruising” areas and the reluctance of individuals to report incidents in these areas. Whilst the police engage with the LGB groups it is recognised that many Gay or Bisexual men, who are not openly so, do not involve themselves in or have any contact with these groups. The police have used the “vehicle” of LGB papers and magazines, police and LGB web sites and personal safety literature, such as the South Belfast “Get Home Safe” leaflet, to highlight these issues.

A copy of the research document is available at:—

http://www.research.ofmdfmni.gov.uk/publications.htm
GAY POLICE OFFICER’S ASSOCIATION

The Police Service is currently considering the development of a Gay Police Officers Association.

SECTARIAN INCIDENTS

The Police Service of Northern Ireland have been developing policy and procedures to commence the recording and monitoring of incidents of a religious motivation.

Following consultation with a number of internal and external bodies proposals have been circulated to a number of interested parties for consideration. These responses are currently being considered including the view that procedures may need to reflect incidents of a religious and/or political motivation.

CRIMINAL JUSTICE (NI) ORDER 2004

Racial, homophobic and/or sectarian crime must be effective in deterring individuals who choose to engage in this type of criminality. It also needs to encourage and reassure victims that there is an effective and robust Criminal Justice response if they come forward and report such incidents.

The Police Service of Northern Ireland during the consultation process in November 2002 supported legislation in respect of sentencing and would see this as a positive development in recognising the gravity of this type of occurrence and is used effectively to provide a deterrent to those who engage in such activities.

In order for this legislation to be effective the Police must continue to work to ensure that where possible perpetrators are brought before the court to enable appropriate action to be taken.

The Police service recently published disposal statistics for racially motivated incidents and recognise the responsibility and need to ensure that every effort is made to ensure that those responsible are made amenable (See Table 3 for a summary of racial incident disposals for 2002–03).

March 2004

Table 1

POLICE SERVICE OF NORTHERN IRELAND

RACIAL INCIDENT STATISTICS 1990–2000 to 2003–04

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Table 2

POLICE SERVICE OF NORTHERN IRELAND

HOMOPHOBIC INCIDENT STATISTICS 1990–2000 to 2003–04

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### Table 3

**POLICE SERVICE OF NORTHERN IRELAND**

**RACIAL INCIDENT DISPOSALS 2002–03**

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<td>Pending*</td>
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<td>Warning and Advice</td>
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<td>Total</td>
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| Racially Motivated Incidents                  |       |
| Incidents Only                                | 37    |
| Total                                         | 37    |

| Total Incidents/Offences                      | 226   |

* Pending—decision awaited/under investigation.
## Table 4
NORTHERN IRELAND CENSUS 2001

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<th>Other Asian</th>
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</table>
Northern Ireland Affairs Committee: Evidence Ev 53

Witness: Inspector Robin Dempsey, Community Safety Branch, Police Service of Northern Ireland (PSNI), examined.

Chairman: Moving on quickly, good afternoon and thank you for coming.

Q128 Mr Hepburn: May I open up by asking how effective you think the proposed draft Order will be? Inspector Dempsey: Certainly this Order was something which the police supported because we recognised the need to have legislation as a deterrent. When we put our submission to the government in respect of the legislation, we supported it in its present form in relation to increased sentencing. Clearly the effectiveness of the legislation will be very much determined by how the police respond to the legislation and get those offences into the court system.

Q129 Mr Hepburn: Do you have any figures on the scale of the crime against the disabled? Inspector Dempsey: Yes. Perhaps I might clarify one point in respect of these statistics. The statistics which the Committee have before them for 2003-04 were passed to the Committee at a very late stage because they are not publicly available until tomorrow but I felt it was important that the Committee had the up-to-date statistics. What the up-to-date statistics have shown is that there has been a doubling in both reported incidents of racial motivation and homophobic motivation. What I should like to say is that the police have been working very hard—

Q130 Chairman: May I just interrupt you for a minute to get it on the record? Double does not mean very much, but it means for example that 56 verbal abuse cases were reported in 2002-03, 109 in 2003-04; written material 3 last year, 10 this year; physical assault 50 last year, 103 this year; attacks on homes 59 last year and 148 this year. These are just racial attacks. The homophobic attack statistics are very much smaller, but show exactly the same trend. I am just summarising this for you so we get it on the record. Verbal abuse up from 10 to 14, physical assault up from 16 to 35, attacks on the home from 5 to 10, attacks on property from 2 to 10. Still small, but alarmingly rising trends. Would you agree with that as a summary? Inspector Dempsey: Yes, we would recognise that there is an awful lot of under-reporting.

Q131 Chairman: My question is: have I given a fair summary of your statistics, because we have only looked at them very briefly and it is important that people understand that in these two areas, racial incidents and homophobic incidents the figures are getting significantly worse. I repeat what I said earlier: I wish we had more statistics about other groups. I just ask this question before I hand back to Mr Hepburn. Do you have any indication of the scale of hate crime against the disabled? Have you recorded any such incidents? You are not required to, but have you in fact done so? Inspector Dempsey: Not at this stage. We do not have any statistics in relation to crimes or incidents against people with disabilities.

Q132 Chairman: Any particular reason why not? Inspector Dempsey: It is not something we have recorded to date. What we have been doing is reviewing our policy in respect of the investigation and monitoring of hate crime and it is an area we are presently considering and consulting with our mainland colleagues to look at this area of recording.

Q133 Chairman: What do you foresee as the difficulties in taking that group on as opposed to the homophobic crimes or the racial crimes? Inspector Dempsey: I see no particular difficulties.

Q134 Chairman: It is just a bureaucratic exercise but without any great difficulties.

Q135 Chairman: Would you consider doing this anyway, whether or not it goes in the legislation? Inspector Dempsey: It is something we are presently considering.

Q136 Chairman: Can you go further than that? Inspector Dempsey: I expect that it will be included in our policy.

Q137 Chairman: You do. You expect that the police will start recording these statistics, whether or not disability is included in the legislation. Inspector Dempsey: Yes.

Chairman: Thank you; that is very helpful.

Q138 Mr Hepburn: Do you think it would be helpful if the draft Order were widened to include disabled people? Can you give us an overview on how effective existing legislation has been? Inspector Dempsey: At the minute there is no hate crime legislation in Northern Ireland as such. What the police use is the existing spectrum of legislation which exists. If an assault is racially motivated, the person will be charged with assault, or if it is criminal damage, they will be charged under the criminal damage Order. We do not have that legislation at this time.

Q139 Mr Hepburn: Do you think it would be helpful if there were greater statutory guidance on the terms of the draft Order for your officers? Inspector Dempsey: What we would want to see is a deterrent put in place. We recognise that there are many more incidents occurring which are not reported to the police and we would want to see that deterrent in place and we believe the legislation is a way of doing this.
Q140 Mr Hepburn: How do you actually go round investigating a hate crime on the disabled? Can you give us an idea of how you get evidence? Do you take any special factors into consideration? What practical problems might you come across?

Inspector Dempsey: We do not currently record incidents against disabled people, but I could outline what we do in respect of racial and homophobic incidents.

Q141 Mr Hepburn: Yes; please.

Inspector Dempsey: The way the Police Service recognise an incident is racist or homophobic is on the perception of the victim. That can cause some difficulties because there may not necessarily be evidence to suggest that it is either racial or homophobic. We will record it if the victim or any other person reports it as such. That is in line with the Stephen Lawrence inquiry report. The police will then mark the motivation in their system against the incident and that is how we then collate the number of incidents which have either a racial or homophobic motivation.

Q142 Chairman: So it is up to the victim to decide, whatever the crime, whether it is has been committed because the victim is from an ethnic minority or from the gay or lesbian community.

Inspector Dempsey: It can be the victim, but it can also be a police officer or it could be someone who is not involved—

Q143 Chairman: Does that give you problems? It is relatively easy for a police officer to say that the assailant is white and the victim is Chinese or Black or Indian or Asian or whatever, but rather harder to determine his sexuality.

Inspector Dempsey: Certainly in relation to racist incidents people are usually visibly from a minority ethnic group and it makes it easier.

Q144 Chairman: That is what I am trying to say.

Inspector Dempsey: In relation to homophobic incidents the reduced number of reports at 71, which is the new statistic released, probably reflects that those incidents are usually reported by the victim in the majority. However, we would get reports from third parties.

Q145 Chairman: So it would be for the victim to say they have been assaulted because they are gay.

Inspector Dempsey: That would certainly be our experience; that would be the case in the majority of reports.

Q146 Mr Hepburn: In light of that answer to the Chairman can you tell us how satisfied you are with your recording process and how you think it could be improved?

Inspector Dempsey: We are certainly working to improve it at the minute. Because we deal with incidents and crimes and record both, what we are looking at currently is the introduction of a new IT system. We are looking to develop our indicative crime information system because what we have now is a crime analyst in each police area and also within our headquarters departments. In order to ensure that we can analyse those incidents properly we must make sure they are on the system. We are extending our system in order that incidents and crimes of a racial and homophobic nature are on the system and that will allow us to do that. The reality is that we are not completely satisfied at the minute, but we are working to address what we see as shortfalls.

Q147 Mr Hepburn: Can you give us a picture, an overview, on the role of minority liaison officers? How effective do you believe they have been, what are your recruitment policies for these officers and how do you deploy these officers throughout Northern Ireland, because I think Belfast has a predominance of the crimes we are talking about?

Inspector Dempsey: In every police district within Northern Ireland there is at least one minority liaison officer. The minority liaison officers were brought into post in 1997 for racial incidents and then in 2000 they took on the additional responsibility of supporting victims of homophobic incidents. In Belfast the majority of racial incidents would be concentrated in South Belfast; new statistics suggest 147 such attacks reported. In that area there clearly is a need to have more than one minority liaison officer if we are going to support people in the right manner. There would be a number of additional officers within each of the sectors across South Belfast. Their role is primarily one to support victims, to provide them with information, both in respect of support services and also in relation to the progress of investigations. They also have a role to build relationships within their particular area with minority ethnic groups, lesbian, gay, bisexual and transgender groups as well.

Q148 Mr Hepburn: In your experience have you ever come across any evidence of institutional racism within the Northern Ireland police force?

Inspector Dempsey: Certainly within the Police Service of Northern Ireland we have looked very closely at the recommendations of the Stephen Lawrence inquiry report and the definition of institutional racism. We have looked very closely and what we endeavour to do is learn from the experiences of our mainland colleagues and from the criticisms which have been directed at some of them. This is certainly not something which can be addressed as a one-off. It is something which needs to be addressed continuously. The definition refers to police officers being professional at all times and that is underpinned in section 75 of the Northern Ireland Act. Also it requires police officers to be professional, they need to have no stereotypes, no prejudices and what the Police Service of Northern Ireland are working to is to ensure that our officers are both trained in respect of those areas and that they recognise that they must be professional to ensure that these things are dealt with in the appropriate manner.
Mr Campbell: I just want to ask a question on the statistics which you have released and understand the reason for the timing of them. On some occasions when statistics like this are used it can lead to sensationalist reporting in the media. Each of the tables for each of the years shows that on the racial incident table there has been an increase year on year and quite rightly you said that they doubled last year. On the homophobic incidents, is it true, as the table seems to indicate, that up until this year the number of homophobic attacks was actually declining? I see that in 2000-01 it was 57, then the following year 40, the following year 35 and it is only in the past 12 months that there has been an increase. I am wondering about two things from that. Is what it appears to be in the table right? Secondly, are we seeing a blip and will we not know for some time whether that is the case?

Q149 Chairman: Or is it, as with so many statistics, that you are paying more attention to it?

Inspector Dempsey: What we would say is that in the last couple of years the police service, recognising under-reporting, have worked very hard to address this. It was certainly concerned that the number of homophobic incidents fell from 40 to 35. We are encouraged that it has risen and we would see that as a combination of reporting and incidents. The racial incidents have doubled and certainly we would be encouraged that that was a combination of reporting and actual incidents. We would have been very concerned, given the recognised under-reporting, if either of those two statistics had continued to fall.

Q150 Chairman: Would you then say that the statistics, because Mr Campbell is quite right that these are the sort of things which make headlines, are more a result of the PSNI getting their act together about reporting and collating these statistics than the fact that there is a significant increase in racial and homophobic crime?

Inspector Dempsey: It has to be said that it is probably a combination of both. In the racial incidents, for example, the increase has mainly been in criminal damage and physical assault, which are both crimes which we would have hoped would have been incidents reported to the police anyhow, although there have been occasions when that has not been the case. What we have resisted is being asked to ask for a reduction in those statistics, because we still feel that there are many more incidents which go unreported and we would even want to see, not an increase in incidents clearly, but an increase in reports, which would be fine.

Q151 Chairman: Why have you not recorded sectarian incidents?

Inspector Dempsey: There has been no recording of sectarian incidents by the police up to this time. It is something we are currently looking at.

Q152 Chairman: At what stage is that consultation on proposals to monitor and record these incidents? It is extraordinary that you are now concentrating on racial ones, you are concentrating on homophobic ones, quite rightly so I may say, yet the sectarian incidents go unrecorded.

Inspector Dempsey: It is surprising to note that despite all that has happened in Northern Ireland over the various years, when we started to look at this there was no agreed definition. What the police had to do was decide firstly how we were going to define this and how we were going to record it. Would it include just matters of religious motivation or would it include political motivation as well? What we did was consult with a number of organisations in respect of how we proposed to do that. We have a broad agreement now on how we can take this forward and this is something which will be included in—

Q153 Chairman: What is the broad agreement?

Inspector Dempsey: What we would intend to do is record sectarian incidents in a similar way to the way we record racial and homophobic incidents, along the Lawrence line of “perceived to be sectarian”. What we will then do is record incidents both of a religious and political motivation.

Q154 Reverend Smyth: On that very point, you are aware of the recent situation in South Belfast. What about the possibility of police officers not recording things when they are reported to you?

Inspector Dempsey: We would hope that every report of a racial or homophobic nature, and indeed sectarian when it comes in, would be recorded. We certainly ensure that there is a means to do that and it is not just down to the perception of the police officer, but down to the perception of the victim. Where it is reported, we will record it, we will monitor it and we will look to see how it has been dealt with.

Q155 Reverend Smyth: The point is that it is not recorded. When people go in and report and it is not recorded and then immediately police officers or a spokesperson say that there have been no complaints, then it is obvious that complaints which were made were not recorded. Surely it is important to keep that record too.

Inspector Dempsey: It is absolutely important. One of the areas in respect of racial incidents, where quite often people will comment publicly about what the police did not do about this or that, is that when we look at our records we realise it was not recorded. If the police are to prevent attacks they must be recorded. If we do not know about them we cannot prevent further attacks or deal with those which have already taken place.

Reverend Smyth: I am dealing with ones which were reported and ultimately it was admitted they were. Guidance has been given to people now that when they go into a police station they should make sure they take the number of the person to whom they reported it.

Q156 Mr Hepburn: Could you give us an idea of what training is provided to your police officers in dealing with hate crimes?
Inspector Dempsey: Training is delivered to student officers in the police college at Garnerville in relation to racism and diversity training, cultural awareness training. We then have district trainers in each of the police districts who deliver training to existing police officers by way of initial training in areas like this or updating training as well. Our department has a specific role in relation to training for minority liaison officers and we look after that. We have carried out religious diversity training. Recently we held a seminar where we invited representatives of all the main minority ethnic and homophobic support groups in to speak to those officers. I was recently involved in the training of all detectives. One afternoon was set aside specifically to focus on the importance of investigating hate crime.

Q157 Chairman: You talked to us earlier about minority liaison officers. How many of them come from ethnic minority communities?

Inspector Dempsey: None.

Q158 Chairman: Would it be helpful if some of them did?

Inspector Dempsey: It would be helpful to get police officers with a minority ethnic background into the police service regardless of what role they would play. There is obviously an agreed under-representation; we have in the region of 20 officers who would be visibly from minority ethnic backgrounds. Clearly we recognise that it would be important that that be representative of the community. However, the whole legislation in respect of recruitment does not specifically cater for that at the moment.

Q159 Chairman: We are well aware of that. That is one of your problems. Of those 20, has anybody considered making one of them a minority liaison officer?

Inspector Dempsey: The minority liaison officer in most police areas would be an additional role in community safety and a post within the community safety department. The post is advertised and every police officer has an opportunity to apply for that post. When they apply for that post and are successful, they then would be appointed a minority liaison officer. Certainly it is a post they could apply for and I think it would be a great encouragement to the different groups that a police officer from a minority ethnic background was involved.

Q160 Chairman: But you do not as the police service make any positive efforts to encourage police officers from the ethnic minorities to come and take part in this work which they could obviously do with a greater sensitivity than someone not from one of those minorities.

Inspector Dempsey: It is an opportunity for them and obviously our selection procedure is open and transparent and they can apply for that post. It would be a good step for one to do that.

Q161 Chairman: Is there any carrot for a police officer applying to do this job?

Inspector Dempsey: Not that I am aware of.

Q162 Chairman: I am just asking these questions because there are some jobs in large organisations which are unpopular so it is made clear that if someone does that job for a bit they might get promoted and then move on to a job which would be attractive. You have to do something, do you not, to try to get more of them in—and I understand the problem with that, as I understand the problem of the Patten reforms and the strict 50/50 which does give you real difficulties. Having got 20 officers in, should you not make use of their ethnicity for your own benefit?

Inspector Dempsey: We do make use of it. It is not the minority liaison officers who investigate these incidents, it is the operational police officers and these 20 would be operational police officer who would be involved perhaps at the outset of an investigation. I can see that being a very positive encouragement to a victim if an officer who was visibly minority ethnic appeared at a racial incident. The police service has tremendous opportunities for everybody and community safety is something some particular individual could be motivated to undertake.

Chairman: Thank you very much indeed.

Memorandum submitted by J K Gillespie, BA (Hons)
Assistant Chief Constable, Criminal Justice

I am pleased to provide the following additional information and clarification as requested by the Committee.

Data on the number of clearances, as previously outlined to the Committee for the period 2003–04, in respect of both racial and homophobic incidents is attached (Q682).

The Police Service commenced gathering information on sectarian incidents in every District Command Unit on 28 September 2004. Whilst some information had been collected by individual districts prior to September, this by no means represents a comprehensive and consistent database of sectarian incidents and has therefore not previously been published by the Police Service. Consequently the information requested is not available at this time (Q650).

I have attached a detailed list of both corporate and local initiatives currently being undertaken by the Police Service. Many of these initiatives have been police led and cover a broad range of needs of particular groups and individuals. The PSNI Hate Crime Policy is in the final stages of development. In addition the
Association of Chief Police Officers is redrafting its Hate Crime manual and a final draft should become available shortly. The Police Service of Northern Ireland policy will be further considered alongside the ACPO guidance prior to the Police Service carrying out a consultation process (Q660). It is hoped that the PSNI Hate Crime Policy will be published by spring 2005.

All student officers receive training in respect of the investigation of hate crime and the investigation of hate crime has been included in the Detective Foundation training. This training is delivered by Police College trainers with an input from other relevant police departments. Role actors and speakers from within minority ethnic, lesbian, gay, bisexual and transgendered (LGBT) groups are also involved.

In addition Community Safety Branch have specific responsibility for the training of Minority Liaison Officers. The most recent training provided was Religious Diversity training (Northern Ireland Inter-Faith Forum), Asylum Seekers and Refugees (Diversiton) and Sexuality Awareness (The Training House).

The role of the Minority Liaison Officer is to:

— Provide support, guidance, information and feedback to victims of reported hate crime.
— Provide advice to operational officers investigating hate crime.
— Receive completed incident report forms and assess the information from officers attending hate crime incidents.
— Develop good working relationships with statutory, voluntary and community support agencies within their police area and ensure that these details are readily available to all police officers.
— Assist victims of hate crime to access support agencies as appropriate.
— Attend local forums, Community Safety Partnerships in order to establish good working practices and innovative initiatives in handling hate crime issues.
— Promote the role of the Minority Liaison Officer internally and externally through local media and presentations as appropriate.

I can advise you that the Police Service, between November 2001 and the present, has received 23 applications from within the Chinese community. Three of these applicants were subsequently appointed (Q636).

16 November 2004

Annex A

Summary of Hate Crime Initiatives

Racial Incidents

Corporate Initiatives:

— Police Service Minority Liaison Officers within each District Command Unit. These officers have a specific responsibility to support and advise victims of racial incidents and to engage with local minority groups. The names and contact numbers of these officers have been widely distributed to representative groups and placed on the PSNI website.
— Religious Diversity and Refugee/Asylum Training delivered to Minority Liaison Officers by Northern Ireland Inter-Faith Forum.
— Ongoing identification and engagement with Minority Ethnic Groups within Districts following the issue of 2001 Northern Ireland census figures.
— Establishment of the Multi-Cultural Independent Advisory Group (June 2003). This group consists of twelve members from Minority Ethnic backgrounds who will assist and advise police in respect of policy and procedure and provides a forum for the members to raise issues with police. Meets quarterly.
— The development, in partnership with the Community Safety Unit (Nb), of an inter-agency reporting structure for racially motivated incidents/crimes through a multi-agency working group comprising representatives from statutory, voluntary and community sector bodies.
— The delivery of Hate Crime training to Detectives on racially motivated crimes/incidents by Community Safety Branch and members of Minority Ethnic groups.
— Police Service represented on the Northern Ireland Race Forum and Language, Racial Incidents and Travellers sub groups.
— Police Service Guide to Culture and Diversity issued to every police officer and member of support service (October 2004) focusing on the main communities, faiths and Minority Ethnic groups within Northern Ireland.
— PSNI is developing an Ethnic Police Officers’ Association.
— Police Service, in partnership with Community Safety Unit (Nb), Victim Support and NIHE are developing the availability of a practical measures package for victims of racial incidents
— Minority Liaison Officer’s Seminars attended by representatives of Minority Ethnic Groups and the Home Office.
— Police Service development of racially motivated incident database on the Integrated Crime Information System to enable police to provide more accurate information and analyse same.
— Community Safety Branch is working with Crimestoppers to provide victims of racial incidents with an alternative method of reporting where they do not wish to identify themselves.
— Ongoing development of alternative methods of incident reporting, including third party and internet.
— Provision of face-to-face and telephone interpretation and translation services
— Police Service information provided to Immigration Service Office at Belfast International Airport for information of those registering for Asylum.

LOCAL DISTRICT INITIATIVES

Newtownabbey:
— Development of a local Service Level Agreement with the International Office at Ulster University Jordanstown. Presentation is given each September to the first year Foreign Students. International Office has been established as a point of contact and referral for any students subjected to racial incidents who are reluctant to directly contact police.
— Local protocols established with Nursing Administration Manager at Whiteabbey Hospital. MLO details available and details of any incidents will be forwarded to police. Contact details for local MLO prominently displayed within the office.
— Minority Ethnic groups are displaced throughout the District without one point of contact. Efforts are being made to encourage ethnic representation in the four “sector forums”.

Foyle:
— Police are represented on the Sai Pak Multi Agency Advisory Group along with WELB, Derry City Council, and Foyle Trust. A meeting was held at Sai Pak premises on 30 June 2004 between the Community Relations Officer at Sai Pak and the Community Safety Sergeant to plan future events involving police.
— Ongoing contact with representatives from the local Hindu Community.
— Interagency working on Traveller issues in the North West. PSNI, WHSSB, DCC, Foyle Trust, NIHE, Western Health Action Zone and Derry Travellers’ Support Group are represented.
— Derry Travellers’ Support Group facilitated a one-day training event for statutory agencies on 20.05.04. The training included presentations and workshops about Race and Equality legislation, attitudes and discrimination. A PSNI representative attended the training.
— A presentation regarding the role of the Minority Liaison Officer has been arranged for new international students at University of Ulster ( Magee Campus).

South Belfast:
— Regular contact maintained with Ethnic Minority Groups and individuals within the South Belfast area.
— Additional Minority Liaison Officers appointed within each sector area.
— South Belfast Round Table on Racism.
— Local Minority Ethnic police forum.
— South Belfast Vulnerable Persons Strategy—MLOs investigate all hate crime incidents in South Belfast.
— Identifiable contacts for members of Ethnic Minority community.
— Developing concept of safe havens for overseas students in South Belfast.
— South Belfast in partnership with Victim Support have arranged to have a number of Victim Support volunteers trained to engage with victims of racial incidents and assist them to report to police.
Down:

— Establishment of local working arrangements with local Council and Housing Executive to support families having to move home as a result of racial incidents.
— Ongoing identification of local Minority Ethnic groups with a view of having a cultural awareness day in partnership with local council.

Dungannon and South Tyrone:

— Police are represented on the Service Providers Migrant Workers Forum which is facilitated by STEP (South Tyrone Empowerment Programme).
— Partnership initiative still to design an easily understood visual sign poster with captions in English plus probably up to five of the most spoken “other” languages within the Dungannon DCU, to address issues such as drink driving, registration of vehicles, bin collection/recycling, public bylaws etc.
— When a large number of migrant workers arrived in the area a local Good Practice Guide was issued to police to provide advice on dealing with these people.

Craigavon:

— Multi-Agency Group established to identify and meet the information needs of migrant workers living in the Craigavon Area. Group chaired by police.
— Regular meetings with representatives of the local Muslim community
— Regular meetings between local sector police and the Vietnamese community.
— Detailed ongoing analysis and circulation of areas where minority groups live and work.

East Belfast:

— Local Minority Ethnic forum meets bi-annually at Red Panda, Odyssey. This forum is attended by all staff (60) who live and walk to the Odyssey from Templemore Ave.
— Local monitoring of Chinese employees movements by CCTV on a daily basis.
— Local liaison with Anti Racism network and a training event is being organised for Community by the network. Police will be involved in the delivery of this training.

Cookstown:

— Local student seminars focusing on Racism (commencing November).
— Regular contact with Cookstown’s local Chinese Welfare Organisation.
— Police are involved in the local Migrant Workers Forum, which is multi-agency and aims to assist migrant workers access local services and integrate into the community. There is a bi-weekly “surgery” where information on local police is available.
— Police work closely with employers of foreign nationals and when new workers come in the police meet with them and provide advice and information.

Newry and Mourne:

— Police, in partnership with Norbrook Laboratories, met with migrant workers and received information from the local Crime Prevention and Minority Liaison Officers.
— Consulting with St Vincent de Paul and local solicitor in relation to delivering information seminars on interpretation services.
— Foreign Nationals registering provided with Hate Crime leaflets by Registering Officer.

Ballymena:

— Police involvement in the Ballymena Inter Ethnic Forum which is made up of various Minority Ethnic Groups and provides an opportunity for police to regularly engage with members and provide an update on racial crime.
— Police involvement in Ballymena Inter Agency Support Group aimed at providing help and support to Minority Ethnic Groups.
— Police liaise with local employers who provide details of names, nationality and addresses of employees to enable police to patrol vulnerable areas.
— Children from Minority Ethnic Groups are encouraged to integrate into local youth groups.
Carrickfergus:
— All Hate related Incident Report Forms are attached to a monitoring pro-forma.

Castlereagh:
— Police meet with Filipino nurses and staff at the Ulster Hospital in partnership with UNISON. A number of staff at the hospital have been the victim of racial incidents.
— As part of the pilot “Smartwater” scheme in the DCU, the Cairnshill area selected had a number of Chinese residents. Smartwater instructions were made available to these families in Chinese.
— A racial incident memo was distributed to all operational officers to provide guidance on identifying hate related incidents and appropriate action.

Homophobic Incidents

Corporate Initiatives:
— The Police Service Of Northern Ireland have Minority Liaison Officers within each District Command Unit and the names and contact numbers have been widely distributed to representative groups and placed on the PSNI website. Minority Liaison Officers have a responsibility to support and advise victims of homophobic incidents and to develop relationships between the police.
— Awareness and Diversity training is delivered to Minority Liaison Officers on an ongoing basis by representatives of LGBT organisations in Northern Ireland.
— The development of an inter-agency reporting structure for homophobic and racial incidents/ crimes through a multi-agency working group comprising representatives from statutory, voluntary and community sector bodies.
— The delivery of Hate Crime training to Detectives on Hate crime/incidents by Community Safety Branch and members of minority groups.
— PSNI is developing a Gay Police Officers Association.
— Minority Liaison Officer’s Seminars.
— The development of a database of homophobic incidents on the Integrated Crime Information System. This will enable police to provide more accurate information and analyse same.
— Police/Crimestoppers initiative to encourage victims of homophobic incidents, who may not wish to identify themselves, to report incidents and also to encourage the public to provide information.
— A review is under way to examine the present recording and monitoring processes for homophobic incidents with a view to developing alternative methods of reporting to encourage victims to come forward to police via a third party or by telephone/internet.

Local District Initiatives

South Belfast:
— The development of third party reporting through three local LGBT groups. This further development of this initiative is currently being looked at.
— South Belfast LGBT Forum meeting quarterly. Includes police representatives from HQ, all Belfast Districts, Lisburn, Castlereagh and representatives from the statutory and voluntary groups.

North Belfast:
— Regular contact maintained with Rainbow, a local gay and bisexual men’s health organisation.

Foyle:
— Regular contact maintained with local LGBT groups in relation to prevention and detection of homophobic incidents in the Foyle area.
Sectarian, Religion and Disability

The Police Service formally commenced recording incidents perceived to be on the grounds of a person’s religion, political opinion or disability on 28 September 2004 in line with the introduction of the Criminal Justice (No 2) Northern Ireland Order 2004.

Hate Related Crime/Incident Statistics and Clearance Rates

Racial Incidents (2003–04)
- Total number of racial incidents reported to police—453
- Total number incidents recorded as crimes on ICIS—267
- Total number of crimes cleared—45
- Clearance rate—16.9%

Homophobic Incidents (2003–04)
- Total number of racial incidents reported to police—71
- Total number incidents recorded as crimes on ICIS—45
- Total number of crimes cleared—8
- Clearance rate—17.8%

Supplementary memorandum submitted by J K Gillespie, BA (Hons)
Assistant Chief Constable, Criminal Justice

During my visit to the Northern Ireland Affairs Committee the Chairman referred to evidence given by a member of the Chinese community given, in private, to the Committees whilst in Belfast.

The details of this individual were passed to myself at the time and on 14 December 2004 Inspector Robin Dempsey and Constable Sheena Bennett, Community Safety Branch met with the individual on my behalf.

It was clear from the meeting that whilst the individual had clear concerns in relation to the police response to racial incidents she did say that things had greatly improved in recent months and that she had not experienced any difficulties at her home for a number of months.

20 December 2004

Memorandum submitted by Her Majesty’s Government

Introduction

1. The Government welcomes the Northern Ireland Affairs Committee’s initiative in undertaking an inquiry into “hate crime” in Northern Ireland.

2. Hate crime is an issue of particular concern in Northern Ireland. The Government has frequently put on record its abhorrence of all forms of intolerance and is committed to eradicating all such manifestations of hatred, whether motivated by racism, sectarianism or homophobia.

3. Enforcement action by the Police Service of Northern Ireland will continue to be the key to tackling hate crime. But enforcement action will accompanied by a range of actions:
incidents and homophobic incidents. Until now there has been no systematic collection and recording by Statistical evidence of an increase in crimes and incidents motivated by hatred

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13 A “racial incident” means any incident with a race dimension—and covers both crimes and non-crimes (to use the McPherson phrase). While it includes attacks on people and property it also includes incidents which would not normally result in criminal proceedings.

14 There are, of course, several factors that may have contributed to the increase in reports (an increase in the number of people who are prepared to report incidents to the police; improvements in police incident-recording mechanisms; the impact of the high-profile Stephen Lawrence Report on attitudes towards reporting and recording of incidents) Equally, there is a range of factors, which PSNI and other agencies are seeking to address, that may limit the reporting of racial incidents. These factors and those mentioned above, are, however, not unique to Northern Ireland.

15 However, organisations in the sector estimate the minority ethnic population of NI at 2%. They attribute this disparity to several communities not having completed the census.

16 Racist Harassment in Northern Ireland by Neil Jarman and Rachel Monaghan of the Institute for Conflict Research.
13. Government is also conscious of the need to avoid the temptation to demonise entire areas and communities. To stereotype people as racists because of where they live or their community background would be an act of prejudice in itself. Racial incidents—or incidents motivated by other types of hatred and prejudice—and racial inequalities are issues for all sections of society, and can arise anywhere.

Underlying causes for the recent spate of racial incidents in South Belfast

14. The underlying causes for the spate of racist violence are complex and inter-linked. They are far from unique to this particular area of South Belfast, although they present here in a more acute form—possibly because of the relatively small number of minority ethnic people in Northern Ireland, the availability of inexpensive housing in this area in which there is already a concentration of minority ethnic people, and the paramilitary dimension. Indeed, Belfast South constituency has by far the highest percentage of minority ethnic residents in Northern Ireland albeit at only around 3% of constituency residents. The conflict in Northern Ireland over the past 30 years has created patterns and attitudes—such as residential segregation and heightened territorial awareness—that now adversely affect minority ethnic communities.

15. The underlying causes identified for the spate of racial incidents may be summarised as follows:

- Socio-economic factors/housing
  The economic and social decline of the area is well charted\(^\text{17}\). Population decline within the area—and the related decline in property values—has opened up opportunities for property speculators. Substantial numbers of properties have been transformed into multiple occupancy, and there has been a considerable expansion of the private rented sector within the area. This has been cited as being a key factor in arousing resentment of the “indigenous” community. There is a widespread perception that local people are finding it increasingly difficult to obtain affordable housing within their community and close to their extended families. The rate of these developments in the property market over the last year has been very much accelerated.

- Labour market issues
  The availability of a plentiful supply of rented housing in the area, together with its location close to the city centre, Queen’s University Belfast and the Royal Group of Hospitals has attracted substantial number of students and others seeking housing, including new migrants and nurses recruited from abroad to work in local hospitals. Locals mention “a perceptible increase” in the Chinese community around Donegall Pass and in asylum seekers and members of minority ethnic communities in private rented accommodation in the Village area.

- Local fears
  The “traditional” communities in the Village and around Donegall Pass, are said to feel themselves to be besieged and under threat. (This is very much the tenor of a leaflet—entitled Yellow Invasion. Who’s (sic.) “Pass” is it?—that was circulated in the Donegall Pass area in early March 2004.) This has contributed to a climate where actions against perceived “threats” can and have occurred. In recent years students, nurses and young professionals in rented accommodation have all been the targets of intimidation.

- Misconceptions of some Minority Ethnic people and the “baby boom”
  A disturbing feature of the recent race attacks has been the number of pregnant women (or women with very young babies) who have been attacked. There are suggestions that pregnant women have been led to believe—wrongly—that if their child is born in Belfast the parents will be able to obtain Irish citizenship and that there are lucrative trafficking operations. There are stories that the Royal Victoria Hospital has been inundated with minority ethnic women in an advanced state of pregnancy.

- The paramilitary dimension
  There is a view that protection rackets being run by local paramilitaries lie at the root of at least some of the attacks. It is reported that Chinese owned businesses and restaurants in the area are routinely required to pay protection money to loyalist paramilitaries.
  At least some of the attacks would appear to have been motivated by what might be termed “casual” racism, which may have been stirred up by leafleting campaigns by British racist groups. A member of the British National Party visited Belfast towards the end of 2003 and the BNP clearly see Northern Ireland as a potentially fruitful recruiting ground. The links between racist organisations in Great Britain and aspects of loyalism have been fairly well documented.

16. The Government is committed to a co-ordinated response to the attacks—and underlying issues—and to the problem of racial incidents throughout Northern Ireland. Government adopts a layered—long- and short-term, general and specific—approach to tackling both cause and effect in the South Belfast and Northern Ireland more generally. The Government is determined that lessons will be learned from the spate of attacks in South Belfast that will allow it to hone action against racism across Northern Ireland.

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\(^{17}\) eg in the Belfast Implementation Plan for the neighbourhood renewal strategy.
The effectiveness of measures taken by government and relevant agencies to tackle prejudice, and to support the victims of such prejudice

Community Safety

17. Within Northern Ireland’s Community Safety Strategy, hate crime is identified as a key issue with clear commitments to bring about legislative change, develop effective local strategies and solutions, commission research into the nature and extent of racially motivated crime and establish a multi-agency system to record and monitor racial incidents.

18. Hate crime and incidents will also impact on other key issues within the strategy including; tackling anti-social behaviour and neighbourhood disorder, addressing the fear of crime and reducing business and retail crime.

Recording and monitoring hate incidents

19. The Community Safety Unit of the NIO is facilitating the development of a Multi-Agency Working Group on Recording and Monitoring of Incidents Motivated by Hatred. It is intended to expand the work of this group to implement a number of key tasks; for example, a social marketing campaign to promote the benefits brought to Northern Ireland by minority ethnic people. The Working Group would link to the Northern Ireland Race Forum (described below) and act as its implementation wing.

Community Safety Partnerships

20. At local level, the Community Safety Unit will stimulate Community Safety Partnerships to address Hate Crime. Community Safety Co-ordinators will engage with local groups and agencies, building on local partnership structures to prevent hate crime occurring, protect and support those who experience it and bring to justice those who perpetrate it. The Unit has recently funded a number of local projects generated by Community Safety Partnerships to address Hate Crime issues. In addition, the Unit is currently developing strategies to deploy CCTV systems and tackle crime against vulnerable people and grants for small businesses, all of which will impact on minority ethnic groups and individuals.

Victim Support

21. The Community Safety Unit also funds the work of Victim Support. As an organisation Victim Support often faces difficulties in organising services for ethnic minority groups because of language and other cultural barriers. They are, however, committed to ensuring that all sections of the community are offered emotional support and practical help. This is particularly relevant for victims of racist violence who would be eligible to apply for Criminal Injuries Compensation.

Victim Service to the Chinese Community

22. The police and Victim Support have had contact with the Chinese Welfare Association to discuss proposals to improve victim service to the Chinese Community. These include:

(a) The Chinese Welfare Association (CWA) will identify bilingual members who will be selected and trained Victim Support Volunteers.

(b) On receipt of referrals where a crime/racial incident has been perpetrated against member/s of Chinese Community, Victim Support (VS) will be able to identify a trained Volunteer from the Chinese community to provide emotional support and practical help—including helping a person complete an application form for compensation.

(c) VS will have primary responsibility for the management of Volunteers from the Chinese community.

(d) VS will adapt their Training Pack to ensure that it is sensitive and respectful of cultural issues.

(e) VS will continue to work with management of CWA to identify gaps in service provision and to work together to develop more effective services to victims of the Chinese community.

The Community Safety Unit sees this proposal as a pilot that could be replicated with other minority ethnic groups in NI.

Good Relations Policy

23. The Government is currently developing its policy on improving relations in Northern Ireland. Respondents to the Shared Future consultation have urged Government to deliver policies for good relations that will address the following priorities (in ranked order).

- To eliminate sectarianism, racism, and enable people to live and work without fear or intimidation.
- To reduce tension and conflict at interface areas.
— To support the development of integrated/shared communities.

The Government will present proposals later this year to for a new cross-departmental strategy and framework to promote good relations between and within communities in Northern Ireland.

**Northern Ireland Race Equality Strategy**

24. The Government is also finalising its Race Equality Strategy for Northern Ireland. This will involve co-ordinated actions across the Northern Ireland Administration, the NIO, and relevant agencies, developed through close contact and consultation with minority ethnic voluntary organisations and representatives of minority ethnic communities. Following a period of broadly based and inclusive public consultation in 2003, the final strategy will be launched this summer. It will cover the full range of policy issues that impact on the daily lives of our citizens from minority ethnic communities.

**Northern Ireland Race Forum**

25. The Government has also set up a Race Forum. It has a key role in the development and implementation of the Northern Ireland Race Equality Strategy, and in helping to tackle issues of concern to minority ethnic people. The Forum comprises representatives of minority ethnic communities alongside those from Northern Ireland Departments, statutory bodies and voluntary and community organisations.

**Funding Scheme for Minority Ethnic Voluntary Organisations**

26. A funding scheme for minority ethnic voluntary organisations was established in OFMDFM in April 2001. The scheme supports voluntary and community groups to assist in the improving of relations between different ethnic groups and with, of course, the majority community. Awards of £0.5 million in respect of 21 organisations were announced on 22 March 2004. Proposals in relation to the development of the fund will be brought forward as part of the Race Equality Strategy.

**Discussions with political representatives**

27. Northern Ireland Departments are engaged in discussions with political representatives and are working with community organisations and minority ethnic organisations to identify and tackle issues at a local level.

**Neighbourhood Renewal Strategy**

28. Implementation of the Neighbourhood Renewal Strategy in Belfast, led by the Department for Social Development and aimed at tackling the social and economic deprivation that can prove the breeding ground for racial attacks to flourish in areas such as the Village, will be an important policy intervention.

**Health, Housing and Education**

29. Northern Ireland Departments are currently in discussion about how to address issues relating to health, housing and education that have been thrown up by the spate of racist attacks in South Belfast.

30. The Northern Ireland Housing Executive (NIHE) was recently granted enhanced powers to address the perpetrators of race hate crimes through injunction irrespective of their tenure; previously, redress had only been available against NIHE tenants. The NIHE also provides rehousing in the event of intimidation—temporarily pending investigation, and permanently when appropriate. The NIHE staff has been provided with written guidance and training to deal with housing and homeless applications to ensure that all incidents, whether racial, terrorist or sectarian intimidation, are treated with the same degree of urgency and sensitivity.

31. The Department of Education is piloting a Local and Global Citizenship component for the school curriculum. This will seek to give pupils knowledge and understanding of their own and others’ beliefs, values and cultural traditions.

**Action on sexual orientation**

32. Government is developing a strategic action plan on sexual orientation. The Office of the First Minister and Deputy First Minister (OFMDFM) has met representatives of sexual orientation groups who highlighted the issues facing them. The Department will work with these groups to develop proposals for action, and has already financially supported the publication of research by some organisations.
33. OFMDFM has also commissioned research on the issue of sexual orientation in relation to the promotion of equality, information gaps, both qualitative and quantitative, and the provision of recommendations for future data collection and research. This report is due to be published in late Spring 2004.

THE EFFECTIVENESS OF THE EXISTING LAW AND PROPOSED CHANGES TO THAT LAW

34. An important feature of the Government’s strategic and operational response to the problem of “hate crime” has been its review of criminal legislation in this area. The Government sees it as vital clearly to demonstrate its intolerance of such actions through the weight of the criminal law. The justice system must be able to respond to criminal behaviour firmly and appropriately and it is essential that prosecutors and courts have the tools available to them to deal with such behaviour.

35. Research commissioned by the Northern Ireland Statistics and Research Agency and published in 2000 had already identified issues around racial prejudice in Northern Ireland, and as public concerns about “hate crime” grew, the Government carried out a public consultation exercise in 2003 on policy proposals for new legislative provisions. The consultation document contained proposals for extra sentencing powers for offences motivated by religious or racial hostility. And while it did not focus specifically on hostility based on sexual orientation, consultees also considered this to be an area of concern.

36. In publishing proposals for new legislation, the Government was recognising that the extant criminal law may not be sufficient with regard to this area. This was also in the knowledge that legislation had developed in England and Wales to provide courts with wider sentencing powers. The time was right to review our legislation.

Current legislation: Northern Ireland and England and Wales

37. In England and Wales, the Crime and Disorder Act 1998 made specific provision for racially motivated offences. The Act created nine racially aggravated offences with greater maximum sentences than the “ordinary” equivalent offences. The Anti-Terrorism, Crime and Security Act 2001 extended the protections to religion; the Criminal Justice Act of 2003 extended them by creating similar provisions with regard to sexual orientation and disability.

38. Unlike England and Wales, there are currently no specific offences in statute in Northern Ireland in the area of “hate crime”. And for those offences created in the Crime and Disorder, and Criminal Justice Acts, the maximum penalties are higher than in Northern Ireland. This is not to imply that crimes motivated by hatred go unpunished in Northern Ireland. Under sentencing guidelines, sectarian or racial motivation can be regarded as an aggravating factor which can then result in longer sentences than those not so motivated. More generally, sentencers in Northern Ireland have similar if not identical powers to those in England and Wales—particularly in relation to serious violent crime. It is the relevant offences created in the Crime and Disorder and Criminal Justice Acts where maximum penalties differ.

39. Public order legislation in Northern Ireland differs from that in Great Britain and offences defined by the Public Order Act 1986 do not exist here in the same form. The Public Order Act 1986 defines racial hatred as “hatred against a group of persons in Great Britain defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins”. It provides that a person is guilty of an offence if by his actions he intends to, or is likely to, stir up racial hatred. The Northern Ireland equivalent to the Public Order Act 1986, the Public Order (Northern Ireland) Order 1987, contains similar provisions relating to incitement to racial hatred. It goes beyond the Great Britain legislation both by including the concept of arousing fear along with stirring up hatred and by including religious as well as racial grounds. It does not, however, include the offences contained in section 5 of the 1986 Act (which include the display of any writing, sign “or other visible representation” which is threatening, abusive or insulting “within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby”).

The new proposals

40. In response to the consultation, Government recently published proposals to specifically update the law on “hate crime”. (A copy of the draft Order in Council and the accompanying Explanatory Document have already been provided to the Committee but are additionally included with this Memorandum for convenience.) In broad terms, the proposed draft Criminal Justice (Northern Ireland) 2004 Order—which also deals with the completely separate but equally important problem of so-called “joyriding”’—does three things:

— Where an offence is aggravated by hostility, the court is required to treat the aggravation as a factor that increases the seriousness of the offence and when there has been such aggravation, sentencers will be required to state this in open court.

18 Racial Attitudes and Prejudice in Northern Ireland by Drs Paul Connolly and Michaela Keenan, February 2000.
Ireland will not create specific racial, religious, or homophobia aggravated offences in three broad ways—two in terms of approach, and one in terms of scope. On approach, firstly, Northern Ireland will create new offences which include aggravating factors. The intention is to ensure that the base conviction can still be secured. Secondly, the provisions will be applied when there is hostility towards the group, or towards a victim’s membership or perceived membership of one of those groups. And lastly, the proposals for Northern Ireland do not extend to hostility towards individuals with disability—provision for which was recently included in the Criminal Justice Act 2003. Firstly and most importantly, the inclusion in our consultation of proposals with regard to racial and religious hostility arose from strong public recognition and clear evidence of there being a problem. And for sexual orientation, along with emerging research in the area, this too emerged in consultation. And whilst we recognise that vulnerability is an issue particularly for the disabled, the extent to which they may be targeted as a group is probably motivated more by opportunity than hostility. Our approach of broadening penalties in key offences which will apply to all will provide that the disabled—along with elderly people, young people or indeed people with injuries—will have similar protections available to them.

And it includes groups defined by sexual orientation within those already protected under public order law. (The protections currently apply with regard to religious belief, colour, race, nationality, ethnic or national origins.) The use of threatening, abusive, or insulting words or behaviour; the display and distribution of written material; and related activities intended or likely to stir up hatred or arouse fear will be offences if based on a person’s sexual orientation. Inciting hatred or fear based on sexual orientation will also therefore attract a penalty of up to six months imprisonment.

41. An offence is aggravated if, either at the time of the offence, immediately before or after its commission, the offender demonstrates hostility to the victim based on the victim’s racial or religious group, or on his/her sexual orientation. In addition to hostility based on the victim’s individual racial, religious or sexual orientation group, aggravation can exist if the offence is motivated wholly or partly by hostility based on membership, or presumed membership of one of those groups.

42. Racial group has the same meaning as in the Race Relations (Northern Ireland) Order 1997 ie “a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person’s racial group refer to any racial group into which he falls”. Religious group includes the Irish Traveller community. Sexual group is a group of persons defined by reference to religious belief or lack of religious belief. Sexual orientation group is a group of persons defined by reference to sexual orientation and will cover heterosexual, homosexual and bisexual orientations. Membership includes association with members of those groups.

43. The legislative proposals for Northern Ireland differ from the law in existence in England and Wales in three broad ways—two in terms of approach, and one in terms of scope. On approach, firstly, Northern Ireland will not create specific racial, religious, or homophobia aggravated offences. The proposal adopts a more general approach—to increase the penalties available to the court and allow it to increase sentences as appropriate where hostility has been established. This approach allows prosecutors greater flexibility in prosecution, and sentencers greater flexibility in sentencing. The creation of specific—for example—racially motivated offences, can make successful prosecution for the underpinning offence more difficult if the racial motivation cannot be established. The intention is to ensure that the base conviction can still be secured.

44. Secondly on approach, for Northern Ireland the provisions will be applied when there is hostility based on a victim’s membership of a group or where the offence is motivated by hostility towards the group. The concept of “group” is at the heart of the proposals—unlike England and Wales where a mixed approach is taken. For example, under the Crime and Disorder Act, racial hostility to a particular individual must be demonstrated to secure conviction; whereas under the Criminal Justice Act, hostility towards sexual orientation can be demonstrated by hostility to the group. For Northern Ireland, prosecution for hostility towards a victim’s membership or perceived membership of a group, or for the offender’s hostility towards a group, provides the criminal justice system with the flexibility required to successfully tackle this problem in its early stages.

45. In terms of scope, the proposals for Northern Ireland do not extend to hostility towards individuals with disability—provision for which was recently included in the Criminal Justice Act 2003. Firstly and most importantly, the inclusion in our consultation of proposals with regard to racial and religious hostility arose from strong public recognition and clear evidence of there being a problem. And for sexual orientation, along with emerging research in the area, this too emerged in consultation. And whilst we recognise that vulnerability is an issue particularly for the disabled, the extent to which they may be targeted as a group is probably motivated more by opportunity than hostility. Our approach of broadening penalties in key offences which will apply to all will provide that the disabled—along with elderly people, young people or indeed people with injuries—will have similar protections available to them.

46. In summary, the draft Criminal Justice (Northern Ireland) Order 2004 brings forward legislative proposals specifically designed to tackle the problems in Northern Ireland. The Government’s aim is that this legislation will provide the criminal justice system with the powers and flexibility to deal with “hate crime” in its varied forms. And as part of the wider strategy described elsewhere in this Memorandum, to demonstrate its commitment to eradicate such manifestations of hatred; and to bring about a society which recognises the full and equal worth of identities, senses of allegiance and ethos of all sections and communities in Northern Ireland.

March 2004
Table 1

Police Service of Northern Ireland

Homophobic Incident Statistics 2000/01—2003/04 (part year to 10 Feb 2004 only)

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<td>4</td>
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Table 2

Police Service of Northern Ireland

Racial Incident Statistics for 1998/99—2003/04 (part year to 10 Feb 2004 only)

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<tr>
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<td>58</td>
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Annex A

Proposals for Increased Maximum Penalties under the Criminal Justice (Northern Ireland) Order 2004

Malicious wounding or grievous bodily harm—on conviction on indictment, to increase from five years to seven years.

Assault occasioning actual bodily harm—on conviction on indictment, to increase from five years to seven years.

Common assault—previously a summary offence, this offence to be alternatively tried on indictment with a maximum penalty of two years imprisonment, or an unlimited fine, or both.

Criminal damage—the maximum sentence of imprisonment on conviction on indictment to increase from 10 years to 14 years imprisonment.

Harassment—previously a summary offence, this offence to be alternatively tried on indictment with a maximum penalty of two years imprisonment, or an unlimited fine or both.

Putting in fear of violence—the maximum sentence of imprisonment on conviction on indictment to increase from five years to seven years.
Witnesses: Mr Adrian Arbuthnot, Head of Criminal Justice Policy Division and Mr Jim Strain, Legal Assistant, Criminal Justice Policy Division, Northern Ireland Office (NIO) and Mr Ken Fraser, Head, Race Equality Unit, Good Relations Division, Equality Directorate, Office of the First Minister and Deputy First Minister (OFMDFM), examined.

Q163 Chairman: We shall continue. Do you want to make a brief opening statement?

Mr Arbuthnot: Perhaps briefly, if you would permit, I am here representing the Criminal Justice Policy Division of the Northern Ireland Office, which is the division responsible for the current draft Order. I am supported on my immediate right by Jim Strain, one of our senior legal advisers and on my far right by Ken Fraser, who is not of the NIO but of the Office of the First Minister and Deputy First Minister. Obviously there is a lot of liaison between the NIO and OFMDFM and that is represented here in our delegation. The minister has set a very high priority on the present draft Order and, as you are aware, we have very recently completed a consultation process in Northern Ireland. The minister welcomes the opportunity for NIAC consideration of the draft Order and is looking forward to receiving views as a result of their present investigations.

Q164 Chairman: Perhaps you could start by explaining how the present law tackles hate crime in Northern Ireland and what the deficiencies are which this proposed Order is designed to address?

Mr Arbuthnot: The legislation which is being brought forward is obviously intended to bring the present law up to date with current trends in Northern Ireland. We have in very recent times been seeing an increased ethnic minority population in Northern Ireland and indeed a greater awareness of racial attacks. This has been a longer standing issue for England and Wales, but here in Northern Ireland social changes are coming about and therefore the law as it currently stands does need to be updated to take into account this very significant social change which is happening. We wanted to ensure that we have an up-to-date body of law which provides for society as it is evolving and underpins standards for social life, public behaviours, service provision, etcetera. It is not so much that the current law is necessarily wrong, but that we feel it is now time to ensure that the future law is responsive to the needs of society.

Q165 Chairman: You heard what was said earlier about disability.

Mr Arbuthnot: Indeed.

Q166 Chairman: Are you considering including it?

Mr Arbuthnot: May I say that disability has been an issue that we have considered very carefully in the process of developing the draft Order and I should say at the outset that the absence of disability from the Order as presently drafted does not in any way signify a lack of importance to that issue on the part of the Minister. Attacks on people who have various types of disabilities are particularly reprehensible attacks, indeed it is fair to point out that under present guidelines sentencers may take into account the vulnerability of a particular victim when coming to a conclusion on the length of a sentence. People who are vulnerable, and that will include many people who have disabilities and also people who are elderly and living alone, and we can think of other categories as well, do already receive a certain degree of protection through sentencing guidelines. The draft Order will increase the maximum penalties for a variety of crimes against individuals and it will also require courts to take account of aggravating factors in terms of a person’s racial background or racial community, religious grouping or indeed sexuality. Ministers have taken the view that we wanted to keep a very firm focus on hostility towards particular groups and have to date taken the view that violence against people with disabilities can more often be motivated by opportunism occasioned by the individual’s vulnerability than by hate as such. It was really for that reason that disability was considered, but at this stage not included in the draft Order.

Q167 Chairman: May I just ask Mr Fraser whether he could comment from the other side of the fence on that? Would you agree with that assessment that it is not necessary?

Mr Fraser: I must say that I have no particular knowledge of the issues around disability; my area is race equality.

Q168 Chairman: That is fine. That is a very helpful answer. Why, when it is in the England and Wales Order, do you not think it should be in the Northern Ireland Order? Let me put two reasons. First of all, we are all struggling to get the corpus of law in Northern Ireland matching more closely the rest of the United Kingdom. Secondly, is there not a perception that perhaps you take this form of hate crime less seriously in Northern Ireland than the rest of the United Kingdom does?

Mr Arbuthnot: At the risk of repeating myself, Order and is looking forward to receiving views as a result of their present investigations.

Mr Arbuthnot: I do not think it is the case that we take it less seriously.

Q169 Chairman: I did not say that you did. I said there would not be a perception when this is in the law of the rest of the United Kingdom and not in Northern Ireland law?

Mr Arbuthnot: At the risk of repeating myself, sentences are being increased for assaults and vulnerability is—

Q170 Chairman: That is not the question. It is not the level of sentence, it is the inclusion or not of people with disabilities. If you do not include it, will there not be a perception that Northern Ireland does not consider it necessary, either because they do not care enough or because they want to be different, when everything else is moving towards trying to make the law within the United Kingdom as similar as possible.

Mr Arbuthnot: There very well may be a perception; I could not dispute that. We heard earlier witnesses talking in those terms. I think also that disability is a very wide term and definition of disability can in
many respects be problematical. For example, two individuals have the same medical condition: one may consider himself disabled and the other may not. In terms of defining disability and catering for it in the same way we have catered for the other aggravating factors it may prove problematical.

Q171 Chairman: They are all problematical. If someone complains that he has been harassed or assaulted because he is gay, you have to take his word that this is therefore a homophobic attack. If he does not say he is gay, then it is not. Would it not be exactly the same in the example you have given about two similar people with a disability, one of whom acknowledges it and the other who is determined not to? What about the gay person who is not “out” who nevertheless has been attacked and does not claim that is homophobic harassment?

Mr Arbuthnot: The consultation we had in Northern Ireland demonstrated a groundswell of concern and views in favour of legislation in relation to race and religion and indeed homophobia was added as a result of the consultation and responses. We did not perceive the same groundswell of views regarding the inclusion of disability. There did not seem to be, in terms of this legislation and at this time, a compelling case to include disability.

Q172 Chairman: Of course one of the problems which I do acknowledge you have is the lack of hard statistical evidence. If that were forthcoming, presumably your mind is not closed on this matter.

Mr Arbuthnot: We are in the closing stages of the consultation process.

Q173 Chairman: So your mind is closing, but is not quite closed.

Mr Arbuthnot: The shutters are very slowly coming down; they are not down yet.

Q174 Chairman: The government’s mind is ajar. Could I put that phrase on your lips?

Mr Arbuthnot: I am sure you could.

Q175 Mr Luke: The Chairman has questioned all groups about statistics and specifically to do with disability and we have struggled to find hard statistics about the harassment of these disabled groups and how they are treated. Has the government any proposals to start collating that kind of information?

Mr Arbuthnot: Another arm to our work is our community safety strategy and our community safety unit has been very busy in recent times setting up local community safety partnerships. Through those partnerships, we shall be gaining much more information at local level about the types of incidents and perceptions and issues which affect local communities in relation to racial and other abuse. In that way we shall be building up a picture of what is happening on the ground. We heard an earlier witness talking about how the PSNI equally will be building up its statistical records on similar issues.

Q176 Mr Luke: We have talked about the draft Order. Why are you not proposing to replicate for Northern Ireland the aggravated offences category of crimes which exists in England and Wales under the Crime and Disorder Act 1998? Does the lack of that inclusion not suggest that there is a less than thorough approach in Northern Ireland compared with the approach adopted in England and Wales?

Mr Arbuthnot: I might even make the opposite case. Sometimes there are disadvantages in legislating behind the rest of the United Kingdom; sometimes there are advantages. Current research in England and Wales on this issue of aggravated offences is showing that proving a racist or other motivation for an offence can be at times problematical. We have therefore taken a slightly different approach to it: increasing the sentences but requiring the courts to take into account aggravating circumstances, aggravating factors when pronouncing a sentence. There are technical issues in the rest of the United Kingdom as to what sort of charges are laid. There is the ordinary charge and then an aggravated charge. Sometimes in issues where, for example, there might be plea bargaining, the “aggravated” could possibly be dropped. In Northern Ireland the approach we are adopting tries to get round that problem. I should also say that our approach has been very positively supported in local consultation. It has been welcomed by the police and prosecutors and other groups.

Q177 Mr Luke: Would you accept though that it has been argued that there is an ambiguity in the sentencing policy, which undermines the approach being adopted by the government?

Mr Arbuthnot: An ambiguity in the way we have drafted our legislation?

Q178 Mr Luke: An ambiguity in the sentencing. Underneath article 4 of the Order the higher maximum sentences would be restricted to crimes which are aggravated by hostility.

Mr Arbuthnot: I would not call it an ambiguity. I would like to think it was more in terms of flexibility which is given to the courts to take into account aggravating factors but also factors relating to an individual’s vulnerability.

Q179 Mr Luke: Would you accept that the evidence produced by the Cambridge Institute of Criminology, which suggested that the Crime and Disorder Act as it is in England and Wales does send a very strong message that racist crime will not be tolerated, could be the approach promoted in your part of the world?

Mr Arbuthnot: Yes, I would agree with that and indeed the draft Order does place a requirement on the court to state openly in court if an aggravating factor has been taken into account. So it will be bringing to the fore and publicising offences which have been aggravated by the various factors listed.

Q180 Chairman: Just before we move on to the sentencing side, you said just now that you did not think that there was a groundswell of opinion
wanting disability to be included in this Order. Have not the people whom you have heard make representations to us this afternoon also made representations to the Northern Ireland Office? Mr Arbuthnot: Yes, we have indeed received those submissions in the course of the consultation.

Q181 Chairman: Ms Piggot, for example, with a lot of local knowledge, on the ground, at the coal face one might say, gave us some very compelling reasons why disability needed to be included. Why do you remain so unpersuaded of this, never mind what the others have said in a slightly more academic tone? When you get representations from people who live amongst and work for people with these disabilities is that not very persuasive?
Mr Arbuthnot: It is indeed and that is why we are still at the stage of considering the replies to the consultation and weighing up the evidence. The earlier witnesses have said that there is a lack of statistics available in relation to disability in general and the evidence we heard earlier from Mencap referred to a very specific and narrowly defined aspect of disability.

Q182 Chairman: Yes, I made that clear in my questions to her; you will remember that. At the same time, she said that she is in touch with all the other bodies which deal with disability and it was as bad for someone who had lost a leg and was sitting in a wheelchair, as I put it to her just to try to find as clear a distinction as I could make between someone with a mental disability or mental handicap and someone whose disability was purely physical. She said no, that there was a real problem. If there is a real problem, then the perception that you are not prepared to do anything about it because you find it is difficult as a question of identification or classification does not really hold water, does it, since in other areas which can be difficult, homophobia for example, it is by definition self-classification which is the criterion, which you heard Inspector Dempsey talk about? Inspector Dempsey said you cannot expect—I am putting words into his mouth—the PSNI to be able to recognise gays and lesbians on the streets. However, if they come and say this is an aggravated crime because this is what they are, then that is self-classification. Why can that not work just as well for disabled people, either with a mental handicap or a purely physical one?
Mr Arbuthnot: Of course we shall take very seriously all the representations made to us.

Q183 Chairman: No; you are allowed to come here and give us an opinion. I am asking you what your opinion is about the relative difficulty. I know you have a very fine party line to follow, but you are a very senior adviser to the government and you must have an opinion.
Mr Arbuthnot: I should like to be convinced that there is hostility involved as opposed to what I might describe as opportunism flowing from a person’s vulnerability as a disabled person. I think that the draft Order that we have at the moment is very much intended to deal with cases of hate and hostility towards groups of individuals. I have heard the evidence today where that type of hate and hostility may extend toward people with mental handicap of one sort of another, but we would want to make sure that the draft order deals with hate crime rather than opportunistic crime and that is where the sticking point has been up to now.

Q184 Chairman: I do want to press this a little more. I put to you the problem of perception which you acknowledged. It might be perceived that in Northern Ireland it is not taken as seriously as in England and Wales and you have acknowledged that very fairly. Let us put it the other way round. If you were to include disability with the same criteria of hostility and hate, is that going to give you any more problems than including homophobia? You say your perception is that disability is not so big a problem as homophobia, but let us say you are wrong about homophobia and it is just that they have been shouting louder. Intrinsically what I am putting to you is that if there were no difference in the difficulty level you would still have to take the same precautions to ensure that people who were alleging that this hatred was because of homophobia or disability were sound and would be able to stand up in court. Is there any fundamental difference between the two?
Mr Arbuthnot: I understand the similarities you are drawing out, but I have to go back to thinking that homophobia gives rise to violent attacks and perhaps there is less clear-cut evidence that disability has a similar effect.

Q185 Chairman: Yes, the statistics for homophobia, as we have had displayed to us today, are that with a population of 1.5 million we are talking about 35 physical assaults, which is a miniscule number compared for example with sectarian ones which are not even recorded. Given what Ms Piggot said about some of the people with disabilities having this hostility shown to them constantly, daily and weekly and in a way one had hoped that sort of attitude had gone out 20-odd years ago, but it obviously has not, even if it half that figure, it does not make it more compelling to deal with homophobia than it does with disability, does it?
Mr Arbuthnot: I understand the point you are making.
Chairman: However hard I try I can see that I am not going to get your opinion. I hope I get marks for trying.

Q186 Mr Clarke: I just wondered whether I might be helpful to you but not too helpful to our guests inasmuch as the neo-fascists, the far right, the extreme right, do not consider the disabled to behave a very fine party line to follow, but you are a very senior adviser to the government and you must have an opinion.
Mr Arbuthnot: I should like to be convinced that there is hostility involved as opposed to what I might describe as opportunism flowing from a person’s vulnerability as a disabled person.
sexuality, because of their disability, because of their racial origins? On that basis surely action should be taken?

**Mr Arbuthnot:** Yes and if that hate manifests itself in Northern Ireland, then yes, I would agree with you.

Q187 Reverend Smyth: Still on the disability aspect, I have seen suggestions that in that case it should also extend to the carers and relations. How far can you legislate in such a situation, that a person who may be a victim can then be extended to include carers, relatives and so on? It opens a wide door, does it not?

**Mr Arbuthnot:** Yes, that would take us into a much wider group of victims. I would assume that where a carer is an integral part of an individual’s life for whatever reason then an assault on a carer would be very similar if not the same as an assault on the individual. I am not sure I can go much further than that.

**Reverend Smyth:** I was thinking about legislation which has to cover once you open a door. It is part of an integral family: if a person is attacked for race, for sectarianism the whole family is attacked. That is why I am raising it so we are clear in our thinking.

Q188 Mr Luke: May I briefly turn to the issue of sentencing, which we were talking about briefly earlier? In the consultation paper on the Order you suggest that the maximum penalty for an offence could be exceeded by a certain amount, say two years, if racial or sectarian aggravation were proven. I think the rationale behind this was that it would more effectively differentiate between aggravated and non-aggravated crimes. I believe you are not progressing with that situation. Can you give us the background as to why not?

**Mr Strain:** This was our earlier consultation, the original one. I see your point. I thought you meant the explanatory document. It was not a runner. The problem with it was that unless you introduced the actual racial aggravation at the beginning of the charge, you could not increase the envelope for an extra two years because the defendant would not know what case he had to answer. It was that the evidential burden had shifted onto him and we dropped it and went with this proposal we have now, which increases the penalties for all that class of offences, whether racially aggravated or not, by two years to allow the court to reflect the racial aggravation and they just generally increase the sentence.

Q189 Mr Clarke: You have just said that the Crime and Disorder Act 1998 was not a runner.

**Mr Strain:** No, that the Crime and Disorder Act 1998 did not do what we had suggested in our earlier consultation document. Are you referring to what Mr Luke said?

Q190 Mr Clarke: Yes. One of the problems for many people who have been the victims of hate crime is that they do not believe that the law to date has protected them very well, so they are a little bit under-enthusiastic about the new law. If I were to mention to you the Protection from Harassment (Northern Ireland) Order 1997, I would say to you that there has been little evidence that it has been used, or at best you could say that it has been under-used. For those communities which have seen new laws brought into being without necessarily being put into effect in the past, what practical differences are those communities going to see post the introduction of the Criminal Justice (Northern Ireland) Order 2004?

**Mr Strain:** I cannot comment in relation to the harassment legislation; I just do not know. Certainly in relation to something Mr Luke referred to, the Cambridge report, it did say that it made quite a big difference in relation to the target groups which were victims of racial and indeed now sectarian attacks. We were greatly influenced by the Cambridge report in the way we brought forward our legislation. The Cambridge report actually recommends that the type of thing we are doing is considered rather than this technical difficulty that if you only put the racially aggravated offence on the indictment you lose the whole offence and you do not get punished for anything.

Q191 Mr Clarke: I am still trying to convince this community which has been harassed in the past that this new Order will make any difference and it certainly will not unless there is a commitment from the police, the prosecution service and the courts to use the new powers which are given to them. Can you give me some confidence that the government will commit itself not just to putting in the new Order, but to reviewing its operation and acting on inactivity by the police and the courts, should that be the case?

**Mr Arbuthnot:** Yes, I think I can give that reassurance and agree that putting the legislation in place is only one part of the jigsaw. We have consulted very closely with the police and the police welcome the legislation as it is drafted and, as we have already heard, will be renewing its efforts to address this type of violence. The enforcement is part of the legislation and it will be important once the legislation, in whatever shape or form it finishes up, comes into effect to publicise it, to explain to local communities, to encourage local communities to have the confidence to use the legislation, knowing that there are more severe penalties for people who commit aggravated offences against them. There is a range of initiatives which needs to be put in place to ensure total effectiveness.

Q192 Mr Clarke: If we are going to review success, we need to have something to measure that success against. At the moment there is a lack of a robust reporting system for those who believe they have been victims of hate crime. Could I ask you about the multi-agency working group on recording and monitoring of incidents motivated by crime? Could you update us on your links and work with that group? Do you believe, as some have said, and I have said, that there needs to be a victim-led reporting system, so victims can make sure that their concerns
Q196 Mr Pound: implication of what I said.

Mr Fraser: Mr Arbuthnot: No, sorry, that was not the government’s race equality strategy?

Mr Arbuthnot: I was thinking in terms of the developed within a Promoting Social Inclusion

Chairman: We can sort that out.

Q193 Mr Clarke: May I turn very quickly to restorative justice. We have already talked about severe sentencing or increased sentences, but the Cambridge Institute of Criminology also looked at the role restorative justice can play and education can play in bringing the perpetrator and the victim together to give the opportunity to apologise and to understand and share experiences. What is your view in terms of what is being done to allow robust restorative justice systems to be part of the new Order’s work?

Mr Arbuthnot: I would certainly agree that restorative justice systems are part of the wider picture to which I referred. We are currently piloting a youth conferencing service in Belfast and in Fermanagh and Tyrone with a view to rolling it out to all parts of Northern Ireland and it is quite a legitimate part of that youth conferencing process that individuals may be required to undertake some form of education relating to racism or whatever. So I would agree with you that that is another important aspect and it is something which is being taken forward through the youth conferencing service as it develops.

Q194 Mr Pound: You rightly say that the key to tackling racial incidents is action by the PSNI. If we look at the figures for 2002–03 we swiftly discover that out of 226 reported incidents there were seven prosecutions. What do you think that tells us about the way in which this problem is being addressed at the moment?

Mr Arbuthnot: Obviously we should like to ensure that the law we have in place is the law the PSNI feel comfortable with and are able to use so that the number of prosecutions can ultimately increase.

Q195 Mr Pound: May I interrupt you a second? What do you mean by “feel comfortable with”? Do you think they feel it is sufficiently robust? Do you think it is appropriate? Do you think there might actually be a resentment within the PSNI of some of the—

Mr Arbuthnot: No, sorry, that was not the implication of what I said.

Q196 Mr Pound: I am glad we can clear that up.

Mr Arbuthnot: I was thinking in terms of the robustness and effectiveness of legislation.

Q197 Mr Pound: Do you have any evidence that there are aspects of the legislation which the prosecuting officers are unhappy with?

Mr Arbuthnot: As far as I am aware at present, we have the support of the PSNI on the present proposals.

Q198 Mr Pound: What do you think could be done to improve the prosecution rate? Seven out of 226 is a rather terrifying headline figure, is it not?

Mr Arbuthnot: It is important, in order for the legislation to become effective, that it is well understood that officers are trained appropriately and that it is effectively implemented.

Q199 Mr Pound: I should say for the record that quite clearly I cannot make any generalisation out of those cases because it is entirely possible that the best ordered police service in the world could get a ratio like that in a particular year. I am not saying anything other than that this is an indicative series of statistics. What about community safety partnerships? Do you think they have been successful, particularly in the area of hate crime?

Mr Arbuthnot: Before I answer that, it has just been drawn to my attention that of the 226 cases to which you refer, not all are necessarily criminal incidents. We may need to explore those figures in a bit more detail and I do not have that knowledge in my head.

Q200 Mr Pound: That is useful. It is just that the raw data we have simply lumped them together and I assumed that they were criminal incidents. That is very helpful. Could you have a word about the community safety partnerships? Do you envisage an expanded role for the CSPs?

Mr Arbuthnot: Yes, I think the safety partnerships are still very much in their infancy, but they are a very important key role in the overall criminal justice system. Therefore I would see the role of those partnerships developing and particularly developing in respect of hate crime. That is a specific role that they have and as recently as yesterday, or possibly the day before, grants were given out to certain groups by our community safety unit for special initiatives to promote community safety, particularly in relation to hate crime.

Mr Campbell: Do you think that you could provide, or would it be the police, the evidence of the 226 you said you did not currently have information about? Can you supply that to us, or would we need to get that from the police?

Chairman: We can sort that out.

Q201 Mr Campbell: I referred earlier to sensationalism and sometimes the clarification of a figure can prove to be somewhat illuminating. I just want to ask two questions on government strategies to deal with hate crime. What is the status of the government’s race equality strategy?

Mr Fraser: The race equality strategy which covers the full range of issues which may impact upon minority ethnic people in Northern Ireland was developed within a Promoting Social Inclusion working group which included representatives from
minority ethnic communities and the community and voluntary sector as well as government departments. It was put out to consultation last year on 25 February. The consultation period was extended to allow focused, targeted consultation with minority ethnic communities as well as the public at large. We have been analysing the input from the consultation and are busy re-drafting the race equality strategy. We anticipate that the race equality strategy should be published some time this summer. The minister has committed himself to publishing it this summer. Within the race equality strategy we will develop, through the race equality forum which has been set up to monitor and oversee the implementation of the race equality strategy, an implementation action plan to take the strategy forward, an implementation action plan which will initially be for government departments but which we hope might be extended to others within Northern Ireland society. It is fair to say that it dawned on us at a fairly early stage of drafting this that minority ethnic people on the street did not really care about the constitutional arrangements, whether a matter was excepted [as defined within the Northern Ireland Act 1998], reserved or devolved for that matter. I am pleased to say that the race equality strategy will cover both Home Office matters, Northern Ireland Office matters and those which are for the Northern Ireland Administration. The race equality forum will also have representatives from the Home Office and from the Northern Ireland Office as well as the Northern Ireland Administration sitting on it and it will have representatives from a wide range of minority ethnic groups and from the community and voluntary sector and key agencies such as PSNI, the Equality Commission and the Northern Ireland Human Rights Commission.

Q202 Mr Campbell: Quite apart from the intended impact one would presume of trying to deal with hate crime and reduce it, what other impacts would you see the strategy having on the wider community in Northern Ireland and dealing with hate crime?  
Mr Fraser: As the memorandum said which the NIO and OFMDFM submitted jointly the key response for government is the criminal justice response. Of course there is a wide range of equality issues, confidence building issues around this, letting minority people have access to the services to which they are entitled, encouraging and allowing minority ethnic people to participate in the wider Northern Ireland society. We have a number of key aims within the race equality strategy: to eliminate racial discrimination; to promote equality of opportunity for people with different ethnic backgrounds in Northern Ireland; to increase equality of opportunity for minority ethnic people in accessing and benefiting from public services including training, education and employment opportunities; to combat racism and to provide protection against racist crime; to promote good relations and mutual respect between people of different ethnic backgrounds including Irish travellers; to increase awareness and understanding of and respect for different minority ethnic groups within Northern Ireland and their cultures and traditions; to increase participation of people from minority ethnic backgrounds in the social, public, economic and cultural life of society.

Chairman: We do have the strategy document and we are able to draw from it in writing our report. I just thought you might be going to read the whole of it to us.

Q203 Mr Campbell: I want to go on to the strategic action plan on sexual orientation and where we are in terms of the status of that document.

Mr Fraser: I must say that action plan is at a fairly early stage. The document Building on Progress, Priorities and Plans 2003-06 committed OFMDFM to bringing forward a cross- departmental strategy to tackle gender inequalities. Initially the gender equality strategy appeared to be the most appropriate vehicle to tackle issues of sexual orientation, but in the opinion of departments and the Equality Commission and various other groups which were consulted, it was decided this was not appropriate and the minister approved that sexual orientation issues should be treated separately from the gender strategy. OFMDFM now has met representatives of the various sexual orientation groups who have highlighted these issues and the department is working with these groups to develop proposals for action. It is at a fairly early stage. One of the key issues here is an issue which the Committee has already mentioned in other respects which is a difficulty in actually getting much information or solid data on these particular issues. OFMDFM has already commissioned research on the issue of sexual orientation in relation to the promotion of equality and is seeking to plug various information gaps.

Q204 Chairman: In other words, we have not get very far yet.

Mr Fraser: I think I said that.

Q205 Mr Campbell: You say it is at a very early stage. When do you expect to see a conclusion?

Mr Fraser: I am afraid I would have to get back to you on that.

Mr Campbell: Before you conclude.

Chairman: Gentlemen, thank you very much for your help. I am sorry we detained you rather late. The Committee is adjourned.
Supplementary memorandum submitted by Her Majesty’s Government

INTRODUCTION

1. The Government is pleased to respond to the Northern Ireland Affairs Committee’s request for further written evidence to its inquiry into “hate crime” in Northern Ireland.

2. As requested by the Clerk to the Committee, this memorandum focuses on sectarian hate crime and the measures being taken by Government to address it through action in the areas of criminal justice, victims, community relations, equality, housing and education. It includes updates on the status of the community relations strategy, the race equality strategy and the strategic action plan on sexual orientation. It also briefly provides up to date data on racist incidents.

3. As stated in our previous memorandum (March 2004), it is our view that enforcement action by the Police Service of Northern Ireland (PSNI) will continue to be the key to tackling hate crime. But enforcement action alone will not tackle the deep-seated problems that we need to address. Accordingly, it will be accompanied by a range of actions:

— Legislation giving courts the power to impose heavier sentence where an offence is aggravated by hostility based on religion, race, disability or sexual orientation;
— Action to protect vulnerable communities; and
— Action on education, housing, health and social policy issues.

4. As stated previously, Government is committed to eradicating all manifestations of hatred, whether motivated by racism, sectarianism or homophobia. There are norms and behaviours within society that are acceptable and those that are not acceptable. The hate crime legislation proposed by Government will deal firmly with behaviour that is not consistent with what is acceptable in a civilised society.

5. Following representation from the Northern Ireland Affairs Committee during this inquiry the Government has accepted the Committee’s recommendation to include in the draft Order provisions to protect people with disabilities. This is detailed in the letter dated 29 June 2004 from Rt. Hon John Spellar MP, Minister of State for Northern Ireland. The Criminal Justice (Northern Ireland) Order 2004 will be tabled in the House on 26 September.

UPDATE ON HATE CRIME INCIDENTS

6. The original memorandum [Tables 1 and 2] provided statistics on homophobic and racial incidents for a number of years, including 2003–04 up to 10 February 2004. The revised tables below show the data updated to 31 March 2004. These confirm the anticipated increase in reported incidents. Paragraphs 7, 8 and 9 of the original memorandum commented on the statistics. In particular, it acknowledged that the racial incident figures represented “a very substantial real increase”, but they were silent about social groups, there being no relevant data on those. We have nothing to add to that commentary.

Table 1: Homophobic Incident Statistics 2000–01—2003–04

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Table 2: Racial Incident Statistics for 1998–99—2003–04

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<td>21</td>
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</tr>
<tr>
<td>Total</td>
<td>93</td>
<td>237</td>
<td>260</td>
<td>185</td>
<td>226</td>
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Sectarian Hate Crime

7. Paragraph 6 of the Government’s original memorandum to the Committee pointed out that “until now there has been no systematic collection and recording by the police of sectarian incidents, although they have now begun to address this”.

8. The Police Service for Northern Ireland (PSNI) is now in the final stages of developing arrangements for such a system, which will address incidents of religious and/or political motivation. Details are to be announced in the Autumn as part of PSNI’s new Hate Crime Policy.

Recording and Monitoring Hate Incidents

9. Separately, the Community Safety Unit of the Northern Ireland Office is facilitating the development of a broader system for registering hate crime incidents in Northern Ireland. It is intended that this will record incidents motivated by hatred based on religion, race, sexual orientation and disability. It is also intended to expand the work of this group to implement a number of key tasks: for example, a social marketing campaign to promote the benefits brought to Northern Ireland by people from a minority ethnic background. The Working Group would link to the Northern Ireland Race Forum (described below) and act as its implementation wing.

10. The CSU is also bringing together a number of key statutory and voluntary bodies to initiate arrangements for responding to hate crime incidents, particularly those of a racist nature. It is intended that the arrangements will include both physical measures for the protection of those subject to such incidents, and associated advice and guidance on available support services.

Community Safety

11. Within Northern Ireland’s Community Safety Strategy, hate crime is identified as a key issue with clear commitments to bring about legislative change, develop effective local strategies and solutions, commission research into the nature and extent of racially motivated crime and establish a multi-agency system to record and monitor racial incidents.

12. Hate crime and incidents will also impact on other key issues within the strategy including; tackling anti-social behaviour and neighbourhood disorder, addressing the fear of crime particularly among Older People and the more vulnerable within local communities here; and reducing business and retail crime.


Equality, Good Relations, Race Relations, Victims and Survivors

The next section of the memorandum provides background to a number of key policy areas in the Equality Directorate of the Office of the First Minister and Deputy First Minister which are relevant to the proposed hate crime legislation.

Equality

14. Government remains fully committed to driving forward the equality and human rights agenda. To this end a number of key policy areas are being taken forward. Work continues to ensure that equality considerations are fully mainstreamed into policy development across Government and that there is effective operation of the statutory duties under Section 75 of the Northern Ireland Act 1998.

15. Government attaches a high priority to the work of the Equality Commission for Northern Ireland and works in partnership with it on various programme to promote equality of opportunity.

16. Government continues to strengthen the legislative base on equality of opportunity. Considerable progress has been made in terms of Equality and Anti Discrimination legislation with the development of a comprehensive range of protective measures to cover race, gender, disability, sexual orientation, religious belief and political opinion and work is ongoing to implement age discrimination legislation.

17. A major programme is the development of a Single Equality Bill for Northern Ireland. A consultation on options was publicly launched by Minister John Spellar on 22 June 2004 and will run until 12 November 2004. The aim is to ensure a fully comprehensive and inclusive consultation exercise. There has already been extensive preliminary consultation with business, trade unions, churches and other faith based organisations, equality and human rights interests and political parties. Two regional consultation seminars are planned; one will be held in Belfast on 14 September and another in Londonderry on 16 September.

18. In addition to legislative work, Government is also taking forward a number of non-legislative programmes to put in place co-ordinated actions to tackle inequalities with a particular focus on some of the most vulnerable groups. Strategies on race and gender will not only identify the key actions which
departments can take in these areas, but will monitor the implementation of those actions. Work will also be initiated to identify and tackle issues and inequalities based on sexual orientation and to promote social inclusion for older people, people with disabilities, carers and the homeless.

**Good Relations**

19. Continued sectarianism, racism and intercommunity conflict act as significant barriers to social and economic growth and recovery within communities. They lower morale and prevent communities taking advantage of opportunities to build a better future.

20. Section 75 (2) of the Northern Ireland Act 1998 introduced the concept of Good Relations. It sets that that “without prejudice to its obligations under subsection (1) a public authority shall in carrying out its functions relations to Northern Ireland have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group”.

**Good Relations Strategy**

21. Respondents to the Shared Future consultation urged Government to take the lead and begin by tackling the worst excesses of sectarianism and racism in a pragmatic way and put in place policies and programmes which encourage communication, tolerance, trust and respect for different cultures, faiths and traditions over time. In summary, Government was urged to take a cross-departmental approach that explicitly encouraged “sharing over separation” in delivering services.

22. The Northern Ireland Grand Committee met on 17 June 2004 to consider the future direction of community relations policy in Northern Ireland. The Minister outlined his thinking on the direction of the new policy stressing a number of key points. First, a shared future is an important and central issue not just for Government but for every citizen in Northern Ireland. Second, sharing the future is beyond doubt: it is a question of how it is to be shared. Third, Government needs to move forward creatively—and promote greater sharing, tolerance and respect for one and other—without threatening anyone. Tribute was paid to the trade unions and business sector for keeping division out of the workplace; and to schools and teachers for the role that they continue to play to keep classrooms a place of learning, and as far as possible, free from sectarianism and racism. Tribute was also paid to the work at local level by voluntary and community agencies. The steering group which will take forward this work will co ordinate long-term actions, target departments can take in these areas, but will monitor the implementation of those actions. Work will also be initiated to identify and tackle issues and inequalities based on sexual orientation and to promote social inclusion for older people, people with disabilities, carers and the homeless.

23. Government will make the long-term commitment to improving relations in Northern Ireland, including the associated investment of time, resources and effort. Through the new policy and strategic framework, Government will provide support to communities to develop and deliver good relations approaches and programmes and take direct action to eliminate sectarianism, tackle racism and build trust between and within communities.

24. The Office of the First Minister and Deputy First Minister in carrying out its statutory obligation under Section 75 (2) to have due regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group will co-ordinate action across government and its agencies. The steering group which will take forward this work will co ordinate long-term actions, target resources and monitor outcomes.

25. While actions to promote good relations will be driven forward by Government, it is clear that improving relationships in the long run will require leadership at political, civic and community level.

26. Improving community relations is the search for practical foundations of trust between divided people. Moving from relationships based on mistrust, enmity and defence to those rooted in mutual recognition and trust is the essence of reconciliation. Building trust involves all of society: political and civic leadership, core institutions and should not be expected to emanate from violent interfaces alone. Interface areas are the tragic symptoms of a systemic lack of trust rather than the sole cause or only evidence of it. The Government will continue to support those working to deal with the problems of interface areas; but will avoid rewarding bad behaviour.

27. Challenging sectarianism, racism and any other extremism is not only about challenging particular behaviours or attitudes: it is also about making different relationships. Real change across Northern Ireland will require leadership at political, civic and community level. It will require vision, institutional commitment and long-term policies to promote and sustain change. Ultimately sustained and deeper progress depends on political stability.

28. A draft policy and strategic framework will be brought forward in the autumn for discussion with political parties, elected representatives and key stakeholders

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19 We use the term “good relations” rather than the traditional term to acknowledge that society in Northern Ireland is more diverse and stretches beyond the traditional bi-polar community approach. The increased presence of and contribution of minority ethnic groups highlights the changing nature of communities in Northern Ireland.
RACE EQUALITY STRATEGY

29. Details of the Race Equality Strategy were covered in the previous memorandum. Given the strong linkages between the Good Relations Strategy and the Race Equality Strategy, the Government intends to publish the two documents at the same time. The Race Equality Strategy is being developed in conjunction with the Race Forum (details of which were also outlined in the previous memorandum). One of the key aims is to combat racism and to provide protection against racist crime. It is intended that the strategy will secure the commitment of all the members of the Race Forum and beyond. An implementation plan to achieve the key aims of the strategy will be drawn up in close consultation with the Forum. The action plan will not only identify the key actions which departments (and others) can take, but will monitor the implementation of those actions.

SEXUAL ORIENTATION STRATEGY

30. The paucity of information and data on sexual orientation has made it difficult to identify and address the full range of problems and issues faced by people, particularly in the gay and lesbian communities. Consequently, OFMDFM has commissioned and published research providing recommendations on the promotion of equality and filling information gaps including future research on sexual orientation. The report is available on the OFMDFM website, www.research.ofmdfmni.gov.uk.

31. Government has also set up a sexual orientation advisory body comprising representatives of different sexual orientation groups. Through this body, Government is working to identify the priority issues and problems. We are developing a strategic action plan to address these. The target is to bring forward recommendations to Ministers by December 2004, for approval and publication. The plan will include for example measures aimed at increasing awareness and understanding of the issues. It will also outline mechanisms for co-ordinating actions across Government Departments and monitoring progress. Further details on progress in this area are included in the attached Annex.

SUPPORT FOR VICTIMS AND SURVIVORS OF CONFLICT

32. The conflict in Northern Ireland has left a profound legacy; it has left scars at many levels. Promoting healing and support for victims and survivors of the conflict in Northern Ireland continues to be a priority and Government is working with victims and survivors, their representative groups, experts, academics and practitioners in the field to help shape the new phase of policy which builds on the initial strategy of the Northern Ireland Executive set out in “Reshape, Rebuild, Achieve”.

33. The new policy will focus on identifying areas of additional practical support to victims and survivors. It will also incorporate the Secretary of State’s current work on dealing with the past.

ACTIONS ACROSS GOVERNMENT TO ADDRESS SECTARIANISM AND RACISM

The following sections set out a number of actions taken by Departments and their agencies to address sectarianism and racism.

(a) Visible manifestations of sectarianism

Many respondents to A Shared Future highlighted the need to take action to tackle paramilitary flags and emblems.

34. Paramilitary flags and emblems have no place in Northern Ireland. They intimidate and strike fear into communities. They also act as a disincentive to investment in areas where that investment is much needed. Government recognises that the best approach to tackling the issue is through the local community, elected representatives and the police working together.

35. Government is clear that there is no place in society for these trappings of the past and continues to offer practical assistance to those communities that are seeking to transform their environments. The positive actions recently taken in the Lower Shankill area and in other areas to remove offensive murals, sectarian and racist graffiti, painted kerbstones and illegal paramilitary flags is evidence of the progress that can be made through a multi-agency approach in conjunction with the elected representatives, the police and the local community. Government also recognises and acknowledges the enforcement action taken by the PSNI to deal with the display of flags supporting proscribed organisation.

36. It is clear from the evidence thus far that whilst there may be a need for new legislation or codes of conduct or protocols to deal with this problem, by far the best way of resolving issues is by looking at the context within which conflict arises and, if necessary, to transform that context. The removal of such trappings is best undertaken as a common project with agencies working in conjunction with communities as part of environmental improvements with a view to enhancing areas economically.
37. In conjunction with other Departments and Agencies, OFMDFM is reviewing roles, responsibilities and the legal position with regard to the flying of flags and other emblems. Measures to tackle this problem will be brought forward in the context of the new good relations policy and strategic framework that is currently being developed.

(b) Race forum

38. Work on tackling racial inequality and racism is proceeding in parallel with the development and implementation of the Race Equality Strategy. Some of the relevant measures are outlined in our previous memorandum and elsewhere in this one. However, the Government recognises that these measures will take time to come into operation or to have an impact.

39. Against the background of the recent upsurge in racist incidents and their spread across Northern Ireland, the Office of the First Minister and Deputy First Minister has convened a special meeting of the Race Forum on 7 September 2004 and key interested parties to identify practical measures that could be taken to tackle racism and racist incidents. Details of the practical measures identified will be provided in oral evidence by officials. The meeting involved representatives from the NIO and NI Government Departments, PSNI and minority ethnic communities. It also involved community representatives from those areas that have borne the brunt of recent attacks.

40. The special meeting also established a thematic group of the Forum to see that these practical measures were carried forward and to advise on further actions. It is hoped that the sub-group will provide a focus for action to tackle racism and racial incidents over the coming months. The proposed initiative taken by employers in the Dungannon area in conjunction with Business in the Community is an example of practical actions which can be taken.

(c) Housing: Tackling prejudice and supporting victims

Emergency Housing Following Sectarian And Racist Incidents

41. There are a number of existing initiatives supported by the Department for Social Development, which are reflected in the Northern Ireland Housing Executive’s response to hate crime incidents. These are outlined below.

Re-Housing Homeless Applicants

42. The Housing Executive has a duty under the Housing (NI) Order 1988 to secure that accommodation is available to homeless applicants who meet certain criteria. The criteria are as follows:

- Applicants must be “homeless” for the purposes of the 1988 Order, ie they have no accommodation in the UK or elsewhere which they could reasonably be expected to occupy;
- Applicants must not be “intentionally homeless”, ie they have not become homeless as a result of any deliberate act or lack of action;
- Applicants must be “eligible” for assistance under the 1988 Order (certain persons from abroad and persons who have been guilty of unacceptable behaviour are not eligible for such assistance);
- Applicants must have “priority need”, eg they are particularly vulnerable or at risk of violence.

43. Persons made homeless as a result of terrorist, sectarian or racist intimidation are awarded the highest priority for re-housing by the Housing Executive. The Department recently invited the Housing Executive to amend its Housing Selection Scheme so that persons who are intimidated because of their sexual orientation or disabilities can also be awarded top priority for re-housing.

Ethnic minorities

44. Between April 2003 and the end of July 2004 the Housing Executive accepted a total of 13 applicants as homeless due to racial intimidation. The breakdown of this figure, by ethnic origin, is as follows:

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>African</td>
<td>3</td>
</tr>
<tr>
<td>Bangladeshi</td>
<td>3</td>
</tr>
<tr>
<td>Chinese</td>
<td>1</td>
</tr>
<tr>
<td>Indian</td>
<td>1</td>
</tr>
<tr>
<td>Irish Traveller</td>
<td>3</td>
</tr>
<tr>
<td>Pakistani</td>
<td>1</td>
</tr>
<tr>
<td>Mixed</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>13</td>
</tr>
</tbody>
</table>
45. The Housing Executive provides information on housing and homelessness to advice and welfare centres catering for members of ethnic minorities, and is currently examining this service to see if it can be improved.

**Emergency Grants**

46. The Housing Executive pays Emergency Grants to public and private sector tenants who have been forced to leave their homes as a result of intimidation. The grants are intended to cover certain relocation costs, such as new telephone connection.

**Acquisition of Satisfactory Houses (ASH)**

47. This scheme allows the Housing Executive to acquire private sector housing which can be let to tenants who might be at risk in housing estates.

**Scheme for the Purchase of Evacuated Dwellings (SPED)**

48. Where a homeowner has been forced to move as a result of intimidation, the Housing Executive is empowered under SPED to purchase the individual’s home. This enables victims of intimidation to move quickly and receive the full market value for their homes. Houses purchased under SPED can be re-sold on the open market or (more rarely) taken into the Housing Executive’s stock.

**Anti-Social Behaviour**

49. The Housing Executive and registered housing associations have power to seek injunctions against any persons involved in the harassment of tenants, as well as power to evict tenants whose behaviour is likely to cause nuisance or annoyance to neighbours or persons visiting the area. The Department has issued guidance to the Executive which suggests that any racial or sectarian harassment, or harassment on the grounds of sexual orientation, should be treated as “nuisance or annoyance” for these purposes.

**Housing And Community Relations**

50. The Northern Ireland Act 1998 places a duty on the Housing Executive, as a public body, to promote good community relations. In pursuit of its own corporate objectives, the Executive is committed to promoting community relations and respect at local level through housing-centred community involvement. In this context, the Housing Executive has published proposals to address the problems of intimidation, interface violence and sectarian symbols. These are not solely housing problems and the Housing Executive recognises that solutions require a co-ordinated inter-agency approach. The Department for Social Development is fully supportive of the Housing Executive’s initiatives to support mixed communities and promote community relations.

51. In 1999 the Department of Education commissioned the Centre for the Study of Conflict in the University of Ulster Coleraine to examine the impact of Integrated Education. The subsequent report, “Integrated education in Northern Ireland: An Analytical Literature Review” pointed out that it is not always easy to separate out educational issues from other areas of social policy far less to isolate integrated education from the broader field of education and social and community issues.

52. The review detailed research done in 1991 that analysed the friendship choices of Catholic and Protestant pupils in an integrated secondary school on the basis of religion, social class and gender. The findings showed that, after five years of secondary education in an integrated school, pupils who had attended integrated primary schools now had significantly more friends from the “other” community than from their own. Past pupils maintained a significant number of friends from the “other” community compared to young adults of the same age in an integrated university. The author’s conclusions were that integrated secondary education could improve inter-community relations in Northern Ireland and that segregated schools added to the polarisation of society. However, the review concluded that this research was relatively small and cannot be used as a basis for firm conclusions.

53. It may also be worth pointing out that out of the 50 Integrated Schools in Northern Ireland, none are situated in so-called “flashpoint” areas.
54. The objectives of Education for Mutual Understanding (EMU) are
   — Fostering respect for self and others and building relationships;
   — Understanding conflict;
   — Appreciating interdependence; and
   — Cultural understanding.

55. The Education and Training Inspectorate (ETI) carried out a survey of the primary sector in 1998–99 and the post-primary sector in 1999–2000 to assess the extent to which these objectives, as an educational theme, were being translated into the work of the schools.

56. The report on the primary sector presented a generally positive picture and drew attention to the emphasis given to developing and maintaining links across the community. It noted, however, that joint activities arising from such links tended to focus narrowly on shared residential activities and sporting events. The question was posed as to whether, in themselves, these activities were sufficient.

57. The post-primary report highlighted positive outcomes and in particular the commitment of many of the teachers to help young people to have confidence in themselves and to respect others. The report did, however, highlight important areas for improvement. In only a small number of schools inspected was there a consistent approach to developing EMU objectives across the curriculum. Good practice tended to be isolated rather than a part of a whole-school approach. Also it was only in a minority of schools that pupils had the confidence to discuss conflict and division in the community. Most teachers were uncomfortable in dealing with such issues.

58. To complement and develop the educational themes the Department’s Schools Community Relations Programme (SCRP) has provided funding to encourage cross-community contact between schools.

59. Following on from ETI’s survey of EMU in schools the Department, in 2002, commissioned a review of SCRP and also a research study of pupil perceptions of the SCRP.

60. The review of SCRP identified several strengths and in particular the continued commitment and dedication of teachers. The review did however highlight many weaknesses around the lack of training provided for teachers to help them deliver CR issues; lack of investment by ELBs to support teachers; the Programme’s low strategic importance at all levels; and the continued view that joint trips to museums etc were free fun days out of school.

61. The research into pupil perception of the Programme was very positive in that it identified that the young people wanted to do real CR. They saw the benefits of local links in that contact could be sustained. The down side was that most existing Programmes avoided such issues.

62. Following wide consultation on the review the Department has appointed an Implementation Group to produce a time-bound plan, by March 2005, to take forward the agreed recommendations. The Group comprises representatives of ELBs, CCMS, ETI, UU and DE. The main recommendations cover issues such as encouraging a whole-school approach; introducing gradient mechanisms; encouraging two and three-year programmes; recognition of unique circumstances of particular schools; introduction of monitoring and evaluation; and road shows of best practice.

63. In the meantime, the Department and the ELBs have been making considerable progress to ensure that all CR programmes will eventually reflect clear CR objectives. We do, however, recognise that speed will in many areas be dictated by local circumstances.

64. DE is planning to hold a one-day seminar in early 2005 which will bring representatives of all the players together ie teachers, ELB CR staff, ETI, DE, Core Funded Groups and perhaps some pupil participants. The agenda for the day has not yet been finalised.

Local and Global Citizenship

65. The Minister has accepted the advice of the Council for the Curriculum Examinations and Assessment (CCEA) for a revised statutory curriculum, which will include replacing the current cross-curricular theme of Education for Mutual Understanding with Local and Global Citizenship Education. This will be part of the curriculum at all key stages and aims to develop the capacity of young people to participate positively and effectively in society, to influence democratic processes, and to make informed and responsible decisions as local and global citizens throughout their lives.

66. Local and Global Citizenship is based around investigation of the following core concepts:
   — Diversity and Inclusion.
   — Equality and Social Justice.
   — Democracy and Active Participation.
   — Human Rights and Social Responsibility.
67. Pupils will have opportunities to investigate these core concepts through a number of real-life examples and case studies, some of which will relate directly to Northern Ireland, to provide them with a challenging and relevant basis to engage with important issues that affect their lives. An enquiry-based, active learning approach is recommended.

68. Legislation to implement the new curriculum will be in place by September 2006 although piloting of Citizenship education is already underway in 77 schools. An additional cohort of approximately 50 schools will be joining from September 2004 and it is envisaged that the pilot will be extended to include all post-primary schools by September 2006.

August 2004

Annex

SEXUAL ORIENTATION—DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING—NEW REGULATIONS

New legislation to prohibit discrimination on grounds of sexual orientation in the fields of employment and vocational training was introduced in December 2003, when the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003 came into operation.

The main purpose of the Regulations is to provide for:

— the prohibition of discrimination, including indirect discrimination, victimisation and harassment, on grounds of sexual orientation;

— remedies by way of complaint to an industrial tribunal or county court for individuals who consider they have been discriminated against; and

— powers and duties for the Equality Commission for Northern Ireland in relation to the new ground of sexual orientation, including the power assist individual complainants. In this provision NI differs from GB, where no new Commission was formed, nor additional powers given to any existing Commission.

The Employment Directive

The Regulations implement in Northern Ireland the sexual orientation strand of the EU Employment Directive which lays down a general framework for combating discrimination in employment and occupation on grounds of religion or belief, disability, age or sexual orientation.

Policy development

A public consultation on draft Regulations was undertaken early in 2003. Throughout the process of policy development, a number of informal meetings were held with interested groups such as COSO (Coalition on Sexual Orientation) and the Equality Commission.

Since December 2003 the Equality Commission for Northern Ireland has had 28 enquiries about possible cases. To the beginning of August 2004, four of these had produced applications for legal support from ECNI: one is a live case, one application was refused support, one was withdrawn and one remains to be processed.
Monday 13 September 2004  
Morning

Members present:
Mr Michael Mates, in the Chair
Mr Adrian Bailey  Mr Stephen Pound  
Mr Roy Beggs  The Reverend Martin Smyth  
Mr Gregory Campbell  Mark Tami  
Mr Tony Clarke  Mr Bill Tynan  
Mr Eddie McGrady

Witnesses: Mr Conal Devitt and Mr Adrian Arbuthnot, Northern Ireland Office; Ms Mary Bunting, Mr Billy Gamble and Dr Gerry Mulligan, Office of the First Minister and Deputy First Minister; Mr Stephen Sandford and Mr James Cuthbert, Department of Education; and Mr Maurice Rooney, Northern Ireland Housing Executive, examined.

Q206 Chairman: I am very sorry that we kept you waiting. I am afraid that was courtesy of British Midland or Heathrow Airport’s organisation or whatever it was that held my colleagues up. You are very welcome. Thank you for coming to help us with our inquiry on hate crime in Northern Ireland. If we could start off perhaps with Mr Gamble, if you accept that Northern Ireland at the moment is an increasingly polarised society it is inevitable, as some witnesses have told us, that hate crime will continue to increase given the suspicion, the mistrust, and lack of understanding?

Mr Gamble: Certainly from the questions that we posed during our consultation (and there were two questions in particular that we posed) one was do we accept the division that we currently have or do we move towards a more plural society. The truth is that we have an overlapping reality here in that on one level we have to recognise that Northern Ireland is divided and second we need to move forward at a pace which people are comfortable with to create a more tolerant and a more integrated society.

Q208 Chairman: Do you have any evidence that that has actually happened?

Mr Gamble: The recent Northern Ireland Life and Times Survey showed that certainly people in Northern Ireland are in favour of integration both at a workplace level and integration in terms of housing if the right conditions are available. Many people wish to see a more integrated society across Northern Ireland. For the first time in five years there has been an increasing trend towards a more integrated society and that is coming through in the Northern Ireland Life and Times material which I will happily share with the Committee. It is therefore very, very important to construct a dialogue at very local levels so that we can bring together people to seek to resolve some of the issues that flare up at a local level: whether they are issues around community safety, whether they are issues around racism, whether they are issues around the paraphernalia which we associate with paramilitaries. A lot of that work is practical work on the ground, Chairman.

Q207 Chairman: I am sure all that work is good and worthwhile but a number of submissions that we have had tell us that segregation in relation to housing and education is increasing. The Housing Executive itself said that 98% of working class Belfast is now strictly segregated by religion. That is the situation. If you are looking for what you say you are looking, which is a multi-cultural, tolerant society, that is going in the other direction.

Ms Bunting: Certainly from the questions that we posed during our consultation (and there were two questions in particular that we posed) one was do we accept the division that we currently have or do we move towards a more plural society. The truth is that we have an overlapping reality here in that on one level we have to recognise that Northern Ireland is divided and second we need to move forward at a pace which people are comfortable with to create a more tolerant and a more integrated society.

Q209 Chairman: That is a survey of what people would like to see as opposed to what is happening, that is the real difference.

Ms Bunting: Chairman, if I could come in here. My name is Mary Bunting and I am the Director of Equality in the Office of the First Minister and Deputy First Minister and Billy works with me. What we are trying to do is to promote an integrated and co-ordinated approach across government with the statutory agencies, and then within the community with elected and community representatives, to try to find ways to build trust and confidence within communities and between communities. We all recognise that if we are really to move towards a society where we are halting a downward spiral towards greater division we need to have an approach which is multi-faceted. You yourself have already mentioned areas like housing and education. We have with us today people from our departments and agencies who are working in these fields and perhaps you might be interested to
Northern Ireland Affairs Committee: Evidence

Mr Conal Devitt, Mr Adrian Arbuthnot, Ms Mary Bunting, Mr Billy Gamble, Dr Gerry Mulligan, Mr Stephen Sandford, Mr James Cuthbert and Mr Maurice Rooney

13 September 2004

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Chairman: We certainly would, briefly, yes. Ms Bunting: Maurice Rooney is from the Northern Ireland Housing Executive.

Chairman: What do you say to this business of 98% segregated by religion in Belfast?

Mr Rooney: That is confirmed by our own statistical analysis. In terms of social housing in Northern Ireland, which makes up around 20% of the total housing stock, around 93 to 94% of it remains segregated and that is a reflection, the Housing Executive would argue, of people’s choice over the years where they have in essence voted with their feet and based their housing choice decisions on the level of personal safety that they believed existed within communities and indeed the level of trust of sectarianism or other factors then the police will record that as a sectarian or other crime, or indeed if a third party, if an observer of the crime believes that the crime was provoked on account of race, sectarianism or other factors then the police will record that as a sectarian or other crime, or indeed if a third party, if an observer of the crime believes that the crime was occasioned by such motivation then again the police will take that at face value, so the definition is very much worked out on a self-referral basis.

Chairman: How are you going to accommodate that desire?

Mr Rooney: In general terms, Chairman, we have established a Community Cohesion Unit within the Housing Executive to address all of those issues which we the Housing Executive think we can contribute to improving community relations. One of the objectives that that Community Cohesion Unit has had laid down for it is to explore on a pilot basis the possibility or the potential for the development of two integrated housing schemes.

Chairman: Where are they?

Mr Rooney: We are at the very early stages, Chairman, in terms of identifying the location. The location will be determined by the level of housing need in particular areas, the characteristics of the waiting lists in those areas, the level of segregation in the adjacent areas (because clearly there would be little point in the Housing Executive developing integrated estates in a general locality that is quite segregated) so we have a considerable amount of work to do yet on analysis and indeed those schemes even when we identify suitable locations will only be progressed and worked up in conjunction with local communities and local representatives.

Chairman: Very early stages?

Mr Rooney: Very early stages but nevertheless there is a commitment there to do so.

Chairman: Okay, thank you very much. How do you in OFMDFM define hate crime in the context of sectarianism?

Ms Bunting: I would ask colleagues in the Northern Ireland Office to deal with this because the legislative side and the definitions and terms of the legislation would fall to them.

Chairman: Excuse me but you are the people who are actually doing something about it so what definition are you working on?

Ms Bunting: We are working on the definitions which are covered within the legislation at the moment.

Mr Arbuthnot: Perhaps, Chairman, if I could contribute. I am Adrian Arbuthnot. Head of the Criminal Justice Policy Division within the NIO. The definitions are dealt with by the police on a self-referral basis only. If the victim of a crime believes that the crime has been provoked on account of race, sectarianism or other factors then the police will take that at face value, so the definition is very much worked out on a self-referral basis.

Chairman: Yes but you people who are trying to set these schemes up for housing and education must be working on an idea of what it is yourselves.

Ms Bunting: We are working on an idea of moving towards a future where people in Northern Ireland can live and work and play and be educated together in harmony. That is what our objective is and that is what our mission is. Our mission is a shared future where people in Northern Ireland can live and work together. In all of our work across government—and for clarity the Office of the First Minister and Deputy First Minister co-ordinates but the leads are within other departments, so the Department of Education has programmes, the Department of Social Development has programmes and the Northern Ireland Office takes care of the legislation—we are quite clear about what it is we are trying to achieve.

Chairman: How do you and the Government between you then measure the level of hate crime? I am talking just about sectarian hate crime for the moment.
Mr Arbuthnot: Again the PSNI have developed reporting mechanisms so that they are very much monitoring the incidence of sectarian race crimes, etc., and using those statistics to paint a picture of where the main problems lie and what the trends are so that they can more effectively operate through their community liaison officers and encourage greater reporting of incidents of hate crime through Crime Stoppers and in other ways, put on extra patrols and generally build up confidence in communities that are affected by such crimes so that those communities can feel that they are supported by the forces of law and order in the face of attacks.

Q219 Chairman: So what is the picture they paint? Mr Arbuthnot: The picture that is being painted at the moment, the statistics show, unfortunately, that the instances of hate crime have been rising in Northern Ireland and it is for that very reason that the police are developing and have developed policies to try to reverse that trend.

Q220 Chairman: What are you doing to try to reverse that trend? Mr Arbuthnot: I personally—

Q221 Chairman: You collectively, the government, the Assembly, this is not just a problem for the police. It is a problem for government to have the right policies, to put the funds in the right place and help the police, so I mean at the moment all you are telling me is that a crime is what the police say it is, what is hate crime is defined by the person who suffers it, and that the police tell you that it is getting worse. What I would really like a feel of is what are all you guys doing to make it better?

Ms Bunting: I will ask Billy Gamble to talk to you about our new strategy on good relations in Northern Ireland and what that will be like and I will ask Conal Devitt to talk to you about our community safety programmes, which are two important aspects of it, and then our education colleagues on what is happening in education.

Q222 Chairman: Let’s just keep it to sectarianism problems at the moment. Mr Gamble: Chairman, through the Shared Future consultation we engaged with over 10,000 people across Northern Ireland and the issues that came out, understandably, were concentrated around dealing with sectarianism and issues around racism. Law and order issues were very much to the fore. Also coming through was the issue that education has an important role to play in a more plural society and also housing in terms of choice and safety was another crucial component for the future. There is an issue around shared space and that involves the arterial routes in Northern Ireland. There is also the message that flags and paramilitary paraphernalia give out and the need for agencies and the police to work together to try and ensure that we remove that paraphernalia across arterial routes. Also we are working with options around support and the delivery, including an enhanced district council programme—current funding is around £2 million—to ensure that elected representatives can work with communities to try and improve relationships at a very local level. On top of that we are currently funding the Community Relations Council to the tune of £3 million each year: clearly that work is important to support. In terms of good practice in Northern Ireland, a number of councils, including Belfast where you are today, have developed good relations strategies involving elected representatives. Part of the out-working of that is a funding arrangement to support people on the ground to build effectively good relations. Certainly John Spellar, whenever he spoke to the Grand Committee, was minded to accept that type of model in a new structure that we might set up. In that situation district councils might come forward with good relations strategies that would be supported at the centre and around which we could construct a local dialogue which would start to address some of the key issues that flow from those strategies.

Q223 Chairman: We will come back to that because Mr Campbell has some questions about this. Just before we leave the first set of questions, what about racially motivated hate crime, that is a growing problem, is it not?

Mr Devitt: I am Conal Devitt, Head of the Community Safety Unit in NIO and we are responsible for building safer communities largely in relation to the Crime and Disorder Act in England and Wales, so in every local authority area there now is a community safety partnership with a community co-ordinator. They are currently going through a process of audit action identifying issues in their areas and putting programmes together to address them. Within the context of hate crime part of the problem up until now has been a reactive approach rather than a proactive approach so we have been leading on bringing together the agencies to develop a common monitoring and reporting system which will allow us to capture data in a standardised way so that we can analyse it properly and the responses can be more appropriate and be more proactive. At the same time we are working with the victim organisations, particularly Victim Support and others, to make sure that the response to the individual victims is much more finely tuned. For example, you heard in our last submission that Victim Support are actively recruiting members from the Chinese community. They are promoting their services in Cantonese so that people feel that the services are more shaped towards them. Fundamentally, community safety is about all of these agencies, as Mary said, working with local residents to deal with this and in terms of hate crime, both sectarian and racist crime, it is very much about bringing the community with us in order to address these things in a sustainable way—taking issues like Neighbourhood Watch and making them much more appropriate for areas where there are high levels of ethnic minority residents, looking at ways in which communities can look out for each other and address anti-social behaviour which is generated by
racism and sectarianism and taking the environmental approach to things like flags and emblems which are often generators of fear in communities and make people feel that this estate is not worth staying in and therefore reducing the balance of the communities in these estates. So we come at this from a community safety perspective allied to our colleagues coming at it from a community relations dimension.

Q224 Chairman: Specifically on race hate, what has been the effect of all those things you told me you are doing because the number of race hate incidents is going up?

Mr Devitt: Yes, they are.

Q225 Chairman: Forgive me for saying this but these are all very fine words, your initiatives and everything else but the problem is getting worse. Are you doing the right things or should you be doing more of what you are doing? What is preventing you from making the situation get better?

Mr Gamble: Perhaps I could say a little bit in support of the community safety side. We had a very useful meeting of the Race Forum last week. The design of that meeting was to bring the police and representatives from the ethnic minority groups together to get a better understanding of where the incidents were occurring and the perceptions on each side in terms of the response to those incidents. What was useful in that was trying to see whether there were practical measures that we could introduce to support groups on the ground and to try and deal with the racist attacks. We learned from good practice in Dungannon and good practice in Ballymena. In terms of the key work that is going on there to try and deal with these issues we might be able to translate those types of models elsewhere in Northern Ireland to support groups on the ground and to try and deal with the problems that may arise.

Q226 Chairman: I am really not trying to be patronising or critical but we met the Chinese community two or three months ago who said that the response was bad and they were not getting the co-operation they wanted and there were more and more incidents of race hate crimes. Leave sectarianism out of it for a moment. This is a separate and growing problem. You are telling me all these grand things you are doing but the problem is still getting worse. The question I am asking you is why.

Mr Gamble: Chairman, it is extremely complex. At one level, enforcement is important and at the meeting last week the police explained in very, very great detail to each of the groups that were there the actions they were taking in order to secure prosecutions and the practical steps that they can take in trying to relate this to the ethnic minority groups through their liaison officers on the ground to ensure that incidents are reported and effective action occurs following that.

Q227 Chairman: I am going to interrupt you again. It is not whether or not incidents are reported, it is whether incidents continue to happen and what we are doing to try and change attitudes and protect these minority racial communities from these incidents. Reporting them, dealing with them, counselling them about it is fine but the one thing you want to do is prevent them.

Mr Gamble: I agree entirely, Chairman, that we want to prevent them. I think that is why the role of the Race Forum is extremely important because it brings together ethnic minority groups, the Police and the statutory agencies to ensure that all of us collectively can respond in order to support groups on the ground, to ensure that they take effective action to deal with those incidents.

Ms Bunting: Another thing that we are keen to develop, Chairman, is work with local indigenous communities, with people in communities themselves, to try to get the message across to them that this type of activity is harmful to their communities and to try to get them to understand the benefits in trying to prevent it in the first place. Northern Ireland is a complex and interesting place and in some of these local communities it is a big challenge to try to do that sort of work. That aspect of our work is something that we hope to develop through our new Race Equality Strategy working with local communities—elected representatives and community people on ground—on a day-to-day basis to give some support to those communities to try to, if you like, educate them to understand the benefits of having minority ethnic people within their communities rather than seeing them as a threat. In a society where we have some evidence that there may be political groupings who are trying to instil fear into local communities, that is a very big challenge.

Chairman: Let us move on. We have touched on community relations; Mr Gregory Campbell.

Q228 Mr Campbell: The Shared Future document has now been in the public domain for about 18 months or thereabouts and there has been a debate following its publication. You outlined to some degree some of the things that various agencies are doing but what has the Government’s response been to the debate that has been engendered as a result of Shared Future’s publication.

Mr Gamble: Certainly the debate was extremely wide-ranging and extremely helpful. Also the opportunity to have a discussion at the Grand Committee at Westminster was equally important. The Minister, John Spellar outlined the future direction of community relations policy. It was welcoming that the Committee was supportive of that general direction. It was about moving forward in a very sensible and pragmatic way. It was also about trying to engender greater sharing across education, across housing and also to provide extra support at a district council level through the district council programmes in a way to construct a dialogue so that those relationships can be developed and those issues can be dealt with. Where we are on it,
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Mr Campbell, is that the Minister gave a commitment that a draft of that policy, having regard to the consultation that has been conducted will be the subject of a detailed, focused discussion with parties and that should happen in the autumn.

Q229 Mr Campbell: Right. Hate crime in relation to race in Northern Ireland is a comparatively recent phenomenon compared with other types of criminal activity. I am just wondering in the midst of the plethora of programmes that you have alluded to, and some others that I am aware of, can you give us a guideline or some kind of league table or some kind of estimator as to how government is going to adjudicate on the success or otherwise of the programmes?

Mr Gamble: Clearly in terms of the ultimate policy we bring forward on Shared Future a key aspect of it is how would we monitor it in the future. Obviously the issue that immediately comes to mind is the distance between communities measured in terms of attitudes at one level through the Life and Times Survey material but also the extent to which those who wish to live in a more integrated housing actually can. The pilot scheme Maurice Rooney talked about will be a good benchmark to see whether or not we can increase that level of integrated housing. Equally, the Costello proposals do offer us the opportunity to have greater sharing in education. I think that is extremely important when we consider rural areas where there is a decline in roles in relation to protestant schools and where we have an ability to respond sensibly to the needs of those communities. There are a number of measures that we can draw together and those will clearly be the subject of a discussion with parties.

Q230 Mr Campbell: I assume you meant state schools rather than protestant schools. Just a last question on the issue of funding for many of these programmes. Is there on-going work in analysing if the level of resource allocation is sufficient to meet what the Chairman outlined and which all of us know is an increasing problem, a problem that is escalating? What is your view on the funding allocation now that there are plans to change it?

Mr Gamble: At the moment in terms of the mainstream community relations funding there is approximately £11.5 million spent each year. Some £3 million of this is funding for the Community Relations Council which does a lot of work on the ground at interface level and in terms of developing relationships across Northern Ireland. Equally, on the £2 million of district council expenditure, it was clear from the dialogue that we have had that if we move to a point where district councils play a greater role then very, very clearly there would need to be greater resourcing of that at a district council level. No decisions have been made on future funding. We believe there is a sizable amount of money being invested. The key is to make sure we get value for money from that funding.

Ms Bunting: To reaffirm that point, Mr Campbell, we are conscious that resources are important and the money we spend is important but far more important is to ensure that we are spending money on the right things to produce the right results, so we need to get those two things together.

Q231 Mr McGrady: I want to ask a few questions for clarification about the progress of the equality agenda so I presume it is the Equality Directorate who will be mainly responding to it. The Act has now been in place for six years now so how successful do you think it has been in promoting, firstly, equality and, secondly, good relations and how do you monitor that progress or indeed lack of it?

Ms Bunting: I assume that you are referring to the statutory duties under Section 75 of the Northern Ireland Act 1998. The Act has indeed been in place and within government we in the Office of the First Minister and Deputy First Minister play an important role in promoting the duties across government. We take that duty very seriously and one of the main ways that we do this is through our support for the work of the Equality Commission for Northern Ireland which has specific statutory duties relating to the enforcement of Section 75. The Equality Commission monitors progress every year and produces annual reports on progress on the statutory duties and so far its progress reports, which are in the public domain, have shown that people have taken this duty seriously and that good progress is being made. The first three years of these statutory duties were quite a steep learning curve for government and public bodies and those outside government who are affected by it. It required government bodies and other public bodies to produce statutory equality schemes which they had to consult upon and that in itself was a big learning curve for all of those concerned. I think evidence is there to show that good progress is being made. In addition to the work that the Equality Commission does in monitoring progress, the two governments, the British and Irish Governments, arising from the Joint Declaration agreed in April 2003, are currently undertaking a review of the operation of the Section 75 statutory duties. They have appointed two people, Neil Farris and Professor Eithne McLaughlin, to conduct an independent element of that review and they are being assisted by a broadly-based advisory group and consultative forum. We are hoping to see the outcome of the independent reviewers’ report by the end of October so that should give us good information on how well the duties are being implemented in terms of monitoring and enforcement.

Q232 Mr McGrady: With due respect, you gave me a scenario of the rubric of how it is all done but my question was not that; my question was how successful has it been in operation? All these things you say about it and how effective has the
application of Section 75, particularly paragraph one and two, been? If you give me that measure of success how have you monitored it and compared it? **Ms Bunting:** What I would say, Chairman, is that the Equality Commission has a statutory duty to monitor the effectiveness of Section 75 and it is committed to conducting an exercise in 2005 to do so. Our job in government is to ensure that the duties are being implemented across government and to promote and advise and challenge departments on that. The current review, which is being undertaken by McLaughlin and Farris in association with the Equality Commission, and the review of the effectiveness in 2005, should give us some indication as to how successful these duties actually are. In fairness, it is very early days even yet to be able to honestly say what has the impact in terms of equality outcomes for the various groups which are covered within Section 75 then. Within our own department we are taking the lead in the equality and social needs research and information strategy which will gather together information and indicators across government in terms of the equality outcomes which should feed into the review of effectiveness which the Equality Commission will conduct next year.

Q233 Mr McGrady: Sorry Chairman, with respect, I have got no new information. I know all these reviews are happening and I know we are a society paralysed by analysis, but I have no flavour of whether there has been any progress successfully of the application of Section 75 or whether there has not been, what type of monitoring you do and what the conclusion of the monitoring is, indeed whether or not the allegations or suggestions being made that the application of Section 75 has been very, very slow indeed are true. Did you want to reflect on that and maybe come back to us with some figures or assessments or %ages or something I can say from there to there has been progress or from there to there has seen regression?  

**Ms Bunting:** Can I say again through you Chairman, that we have not had a review of the effectiveness of Section 75 in terms of its outcomes on equality groups yet. The Equality Commission monitors this on an annual basis and has produced its reports. The question is how do we actually measure the effectiveness of Section 75, how do we look at what are the outcomes in terms of the various categories. Until now it is true to say that most of our monitoring has been to ensure that the duties are being implemented by departments.

Q234 Mr McGrady: Someone referred earlier to the work we had done at local government level. Could you give me some example then of the good practices and the effective practices within district councils which have shown you an improvement or not of community relations between religious beliefs, political beliefs or even racial groupings?  

**Ms Bunting:** That is something that I will have to come back to you on, Mr McGrady, because I am not in a position today to give you information on moving forward with it during October/November. The consultation was launched in June and we will run that until the middle of November. The Good Relations Strategy. It is difficult at this stage to assess the effectiveness of the Race Equality Strategy because it is not in play yet.

Q235 Mr McGrady: My second last question is on the Race Equality Strategy. How has that progressed in combating racism? Has any assessment been made of that? **Mr Gamble:** Where we are is that we had a draft of the strategy out during 2003 for consultation. The key aims of that strategy have been explained to the Committee at the last session. We will be bringing forward the Race Equality Strategy alongside the Good Relations Strategy. It is difficult at this stage to assess the effectiveness of the Race Equality Strategy because it is not in play yet.

Q236 Mr McGrady: That will be published in the autumn? **Mr Gamble:** We are bringing that forward in the autumn.

Q237 Mr McGrady: Is that still on target to be published then? **Mr Gamble:** It is still on target. Because the issue of race equality sits very closely alongside good relations, it is important that they both come forward together.

Q238 Chairman: It is autumn now. When in the autumn? Autumn is here but your strategy is not here. **Mr Gamble:** Chairman, we are hoping to come forward with it during October/November.

Q239 Chairman: November is getting very near to winter. Has this thing been delayed? **Mr Gamble:** It has not been delayed. Are we talking about the Race Equality Strategy? **Mr Gamble:** Yes. **Mr Gamble:** There has been a slight delay on that. Our reason for the slight delay is that we want to bring forward the Good Relations Strategy alongside the Race Equality Strategy because it would make sense for both to come forward together.

Q240 Chairman: Your endeavours in all this are going to be strengthened, we hope, by the Single Equality Bill so how is the Single Equality Bill going to give you additional strength and power and effectiveness? **Ms Bunting:** Chairman, just by way of background for those members of the Committee who may not be as aware of this as Mr McGrady and local representatives, we are currently consulting on options for a Single Equality Bill for Northern Ireland. The consultation was launched in June and we will run that until the middle of November. The Bill will focus on building upon our existing body of anti-discrimination legislation harmonising where practicable. The extension to new categories will be considered and there will be no reduction in the
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protection offered by existing legislation. The existing grounds which are covered within Northern Ireland are race, disability, religious belief, political opinion, gender, gender reassignment, married persons and sexual orientation. Age will be introduced in 2006. The Bill will not focus on hate crimes directly or on sectarianism directly, but I think it would be fair to say that with a strong body of legislation outlawing discrimination on a range of grounds can help to create a culture within the community and within employment in particular. I think it would be fair to say that in Northern Ireland one of the places which is probably the most integrated of any of our institutions is the workplace. We have more people meeting one another across the community divide in our workplaces in Northern Ireland than almost anywhere else. To a large extent, I think it would be fair to say, that has been the outcome of creating a culture of fairness and equality in workplaces—creating a culture in workplaces where people learn to live and work and respect one another. So equality legislation in that sense has an important part to play.

Mr McGrady: Thank you, Chairman.

Q242 Mr Clarke: Witnesses have already pointed out to us that as well as new legislation that there are holes or gaps in existing legislation. They point out examples such as the Public Order (Northern Ireland) Order 1987 which does not include the equivalent to the GB Order of 1987 which outlaws “abusive or insulting behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress”. So there are differences between the Northern Ireland Order and GB legislation. They have also suggested that in recent legislation such as the 1997 Protection from Harassment (Northern Ireland) Order they are surprised that it did not include sectarian harassment. Is there a belief that some of the existing legislation as well as some of the new legislation should be amended to make it more powerful and more useful to those combating hate crime?

Mr Arbuthnot: The Northern Ireland Office introduced, as you are probably aware, in July past a Criminal Justice Order which gave courts the power to increase penalties in respect of crimes that have been aggravated on account of hate in different ways. In the course of consultation on that legislation we received very much the backing of the police and of other organisations in terms of the way the legislation and the policy was going in hate crime and related legislation, so whilst I accept that the use of existing legislation has not been perhaps as great as one might have anticipated, we are confident that the police and others firmly support the new legislation and as a way in which they can get to grips with criminality that is prompted by race, sectarianism and other factors.

Q243 Mr Clarke: I am grateful for that and I am going to come on and ask you a question on the Criminal Justice 2004 Order but my question was about the 1987 Public Order (Northern Ireland) Order and the gaps and the differences between existing (not new) legislation in Northern Ireland and that which exists in GB and two glaring omissions, one in the 1987 Order which does not include this caveat on abusive and insulting behaviour, and also the Protection from Harassment Order 1987 which amazingly does not include sectarian harassment. I take what you say about new legislation but if there are gaps and holes in existing legislation as glaring as a Protection from Harassment Order that does not include sectarian harassment, is there any merit, do you think, in legislative change to correct that and to amend those gaps?

Mr Arbuthnot: We are reviewing constantly the effectiveness of legislation and if we are approached and there is a case to amend previous legislation, to close the types of gaps that you have highlighted, then certainly there would be a willingness to do so on the part of the NIO.

Q244 Chairman: 17 years later is there not that evidence?

Mr Arbuthnot: That to the best of my knowledge, Chairman, was not brought forward in the most recent consultation but if there is a body of opinion that says that we ought to proceed with amendment then certainly we will consider that.

Q245 Mr Clarke: Northern Ireland carries this awful stigma of being categorised as the race hate crime capital of Europe. Those are comments which have been made by witnesses. I take all the good intentions on board in terms of future legislation and indeed in having the Criminal Justice 2004 Order fully implemented, but people judge Northern Ireland on what has gone on, on its history and they see that these previous Bills, these previous Orders, this previous legislation do not match the need, have not been amended over 17 years, and cannot protect people from harassment because they are excluded (and this is constant, it is not just a dimension because we find out that disability was dropped initially from some of the new legislation and had to be inserted after action from the Committee). I take into account that every good civil servant will say we take into account constantly the need to review legislation as and when people bring evidence towards us. What we are saying is given the poor name that Northern Ireland has, given the stigma attached to being described as the race hate capital of Europe, do you not think it is time that legislation is updated and people can have more confidence in new legislation being brought forward, because the witnesses we speak to are saying to us that they do not have the confidence in new legislation and what is going to be different from the past?

Mr Arbuthnot: The effectiveness of the legislation is obviously how well it can be implemented and applied by the Police Service and, at the risk of repeating myself, that where the police would come forward with requests that legislation be updated or changed then certainly there is a responsiveness on
the part of the NIO. The other measure of effectiveness is the way in which legislation is implemented on the ground and I think there have been huge strides in putting policies in place through the police and through the community safety units that involve all sections of the community, with ethnic minority groups and others, to ensure that there is a greater confidence in the way in which crime can be reported, can be responded to and can be, importantly, dealt with so the legislation is under constant review and we will be very open-minded to any requests for changes and updating but we also, alongside the legislation, wish to ensure that the legislation we do have in place is very effectively implemented and works to the benefit of local communities.

Q246 Chairman: How long have you been in your job Mr Arbuthnot?
Mr Arbuthnot: I think, Chairman, when we last met in May I told you I had been a month in my job, therefore approximately six months now.
Chairman: So you have got some experience now of the field in which you are working. What is your opinion, Mr Arbuthnot, of this term “restorative justice”. In many areas, including Northern Ireland, the criminal justice agencies and the law enforcement agencies are not going to report on activities or breaches of non-existent law so, in effect, to consult them about the need to change the law when they are not actually monitoring the law is bound to result in a total absence of identification of the problem. Is it not better to actually consult other organisations which may be able to give evidence which the law enforcement and criminal justice agencies are not obliged to find?

Mr Arbuthnot: Yes, of course you are absolutely right and we do as a matter of course consult widely with community and other groups, but I think, importantly, the PSNI policies do lead them to working much more closely with the community and people within local communities are able to identify areas where they feel perhaps under-protected by the law. I therefore think working in partnerships between the criminal justice agencies and local communities will bring to the surface the types of issues that you have referred to.

Q247 Chairman: I am sorry, I am exaggerating. What is your view on this? You have got to advise Ministers. Do you not have a view?
Mr Arbuthnot: My view is taken from information that I will receive from the criminal justice agencies such as the police and others and when we are proposing legislation and contemplating new legislation, Chairman, we will as a matter of course trawl round other agencies so that they in turn can highlight to us where they consider the gaps in the law exist and that is the way the process works.

Q248 Mr Clarke: At the moment there are more holes and gaps I would suggest. Can you tell us how you will be monitoring the effectiveness of more severe sentences in respect of the 2004 Order because that will have a big impact if people are given more severe sentences if their crimes are race or hate related. How would you monitor that?
Mr Arbuthnot: We will be ensuring through our community safety strategy, through the work of the police and the Community Safety Unit that there is a good information flow to local communities, to local ethnic minority groups and to others which demonstrates to them that the courts are taking seriously issues relating to hate crime and therefore in building up the confidence between local communities and the police and others and demonstrating to them through examples of how the courts deal with race hate crime I believe it will build up a confidence that will in turn be to the benefit of local communities and work towards hate crime being more greatly highlighted as an issue and stamped upon by the forces of law and order.

Q249 Mr Clarke: And finally, are the courts considering restorative justice and education for offenders to help in stopping reoffending?
Mr Arbuthnot: Yes, we are also working with local community restorative justice groups to develop appropriate guidelines for effective community restorative programmes in Northern Ireland. They already exist and we are working with the groups in question.

Q250 Mr Bailey: Can we just briefly go back to this issue about the gaps in legislation because it seems to me, would you not agree, that there is a Catch-22 situation here? If there are gaps in legislation then yes, the criminal justice agencies and the law enforcement agencies are not going to report on activities or breaches of non-existent law so, in effect, to consult them about the need to change the law when they are not actually monitoring the law is bound to result in a total absence of identification of the problem. Is it not better to actually consult other organisation which may be able to give evidence which the law enforcement and criminal justice agencies are not obliged to find?

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Q251 Mr McGrady: Just very quickly, and maybe you would like to come back to the Committee in writing, I have a great concern about the use of the term “restorative justice”. In many areas, including my own, restorative justice is in fact a pseudonym for punishment beatings. There is no relationship whatsoever between those committees or those groupings and the police, the courts, the probation service or anybody else. Are you making a strenuous effort to regularise this situation and why has it taken so long for a restorative justice policy to be actually decided never mind implemented?

Mr Arbuthnot: There are different aspects to restorative justice, Mr McGrady. For example we already have implemented the youth conferencing scheme within the Youth Justice Agency which is a restorative justice programme by another name. There are community groups existing which deal with restorative justice issues and we are working to develop the sort of guidelines, the sort of quality assurance that such schemes might adopt in the future and we are liaising with them at the moment. Yes, it has taken a long time. There are many complicated issues, particularly in relation to the
role of the PSNI, that sort of issue, but we are doing our best to make progress and working with the groups to develop guidelines that will be acceptable to all.

**Mr Pound:** Good morning, lady and gentlemen. Can I add my voice to those of welcome that you have already heard. If you feel that we are searching for empirical evidence in a way that is difficult for you to provide, it is possibly a reflection of the fact that politicians often take refuge in strategy and we quite often find that aspiration is easier than achievement. We recognise our own faults in asking these questions. I am speaking for myself obviously! With this collective intelligence and strength that we see before us can you give us a best practice example of one case, be it geographical or be it racial, where race crime did exist, was reported, was addressed, has been resolved and today does not exist?

**Chairman:** The short answer to that must be no.

**Q252 Mr Pound:** There has got to be one, surely?  
**Ms Bunting:** Please, give us an opportunity to consider that.

**Q253 Mr Pound:** There have got to be a couple of Portuguese farm workers, there has got to be something, surely?  
**Mr Devitt:** The nature of racist attacks to a certain extent is a combination of opportunity and a lack of deterrent and we have heard already about some of the concerns that we have about the way in which incidents are reported and then the response of the police, particularly in areas where there is little evidence gathered because of the nature of these attacks. Perhaps it is late at night and no-one wants to become a witness to this, which is why we are trying to promote instant reporting and using vehicles like Crime Stoppers and anonymous reporting. One of the things that we think will build confidence in the criminal justice system, and the police in particular, is bringing the perpetrators to justice. We are not very good at that yet, as you heard from the last report. Certainly in individual cases, particularly in relation to the support of victims after the incident and the reductions in repeat victimisation some of that early work is beginning to bear fruit particularly in relation to the confidence that individual victims feel about how they have been treated and the likelihood of their being repeatedly victimised. This is part of a bigger problem associated with an increase in the number of minority ethnic groups coming to Northern Ireland, largely because of the changes socially in Northern Ireland and the European community. It is also people feeling that the deterrents are not sufficient to deter people and underlying that is the moral issue about good relations and trying to build in belief systems which will reduce the likelihood of this happening.

**Q254 Mr Pound:** Can I ask for the record how you benchmark that achievement of confidence in the victims to whom you have just referred to.

**Mr Gamble:** I think it is a mixture. It is joint working between the community safety side and the Race Forum where we can discuss what has happened and the extent to which groups on the ground believe that people are responding to the issues.

**Q255 Mr Pound:** There are some people, be they Filipino nurses, be they Chinese restaurant workers who are now saying, “We feel more confident that we are less likely to be repeat victims of hate crime.” Is that correct?

**Mr Devitt:** On only an individual basis.

**Q256 Mr Pound:** That will do. Anything!  
**Ms Bunting:** I think it is fair to say as well that there is a greater recognition within those communities that government is trying to do something about it. We are not going to pretend that suddenly because of these programmes that we are putting in place that this is going to stop immediately. It is going to take time. It has to be said that there are some of these incidents that we might not be able to stop because of the nature of who is perpetrating them. What we are trying to do in government is to work with the community and to work with the agencies, and build confidence among the communities that their concerns can be addressed, show that they are being addressed, and listen to them. Our Race Forum, and I am not sure if you have a similar organisation in the rest of the UK, has departments, agencies and representatives of all the minority ethnic groups who sit down regularly to talk about issues like this to try and find sensible ways to deal with it.

**Q257 Mr Pound:** There has certainly been a demonstrable upping of the tempo in relation to support services and similar things for victims. Can you explain how the policy developments in the areas of truth, justice, reconciliation, healing, all the sorts of things we have talked about, will assist the victims of hate crime? I appreciate that Mr Devitt has already touched on this to a certain extent but for the record it would be important to hear from you.  
**Mr Gamble:** As you know, the Secretary of State is currently considering how best to move forward in trying to deal with the past. At this stage it is difficult for me to comment on how he will take that forward. At a very practical level what my own department is involved in is supporting victims of what we term “The Conflict”. 35 years of violence in Northern Ireland. It is at a very, very practical level in terms of trauma support, in terms of working through general practitioners, working through the statutory agencies on the ground to ensure that there are arrangements in place for victims of, shall I say, conflict as distinct from victims of race crime. There is funding in place to try and make sure that that happens.

**Q258 Mr Pound:** Is the Memorial Fund helpful, in your opinion?
Mr Gamble: I would suggest that the Memorial Fund is meeting, at an individual level, a very, very important constituency.

Q259 Mr Pound: In your own opinion should it be expanded?
Mr Gamble: The Memorial Fund has received significant funding from government and indeed from the Irish Government.

Q260 Mr Pound: That was not what I asked. Mr Gamble, that they are currently engaged in a process as a result of their own consultation to look to see how best they can meet the gaps that exist. They are currently going through that process and I would not suggest that I have an answer to that. The Memorial Fund is currently looking at what more it might do.
Mr Pound: That was a superbly professional response. I mean that as a compliment. Thank you.

Q261 Mark Tami: Mr Devitt, you have already touched on the role of the Community Safety Strategy and the partnerships. Could you perhaps explain how successful or otherwise they have been and then what do you see their role in the future? Can you try to give us some examples of how they have actually worked or not worked?
Mr Devitt: They are very new. Chairman. They are in effect replicating the Crime and Disorder Act, we are really back in 1998 in terms of how this is coming together. Already through the unit we have funded a number of grants to voluntary communities, mainly about equality and the celebration of diversity which we see as important in setting down a mark for this. I can also touch on some of the practical examples which we use in relation to the dispersal of grants. Attack alarms for people from minority communities who feel threatened, the installation of CCTV in people’s homes for that and panic buttons simply to try and reassure them in order to try and get a quicker response to all of this. We have to convince them that these individual responses are put in a broader context of how we deal with perpetrators in relation to their housing tenancies. For example, we would like to move away from (which is what we did with domestic violence) moving the victims out of their property to moving the perpetrator out of the estate.

Q262 Mark Tami: How do the partnerships get that solution or work towards that solution?
Mr Devitt: Those partners at local level are reflected throughout Northern Ireland at Executive level with those agencies. We need to develop policies around how they deal with, for example, anti-social behaviour which has a racial and harassment dimension to it and the enforcement of housing legislation and what the partnerships are doing locally is to be implementing consistently what the Housing Executive is dealing with in terms of anti-social behaviour. The local partnerships come up with local solutions but the agencies have to put behind that the policies and strategies. It is very early days for community safety partnerships.

Q263 Mark Tami: You see an expanded role for them in the future?
Mr Devitt: Absolutely and particularly when they are faced with targets because, as the Chairman said, the only way to reduce racist crime is to give people hard targets in relation to doing that and to challenge them locally. You really cannot do that until you have a sense of how much and where this is happening in order to ground that locally, and we have not got the monitoring systems sophisticated enough to be able to do and to say to the partnerships, “This is your problem locally, this is the nature and extent of it; what are you going to do about it?”

Q264 Mark Tami: Just one further point, in your view has illegal immigration inflamed racial tensions?
Mr Devitt: I have only anecdotal evidence for this and obviously it is an emotive issue and it is tied up with a lot of fears and prejudices that are associated with how Northern Ireland sees itself and how it sees the outside world. It is part of that thing I mentioned earlier about a wider European community, Northern Ireland becoming more open and, in effect, people having to deal with diversity. We are not very well experienced with that here and we do not have positive experiences which is why we have these negative experiences. That is the context within which we are but I have no direct evidence about illegal immigration.

Q265 Mr Beggs: Good afternoon. There has been criticism of the Department’s Education for Mutual Understanding policy that it has been ineffective. What assessment has the Department made of the effectiveness of the policy and since it is being replaced by Local and Global Citizenship Education how will that succeed where EMU has failed?
Mr Cuthbert: Good afternoon, Mr Beggs. My name is James Cuthbert and I am an inspector with the Department of Education’s Training Inspectorate and I have an interest in this area. You are quite right to assert that there have been criticisms of the Education for Mutual Understanding Strategy/cultural heritage cross-curricular theme, which members of the panel will know was introduced in 1992 as part of the Northern Ireland curriculum provision. We were always aware as a Department that if you put in cross curricular provision there is a real danger that it may not embed as well as we might think. That is why in 1999-2000 the Department commissioned the Education and Training Inspectorate to carry out a survey of EMU/cultural heritage in the primary sector and in the post-primary sector. The results of those inspection reports are summarised in the submission that we gave to you, ladies and gentlemen, and there were in both of those reports indications of success and positive outcomes for many children and for many
teachers and for many schools. There was also a clear recognition that because of the cross curricular nature of this provision there were gaps. In particular, I might highlight the fact that although the EMU objective in terms of fostering respect for others and self-esteem came out quite strongly, the concept that the schools and the children should have experience of dealing with and understanding conflict in non-violent ways and the concept that the theme would promote more strongly the idea of inter-dependence and the idea of cultural understanding did not come through as strongly as we would have liked, so the reaction has been, as you know and as you alluded to, the introduction of the concept of citizenship education which broadens the scope of EMU cultural heritage and puts it into a more modern context and is also looking to embed it more tightly within personal development education in the primary sector and through more discrete provision of citizenship education in the post-primary sector, key stage three and key stage four. You will appreciate, Mr Beggs, that that process has only just begun. We have a massive training programme in place for the teachers of citizenship education in the post-primary sector. We are rolling that out on a gradual basis and we have put in place provision to inspect that provision within the next year to 18 months.

Q266 Mr Beggs: My final question would be why has the Department cut funding for the Churches Peace Education Project?

Mr Cuthbert: I have no information in front of me that would enable me to answer that but I will happily come back to you on that.

Q267 Mr Bailey: The Chairman’s opening questions covered some on housing so I am really going to follow up with one point that was not dealt with. What is the Department doing to address incidents of harassment and intimidation such as those on the Torrens Estate in North Belfast?

Mr Rooney: Obviously the developments in the Torrens Estate over recent months are in many ways a reflection of the dynamics of Northern Ireland society over the years. What we had there was a situation of significant demographic change in the area generally. We had a gradual reduction in the demand for housing within that particular estate and as properties became available for reletting there was a reduced demand and an increased difficulty in reletting those properties and that of course then contributed to a spiral of difficulties in managing the void properties that would arise in that area and the increasing unpopularity among the remaining population in living there and an increased risk of intimidation. The Housing Executive’s initial response to that was significant investment in urban renewal and improvements in an attempt to increase demand or re-create demand for those properties. That, sadly, did not materialise and people continued to move out of the properties and intimidation undoubtedly played a part in that. The Executive responded more recently through attempting to undertake some security measures with increased fencing et cetera but we ran into difficulties in that regard with intimidation of contractors on the site and vandalism of the fencing, thereby rendering it ineffective. We continued to respond to individual requests to move from the estate, particularly from those people who expressed an immediate desire to move on grounds that they felt they were being intimidated and we provided, in accordance with our normal response in that situation, temporary accommodation to those people who felt the need to move, placed them on waiting lists for re-housing with considerable priority and assisted them with the normal compensation grants that would be provided to people who were displaced through disturbance. So we have now a situation where the properties have, in essence, been emptied of their original occupants. We have obviously got a responsibility to try and protect those assets, a considerable number of properties remain there, a significant number of which we have invested significant amounts of money in to rehabilitate and we have obviously a responsibility to protect those properties and where a demand has been identified from within, let us say, a community with a different religious persuasion to those who were previously in occupancy there, we will consider letting those properties to protect the assets and obviously to meet the changing housing need in the locality.

Q268 Mr Bailey: Would it be fair to say that you dealt with the problem from, if you like, a housing provision perspective rather than a community perspective?

Mr Rooney: I would not necessarily accept that view in the sense that we worked quite actively with the community in that area over a considerable period of time to attempt to address and address the needs that they identified in order to stop and to minimise the difficulties that they were encountering, but in many respects it is a reflection of broader societal change that was occurring in the area and the limitations that we as a housing body have in attempting to address broader societal or demographic developments within the locality generally.

Q269 Mr Bailey: And you accept that basically it was a social problem which you could not deal with through housing provision?

Mr Rooney: It was a social problem and a community problem that we certainly could not deal with in totality.

Q270 Mr Tynan: Could I ask you a few questions on the Sexual Orientation Advisory Body which has been set up, with the intention to identify the priority issues and problems in and you indicate what the priority issues are and the problems that you see and how they will be addressed in the strategic plans?

Dr Mulligan: Chair, I am Gerry Mulligan also from the Equality Directorate Office of the First Minister and Deputy First Minister where I am responsible
for the Equality and Social Need division and part of that responsibility is advising ministers on policies which deal with the problems which face people from the gay, lesbian and bisexual communities. As our memo to the Committee indicated, we are currently engaged with representatives of the gay, lesbian and bisexual community to identify a range of problems that they encounter. Some of those problems we have been talking about already this morning in terms of the incidence of what is referred to as homophobic violence/homophobic attacks, but there are other issues as well that have been identified through this process, including the need for improved health and health care advice, particularly around sexual health which among young, gay men is much poorer than the rest of the population. There are issues around education, particularly where the groups have identified homophobic bullying as an acute problem or a problem faced by those of a different sexuality. There are issues around the attitudes of those who provide services to people of a different sexual orientation and so therefore there are issues around raising awareness about the legislation, about the rights of people with different sexual orientation and these too are being looked at. The issues that are emerging are about health, they are about bullying, they are about homophobic violence and they are about awareness-raising in the population generally about the rights and needs of people of a different sexual orientation.

**Q271 Mr Tynan:** When will the strategic plan be published?

**Dr Mulligan:** As issues begin to be clarified and emerge from that discussion and that dialogue we are simultaneously talking to departments to find out what is already happening, indeed there are already a number of things the department is already doing in areas of housing and education to reinforce and underline the importance of those and also to identify what more might be possible. We will pool all this together into a strategic action plan which we hope to put to ministers by the end of this year.

**Q272 Mr Tynan:** So you are working at the present time on co-ordination with other departments?

**Dr Mulligan:** Very much so.

**Q273 Mr Tynan:** To be in a position to publish that as soon as possible?

**Dr Mulligan:** We certainly aim to provide advice to ministers by the end of the year and thereafter to publish very soon afterwards.

**Chairman:** That is the end of our questions. Strategic plans falling like autumn leaves, only rather late. Thank you very much indeed for helping us.

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**Memorandum submitted by Rt Hon John Spellar, MP, Minister of State for Northern Ireland**

On 13 September the Northern Ireland Affairs Committee took evidence in Belfast from officials from the Northern Ireland Office and Northern Ireland Departments. That evidence session focussed on sectarian crime having regard to the further memorandum from Government on hate crime in Northern Ireland.

During the evidence session officials agreed to provide follow up responses to questions raised by Eddie McGrady, MP and Roy Beggs, MP. In addition, officials agreed to provide the Committee with an extract from the Northern Ireland Life and Times survey dealing with attitudes towards community relations. This information and responses to the questions are attached.

4 October 2004

**QUESTION 208—CHAIRMAN**

Information from the Northern Ireland Life and Times Survey is available at [http://www.ark.Sc.uklnft/](http://www.ark.Sc.uklnft/)

**QUESTION 234—EDDIE McGRADY, MP**

Examples of the good practice and the effective practices within district councils which have shown an improvement or not of community relations between religious beliefs, political beliefs or racial beliefs three examples are summarised below.

1. **Ballymena Borough Council**

Ballymena Borough Council has been involved in promoting good Community Relations since 1981 through the District Council Community Relations Programme.
In February 2001, following a lengthy community consultation, a new Good Relations Strategy was developed embracing a number of key themes and issues including Cultural Traditions, Single Identity, Intimidation, Councillor Relationships, Ethnic Minorities, Inter-Church, Territory Marketing and Good Relations Training.

The Council in collaboration with Ballymena Community Forum developed a pilot scheme using a model of facilitative safe space discussion to address extremely contentious issues in two keys areas of the town, namely Harryville and Fisherwick. The scheme provided participants with an opportunity to discuss the medium to long term vision for the overall improvements of their local area and in addition to correct and influence external views of the Borough’s image generally.

The process empowered participants to address issues of cultural expression, promote the ethos of community consent, establish localised fora with representative working on a joint cross community forum, to improve social, economic well-being and increase respect for different cultural traditions and to improve the image of the Borough.

A key outcome of the process was that it was concluded that enough goodwill existed within both communities to develop a better future.

2. Belfast City Council

Belfast City Council rejoined the District Council Community Relations Programme in 2003 following an extensive consultation period. The Council created a Good Relations Steering Panel comprised of Elected Members, Council Officers and External Members drawn from the wider community in Belfast, churches, trade unions, business sector, Community Relations Council and Minority Ethnic Groups. A core element of the Councils Good Relations Strategy was the establishment of The Good Relations Fund.

In the 12 months that the Good Relations Fund has been open, the Council has considered 66 grant applications, with a total value of £229,979.50 (average grant awarded = £4,791). Analysis of the 48 successful applications indicates that 28 (58%) related to political religious sectoral issues and 20 (42%) to minority ethnic issues. Only six of the 48 grant-aided projects have been one-off events (12.5%); all other projects included a series of events over a period of at least two days and up to one year.

Key projects supported include:

— Interaction Belfast. formerly known as Springfield Inter-Community Development Project whose longer term aim is to build on their cultural awareness programme and develop a cross-community forum to discuss longer term community issues such as flags, murals and bonfires.

— Roden Street Community Development Group (RSCDG) who have developed a project involving the Belfast Filipino community, NICEM and a Turkish group. The yearlong project includes a diversity training and discussion series for both the youth and adult groups; to explore issues around preconceptions, prejudice and cultural diversity as the minority groups integrate into the mainstream work of RSCDG.

— Contact Youth is the primary youth counselling agency in Northern Ireland, offering counselling services to young people through schools, telephone support lines and specialist programmes dealing with substance abuse. The project supported a weeklong residential to examine community relations issues within the organisation. The residential programme is entirely focussed on the legacy of the conflict on their service provision and the strategies required to deal with that both internally and with their clients.

3. Newry and Mourne District Council

The Council has participated in the District Council Community Relations Programme from 1991.

A model of good practice developed by the Council is the Good Relations Forum. The Forum initially developed from discussions locally around parading issues, at which participants expressed interest in learning more about each other’s culture and viewpoints. Media reports also indicated a perception among the Protestant Community that Newry was a “cold house” for Protestants. The forum has three functions, Reconciliation, Consultation and Social Outreach and is comprised of District Councillors, officials of Newry & Mourne District Council and citizens of the Newry area.

The Forum is developing sustainable relationships that allow members to acknowledge and discuss their differences whilst participating together in civic life.

The understandings created from the forum discussions mean that policy makers can make decisions, which take account of the concerns and views of traditions other than their own, and indeed encourage the celebrations of the cultures and traditions of other communities.

The Forum is very much owned and driven by its participants, who set the direction and topics. The Council acts as a facilitator for the Forum in partnership with Mediation Northern Ireland.
QUESTION 266—ROY BEGGS, MP

The Churches Peace Education Project (CPEP) has received funding from the Department of Education for many years under various schemes. Their most recent funding was through the Community Relations Core Funding Scheme 2001–04. CREP applied for the new round of core funding 2004–07 but were unsuccessful and as such are no longer in receipt of funding from the Department. When OPEP were advised by the Department that their application was unsuccessful they were also advised that they had a right to appeal through a formal appeal process. CPEP chose not to submit an appeal.

Supplementary memorandum submitted by the Northern Ireland Office

I refer to the committee’s letter of 9 November to David Lavery, Director of the Northern Ireland Court Service. You asked whether the Court Service intend to produce briefing material about the Criminal Justice (No. 2) (Northern Ireland) Order 2004 for people working within the criminal justice system. I understand David has written that the Northern Ireland Office should be able to advise the Committee on this issue. The information you requested follows below.

Copies of the legislation, Explanatory Memorandum and advisory notes were provided to, inter alia, the Northern Ireland Court Service, the professional judiciary associations, the Police Service of Northern Ireland, the Office of The Director of Public Prosecutions, the Crown Solicitor’s Office, the Probation Board for Northern Ireland, the Northern Ireland Human Rights Commission and the professional legal associations. In addition, organisations representing groups protected by the legislation were advised of the new provisions. This included racial, religious, disabled and sexual orientation groups. Guidance on the content of the new legislation was also published in the Writ, the official journal of The Law Society of Northern Ireland. Access to the legislation and Explanatory Memorandum is available through the NIO intranet site and website.

The commencement of the new powers coincided with the introduction, by the Police Service of Northern Ireland, of the new hate crime recording arrangements and will be included in their Hate Crime Policy. The new legislation will also be included in updated Student Officer training notes.

The Minister of State, John Spellar, launched the new legislation by appearing on local television and radio, as well as providing a feature interview in the main evening newspaper for Northern Ireland. The commencement of the new legislation was further publicised by issuing press releases and placing notices in the main local newspapers.

22 November 2004

Supplementary memorandum submitted by the Northern Ireland Office

The Committee asked officials here for further information about Government funding to minority ethnic and lesbian, gay, bisexual and transgendered support organisations.

Some of the information requested is already on record. I shall, if I may, refer the Committee to the response to Mrs Iris Robinson’s Parliamentary Question 130/04, which details funding to minority ethnic support organisations for the years 1998–99 to 2002–03. I attach a copy of the response for the Committee’s convenience (Annex A)

For the years 2003–04 and 2004–05, I attach details of the funding provided
  — under the OFMDFM fund for Minority Ethnic Voluntary Organisations (at Annex B)
  — by other Northern Ireland Departments and the NIO (at Annex C)

In both cases, the organisations which have received funding in both 2003–04 and 2004–05 are listed, as are the amounts involved and a brief description of the purpose of the award is given.

As to funding for lesbian, gay, bisexual and transgendered support organisations, details of funding provided by the Northern Ireland Office and Northern Ireland Departments is set out at Annex E.

As for future funding, I will shortly be making an announcement about modest additional funding to encourage and support those within local communities and minority ethnic communities who are ready to take practical action to help minority ethnic people integrate. I also hope to make an announcement within the next week or so about the future of the Minority Ethnic Voluntary Organisation fund.

30 November 2004

Annex A

Mrs Iris Robinson asked the Secretary of State for Northern Ireland on 4 February (under Table reference no. 148816) how much funding was provided to ethnic minorities in each of the last five years, broken down by project.
Information from all Northern Ireland Departments and the NIO was collated, and presented in terms of total funding to funded groups in each financial year from 1998–99 to 2002–03.

The information details funding made available to minority ethnic voluntary organisations from the following sources; European programmes managed by Government Departments; funding from the Equality Commission NI; funding from the Community Relations Council; funding from Government agencies and non-departmental public bodies in the five financial years covering April 1998 to March 2003. The amounts include both core funding, to meet central management and administrative costs, and project funding, to enable organisations to develop and provide services.

See answer below.

FUNDING TO MINORITY ETHNIC PROJECTS

APRIL 1998—MARCH 1999

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**APRIL 2000—MARCH 2001**

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<tr>
<td>Northern Ireland African Cultural Centre</td>
<td>£44,776.60</td>
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<tr>
<td>Northern Ireland Council for Ethnic Minorities</td>
<td>£64,473.90</td>
</tr>
<tr>
<td>Northern Ireland Council For Ethnic Minorities and Chinese Welfare Association</td>
<td></td>
</tr>
<tr>
<td>Northern Ireland Filipino Association</td>
<td>£1,500.00</td>
</tr>
<tr>
<td>Northern Ireland Pakistani Cultural Association</td>
<td>£700.00</td>
</tr>
<tr>
<td>Northern Visions</td>
<td>£5,000.00</td>
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<tr>
<td>Traveller Movement (NI)</td>
<td>£15,002.66</td>
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<tr>
<td>Wah Hep Chinese Community Association</td>
<td>£16,180.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£701,857.46</strong></td>
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APRIL 2002—MARCH 2003

<table>
<thead>
<tr>
<th>Organisation in receipt of funding</th>
<th>Amount of funding provided</th>
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<tbody>
<tr>
<td>Al-Nisa Association Northern Ireland</td>
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<td>An Tearmann Project</td>
<td>£135,553.00</td>
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<td>Armagh Travellers Support Group</td>
<td>£3,608.25</td>
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<tr>
<td>Belfast Islamic Centre</td>
<td>£50,475.00</td>
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<tr>
<td>Belfast Traveller Education and Development Group (BTE&amp;DG)</td>
<td>£4,117.32</td>
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<td>Belfast Travellers Support Group</td>
<td>£82,531.00</td>
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<tr>
<td>Charo Lanao-Madden</td>
<td>£2,000.00</td>
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<tr>
<td>Chinese Health Project</td>
<td>£39,686.00</td>
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<td>Chinese Welfare Association</td>
<td>£169,983.00</td>
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<tr>
<td>Craigavon Travellers Support Group</td>
<td>£1,338.00</td>
</tr>
<tr>
<td>Derry Travellers Support Group (DTSG)</td>
<td>£36,532.00</td>
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<tr>
<td>BTE&amp;DG and DTSG</td>
<td>£30,000.00</td>
</tr>
<tr>
<td>European Week Against Racism</td>
<td>£500.00</td>
</tr>
<tr>
<td>Indian Community Centre</td>
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<tr>
<td>Korean School</td>
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</tr>
<tr>
<td>Latin American Community</td>
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<tr>
<td>Mandarin Speakers Association</td>
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<tr>
<td>Mid-Ulster Chinese Community Association</td>
<td>£6,996.37</td>
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<tr>
<td>Multi-Cultural Resource Centre</td>
<td>£67,648.83</td>
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<tr>
<td>Northern Ireland African Cultural Centre</td>
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<td>Newry and Mourne Travellers Partnership</td>
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<tr>
<td>North Down and Ards Institute</td>
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<tr>
<td>Northern Ireland Council for Ethnic Minorities</td>
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<tr>
<td>Northern Ireland Pakistani Cultural Association</td>
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<tr>
<td>Northern Ireland Sikh Association</td>
<td>£1,700.00</td>
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<tr>
<td>Oi Kwan Women’s Group</td>
<td>£1,500.00</td>
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<tr>
<td>Refugee Support Group</td>
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<tr>
<td>Rhythm in the City</td>
<td>£2,000.00</td>
</tr>
<tr>
<td>South Tyrone Empowerment Programme</td>
<td>£28,000.00</td>
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<tr>
<td>Traveller Movement (NI)</td>
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<tr>
<td>Wah Hep Chinese Community Association</td>
<td>£67,977.00</td>
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<tr>
<td>Wah Hep Chinese Community Association and Al Nur Association</td>
<td>£6,700.00</td>
</tr>
<tr>
<td>Wheelworks</td>
<td>£1,578.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£1,401,293.33</strong></td>
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### Annex B

**FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS**

**Office of the First Minister and Deputy First Minister**

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
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<tbody>
<tr>
<td>2003–04</td>
<td></td>
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<tr>
<td>Northern Ireland Council for Ethnic</td>
<td>£59,561.03</td>
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<td>Minorities</td>
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<tr>
<td>Multi-Cultural Resource Centre</td>
<td>£33,794.30</td>
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</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£47,064.34</td>
<td>Core</td>
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<tr>
<td>Belfast Islamic Centre</td>
<td>£44,432.37</td>
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<tr>
<td>Indian Community Centre</td>
<td>£49,657.67</td>
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<td>Mandarin Speakers Association</td>
<td>£39,898.93</td>
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<td>Traveller Movement (NI)</td>
<td>£33,020.79</td>
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<tr>
<td>Belfast Traveller Education and</td>
<td>£54,294.71</td>
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<tr>
<td>Development Group/Belfast Travellers</td>
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</tr>
<tr>
<td>Support Group</td>
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<td></td>
</tr>
<tr>
<td>Belfast Traveller Education and</td>
<td>£13,134.00</td>
<td>Project</td>
</tr>
<tr>
<td>Development Group</td>
<td></td>
<td>Young Travellers citizenship and good relations project</td>
</tr>
<tr>
<td>Mid-Ulster Chinese Community Association</td>
<td>£8,766.00</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To provide young people with a Cantonese language class, and a 30-week English literacy and fluency class to adults</td>
</tr>
<tr>
<td>South Tyrone Empowerment Programme</td>
<td>£14,988.26</td>
<td>Project</td>
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<tr>
<td></td>
<td></td>
<td>Interpreter and facilitating access to services for migrant workers in NI</td>
</tr>
<tr>
<td>Belfast Travellers Support Group</td>
<td>£15,000.00</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Youth initiative for Travellers in partnership with mainstream organisations; cultural awareness</td>
</tr>
<tr>
<td>Derry Traveller Support Group</td>
<td>£14,988.00</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To improve current facilities and provide a developed range of services to improve Traveller health, education and relations with settled people</td>
</tr>
<tr>
<td>Wah-Hep Chinese Community Association</td>
<td>£15,000.00</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To create an information centre website, train interpreter and health worker, and launch a help-line</td>
</tr>
<tr>
<td>AI-Nisa Muslim Women’s</td>
<td>£15,000.00</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Language and IT classes for Muslim women.</td>
</tr>
<tr>
<td>2004—05</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballymena Community Forum</td>
<td>£35,000</td>
<td>Core</td>
</tr>
<tr>
<td>Belfast Islamic Centre</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Belfast Jewish Community</td>
<td>£25,000</td>
<td>Core</td>
</tr>
<tr>
<td>Belfast Traveller Education And</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Development Group/Belfast Travellers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Support Group</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Derry Travellers Support Group</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Indian Community Centre</td>
<td>£40,000</td>
<td>Core</td>
</tr>
<tr>
<td>Mandarin Speakers Association</td>
<td>£25,000</td>
<td>Core</td>
</tr>
<tr>
<td>Multi-Cultural Resource Centre</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Name of organisation in receipt of funding</td>
<td>Amount of funding</td>
<td>Purpose of funding</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>-------------------</td>
<td>--------------------</td>
</tr>
<tr>
<td>Northern Ireland Council For Ethnic Minorities</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Traveller Movement (NI)</td>
<td>£50,000</td>
<td>Core</td>
</tr>
<tr>
<td>Al Nisa Muslim Women’s Association</td>
<td>£25,000</td>
<td>Project To support the work of the organisation in creating networks, activities and advice for isolated Muslim women</td>
</tr>
<tr>
<td>Belfast Islamic Centre</td>
<td>£15,000</td>
<td>Project To support workshops/training to improve educational and social awareness, public participation and cultural awareness</td>
</tr>
<tr>
<td>Craigavon Vietnamese Club</td>
<td>£2,000</td>
<td>Project To support the work of the organisation in running a club for the Vietnamese community to learn English and how to access services</td>
</tr>
<tr>
<td>Derry Travellers Support Group</td>
<td>£15,000</td>
<td>Project To support training with Traveller women, improving health, confidence and articulacy. Development worker post and costs</td>
</tr>
<tr>
<td>Irish Council of Churches</td>
<td>£3,000</td>
<td>Project To support multi-faith conference to produce strategy against racism</td>
</tr>
<tr>
<td>Intercomm</td>
<td>£300</td>
<td>Project To support diversity awareness day in a primary school in North Belfast</td>
</tr>
<tr>
<td>Northern Ireland Council For Ethnic Minorities</td>
<td>£15,000</td>
<td>Project To improve standards of management and development in BME sector through needs analysis, education and training</td>
</tr>
<tr>
<td>SCA (Support, Care, Advice—formerly Springfield Charitable Association)</td>
<td>£2,000</td>
<td>Project £1,500 to support multi-agency conference on West Belfast strategy against racism; £500 for publication of resulting report</td>
</tr>
<tr>
<td>Northern Ireland Sikh Association</td>
<td>£15,000</td>
<td>Project Costs to support the work of the organisation in bringing the Sikh community closer and improving relations with wider society</td>
</tr>
<tr>
<td>South Tyrone Empowerment Programme</td>
<td>£18,000</td>
<td>Project £3,000 to administer assistance to migrant workers, improve access to services etc. Language development resource officer: £15,000</td>
</tr>
<tr>
<td>Wah-hep Chinese Community Association</td>
<td>£15,000</td>
<td>Project To encourage the Chinese community to unite to improve the cultural and social needs of the community and look after each other</td>
</tr>
<tr>
<td>Women of the World</td>
<td>£2,000</td>
<td>Project To serve as a support group for minority ethnic people, providing information, activities and social interaction.</td>
</tr>
</tbody>
</table>

1 Here, as elsewhere, figures for 2004-05 and beyond refer to commitments.
### Funding Provided to Minority Ethnic Voluntary Support Organisations

**Department of Culture, Arts and Leisure**

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2003–04</strong></td>
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<td></td>
</tr>
<tr>
<td>Indian Community Centre</td>
<td>£46,000</td>
<td>Project Arts Council project; pilot 1-year Indian arts development plan, with equipment</td>
</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£3,000</td>
<td>Project Arts Council project; cultural plan</td>
</tr>
<tr>
<td><strong>2004–05</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian Community Centre</td>
<td>£125,000</td>
<td>Project 3-year Indian arts programme</td>
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</table>

**Notes**

The Department channels its funding through the Arts Council.

---

### FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS

**Department of Education**

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2003–04</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belfast Traveller Education and Development Group</td>
<td>EU: £65,710.50</td>
<td>Peace II PROJECT under Measure 2.2</td>
</tr>
<tr>
<td></td>
<td>DE: £21,903.50</td>
<td>Partnership initiative to address the education needs of early school leavers from the Traveller community</td>
</tr>
<tr>
<td></td>
<td>Total: £87,614.00</td>
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</tr>
<tr>
<td><strong>2004–05</strong></td>
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<td></td>
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<tr>
<td>Belfast Traveller Education and Development Group</td>
<td>EU: £67,500.00</td>
<td>As above</td>
</tr>
<tr>
<td></td>
<td>DE: £22,500.00</td>
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<tr>
<td></td>
<td>Total: £90,000.00</td>
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</tr>
<tr>
<td>Wah-Hep Chinese Community Association</td>
<td>EU: £7,500.00</td>
<td>Peace II PROJECT under Measure 2.2</td>
</tr>
<tr>
<td></td>
<td>DE: £2,500.00</td>
<td>Provision of after-school club, Chinese School and youth club for Chinese people; partnership input to events with wider community</td>
</tr>
<tr>
<td></td>
<td>Total: £10,000.00</td>
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</table>

**Notes:**

The Department of Education does not directly fund any minority ethnic support organisations. The funding detailed below, for which DE is the Accountable Department, is via an Intermediary Funding Body called YESIP (Youth Education Social Inclusion Partnership).

The Department has distributed £328,000 for Irish Travellers across the Education and Library Boards (ELBs). This is used by the Boards to fund peripatetic teaching and additional support such as transport costs. £336,000 has been allocated for 2005–06.

The Department also allocates £410,000 pa to the ELBs for those children who have English as an additional language (EAL). The Boards use this to provide support such as interpretation for these children. This money comes from Executive Programme Funds and was announced by Mark Durkan on the 2 April 2001.
Funding for Travellers began in the 2000–01 financial year. The breakdown of the funding for Travellers in each financial year is as follows:

**FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS**

**DEPARTMENT FOR EMPLOYMENT AND LEARNING**

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2003–04</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armagh Travellers Support Group</td>
<td>£29,331</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tailored programme of education for Travellers in the area. Focuses on improved literacy, numeracy, and relations with Settled community.</td>
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<tr>
<td>Chinese Welfare Association</td>
<td>£109,001</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ICT training in Cantonese from introductory to vocational level</td>
</tr>
<tr>
<td>Northern Ireland Council for Ethnic Minorities</td>
<td>£22,827</td>
<td>Project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Advice and guidance on training and employment for asylum seekers</td>
</tr>
<tr>
<td><strong>2004–05</strong></td>
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<td></td>
</tr>
<tr>
<td>Armagh Travellers Support Group</td>
<td>£25,166</td>
<td>Project</td>
</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£17,003</td>
<td>Project</td>
</tr>
</tbody>
</table>

**Notes:**

The Armagh Travellers project is funded under the EU Programme for Peace and Reconciliation, via the Educational Guidance Service for Adults (EGSA), which acts as an implementing body on behalf of the Department.

The Chinese Welfare Association’s project is also funded under the EU Programme for Peace and Reconciliation, via another of the Department’s implementing bodies, namely Proteus Ltd.

Northern Ireland Council For Ethnic Minorities’ project is supported by the Department, and funded under the European EQUAL Community Initiative Programme.

**FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS**

**DEPARTMENT FOR FINANCE AND PERSONNEL**

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2003–04</strong></td>
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</tr>
<tr>
<td>Interpreters Co-operative</td>
<td>£42,865</td>
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<tr>
<td>Causeway Chinese Welfare Association</td>
<td>£5,000</td>
<td>Project</td>
</tr>
<tr>
<td>Derry Travellers Support Group</td>
<td>£30,911</td>
<td>Project</td>
</tr>
<tr>
<td><strong>2004–05</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ballymena Community Forum</td>
<td>£35,762</td>
<td>Project</td>
</tr>
<tr>
<td>Belfast GEMS</td>
<td>£61,395</td>
<td>Project</td>
</tr>
<tr>
<td>Omagh Ethnic Communities Support Group</td>
<td>£25,000</td>
<td>Project</td>
</tr>
<tr>
<td>Northern Ireland Council for Ethnic Minorities</td>
<td>£95,080</td>
<td>Project</td>
</tr>
</tbody>
</table>

**Notes:**

The table presents funding awarded to minority ethnic support organisations under DFP measures 3.1 and 3.2 of the EU Programme for Peace and Reconciliation (Peace II).

The details are taken from a download of the CSP Central Database of the European Union Division, dated 11 November 2004. The database is reliant on funding bodies to provide information. It is also live and subject to change.

Interreg has not provided any funding to minority ethnic support organisations.
FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

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<th>Purpose of funding</th>
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<tbody>
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<td><strong>2003–04</strong></td>
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<tr>
<td>Multi Cultural Resource Centre</td>
<td>£10,656</td>
<td>Project</td>
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<tr>
<td>Belfast Traveller Education and Development Group</td>
<td>£90,000</td>
<td>Health &amp; Wellbeing Project. Executive Programme Funds 3 years’ duration. Traveller Community Health Programme</td>
</tr>
<tr>
<td><strong>2004–05</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belfast Traveller Education and Development Group</td>
<td>£75,000</td>
<td>Mainstream Funding Traveller Community Health Programme</td>
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</table>

FUNDING PROVIDED TO MINORITY ETHNIC VOLUNTARY SUPPORT ORGANISATIONS

DEPARTMENT FOR SOCIAL DEVELOPMENT

<table>
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<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
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</thead>
<tbody>
<tr>
<td><strong>2003–04</strong></td>
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</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£28,093.00</td>
<td>Project</td>
</tr>
<tr>
<td>Northern Ireland Council For Ethnic Minorities</td>
<td>£35,641.96</td>
<td>BSP 3.2—Welfare Rights and Immigration advice project.</td>
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<tr>
<td>Traveller Movement (NI)</td>
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</tr>
<tr>
<td>Traveller Movement (NI)</td>
<td>£20,043.52</td>
<td>Project</td>
</tr>
<tr>
<td>Derry Travellers Support Group</td>
<td>£12,096.00</td>
<td>Core</td>
</tr>
<tr>
<td>Multi-Cultural Resource Centre</td>
<td>£23,910.00</td>
<td>Project</td>
</tr>
<tr>
<td>Black Youth Network</td>
<td>£5,000.00</td>
<td>Project</td>
</tr>
<tr>
<td>Chinese Welfare Association</td>
<td>£4,906.80</td>
<td>Core</td>
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<tr>
<td>Belfast Travellers Support Group</td>
<td>£29,231.97</td>
<td>Core</td>
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<tr>
<td><strong>2004–05</strong></td>
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<tr>
<td>Chinese Welfare Association</td>
<td>£56,814.00</td>
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</table>
### Northern Ireland Affairs Committee: Evidence

<table>
<thead>
<tr>
<th>Name of organisation in receipt of funding</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BSP 3.2—Welfare Rights and mini ration advice project.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Key Services—Immigration advice project.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Key Services—Core funding (10% contribution).</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community development project with Belfast groups.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Consolidate the existing settlement and facilitate integration with wider community while allowing Travellers to maintain identity.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Salary, tutor and programme costs for multi-cultural programme with language courses and support for integration of minority ethnic people into existing community.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Core funding (10% contribution).</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Key Services—Community development project with Belfast groups.</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Consolidate the existing settlement and facilitate integration with wider community while allowing Travellers to maintain identity.</strong></td>
<td></td>
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</tr>
<tr>
<td><strong>Salary, tutor and programme costs for multi-cultural programme with language courses and support for integration of minority ethnic people into existing community.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community development worker.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Glen Road Travellers Site Project—Belfast Regeneration Office (DSD) has committed £395,000 in 2004-05 and 2005-06 to Northern Ireland Housing Executive (NIHE) to provide complementary infrastructure at the existing Traveller settlement at the Glen Road.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Annex E

**FUNDING PROVIDED TO LESBIAN, GAY, BISEXUAL, TRANSGENDERED SUPPORT ORGANISATIONS**

**Office of the First Minister and Deputy First Minister**

<table>
<thead>
<tr>
<th>Name of group</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lesbian Advocacy Services Initiative (LASTI)</strong></td>
<td>£1,000</td>
<td>Project</td>
</tr>
<tr>
<td><strong>Assistance towards cost of publishing research.</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>No funding awarded</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Coalition on Sexual Orientation (COSO)</strong></td>
<td>£200</td>
<td>Project</td>
</tr>
<tr>
<td><strong>Assistance with costs of an event to mark anti-homophobic week in December 2004.</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NORTHERN IRELAND OFFICE

Community Safety Unit has committed £600 to facilitate anti-homophobic week in December 2004.

DEPARTMENT OF HEALTH, SOCIAL SERVICES AND PUBLIC SAFETY

<table>
<thead>
<tr>
<th>Year</th>
<th>Name of group</th>
<th>Amount of funding</th>
<th>Purpose of funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998–99</td>
<td>Rainbow</td>
<td>£24,000</td>
<td>Core</td>
</tr>
<tr>
<td></td>
<td>Cara Friend</td>
<td>£8,909</td>
<td>Core</td>
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<tr>
<td>1999–2000</td>
<td>Rainbow</td>
<td>£24,624</td>
<td>Core</td>
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<tr>
<td></td>
<td>Cara Friend</td>
<td>£9,140</td>
<td>Core</td>
</tr>
<tr>
<td>2000–01</td>
<td>Rainbow</td>
<td>£25,240</td>
<td>Core</td>
</tr>
<tr>
<td></td>
<td>Cara Friend</td>
<td>£9,368</td>
<td>Core</td>
</tr>
<tr>
<td>2001–02</td>
<td>Rainbow</td>
<td>£26,000</td>
<td>Core</td>
</tr>
<tr>
<td></td>
<td>Cara Friend</td>
<td>£9,600</td>
<td>Core</td>
</tr>
<tr>
<td>2002–03</td>
<td>Rainbow</td>
<td>£26,650</td>
<td>Core</td>
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<tr>
<td></td>
<td>Cara Friend</td>
<td>£9,840</td>
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<td>2003–04</td>
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<td>£27,705</td>
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<tr>
<td></td>
<td>Cara Friend</td>
<td>£11,830</td>
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<td>2004–05</td>
<td>Rainbow</td>
<td>£28,398</td>
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<tr>
<td></td>
<td>Cara Friend</td>
<td>£12,126</td>
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</table>

DEPARTMENT FOR SOCIAL DEVELOPMENT

The Department provided £150 towards the Lesbian Gay Pride Carnival in 1999–2000. This funding came from Laganside Corporation, a non-departmental public body of the Department.

Annex F

FUNDING PROVIDED TO LESBIAN, GAY, BISEXUAL, TRANSGENDERED SUPPORT ORGANISATIONS—SUMMARY TABLE FOR 1998–99 TO 2004–05

<table>
<thead>
<tr>
<th>Year</th>
<th>Department</th>
<th>Funding to LIGIBIT groups</th>
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<tr>
<td>1999–2000</td>
<td>DSD</td>
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<td>2002–03</td>
<td>OFMDFM</td>
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<tr>
<td>2004–05</td>
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<td>1998–99</td>
<td>DHSSPS</td>
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<td>2000–01</td>
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<td>£34,608</td>
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<td>2001–02</td>
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<td>£35,600</td>
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<td>£40,524</td>
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<tr>
<td>2004–05</td>
<td>NIO</td>
<td>£600</td>
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<tr>
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<td>TOTAL</td>
<td>£255,380</td>
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Memorandum submitted by the Community Relations Council

SUMMARY

In this paper Council will consider the reported increase in crimes and incidents motivated by hatred within and between communities in Northern Ireland. Provide examples of the initiatives undertaken by Council to tackle prejudice and to support the victims and survivors of such prejudice. Indicate a number of concerns regarding the effectiveness of existing legislation when dealing with hate crime and comment on proposed changes to legislation.

Hate crime and incidents motivated by hatred within and between communities in Northern Ireland can be divided into three main categories:

1. Sectarianism—inter-communal antagonism between protestant/unionist/loyalist and catholic/nationalist/republican communities;
2. Racism—violent attack, verbal abuse and the criminal damage of property carried out against the members of minority ethnic communities;

3. Homophobia—violent attack, verbal abuse and the criminal damage of property carried out against the members of the Lesbian, Gay, Bisexual and Trans-gender minorities.

At present the majority of work conducted by Council aims to tackle sources of conflict that fuel the first two of these categories—sectarianism and racism. CRC would recommend that the Northern Ireland Affairs Committee seek advice from other relevant sources better placed to highlight the serious problem of homophobia. Sources might include, the Police Service of Northern Ireland (PSNI) and the Equality Commission for Northern Ireland, as well as local organisations representing the Lesbian, Gay, Bisexual and Trans-gender minorities—ie Coalition on Sexual Orientation and the Rainbow Project.

**SECTARIANISM**

There is a lack of quantitative data detailing sectarian hate crime in Northern Ireland. The PSNI do not keep any centralised records of incidents motivated by sectarianism, nor does there appear to be a common procedure for recording such details. Sectarian crime is largely subsumed within the wider body of criminal violence and anti-social behaviour. Moreover, many incidents motivated by sectarian attitudes probably go unreported, especially verbal abuse and the minor vandalising of private property.

The possible scale, nature, form and location of sectarian harassment, intimidation and violence presented in this paper are based on evidence gathered from a number of sources including: police statistics detailing crimes connected to the ongoing security situation, public attitude surveys, press reports, and the perspectives of staff from within Council who work in the field with groups and practitioners involved in community relations initiatives.

Since the declaration of the 1994 paramilitary ceasefires violence has been generally on the increase (see Figure 1). It is unclear as to why this should be case. The number of security-related incidents in 2002/03 were slightly reduced on the previous year.

**Figure 1: “Security-related incidents” as logged by the PSNI**

![Graph showing security-related incidents](image)

Many of the security-related incidents recorded by the PSNI may be sectarian in nature, but it is not possible to identify an exact number. CRC is concerned that many of the shootings reported were intra-community as opposed to sectarian. So-called punishment attacks and internal paramilitary feuds account for a high percentage of security-related incidents in Northern Ireland. It is unclear as whether or not the proposed hate crime legislation will seek to combat this sort of violence.

Social attitudes among the population may be taken as a useful indicator of the degree of sectarianism within society. The Northern Ireland Life and Times Survey indicates a positive trend over the last twelve months (see Figure 2). On a more general level, however, the statistics suggest a steady downward trend as respondents to the survey indicated that they believe relations between the two main communities have deteriorated.
Figure 2: Believing that relations between Protestants and Catholics are better now than five years ago (by religion)—NILT

From the beginning of 2004 the regional press has reported numerous sectarian incidents throughout Northern Ireland. These have been perpetrated by both sides in the conflict and have involved all of the main paramilitary groups. There have been reports of individuals severely assaulted by sectarian gangs. There has also been a spate of attacks and riots along sectarian interfaces in Belfast and on symbolic properties such as Gaelic Athletic Association (GAA) clubs, churches, schools and Orange Order halls.

It is difficult to comment on the level of sectarian crimes, however, there are clear reasons as to why sectarianism has failed to substantially decrease:

1. In the final report detailing findings of \textit{A Shared Future} consultation, the authors noted that respondents criticised the lack of political leadership in local councils and in regional government.

2. Segregated housing continues to increase. More than 70\% of Northern Ireland Housing executive (NIHE) estates are more than 90\% protestant or more than 90\% Catholic.

3. Around 95\% of children still attend separated schools. This is despite the fact that the Belfast Agreement states ‘An essential aspect of the reconciliation process is the promotion of a culture of tolerance at every level of society, including initiatives to facilitate and encourage integrated education and mixed housing.’

4. There is little cross-community contact and friendship patterns continue to reflect social segregation. Peoples live, and ultimately their attitudes, are shaped by the fact that work, leisure facilities, and public service provision remain divided.

5. The problem of paramilitarism has not been dealt with. Throughout Northern Ireland paramilitary groups continue to control residential areas, use and threaten the use of violence. The PSNI often remains ineffectual.

6. There is a lack of direction on many contentious issues of public policy including flags and emblems, parades and the implementation of the statutory obligation on public authorities and public bodies to promote good relations between persons of different religious belief, political opinion or racial group—section 75 (2) Northern Ireland Act 1998.

RACISM

Racism is a scourge on Northern Ireland society. The rate of racist incidents is estimated at 16.4\% per 1,000 non-white population, compared to 12.65\% per 1,000 in England and Wales. Similar to sectarianism, racism manifests itself in violence, verbal abuse, intimidation and attacks on property—both residential and business premises. In recent months there has been a notable increase in the number of incidents eg:

- pipe bombs have been thrown at the homes of nurses and families with young children have been driven out of residential areas
- up to 18 Filipino nurses working in Belfast City Hospital have reported racial intimidation and physical assault on their way to and from work
— a Chinese family was attacked in its home in Ballymena
— in Craigavon the PSNI reported investigating a possible racial motive for a serious assault on a 13 year old Vietnamese girl.

Some newspaper reports have alleged links between the far-right British National Party (BNP) and loyalist paramilitaries. These allegations have been denied by parts of the political leadership within loyalism. It has been acknowledged, however, that individual members of loyalist paramilitary groups may be involved, as well as, unaffiliated members of the local community.

A social attitude survey detailing attitudes toward ethnic minorities suggests that racism is even more widespread than sectarianism. A government-funded report in 2000 found significant levels of prejudice. More than 1,250 people were interviewed by the University of Ulster for the survey. Of those questioned, twice as many said they would be unwilling to accept or mix with members of minority ethnic groups as those unwilling to engage with members of the other main religious tradition to their own. More than a third of those polled said they would not like to work with Asian, Afro-Caribbean or Chinese people. A quarter said could not accept members of minority ethnic groups as neighbours.

Through its work with race relations groups and practitioners in Northern Ireland CRC is aware of the fear that exists within minority ethnic communities. Groups that work with the minority ethnic community are anxious to find ways to tackle race hate crime but are also keenly aware of a concern, on the part of the minority ethnic community, not to further antagonise an already very difficult situation.

There are numerous reasons as to why racism appears to be on the increase in Northern Ireland:

1. As the ethnic minority population grows the legacy of sectarianism—prejudice, ignorance and intolerance—appears to have easily transferred itself to racism.

2. Government has been slow to fully implement section 75 (2) of the Northern Ireland Act 1998.

3. The Race Forum which was established, amongst other things, as a cross-departmental group charged with the task of developing an anti-racist strategy to be implemented throughout the public sector and beyond, has yet to publish its strategy and implementation plan.

4. There is little in the way of resources for anti-racism training in the public, private, community and voluntary sectors.

5. The PSNI, NIHE and local councils lack a clear, coherent and joined-up strategy aimed at taking pro-active steps to combat racially motivated violence, harassment, and intimidation.

6. Hate crime legislation and Anti-Social Behaviour Orders (currently being considered) have not existed in Northern Ireland.

**Community Relations Council Initiatives**

The Community Relations Council is a non-governmental, not-for-profit organisation and a registered charity that was established with the support of government in 1990 to promote a peaceful, inclusive, prosperous, stable, and fair society founded on the achievement of reconciliation, co-operation, respect, mutual trust and good relations to:

— provide advice and financial support to community relations projects in the voluntary and community sector

— assist public and private sector institutions in the development of appropriate ‘good relations’ strategies and models

— develop learning resources and access to community relations training.

— promote the development of public policy in this field.

Council is formed from a wide cross-section of local people whose interests span education, public services, trade unions, business, faith based organisations, culture, community and voluntary activity. The organisation receives government funding and is also an intermediary funding body for the European Union’s Peace and Reconciliation Programme. This year Council’s community relations and cultural diversity grants scheme has funded cross-community and ethnic minority projects totalling £ 407,878.23. In addition, the organisation has supported awards totaling £307,185.94 over 3 years in its role as an intermediary body for the EU Peace II funding package.
Examples of Projects Funded by Council

<table>
<thead>
<tr>
<th>CROSS-COMMUNITY INITIATIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Springfield inter-community development</td>
</tr>
<tr>
<td>Ballynafeigh community development association</td>
</tr>
<tr>
<td>Belfast inter-face project</td>
</tr>
<tr>
<td>The bytes project</td>
</tr>
<tr>
<td>Irish football association</td>
</tr>
<tr>
<td>Mediation NI</td>
</tr>
<tr>
<td>Ballymore open centre</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ETHNIC MINORITY WORK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinese welfare association</td>
</tr>
<tr>
<td>Dairymilk job</td>
</tr>
<tr>
<td>NI inter-faith forum</td>
</tr>
<tr>
<td>Pakistani community association</td>
</tr>
<tr>
<td>NI council for ethnic minorities</td>
</tr>
<tr>
<td>Women of the world</td>
</tr>
</tbody>
</table>

Comment on Proposed Hate Crime Legislation

Providing courts with the powers to impose heavier sentences when an offence is aggravated by hostility based on the victim’s actual or presumed religion, race or sexual orientation is welcomed. However, Council is concerned that there should include clear guidance on what constitutes hate crime and how the appropriate authorities will deal with it. Council is also of the opinion that there must be a comprehensive procedure accompanying the introduction of legislation that will aim at rehabilitating offenders. This could include training programmes, appropriate community service orders and restorative justice initiatives. Training programmes for staff in the criminal justice sector and those convicted under the hate crime legislation might include discussion topics on prejudice reduction, conflict resolution, understanding difference, respecting diversity, historical context, raising awareness about the impact of conflict and the benefits of peace building.

While it may be perceived that there is already sufficient legislation in place to deal with criminal offences, the fact the specific motivation of sectarian, racial and homophobic hatred is not explicitly named remains a problem. Naming hate crime and adding it to the statute book will help bring the issue into the public sphere. This, in turn, could help ensure that more reliable data on the problem will become available. Although Council acknowledges that hate crime legislation is useful, it recognises that this is only one of a number ways to combat sectarianism, racism and homophobia. Council’s experience is that those working on anti-sectarian and anti-racist projects in Northern Ireland have acquired decades of experience which could help inform and compliment the implementation of the hate crime legislation. Council welcomes further enquiries regarding its ongoing programme of work in support of cross-community initiatives and ethnic minorities in Northern Ireland.

Memorandum submitted by the Northern Ireland Council for Voluntary Action

1. Overview

1.1 NICVA is the umbrella body for the voluntary and community sector in Northern Ireland. It provides its approximately 1,000 members with information, advice and training on a wide range of issues from management consultancy and finance, through to policy development and lobbying. NICVA adopts a community development approach, attempting to empower local communities to pursue their own needs and agendas.

1.2 Relationships between the Protestant and Catholic communities have been the historic problem in Northern Ireland, but recent years and months have witnessed an upsurge in reported racist and homophobic attacks which characterise a general intolerance to “the other” as an accepted behaviour. Patterns of public spending, education, work and housing have perpetuated these attitudes of intolerance and allowed them to grow.
1.3 NICVA believes that the first step in creating a tolerant and cohesive community is to build an agreed vision that a community or a wider society can and must be shared by those who inhabit it. Last year we replied to the Government’s A Shared Future consultation in Northern Ireland by stating:

“NICVA strongly desires a shared and stable society which enables a vibrant third sector to work in developing communities and enriching democratic processes. In a democratic society it is essential that people have freedom of movement, thought and religion. NICVA believes that genuine community development is not a competitive process and should leave no room for sectarian or racist attitudes. Unfortunately, the culture of fear and threat which pervades many areas of Northern Ireland has stifled attempts at genuine community development and local participation. Representing a voluntary and community sector which wants to see human rights and equality for all citizens, NICVA believes that “benign apartheid” is not an option. “Separate but equal” can only lead to inequality and the endless cycle of competing claims. Those most damaged by this scenario will be those already at a disadvantage and therefore least able to afford the regressive consequences that would accompany it. NICVA considers that it is in the interests of voluntary and community organisations and the communities in which they work that a shared and stable future be our common goal.”

1.4 In the absence of such a vision, it becomes all too easy to paint the pictures of resentment, unfair shares and claim and counter-claim by those who would exploit division and difference. In Northern Ireland there is no consensus on cultural pluralism or what a shared society would look like. The latest Northern Ireland Life and Times Survey data show that numbers of people believing that relationships between Protestants and Catholics are better now than five years ago have fallen from almost 60% in 1995 to below 30% in 2001.

1.5 Encouraging the competing claims is not the answer, as it allows each community to pursue their aims in isolation. Rewarding co-operation and incentivising sharing is a powerful tool at the disposal of government and local authorities.

1.6 NICVA recognises that in modern societies identities are relational and complex. This only really makes a tangible difference when tolerance breaks down. Much of the community work that has been done in Northern Ireland and much of the work that is still being funded attempts to engage with “single identity” communities. This presupposes a rather essentialist concept of pre-formed identity which does not recognise the complex, multi-layered nature of identity in modern societies. It also presupposes a somewhat homogenous and monolithic conception of “communities” within which everyone thinks and identifies themselves in the same way.

1.7 NICVA believes that single identity work is valuable if it forms part of a process of gaining the confidence to reach out and engage with others whose identities are perceived to be different. People should be free to choose their identity, as they should be free to make other kinds of choices, albeit tempering that choice by an equal commitment to the freedom of others in a spirit of tolerance. This has often not been the case in Northern Ireland, where, due to high levels of residential segregation (the Northern Ireland Housing Executive reports that more than 70% of public housing estates are more than 90% Protestant or 90% Catholic) people are pigeon-holed into “Protestant” or “Catholic” areas or, worse, “Loyalist” or “Nationalist” as where they choose (or are forced) to live can be deemed to signify all other major details about them. This choice is often not a free one but is determined by issues of safety and lack of mixed housing availability. Within a community, sectarian pressure exerted by paramilitary organisations makes dissent from a fixed, determined identity a dangerous choice. This is a context in which crimes motivated by hate can flourish.

1.8 NICVA accepts the argument that victims of crime who have been targeted because of their perceived race or community are victims twice over. Attacks can be perceived as being perpetrated, not just upon the individual themselves, but upon the community which they are perceived to represent. Quite simply the attack goes beyond the individual as it is “a message” sent out to all others from that community. These attacks may also be seen as attacks upon society as a whole if it frames itself as diverse and inclusive.

1.9 Given the evidence already presented to the Committee by one of our member organisations, Mencap, NICVA would support hate crime legislation in Northern Ireland including disability, as is the case in other parts of the UK. For example, Mencap’s research has found that almost nine in ten people with learning difficulties have experienced bullying or harassment, while in a survey carried out by the Northern Ireland Deaf Youth Association, 36% of young deaf people reported that personal safety was an issue and the same proportion of respondents identified bullying as a concern.

2. REASONS FOR REPORTED INCREASE IN CRIMES MOTIVATED BY HATRED

2.1 It is difficult to determine whether there has been an increase in incidents or an increase in reporting in Northern Ireland. Lessons from the Stephen Lawrence Inquiry point to the need for improved police monitoring of hate crime incidents, successful and unsuccessful prosecutions and publication of the data, showing the involvement of different groups in the various parts of the criminal justice system. They also
underscore the importance of quality training to bring about changes to attitudes and practice within the police and the criminal justice system. Current record keeping does not allow for a full picture of hate-related crimes.

2.2 Recent research by Jarman and Tennant (An Acceptable Prejudice? 2003) recommended improving the systems for reporting and recording homophobic incidents. It noted:

“There was a general acceptance that people should be encouraged to report homophobic incidents to the police. But there could be improvements in the current system. These could include on-line reporting, wider options for third party reporting and centralised reporting within the PSNI.” The report also recommended the creation of a specialist PSNI Hate Crime Unit and measures to increase awareness of homophobia among police officers.

2.3 It will also be necessary to have robust statistics on other types of hate crime, including disability, in order to monitor the situation in Northern Ireland and take appropriate action.

3. Effectiveness of Measures Taken

3.1 The failure to join up major government policies has led to confusion and the failure to send out a single clear message about the unacceptability of crimes motivated by hatred. For example, consultations on the Race Equality Strategy and the Shared Future proposals which dealt with sectarianism and good relations were held at the same time, and yet neither document referenced the other and there was no real overlap in the discussions on each.

3.2 Some public bodies have begun awareness training, often facilitated by voluntary and community organisations on issues such as race, disability and sexual orientation. However, there needs to be a much larger, more general awareness raising exercise, both within the public sector and more widely, around the issues of difference and diversity. Northern Ireland has been a very insular and conservative society over the past 30 years and lack of awareness around issues of diversity is very high right across society. This can fuel fear and lack of understanding which might ultimately lead to hate crime or at the very least a culture in which hate crime can flourish. This may require public education campaigns, in addition to the new changes to the school curriculum on citizenship education. All public bodies should also adopt proactive strategies for good relations and a robust zero tolerance for sectarianism, racism and homophobia.

3.3 NICVA very much welcomes the Housing Executive’s decision to support the development of mixed housing but would urge more attention to the coherent planning of shared public services and measures to counter aggression, beginning with the removal of permanent flags, murals and emblems.

3.4 The Stephen Lawrence Inquiry Report called for a broad approach to fostering good relations, including the involvement of a wide range of statutory bodies and the voluntary and community sector in the areas of education, housing, health and social services. But the potential difficulty in implementing this aspiration is illustrated by the introduction of personal development and citizenship in schools. It has been claimed that this rights-based curriculum development may be undermined by the practice of contracting out personal development to Christian organisations that promote the desirability of opposite-sex marriage—not only does it not augur well for a reduction in homophobic or racial bullying but it could also be argued that the emphasis on Christianity in RE will not encourage a celebration of diversity and the development of good relations. Initial teacher training devotes only one day to examining prejudice. And this is without analysing the impact of the segregated education system, housing and other services on hostility based on religion.

3.5 NICVA recognises that government cannot “deliver” good relations to its citizens, other than by enforcing the law. The real challenge is to change social attitudes and to win hearts and minds. We would welcome recognition of the role wider civil society has to play in changing attitudes, particularly the vital role of the media. Both racism and sectarianism also manifest themselves particularly in sport in Northern Ireland. It would be useful to see a framework from government addressing how these issues can be tackled in partnership between public, private and voluntary and community sectors, including the media.

3.6 NICVA feels that, particularly in the area of combating the racism that can lead to hate crimes, a north/south approach on the island of Ireland would be sensible and thus we support the Equality Commission’s call for the inclusion of a “common chapter” in the UK and Irish National Action Plans Against Racism. McGill and Oliver (2002) highlighted the importance of the public campaign in the Republic of Ireland in 2001 having a high profile and substantial political backing to strengthen its message. There is a lot to be learned in Northern Ireland from this approach.

3.7 There is also a need to look to recent experiences in other parts of the UK, for example the work done on community cohesion in towns in the north of England by the review group led by Ted Cantle for the Home Office. Lessons from towns badly affected by race riots show that an intercultural approach must be at the heart of regeneration and development strategies—and indeed of public services. Separate development clearly led to lack of contact, lack of trust and lack of respect and tolerance. This work, and the concept of community cohesion itself, should be carefully examined in Northern Ireland.
3.8 Other measures which should be taken include increased community policing and increased representation of minority ethnic people in the PSNI, these are especially important if trust is to be built up between the police and minority communities. There is also a need for a focus on the (often illegal) treatment of migrant workers and the attitudes this can foster which lead to attacks and harassment.

3.9 NICVA would recommend support for the appointment of hate crime co-ordinators in victim support groups. In England they are recognised as best placed to offer face-to-face contact, empathy and act as a link to services that can help them, including the police, health, housing, social services and voluntary groups. This service needs to be well publicised to encourage victims to come forward and seek the necessary support to begin prosecution proceedings against hate crime. Much of the existing support for victims of hate crimes comes from organisations in the voluntary and community sector. These organisations need to be properly resourced to provide their services.

4. Effectiveness of Existing Law and Proposed Changes

4.1 Issues of how our society treats those who are perceived as different have a much greater impact than can be dealt with by legislation. However, we feel that legislation can be used to send a clear message about the shared values a society chooses to adopt. Our overriding concern in this area is to develop legislation that supports the building of community cohesion—protecting those who are vulnerable and reflecting values of inclusiveness and tolerance. It is important that legislation reflects these societal values by allowing courts to deal robustly with those who threaten such cohesion.

4.2 It is essential that we utilise fully the laws which already exist in Northern Ireland and appear to be currently under enforced. For example, the Public Order (NI) Order 1987 makes it an offence to use or display threatening, abusive or insulting words or behaviour, with intent to stir up hatred or fear of a section of the Northern Ireland community, or where such fear or hatred is likely to be stirred up. This seems to happen a great deal in Northern Ireland and yet the number of people charged or found guilty under this provision is very small.

4.3 NICVA has called for enhanced sentencing possibilities and new race and sectarian hate crime measures in Northern Ireland in response to the 2003 consultation on race crime and sectarian hate crime. There needs to be a clear message sent from central government about what is not to be tolerated in our society and sentencing provides one way of doing this.

4.4 In the more recent Draft Proposed Criminal Justice (Northern Ireland) Order 2004 NICVA registered its support for the Article 2 “Increase in sentence for offences aggravated by hostility” which places requirements on the court when it is considering the seriousness of an offence. We welcomed the requirements that where an offence involves hostility based on religion, race or sexual orientation, on conviction the court must take this into account when sentencing and that it must be stated the offence was so aggravated in open court. We also welcomed the definition that hostility can be based on hatred of a group or of an individual. We also supported Article 4 which increases the maximum penalties for a series of offences.

4.5 NICVA has been advised that the chances of taking a successful case are often slim. In light of the horror of daily humiliations, attacks by neighbours, bullying at school, criminal damage to property, how will vulnerable and frightened people be empowered to report the attacks, without endangering themselves and their families further? We have recommended in our recent response that the legislation allow appropriate organisations in the voluntary and community sector to take cases on behalf of victims.

4.6 The Government stated its hopes these 2004 proposals to deal with hate crime will help to bring about a society which will recognise the full and equal legitimacy and worth of identities, senses of allegiances and ethos of all sections of the community, but NICVA would argue that the government’s proposal in Northern Ireland to continue the detention of asylum seekers, who have committed no crime, will send out the opposite message and increase hostility to the “outsider”. We could end up with a situation where asylum seekers are in prison alongside racist criminals.

4.7 As stated above, improvements in criminal legislation may send out a welcome signal that hate crime is intolerable and act as a deterrent, but NICVA would argue that a programme to tackle hate crime needs to be based on comprehensive data collection, improvements in enforcement and the promotion of good relations. NICVA also anticipates the potential of a Bill of Rights for Northern Ireland and the forthcoming Single Equality Bill to advance the debate in Northern Ireland around rights and equality.

August 2004
Dr Morrow: Lower level hate crime fluctuates in Northern Ireland often in response to particular local circumstances, so that there are signs of rises in some places, for example at times when they are parades and protests in local areas you get a rise. Paramilitary activity is much more difficult to say. Again what is formerly ordered may be decreasing but what is informally tolerated may be a continuing reality in many communities. What I would say to you is that there is no sign of its diminution in the longer term as yet.

Q277 Chairman: Do you think sectarian-motivated hate crime is under-reported?

Dr Morrow: If anything is it under-reported rather than over-reported, yes.

Q278 Chairman: Why is that do you think?

Ms McCandless: I think it has become the norm in our society. It is how different parts of our community relate to each other. To define it as hate crime is actually a step that some people feel is too far to take.

Q279 Mr McGrady: The CRC report—and I will address this to everybody—indicates that there is an increase, as you have said, in the level of violence since the ceasefires of 1994 and there are deteriorating relationships between the two communities. Do you see this as a failure of government policies and how do you square those comments in the light of survey figures which seem to indicate an improvement? There seems to be a contradiction here. Are we talking about the same thing or where is the data coming from?

Dr Morrow: We drew our data from the available sources that we could find. In terms of the Life and Times Survey which measured attitudes to relationships, there was an improvement at the time of the ceasefire measurable in terms of people's attitudes which has undoubtedly collapsed or at least declined to a considerable degree since then. I have to inform you that there is some evidence since the Assembly was abolished that relationships may have slightly improved.

Q280 Chairman: Things have got better without the Assembly? Is that what you are saying?

Dr Morrow: The Life and Times Survey has picked up over the last two years that there has been a slight improvement again in these things. I am just reporting to you what we have found.

Q281 Chairman: There we are!

Dr Morrow: On the other hand, the truth is that none of this has stopped the persistent trend of sectarian antagonism which has continued. What is happening, for example, is that particularly in suburban areas there are what are called new interfaces—maybe it is wrong word—new points of controversy are emerging in places where it was not previously the case due to housing movement. There was some talk in the last session about the
Torrens situation as an example of on-going difficulties of housing in which shared housing seems impossible: it is either us or you. So when people move in other people feel intimidated and therefore feel obliged to move out and we have not solved the social problem on the basis that it is possible for people to live together and allocate housing on the basis of demand. Instead when one group moves in it becomes an interface. That has continued I have to say. Whether it has got worse it is always difficult to say because these are trends which are so well and deeply established and in 1971 led to mass housing flight, which we in general hate ourselves. It is absolutely clear is that we have not seen any radical improvement or change in direction at the moment.

Q282 Mr McGrady: Just following that up, we have had evidence that two of the primary reasons for the prevalence of sectarian hate crime is segregated housing and the lack of inter-community contact. Those are two broad areas. Could you give us a few headings of other impediments to improved relationships that you have identified?

Dr Morrow: I have to say the ultimate impediment at the moment is the political environment in which it is happening, the huge disagreement about the constitutional future that has gone on, and our inability to solve the issues around violence, particularly around decommissioning, and also an agreed policing service. All these kinds of issues continue to create a climate in which people regard each other with a degree of fear and suspicion and that fear and suspicion has an armed element Ireland. We have generations of doing this and continue to create a climate in which people regard spending vast amounts of money every year particularly around decommissioning, and also an inability to solve the issues around violence, segregated housing and the lack of inter-community contact. Those are two broad areas.

Ms McCandless: I agree with that absolutely and I would put education very close to the top of that list as well. The research that showed that children as young as three were able to recognise different sectarian symbols should be giving us a clue that we need to start this very, very early. I know that teachers are under enormous pressure to deliver the curriculum and everybody when they see a problem says, “We have to deal with it through education.” but this is one issue where if we do not begin to deal with it properly at that early stage and support it with parents’ involvement and teachers’ involvement (because what you cannot do is place such huge responsibility on young people if adults are not willing themselves to engage in the process) I do not see how we are going to make any changes.

Dr Morrow: Can I add that the areas of improvement in Northern Ireland have overwhelmingly taken place within what might be called “protected” places. There is considerable evidence that the workplace is now more easily mixed than ever. In education although it is extremely slow, as Frances is pointing out here, there are curricular and structural things which have changed over the years which have actually improved the level of interaction between different groups in education and within some of the projects supported by the PEACE programme there is at least a degree of structural interaction. In the area which is not protected—ordinary life, people living in their houses, getting on with their business—there continues to be a general common sense which is that you need to act taking sectarianism into account. It is not something that you can leave aside as part of the every day.

Q283 Mr Clarke: Ms McCandless’s comments on education move us nicely on to the need to change attitudes and practices. Could any of you talk me through your views on how we build better community cohesion at a time when there is evidence of increasing polarisation? We have heard this morning about people’s experiences in terms of their housing and in terms of schooling. It seems as though it is a tough task to build community cohesion and educate at a time when we have segregation in both housing and education. You have also talked about a framework for bringing together partners—the media, the voluntary community sector and the public sector. It is a huge task. Could I just ask how we are going to achieve building better community cohesion against all those problems?

Ms McCandless: It is an absolutely enormous task. The one thing we can start to do and start to do quickly is to stop spending all of the Northern Ireland budget on underpinning separation. De facto what we do when we do not promote sharing over separation is promote separation and we are spending vast amounts of money every year structurally embedding intolerance in Northern Ireland. We have had generations of doing this and we are not going to turn it round overnight, as you rightly point out. This is where I come back to Mr McGrady’s question is this a failure of public policy—yes, it is a failure of public policy and it is a failure of public spending to do anything more than articulate a willingness to change things without actually spending to underpin any cultural change.

Mr Conway: If I come at it from the criminology point of view, NIACRO runs a Community Safety Unit which is based on a practice where we are invited into communities to try and reduce crime. So the ticket, if you like, is a crime reduction ticket. Obviously in amongst all that is hate crime and I think it is true to say that that model has been operational for about six years and it is only recently that NIACRO and certain communities have felt comfortable with the issue of interface work as defined within a crime paradigm if you like. Obviously that affects the quality of life for people if they are in interface areas and there is a large degree of sectarianism and that turns into criminal behaviour or criminal activities that affect the general well-being of communities. On a more individualised matter, I think we would like to see a greater acknowledgement that in terms of sectarian and race hate crime or any hate crime that that be flagged up at the point of sentencing and that individuals would be subject to programmes that actually address that. So, if you like, there is
an individualised response and a community response but it is bound up in terms of the community safety side of things and this action has to be taken by communities if it is going to be effective. It will not work top down.

**Dr Morrow:** Can I come in on top of that and say that there is a danger in the language of “community” cohesion in a Northern Ireland context where communities are often sectarian, separated communities. The project has to be about social cohesion in which communities play their role. My view is that we have an opportunity through a review currently running called the *Shared Future* review to create a policy raft which begins to at least do what Pat said which is take this into account when doing planning policy. It is a step-by-step issue but there are clear issues. Will Hutton has talked about the need for public spaces so, for example, town and city centres where there is common space should be protected and people should be able to access them. We have done some work recently on, for example, the difference between cultural celebration and cultural aggression in which cultural celebration is marked by temporary flagging and celebration of things and aggression is about territorial ownership where nobody can move and where it is very clear that nobody can come in. There needs to be some kind of thinking around that. There are educational matters, there are clearly housing actions that need to be taken. There needs to be an improvement in partnerships making the partnership real where people take shared decisions and where the activity of partnership itself is actually promoted. There are a whole range of incremental steps but maybe one of the biggest ones is the promotion of shared services. At a recent meeting I was at, the Alliance Party suggested that £1 billion of public money is spent additionally in providing duplication of public services in Northern Ireland, so a health service here, a health service there, one library here, one library there, three leisure centres here and three leisure centres there. Somehow or other the planning of how we do these kinds of things needs to be looked at. We could reduce the burden by making sure that public services become shared spaces and all of the things that the public sector provides are points of community cohesion and parts of broad community ownership. Finally, we have to do something about access to public resources because even where things are located close by to people the access routes may actually provide intimidatory reasons as to why people cannot use them, so there is something that could be done around access.

**Ms McCandless:** We need to find out quickly what works and what has been working. We have had a great deal of research into what has driven communities apart, what is called separation, what the dynamics of that have been, but what we have not had a great body of research on is what about those communities that have managed to remain mixed all these years and those areas where troubles has not broken out, what are the dynamics and the support structures that allow those things to happen? Then you can start to turn the wheels in the other direction but other than that it is guesswork.

**Dr Morrow:** I want to put one more thing in here. The review of public administration in Northern Ireland which is coming up, is a really major event, largely driven locally but obviously under your responsibility too, and will create probably new councils. I think as part of what they are about and the thinking on how they provide services provides an opportunity which could help foster this kind of approach in the way that it is sets the new organisations up with minority protections and so on.

Q284 **Mr Clarke:** I am conscious of time. I am just going to ask a question and ask for a one-word answer if I may. PEACE monies, I, II or III, should they be more widely available for strategic programmes rather than simply those practical and at the interface, all the work you have talked about? Should the criteria of the PEACE monies be widened?

**Ms McCandless:** No I think they should remain additional monies and government should fund those mainstream activities.

Q285 **Mark Tami:** I will be brief as well. Looking at the *Shared Future* document what do you think can be drawn from that to really try to combat hate crime? What do you think are the key components in that?

**Dr Morrow:** Hate crime I suppose has to be dealt with both at the level of the symptoms and where it happens and, more importantly, it has to be understood to have wider social roots in Northern Ireland. The *Shared Future* document actually begins to say that hate crime has to be tackled both where it happens and at the root and branch level. My own view is that the key thing is that the concept of this being a society which all people living here must and can share in a way that is appropriate and not relating to hate crime is central to the way policy is thought about. I have tried to articulate earlier, and I will not repeat it, a number of areas where we could make incremental steps. The last part I would add—and maybe Pat wants to talk about—is this is a real area and it may be better for restorative justice: that where hate crime has happened something is actually done to rebuild relationships between the communities where there has been an attack and part of the attack has been a race and a hate issue. This is obviously tied in with education. That is not instead of what I said previously but additional to it.

**Mr Conway:** I think in terms of what I said previously I was not taking the pressure off government, if you like. We would interpret everything that we do within a legislative, structural and attitudinal framework and government obviously has a large role to play in making that happen. Certainly I made the pitch in terms of the submission that we made that the restorative justice programmes would be an ideal vehicle to actually repair relationships on an individual basis, but
hopefully if that were to happen then the word would spread and it would form an educating role within the context of Northern Ireland.

**Ms McCandless:** What the *Shared Future* document showed very clearly is that we have no agreed vision of what civic/civil society in Northern Ireland would look like. We have no vision of what a modern, pluralistic, multi-cultural society here would be and the constant focus on political uncertainty, the decades, the generations long conversation about constitutional and security issues has done enormous damage to the possibility of forming a view of where we might go into the future and what a modern society in Northern Ireland might actually look like. People have no conception of where it is we are going.

**Q286 Mr Tynan:** Could you give a brief indication of what you believe the Government’s priorities should be as regards tackling sectarian attitudes and behaviour?

**Dr Morrow:** I think, not to we repeat it, that the *Shared Future* document offers a whole range of opportunities for an inter-departmental approach and I think there was a recent debate in the Northern Ireland Grand Committee which gave some emphasis on that. I think there is legislation already existing in Section 75(2), which relates to good relations and which applies to public bodies and which up to now has probably not been developed anything like to the degree we would like to have seen it happen. This would encourage public bodies to think about the way they provide services, to think about how staff are treated and to engage with the multiplicity of communities that they are both serving and recruiting from. A key issue is obviously the peace process but I will leave that aside for the moment. I think the establishment of DPPs provides the opportunity for communities to begin to see this not just as a pure policing issue but to begin to do what Patten foresaw which is to begin to advocate for change. That will take training and development inside the DPP. Finally, I think it is about creating the classic word “joined-upness”. This should not be something that is just happening in a small unit. It needs to be part of the housing strategy, it needs to be part of the cultural strategy. It is the big Northern Ireland issue. Cohesion and how we get away from the notion that is it is okay to hate people because they are different and to act out that hate in crime in the end is an issue everywhere and it is an issue in Northern Ireland. I do not think there is any disagreement that we need to tackle it and it is a question of making sure that it is not avoided any more but that we write it in and think through what its implications are for all those policies.

**Q287 Mr Tynan:** On the Government’s approach at the present time are they taking the right approach or the wrong approach?

**Ms McCandless:** We think they are absolutely taking the right approach but they are taking a very long time to get there. The uncertainty around devolution means that we are always considering the different options every time a decision has to be made so things are endlessly delayed and it becomes terribly difficult to get on with what we are doing. An integrated policy framework, which is what *Shared Future* promises, is absolutely the way to go but there are things that could be done in the short term. The visible manifestations of sectarianism and race hatred and all the things that Duncan has already articulated, cleaning up public spaces, we could go ahead and do a lot of those things. There are successful examples in East Belfast for example of murals being removed and kerbstones being painted out. We could get on and do this stuff now and that would go a long way towards the perception of what was and was not happening. The physical manifestations are very important.

**Q288 Chairman:** What is stopping people doing that now?

**Ms McCandless:** It is dangerous. Council employees, for example, do not want to go in and do it. Police would have to go in and protect them doing it. It is very labour intensive. However, there was an example this year on a roundabout, which is not particularly surrounded by residential areas, where flags went up and the police went in immediately and took them down, to universal appreciation. There are precedents. I would answer your question by saying I do not know what is stopping it. It can be done and we have seen it done and we have seen people appreciate it being done.

**Q289 Mr Tynan:** Do you believe that the aims of Section 75 will have contributed to an environment whereby sectarianism could diminish?

**Dr Morrow:** Section 75 has two parts; equality, which is obviously critical to making sure that everybody feels they are an equal citizen, and good relations. The truth is that the good relations element is largely aspirational at this stage and the easiest part to do is in a sense the easiest bit to measure, which is equality. Section 75 does provide an instrument in which good relations are part of the constant dialogue between the wider public sector and individual bodies which have a job to serve everybody because that is their public sector remit. I think that what needs to happen is we exhaust the possibilities of Section 75 before we decide to dismantle everything else. Part of that—and I would say it is beginning to happen but it is very slow again—that the Equality Commission and other bodies like ourselves begin to promote this in a much more practical way because one thing we do not want to be doing is just ordering people to do this, this and this. It is not a good way to build relations. What we do want to say to organisations is we need you to think strategically about these issues and to come to us and engage in an on-going dialogue with us about how we can meet the demands of the Act.

**Ms McCandless:** I think Section 75 has to be the floor and not the ceiling of our aspirations. It is the bare legal minimum that we need to build on. We
have to go further in promoting the kinds of attitudes that are going to move us into the future. We have to be very careful that it is not interpreted too narrowly in the sense that people have complex, multi-relational identities. Nobody sits neatly into a box that says you are a man or a woman, you are a Protestant or a Catholic, you are a person with a disability or you are a person without. We always have to bear in mind that categories have to be set up in order to monitor and for legislation to take effect but we have to be very careful that we never forget that people do not fall into any one of those categories alone. We have been very remiss in Northern Ireland in the past by taking only one primary signifier—this is a Protestant community, this is Catholic community. Life is not like that, people are not like that, and we force people into boxes that they need not necessarily have been in. What Duncan said earlier about the use of the word “community” being sometimes a dangerous thing. That is often a dynamic that forces people into those boxes and does not allow them to choose where they live, where they work and where they socialise. We want to be moving away from that. We have to be very careful that we use this legislation in the way that will benefit us most.

Q290 Mr Tynan: Is that message getting through?  
Mr Conway: I think there is an issue about Section 75 being used as another hurdle for the public sector to get through. I have seen some of the equality impact assessments that have been carried out and they are pretty thin and do not take account of what is actually happening. It seems to be there is a danger that it will gravitate towards “we have completed this statutory obligation so we are organisationally in the clear and that is us” and there being no discussion beyond that. So I think that is an issue that needs to be addressed.

Ms McCandless: We always need to focus on outcomes. This is not about processes. Processes are to get us to the outcomes.

Dr Morrow: The usefulness of it is that it has put it on to the debate. I think that what would be useful is that as it is a floor not a ceiling that Section 75 begins to perform the role where key leadership in public sector organisations is engaged in how do we take this off the page and into reality. We are not just doing this to tick the box. We are doing this to make sure that everybody has the equal access to services that they should have. That is what we are about. We are also trying to use our services to make sure that good relations are promoted rather than ignored.

Q291 Mr Beggs: To what extent do you think paramilitary organisations are responsible for the growing problem of racist attacks, and how far do you think racism is a widespread feature of life in Northern Ireland, both in rural as well as urban areas?

Ms McCandless: Can I start by saying that at a meeting this past week of the Race Equality Forum, which was mentioned in your previous questions, PSNI were present and they said that they have evidence that Loyalist paramilitaries are involved or at least they are convinced that Loyalist paramilitaries are involved. Also in regards to other sections of the community there may be under-reporting because people are unwilling to go to the police but that is not to say there is not paramilitary involvement in different ways that we just do not know about. I think it is there. It is difficult to say whether the situation is worsening. I heard somebody say earlier that racism is a new thing in Northern Ireland. Racism is not a new thing in Northern Ireland. There has been a Chinese community living in Ballymena for 50 years and for 50 of those years they have been experiencing the kind of treatment that they are experiencing today. The media has suddenly latched on to it. The news agenda has shifted so there are not so many bombs every day for journalists to report but there are a number of racist attacks. This is not a new phenomenon. I think people are becoming more confident in reporting and people are becoming more articulate in voicing their support. I absolutely do not think it is a phenomenon. It is difficult to say whether it is increasing or whether people are just reporting it more.

Q292 Chairman: It was interesting that the Chinese community did think that it was growing as a new phenomenon. It may have been there in the past but it has been getting very much worse recently.

Ms McCandless: They would be the experts in that. I am taking this from what I heard from a Chinese community worker in Ballymena who said it became a norm. Why would you bother to report something that happens to you every day in your business where you get verbal abuse? It may be that it is more serious physical abuse and it is certainly more organised, I would definitely agree with that. You can see the pattern. These are not one-off attacks happening in South Belfast at the minute. It is a definitely organised.

Q293 Chairman: That is a new phenomenon?

Ms McCandless: That is a new phenomenon.

Q294 Chairman: You think the paramilitaries play a part in that?

Ms McCandless: Yes I do.

Dr Morrow: Racism is in many ways, as a real, existing issue, something which is becoming more general here. There are now more people of ethnic minority background living everywhere and that is really increasing now with Eastern European workers coming here to do agricultural labour. That is going into rural areas as well as other areas. Second of all, the police, informally at least in conversations that I have had with them, are hoping that reporting figures will increase because they believe there is a reporting problem in a paradoxical way. At this stage they believe they are going to have to see an increase to get real about the scale of what is going on here. They also say that it is not the big incidents that are the key thing, it is the on-going, everyday harassment of people on the basis of their ethnic origins which is the real issue. On the question of paramilitarism the difficulty here is that it can be
paramilitary without any paramilitary organisations having made any direct order in this regard. Paramilitary structures are in the twilight world between the formal and the informal. The big difference in Northern Ireland, in communities, is that paramilitary organisations exist and they are an inheritance of the last 30 years if not before and that those structures create possibilities of acting out on race hatred that may not be quite the same as anywhere else. One of the reasons our figures are so bad is exactly because there are these units of people who use violence locally and the fact that they are coming to the fore.

**Q295 Mr Bailey:** I will try and wrap up a number of questions in one omnibus one to do with the enforcement of existing legislation. First of all, could you summarise whether existing legislation to tackle hate crime is being enforced effectively or not and, secondly, do you think there are any improvements that are needed in order to make the enforcement of it more effective?

**Ms McCandless:** We definitely think that the legislation which is in existence already, as you cited earlier with the Public Order (NI) Order 1987, is not being used fully. There are clearly gaps around the kinds of harassment that are outlawed. We are not even using legislation we have fully. We do not see a huge number of convictions or offences being brought under that legislation or at least the number that would appear to be concomitant to the number of instances we see on the streets or on television every day. I think that we should use the legislation that we have as effectively as possible.

**Chairman:** Thank you. That was short but very useful and has given us an update from what some of you told us earlier. We are very grateful to you. The Committee will now adjourn until 2.15.
Monday 13 September 2004
Afternoon

Members present:

Mr Michael Mates, in the Chair
Mr Adrian Bailey
Mr Roy Beggs
Mr Eddie McGrady
Mr Stephen Pound
The Reverend Martin Smyth
Mark Tami
Mr Bill Tynan

Memorandum submitted by the Northern Ireland Public Service Alliance

1. NIPSA is the trade union based in Northern Ireland representing over 42,000 members in the NI Civil Service, District Councils, Education and Library Boards, NI Housing Executive, the Health and Personal Social Services and a range of other public bodies and in the Community and Voluntary Sector.

2. NIPSA is affiliated to the Irish Congress of Trade Unions (ICTU). ICTU has consistently taken a stand against sectarianism in Northern Ireland and was instrumental in establishing the “Counteract” organisation which tackled sectarianism in both the workplace and the community. This emphasis has shifted to embrace the concept of Equity Diversity and Interdependence and progressively there has been an increased focus on the rights of people from different ethnic, national and racial backgrounds.

INCREASE IN CRIME AND INCIDENTS MOTIVATED BY HATRED

3. The reasons for the increase (or reported increase) in crimes and incidents motivated by hatred within and between the communities in Northern Ireland are complex but we would make the following comments.

4. Crimes and incidents related to the two traditional, political/religious communities in Northern Ireland vary in incidence and seriousness depending on the levels of political instability and crisis. A long term political settlement to which all the main political interests are partners is the bedrock through which the incidence of crime/incidents involving these communities can be substantially reduced.

5. Even with a long term political settlement supported by the vast majority of traditional political interests hate crimes and incidents between Catholics/Protestants will still be a feature of our society.

6. Long term stability, economic and social justice and a high standard of living will contribute to the marginalisation of such incidents. This would need to be supplemented by educational and community initiatives, supported by Government, whose objective is to break down barriers and increase understanding.

7. NIPSA has a major concern about the increase in incidents involving attacks upon ethnic minority communities whether the people in these communities are recently arrived or have been in Northern Ireland for some years.

8. We feel that a number of factors have contributed to this increase in incidents. For example while it is true that people from ethnic minority backgrounds are more visible due to the increased numbers the increased visibility is not the cause of the violence. It might explain to some degree the increase in attacks on ethnic minority people but it does not explain the reasons for the attacks themselves.

9. It is insufficient to focus the blame for these attacks solely on the individual members of society who are responsible for the attacks/incidents. Without a doubt the historical “superiority” of white people in developed countries over so called inferior black people from colonised parts of the world is still a strong legacy of the educational system and this societal phenomenon contributes in its own right to the exacerbation of the problem.

10. The hangover from this legacy still permeates much of our society from the sensationalist nature of the press and media coverage of immigration issues to the way in which the Government handles immigration and asylum matters.

11. The promotion of such stories that characterise immigrants and asylum seekers as freeloaders wanting to avail of the UK’s “generous” social security and health services at the expense of the hardworking taxpayer strengthens the context in which some will react in an unacceptable way.

12. Likewise the Governments criminalisation of asylum seekers in Northern Ireland and the use of detention centres such as Maghaberry Prison, contribute to the view that immigrants/asylum seekers are criminals. This inevitably “taints” to some degree everyone in this category whether detained in Maghaberry or living in local communities. In other words the Governments own approach to immigrants contributes to the climate of distrust, suspicion and hatred.
13. Put in stark terms some people see attacks upon ethnic communities as just an extension, albeit illegal, of the policies of exclusion, scapegoating and criminalisation inherent in the Government and the media’s approach.

14. An example of the inconsistent and hypocritical position of the authorities is to be found in the Health Service. The DHSSPSNI and the HPSS in Northern Ireland commission the services of private health providers mainly in the area of elderly care but have not intervened to end the exploitation of overseas staff employed by these private sector concerns. Is it not just a sliding scale or a matter of degrees, violating the rights of people, whether they are exploited in employment because of their vulnerability due to their status through to detaining asylum seekers in prison or attacking their homes or persons.

15. We appreciate that this question be controversial in the way in which it has been posed but our view is that these matters do require some substantial debate.

Effectiveness of Measures by Government and Relevant Agencies

16. There is clear evidence that a number of far right groups in Britain have deliberately intervened in Northern Ireland in order to stir up race hatred and to encourage attacks upon people from ethnic minorities. A number of attacks would appear to have been the direct result of this type of intervention.

17. NIPSA is aware of inter-agency work involving the Housing Executive, Social Services, Police in cooperation with the NI Council for Ethnic Minorities and the NI Council for the Homeless. It was only in the wake of attacks on ethnic minorities around Christmas that this work took on a more structured form.

18. The effectiveness of measures by the different Government agencies will depend to a large extent on the political priority that is given to dealing with this problem and the support of both the people from ethnic minorities and the more traditional communities.

19. In our view the Government should consider significant investment in developing initiatives which generate active support from within local communities for people from ethnic minorities. This would be particularly important in areas where people from ethnic minority are living. The nature of those initiatives would be determined by all those with an interest but would be specifically anti racist in their objectives.

20. Furthermore consideration should be given to proper funding of organisations which represent ethnic minority interests such as NICEM so as to strengthen the voice of the ethnic minorities themselves.

21. It is evident that a multi-faceted approach to tackling the rise in hate crime is required and that organisations, both statutory and voluntary, need to be adequately resourced in order to build the capacity to be proactive in tackling the causes of the problem as well as dealing with the effects of the increased number of race hate incidents.

Memorandum submitted by the Confederation of British Industry Northern Ireland

1. CBI Northern Ireland welcomes the opportunity to provide evidence to the Northern Ireland Affairs Committee inquiry into Hate Crime in Northern Ireland.

2. From a business perspective the issue of “hate crime” within the workplace is not one that has been brought to our attention by CBI members, although they are clearly aware of racially motivated attacks in the wider community—with several reported in the media over recent weeks, particularly against the Chinese and Portuguese communities.

3. CBI NI has had a consistent position in opposing discrimination or intimidation on religious, racial and other grounds in the workplace and supports recruitment on merit and equality of opportunity. We have also actively promoted best practice in the recruitment, retention and development of employees. For example:

   — In 1993 CBI joined with NIC/ICTU to promote a Joint Declaration of Protection to ensure workplaces were free from intimidation and sectarian harassment

   — In 1997 CBI, together with other business organisations, promoted “Doing business in a divided society” with a series of best practice guides aimed at encouraging employers to create an anti-sectarian culture

We believe that most companies, and particularly medium and larger companies have strong and effective policies to address issues such as intimidation and threatening behaviour when they do occur while many companies also have more proactive policies to promote diversity. A comment from one CBI member reflects the typical position companies take—“we strictly enforce a neutral environment in the work-place and this “zero-tolerance” approach has prevented even minor issues escalating”.

4. Our view would be that the fair employment legislation consolidated in the form of the Fair Employment and Treatment Order of 1998 is working well and companies have effective policies in place to promote equality of opportunity and to ensure discrimination is avoided. The development of world class
recruitment and development policies and procedures during the 1990s has succeeded not only in reducing the religious imbalance in the percentages of those employed across the board, so that it is now close to the percentages of Catholics and Protestants of working age within the NI population, but has provided equal opportunities to all sectors of the Northern Ireland community.

5. During the 1990s we worked consistently with the Fair Employment Commission (now the Equality Commission) to help spread best practice in the area of fair employment, for example running joint seminars on the new legal obligations under the 1989 Fair Employment Act and subsequent legislation on racial and disability discrimination. CBI NI has also submitted comments on Codes of Practice on recruitment, selection, harassment etc to the FEC and the Equality Commission. We also signpost those looking for information and advice in these areas to the Commission.

6. The last time sectarianism in the workplace was raised as a significant concern with CBI Northern Ireland was in 2000 during the disturbances associated with “Drumcree Sunday”—we received anecdotal evidence of employees from the same company trying to block other employees from getting to work at road barricades in the Craigavon area. We received reports from several CBI members about increased community tensions within their workforces, particular in sensitive areas adjacent to “hotspots”. The issues appear to have been successfully addressed and since then we have received no evidence that sectarianism within the workplace is a significant issue for our members. Isolated instances do occur but we are not aware of any evidence to suggest more widespread occurrences. One example of a problem highlighted to us earlier this year was on a building site where “banter” can turn nasty. The company, having banned the wearing of football strips etc, was left with the problem of tattoos when men take off their shirts! In the vast majority of cases management will address these issues quickly and effectively to prevent the matter escalating.

7. We are not in a position to comment in detail on “hate crime” attacks in wider society. There has been a significant increase in the last few years on the numbers of Eastern European and Portugese workers, much of which is related to a tightening labour market and increasing difficulties that employers are having in recruiting staff—this is happening across business including the food sector, construction related trades and in engineering, as well as in the public sector eg health service. Many of our members would suggest that such attacks reflect the reality that a small minority of people in our society are narrow minded, insular and inward looking and have a misguided approach to protecting their own community interests. In most cases the victims of the abuse are “easy targets”.

8. The business community would welcome a reduction if not an elimination of such “hate related” activities. They are unhelpful to the good progress which has been achieved within the work place over the last 10-15 years in particular. The Northern Ireland economy needs to encourage inward migration due to increasing difficulties in recruitment across a range of sectors. A more tolerant society which respects diversity rather than feeling threatened by it is needed.

9. There may be merit in Government engaging in a more proactive communications campaign, in partnership with the business community and other stakeholders, to explain why immigration is increasing and to help ensure the effective integration of these new people into Northern Ireland society. Increased training, through for example centres like Corrymeela could be encouraged for leaders in local communities where “hate crimes” have occurred.

Witnesses: Mr Brian Campfield, Northern Ireland Public Service Alliance; Ms Patricia McKeown, Unison; Mr Tom Gillen, Irish Congress of Trade Unions; and Mr Nigel Smyth, Confederation of British Industry, examined.

Q296 Chairman: Welcome, lady and gentlemen. Thank you very much for coming to help us with our inquiry. One of the things that has come out of all the other evidence which we have had is that one of the best places where we have success in inter-community relationships is the workplace and that is very largely thanks to both the CBI and the trade unions. This may be just I suppose because it is out of the home environment but there may be other reasons and other lessons which could be learnt for the rest of society. I wonder if very briefly you would each like to give us your views on why that has been a relatively successful coming together of the different traditions. Start at whichever end of the table you like.

Ms McKeown: I would say first of all tough anti-discrimination legislation and the fact that strong codes of practice push us towards jointly tackling the issue in the workplace. I am speaking from the perspective of a public sector union. That then follows through with some reasonably good commitment from levels of the public sector as employer on taking those issues seriously. I think that we are very clear that had it been solely voluntarism we probably would not have made the successes we did over the last decade and a half. Having said that, new issues emerge for us which are around whether we have now reached a new phase. We have fairly successfully managed to create, if you like, neutral working environments but then that does not sit quite so easily these days with a society that wants to talk about inclusion and celebrating diversity, so it is probably time for a re-working of the kind of joint approach we have taken. That there is still the problem of discrimination and discrimination and harassment in the workplace is something that is still with us and manifests itself in different ways. I think again with a public sector emphasis we have relatively good procedures and processes to tackle those problems as they arise. I do
have to say that over my quarter of a century of experience, local shop stewards have been extremely effective in trying to tackle and sort out these problems before they ever get as far as either the public stage or into the need to take either criminal or legal action, so that has been a measure of success but I think we are probably entering a new period. We are also now entering a world where the workforce itself is being subject to external threat and attack and that is a new and disturbing development for us.

**Q297 Chairman:** Public sector workers?

**Ms McKeown:** Public sector workers, yes.

**Q298 Chairman:** What sort of attack?

**Ms McKeown:** Well, if you take the last three years we have had sectarian threats, death threats in some cases to health care workers, particularly in areas that are on what we might call “interfaces” these days. Both individuals and sections of the workforce in the Mater Hospital have come under attack. There is the impact of the Holy Cross dispute in terms of people I would represent in that school and what happens to the workforce there. Increasing violence, some of it not necessarily directly related to racism, sectarianism, homophobia or disability but some of it certainly linked and that is a new development for us as a public sector union to have to work with because in the past the people we represent providing health, social care education, et cetera, would have to a large extent during the Troubles been regarded as hands off or neutral territory. There were always exceptions to that of course but not generally because they were public sector workers.

**Mr Campfield:** I certainly would concur with Patricia. One of the reasons why the workplace is I suppose an example of where things can be done right is the fact that trade unions obviously have the economic interests of the employees and they tend to come from a non-sectarian or anti-sectarian philosophy, and therefore that solidarity, irrespective of what religion you come from, is a particular feature of trade unionism. There has been a question of leadership being provided in the workplace to ensure that the political divisions in broader society do not intervene in the workplace. That has not been an easy task over the years. Difficulties have arisen in different industries and different parts of the public sector but, by and large, the objective of trade unions that organise the workforce is that there is a unity there and there is a philosophy there that goes beyond the sectarian divisions that exist in broader society. I think on the point about the legislation, it is important that both employers and trade unions can use the fair employment legislation in particular as a tool in order to persuade employees that really they do need to keep sectarian division and hate crime out of the workplace because I suppose from one point of view it is not in the economic interests of employees or employers to have that type of division within the workplace. I think there are a number of reasons. I think the legislation itself has supplemented things considerably and it is crucial in allowing both employers and employee organisations and trade unions to be able to confront even their own members with the reality and the impact that that type of activity has.

**Mr Gillen:** My colleague has outlined in general terms the role that we have played in the trade union movement. We are happier now in the fact that the workplace is a much safer environment to work in and it is a much more accommodating place where people from different traditions can work together. It has not been easy. Brian has already alluded to the fact that we have had problems within our own movement and in our response to this _Shared Future_ consultation we have said we have to address our own house first, the trade union movement, to see that our practices are proper and correct before can go to anyone else. We have been very successful since 1993 in working with Nigel and his colleagues in the CBI and we have a joint declaration, which I know Nigel will probably want to refer to later on. We have made this point very clear in our _Shared Future_ response: the workplace is the place where people from different communities, religious and ethnic backgrounds can meet and therefore we feel it is somewhere that could be utilised to improve life and society in general. We think more can be done jointly with our own unions and with employers, particularly in the private sector because the public sector has made significant advances here but there is still room for more co-operation in the private sector to promote multi-cultural and diversity training issues in the workplace and we think that is the next step that we want to take forward. Again we highlighted that in our response to _Shared Future_. If the Committee has not already seen that response I recommend that you look at it because we regard it as a very important response to what government were saying on how we wish society to progress in Northern Ireland.

**Mr Smyth:** From an employers’ perspective the legislative framework was extremely important, in particular the Fair Employment Act 1989. As Brian mentioned, it helped companies address some difficult problems within their workplaces, whether that was with management or indeed with employees. The codes of practice were certainly extremely helpful too. During the 1990s we believe that companies, particularly medium and large companies, developed strong and effective policies for dealing with this. Indeed, in the consultation when we were putting together our submission the words “zero tolerance” came up to the whole area of intimidation and harassment. Most companies out there, particularly the medium and large, would have a zero tolerance policy to that. In line with the policies and the legislative framework companies have had to do a lot in terms of communicating why they were doing certain things and what would be the consequences of people standing out of line. Linked to that ourselves and, as Tom has referred to, the ICTU launched a Joint Declaration in 1993 just to help companies create a broader general framework out there showing the importance of creating a neutral working environment for all their
employees. I think there has been a lot going on. We certainly believe that it is not a major problem. Certainly there are a lot of tensions, particularly sectarian tensions behind the scene and we would have seen those coming out in the late 1990s particularly regarding parades issues and various things but, by and large, most of the problems I would say are very specific around isolated instances. So good policies, good communications, and having that legislative framework are certainly very important.

Q299 Chairman: In the recent survey that we had 82 per cent of people said they preferred mixed workplaces, which leaves 18 per cent who do not. What is the way round that from both sides in the argument?

Mr Gillen: I think probably 18 per cent could fall into a number of categories. I think a lot of people may be frightened. We have a lot segregation in the community at the moment and people are genuinely frightened to travel from one area to another or to work in a certain location. We also need to deal with the problems of mixed housing if we are going to talk about mixed workforces. That is a very, very difficult issue.

Q300 Chairman: That is a problem that is getting worse not better.

Mr Gillen: Just round the corner from where I live there was a young man stabbed within these past few weeks. On the same spot just over a year ago a young lad was shot dead on the same spot. It is Whitehill Road I am talking about where I live and come from. So these are big, big problems for us, but we can start in the workplace and we have started in the workplace but we need shared services. Brian could say something about this. We are concerned, as we have indicated in some of our submissions, because you cannot have a job centre for one community and a job centre for another community. You cannot have a hospital or a health centre for one community because the public purse cannot afford it. Government really needs to grasp this nettle as well. We are looking for some kind of concordat with government whereby we can discuss these on an ongoing basis. It is very, very difficult in a direct rule situation but of the 18 per cent fear some of them are bigots who do not want to work with anybody else because of their colour or their religion, and I think we would be happy that we have got it down to 18 per cent.

Q301 Chairman: This was not meant critically.

Mr Gillen: I know it was not. I think I am disappointed it is 18 per cent but we will work on it.

Mr Campfield: I think the 18 per cent might reflect to some extent that while the workforce broadly is fairly mixed, geographically there may well be certain workforces that are predominantly one side or the other. People who only have that experience may well be inclined to think that is the best experience to have whereas we would certainly promote a mixed workforce and certainly mixed use public services. I do not know what the explanation for the 18 per cent is or what the nature of the survey that was carried out was. There may be an element of that contained in it.

Ms McKeown: I have to say as well, Chairman, I do not know if it was 100 per cent workers who were surveyed. People who are in employment may have a different perspective from people who are out of employment. We do obviously still have with us an issue of structural long-term unemployment that genuinely has to be addressed. We also have an issue of an unemployment differential in terms of Catholic or Protestant that has not moved as much as it should have done. I think if you are saying what is to be done about it, there are a number of approaches. There is straightforwardly the multi-lateral approach that says you have got to get people when they are young and you have got to train and educate them in basic issues around equality and human rights and we should be celebrating the fact that we should live in a society where those are really the underpinning factors. There is a role that is increasingly under-estimated and sometimes vilified and that is the role the community and voluntary sector here which tends to be at its strongest in our areas of greatest disadvantage and our ghettos where some of the serious risk-taking by people involved in that sector to both try and protect infrastructure inside their own communities and across communities is not supported as well as it should be. I think one of the things that could be done to strengthen that is to get the whole funding crisis issue sorted out so that the kind of recommendations coming through bodies like the Greater West Belfast and Shankhill Taskforces are genuinely supported with resources. I would have to say that for me always a leader in this field of challenging people who do not want to work together and creating a situation where it is absolutely the norm is the public sector and the public sector is quite frequently under attack in many different forms. It might be privatisation, for example. People think that we are mad when we say there are genuine issues of equality to be addressed when what looks like an economic decision is about to be taken, and I think those are areas that are currently within the Government’s power to start to seriously address and they can make a difference, I know they will make a difference, but never underestimate the amount of risk-taking that goes on on both sides of the two main communities by committed people who want to do something about the 18 per cent.

Q302 Reverend Smyth: We are actually dealing with hate crime in the workplace and we talk about it, but is there any idea of what the scale of it is? Are we dealing with discrimination through hate, disability, homophobia, racism and sectarianism and what work are you doing or do you plan to do to monitor it?

Mr Smyth: From an employers’ perspective we have highlighted in our submission that we do not see this as a major issue. Certainly there are isolated instances. I said earlier that the whole area of sectarianism would probably be the biggest area and
the biggest issue that we have to address and sectarianism would remain the biggest issue. We are certainly not aware of any specific cases in the workplace of racism as we see in the broader community but we would expect with the levels of immigration which are increasing quite rapidly that could potentially become a bigger issue. We have said because companies have extensive policies and procedures in place for addressing the sectarianism issue we believe a lot of those will impact and help address some of these other issues and harassment and intimidation would not be acceptable within the workplace.

Ms McKeown: We would have a rather different perspective. As a union our business has changed significantly over the last number of years. For example, we are now dealing with an area we did not deal with before and that is the growing number of incidents of race hate crime and homophobic crime, much of it manifesting itself in the community in attacks on the homes and the persons of people from the black and ethnic minority communities or lesbian and gay people.

Q303 Reverend Smyth: Not in the workplace?
Ms McKeown: In the workplace there is a different issue, Martin. I think what is happening there is that it has opened everyone’s eyes to the fact that the homework was not done in advance about the changing workforce, particularly a changing workforce in terms of ethnicity, so while we see the dramatic effect of direct physical attacks on people, on their homes and in the streets, we have not put in place sufficient training resources and processes to deal with the problems which people from other ethnic backgrounds face when they come to work for us or to deal with what is not a tolerant workforce on race. There has been some work recently done by the University of Ulster into the attitudes of indigenous health workers here in the North and there have been fairly appalling statistics produced as to the level of racism that is there in the workforce. That we have in place very robust procedures that can, if you like, tackle it at an early stage is a good thing but we need to do an awful lot more work now in order to start genuinely addressing this. It is too late when as a union you are facing a harassment case through the internal processes or a court case through the external processes or you are dealing with the fact that your member has just had to move house because they have been attacked.

Q304 Reverend Smyth: So you are saying you have not monitored it hitherto and you are not monitoring it now? That was the question.
Ms McKeown: We are monitoring as best we can at the minute. What unions can do and what we do is we monitor the nature of cases that are coming in our direction, but the point I am making is to an extent that is too late, the damage has happened, so we are able to say we have dealt with X number of harassment cases that may be under the fair employment legislation or under the race discrimination legislation in the last number of years or we have dealt with X number of external type court cases or we have had to arrange X number of meetings with PSNI to deal with the effect of direct attacks on public sector workers, and in our case it is primarily overseas nurses. So we are monitoring, we are counting, but we have also said to relevant government departments that we have got to go in advance of that and start putting into place some of the protections that could head that off at the pass. It is not unlike what we did when the sex discrimination and fair employment legislation first came in, and indeed the equal pay legislation, and one of the things we would do as a union on a regular basis is monitor whether we are dealing with these issues, but we are still in that type of monitoring and dealing with the outcome of a problem and not trying to prevent it.

Mr Campfield: I think it would be true to say we have not got in place any systematic overall monitoring process. Individual unions would be aware of the types of cases that come their way and many cases would be resolved without getting to a particular stage and therefore may not be recorded as such. Here you are back to the difficulty of what hate crime is because there is obviously a scale of things and on the one hand there may be discrimination by employers—not in the sense it is a crime—but there is a scale. If it is legitimate to discriminate against somebody then somebody else might think something more extreme than that is legitimate also. There are issues there. We would monitor and we would pick up information in various sectors about the numbers of members who had come to us with complaints of discrimination or that they were being harassed or bullied because of their religion, their gender or their race, but we would not have an overall system in place. The question arises what would be the most appropriate body to do that.

Q305 Chairman: Just to interrupt a moment, when you say they come to you and complain—this is really to both of you in the trade unions—about religion, gender, race, roughly speaking, what proportion is for each? Do you have a feel for that? Is it mostly sectarian? Is it mostly race? Is it mostly gender?
Mr Campfield: Certainly race would be in the minority because the nature of Northern Ireland society is such that only recently have we had a big influx of overseas employees, but that is becoming an issue, increasingly so. In fact, after some of the incidents in parts of Belfast the Health Minister Angela Smith was seeking the trade unions’ cooperation on issuing a statement about this. We did not have a particular difficulty about that but what we did say was a statement on its own is not sufficient. What really is required is the putting in place of policies and processes which are going to allow everybody involved in the workplace and in local communities to deal with the issue. Resources are also required. A press statement is fine but really it only scratches the surface, so it does. The bulk of complaints that we would have would be sex discrimination and then religious discrimination.
Ms McKeown: There is a different perspective for us, Chairman. In the last two years complaints of racism have been increasing and I think in the last year we have overtaken the other two that we would be used to dealing with. Another growing area is disability discrimination including some disability harassment. You could say that because our union on the foot of the Macpherson Report introduced new monitoring arrangements around race, that everybody is much more conscious and is starting to be more systematic in the approach to what is a complaint of racism. The issue of sectarianism is never too far away from the surface in many of the complaints we get but one of the areas that needs seriously to be addressed there is to define what we mean. Are we talking about discrimination under the fair employment legislation or are we talking about hate crimes and, if so, how do you define sectarianism? For us it is what we have said in our preamble to the consultation on the hate crime legislation and on the Shared Future consultation.

Q306 Chairman: I think it is very important to get this on the record. Mr Gillen, would you like to comment?

Mr Gillen: I think my colleagues have covered that issue quite adequately.

Mr Smyth: We would not expect to monitor that. We are working on a broad range of policies and it has not featured as an issue. There are bigger issues in terms of actually getting people into work.

Q307 Mr Tynan: How would you deal with an issue of either unlawful racism or sectarianism? If it was brought to you as an issue as a trade union how would you deal with that?

Mr Gillen: Obviously we have very, very comprehensive education programmes running within our own movement. We see that as a key issue and we started that in relation to sectarianism. A lot of that is transferable into this particular issue, but I think we will need to look at this and see whether we can do some research to see how big the problem is. In the sense of the Congress itself, with the accession of the 10 new European countries, we have produced a leaflet in the 10 languages for distribution to people coming from those 10 countries highlighting the importance and the role of the trade union movement in society. I say “society” very deliberately. It is not just the workplace that we are interested in. We have a stake in society. We are the biggest social partner in Northern Ireland and therefore we have a duty and a responsibility to our own citizens and those citizens who we are inviting to join us in a growing Europe—and they are very, very welcome to join us in Northern Ireland to make a contribution to the economic and social well-being of the community. So we have started that process. We have a lot more distance to go and just this morning Patricia and I had a meeting of our Equality and Human Rights Group where we discussed these issues. We were talking about how we can improve our structures and develop them to deal with those issues. As a trade union movement we have methods of disciplining our members if they do things which bring the movement into disrepute. We also need to be very careful how we do that because they have their own rights under the Human Rights Act and the human rights legislation. Certainly our message is strong and we reinforce it on an on-going basis. This is a new challenge for us and one which we have to address. We have been in discussions with the Curriculum Council which is responsible for primary and secondary school education and we have been pushing for the question of citizenship to go on to the curriculum and it will be going on to the curriculum. This emphasis on racism is part of the issue that we want to have addressed in schools also.

Mr Campfield: In the public sector in particular there have been for quite a number of years policies and procedures in place to deal with harassment, whether that is sectarian harassment or sexual harassment, and those are procedures that have been negotiated between the employers and the trade unions and they are fairly common across the public sector. So there are policies in place and there have been for religion, politics and gender. With the Northern Ireland Act and Section 75 and the broader range of categories that are included there, I know that for instance sexual orientation has been another issue which has been picked up in similar procedures. Not all those categories would be covered by those policies and procedures in the workplace and are certainly something the trade unions need to look at. The same approach would be adopted if anybody came with a complaint about the way in which they were being treated if they are being treated unfairly.

Q308 Mr Tynan: You made the point as regards ministers making a statement when really there is a need for more policies and procedures. What additional policies and procedures would you see as required and what additional weapons would you need?

Mr Campfield: We were talking in the context of the Health Service and about health and personal social services in Northern Ireland. That was specifically in the context of attacks on people from ethnic minorities and overseas workers, attacks primarily which happened in the local communities. That is not to say that there are not difficulties and problems, as Patricia has alluded to, in the workplace itself both among the workforce but also in terms of the interface of overseas workers with the public using the services. One of the big concerns that we express is in the private health sector in Northern Ireland because there are quite a lot of overseas workers and they are treated a lot less favourably, if I can use that term, than their colleagues and their compatriots in the public sector where at least there is fairly well structured pay and terms and conditions. A lot of overseas workers are in the private health sector. From Patricia’s organisation in particular we have had some horror stories of how people are treated there. Given that the Government itself through the Department of Health and Social Services and Public Safety and also the health boards in Northern Ireland have a
commissioning role, our view is that they should operate an influence over the way in which overseas workers in those particular parts of the economy are treated. That is one of the issues we have deliberately thrown on to the table when we were discussing with the departmental officials what more needed to be done in the context of policies and procedures. **Ms McKeown:** It can be as basic as if you are going to encourage a workforce to come in from overseas what do you feed them? Seriously, it has been as basic as not even having on the menu food that people eat. Another big issue is if you are going to encourage them have you got a safe place for them to live and employ them or football shirts as the case here, the cheapest possible place to live because they are trying to send money home often to extended families, therefore they find difficult or contested areas for the local citizens to live in and so you have the compounded problem of the kind of physical attacks that are happening at the minute? There are some absolutely basics that we have not thought out in advance that need to be addressed.

**Q309 Mr Tynan:** I think some of those issues apply to the mainland as well. Is the issue of flags and emblems a particularly contentious issue in the workforce and how do you deal with it?

**Mr Gillen:** It was a significant issue going back a number of years. One of the ways in which we tackled it was we set up a dedicated anti-sectarian unit called Counter (?) which is running to this day. It provides training on diversity. It would assist employers and employees in addressing problems of flags and emblems, or football shirts as the case maybe in different places. It has been successful, deals have been done, and it is definitely not the issue that it used to be. It still is there but in the workplace it is not the problem that it used to be. We have had the education and we have had disciplinary action taken and robust action taken by a number of employers when these issues are brought forward but they are treated sensitively because they have to be. The biggest problem we face with flags and emblems is on our streets. Not just the Union flag or the Northern Ireland flag but paramilitary flags associated with one paramilitary organisation or another or different people. We are working on that and Patricia has also mentioned the voluntary community sector. We are out there with them, out there talking to people who are representatives in these groups trying to address the issues. Some go up at certain times of the year and then come down again. We have to live with that. That is the reality of what goes on in Northern Ireland society. Flags and emblems in the workplace are definitely not the problem they used to be.

**Mr Smyth:** The background to that would be in 1989 the Fair Employment Act was the key catalyst for that and after that there was the guidance provided by initially the Fair Employment Agency and, as Tom said, employers worked with the unions addressing a very sensitive and difficult issue. Without that legislative background companies would have had a difficulty in terms of taking that forward.

**Q310 Mr Tynan:** Could I ask you a question. A recent poll by the Equality Commission (A Wake-Up Call on Race) noted that little had been done by employers and large institutions to tackle the question of institutional racism. What responsibilities do you feel employers have to respond to personal and institutional prejudice?

**Ms McKeown:** Our view is that they should operate an influence over the way in which overseas workers in those particular parts of the economy are treated. That is one of the issues we have deliberately thrown on to the table when we were discussing with the departmental officials what more needed to be done in the context of policies and procedures. **Mr Smyth:** I think employers have got a lot of burdens on them in creating a safe working environment, creating a neutral working environment. As we already discussed, some of these provide quite a lot of difficulties and are quite sensitive. In terms of addressing the broader institutional prejudice or sectarianism in Northern Ireland I think it will be a very big burden to ask employers to add to that. I think many companies have taken positive steps to get better balanced workforces and sometimes that is easier to do than in other cases. If you are a large employer and you are losing people it is very hard to get a better balance in place. It is difficult to put an additional burden on employers to go out and address that in society because it is a fairly broad cultural issue. There is wide acceptance that there is a lot of middle-class sectarianism hidden away behind the scenes. From time to time those tensions do break out in the workforces. I can think of the late 1990s when there was a lot of tension around parades and various things. Companies have got obligations to deliver a lot at the moment in the working environment and, by and large, do a fairly good job in doing that. There will obviously be isolated instances.

**Q311 Mr Tynan:** Do you feel that employers encourage anti-sectarianism in the workforce at the present time?

**Ms McKeown:** Certainly there are elements of the Criminal Justice Order 2004 that redress some of the weaknesses around appointments. For us
fundamentally the entire judicial process needs to have some very serious training and schooling in what these issues are and how these issues should be addressed. We have already argued that there is not much point in the hate crime legislation having strengthened sentencing powers if no-one in the criminal justice system can find anybody to prosecute for these kinds of offences. We would certainly hope that this is an opportunity to take on board the very serious, genuine package of training that needs to happen with all wings of the criminal justice system. We also, quite honestly, need to see the groups who are on the receiving end of discrimination or hate crime reflected somewhere in the structures. I think those are the kinds of lessons that were coming through very strongly from Macpherson and we need to see those translated into our society in terms of sectarianism, racism, homophobia and the equally unacceptable problem that people with disabilities are facing in this society. We need to see that reflected in the system. There is a chance for that to happen.

**Q313 Mr McGrady:** There are signs of it being looked at?

**Ms McKeown:** There are signs and, I think, to be honest, there are a number of initiatives here that need to be pulled together. We are fundamentally disappointed with Shared Future’s failure to take on board the role of the trade union movement and the fact that equality and human rights ought to be central to addressing bad community relations. There is genuine political will needed in putting into effect some extremely good equality tools we have already in place and then the opportunity to use these other issues to take this holistic view. The criminal justice system is not the only element that needs work done on it but certainly an absolutely crucial element in terms of trying to make this a better society.

**Q314 Mr McGrady:** Have you any optimism that these packages of training as you call them would be coming into place at all?

**Ms McKeown:** That would rather depend on you lot getting yourselves into our devolved government.

**Q315 Mr McGrady:** You have to define “you lot”!

**Ms McKeown:** It is important that we get our local structures up and running again. I do think that is important. I think the idea of having in place our devolved structures and having devolved a very clear responsibility for these issues and making sure they happen and are followed through and are monitored is fairly essential. I am hoping there is within Parliament itself a genuine political will to take these issues forward because they are areas that need to be addressed seriously to underpin the peace process. It is all part of the bigger picture.

**Q316 Mr McGrady:** A number of you are involved in the public sector. Have you experience of the application of Section 75(1) and (2), the equality agenda and the good relations agenda, and how that has progressed? Has it been effective?

**Ms McKeown:** In-depth involvement at the minute, to be perfectly honest, yes. Where it is sitting in terms of the hate crimes legislation, we are only at the stage of the public sector starting to produce some drafts on what the policy and process should look like in terms of tackling racism, so we have taken time on that, dragged our heels a little bit I think, but that is starting to come through and these are areas which I believe are essential for the trade union movement, the employers and the other pressure groups and NGOs to work on. For example, with NICEM we are doing some very important tripartite work there where I think we are going to produce some good models to tackle those issues. We are overdue in revisiting what is really happening in terms of the awareness-raising training that needs to be done on both religious and political discrimination and gender discrimination. We are in danger of thinking that is all done and dusted—it was a while back—but those issues are still with us and those cases and grievances still manifest themselves. Serious work needs to be done on awareness raising on disability and homophobia and the vehicle for that is very much the statutory duty because everybody is making the right noises in their equality schemes and in saying we are going to take these issues seriously but there is a genuine issue of under-resourcing of the public sector in terms of taking those matters forward. I hate the idea that this all gets dumped on one poor person’s desk in, say, a health trust employing 6,000 people and they are told, “That is your area of responsibility, get on with it.” It is everybody’s area of responsibility. I would like to see proper resourcing. The practitioners on the public sector side, whom I meet with on a regular basis, say that they want to see greater political will, just as we the trade unions say it, in genuinely making this equality legislation work. Most of the criticism I have to say from the public bodies designated tends to fall at the doors of the government departments as we move up the scheme for not having the same political will to implement as they themselves have and when you move into the government departments you find that there are very committed people in the equality units but they are still working in isolation, it is not cross-departmental and it is not linked into the senior decision-making processes. So it is all there for the doing and most of it is in place for the doing and really it is about how do we get our act together. That there is a roll-back on the commitment to equality I am absolutely convinced of at this point and we have made these points vigorously to the Secretary of State when we met him at the Irish Congress on 23 July. We are waiting for him to come back to us on these issues.

**Mr McGrady:** I think you have effectively dealt with what was going to be the second part of the question. Thank you very much, Chairman.

**Q317 Mr Pound:** Michael Walker of Unison in London has written that the size of the workplace has a direct correlation to the extent of sectarian problems within it. The larger the workplace the lower the problems; the smaller the workplace the higher the problems. Is that accurate?
Mr Campfield: There is an issue there. I think it is more to do with the balance of the workforce within a particular workplace rather than the size of it. You will find that the larger workplaces and the larger factories or employment areas are probably more balanced. I think there is a correlation between the fact that the large workplaces, those organisations which employ large numbers of people, would tend to have more mixed workforces, and with more mixed workforces I think you are likely to find a greater degree of co-operation among everybody that is employed and therefore because there is that balance I suspect that sectarian difficulties are not as prevalent as they might be in a smaller workforce, for instance where you have almost predominantly one set or the other where maybe there is an assumption that there is particular culture of one particular group rather than the other which is the prevalent one and therefore it creates more difficulties for those who happen to be in a minority situation. I think it is probably because of the balance of the workforce as opposed to the actual size of the workforce, but there is a clear link between the size of workforces and the fact that larger workforces tend generally to be more representative of the community as a whole.

Ms McKeown: I think also larger workforces will tend to have a more clearly defined human resources structure, more clearly defined training development programmes and procedures, and they will more tend to be unionised than smaller workplaces, and I think that is an absolutely key issue.

Chairman: Is that always an advantage?

Q318 Mr Pound: Yes, it is always an advantage.

Ms McKeown: That is always an advantage speaking as probably the only movement or organisation on the island that encompasses every single shade of political opinion and some not at all.

Mr Gillen: Boy, do we know it!

Chairman: Just checking everyone was awake, that is all!

Mr Smyth: I would reiterate what Patricia said, I think the larger companies are going to be better resourced. It is only if you employ 100 people are you going to have an HR manager so if you are a lot less than that employing 40 or 50 it is going to be an operations manager or director who is going to have to pick up these responsibilities. You have less skills there, less resources, more pressure on time, so you are more likely to find all of this a greater burden.

Mr Pound: That is interesting. I was going to ask the next perfect question: what is the Government not doing that it should be doing but I think Patricia McKeown has got that on the record, may I say vigorously, so I do not know whether that needs to be asked.

Chairman: I think I do not think it does.

Q320 Mr Beggs: Has the influx of foreign workers led to problems in the workplace?
workers which is the bigger problem as opposed to
the fact there are bigger numbers of overseas
workers employed now in Northern Ireland.

Ms McKeown: We certainly have evidence of
exploitation of overseas nurses in the private nursing
homes sector, and indeed some horror stories.

Q321 Chairman: Is this on the medical side or the
domestic side?

Ms McKeown: Primarily nurses.

Q322 Mr Pound: Philippinos principally?

Ms McKeown: Principally Philippinos but a little
from South Africa as well. We have an Anti-Racism
Network in the Irish Congress that spans North and
South and involves unions and also some of the
lobbying organisations which looks at clear
exploitation, some of it through almost the slave
trade of people being brought in very much on
exploitative terms and conditions and they are
displacing local workforces and of course stuff like
that breeds racism. Also our colleagues in UCATT
have flagged up their very serious concerns that there
are clear instances in the construction industry too,
by one means or another, dismissing existing
workforces to replace them particularly with
workforces from some of the accession countries.
This has raised a very important issue around the
practice and behaviour of employment agencies.
They have already tracked employment agencies
who have been advertising themselves as capable of
bringing in workers from A, B, C, D or E accession
country at cheaper rates than would be permissible
to pay the workforce in this country. All of that is a
big issue for the trade union movement because we
have got to protect the people coming in, we have got
to protect the people already here and, as it happens,
the issue of racism grows because the resentment and
the fear of it all is going to manifest itself in clear
racism.

Mr Gillen: It is going to be a new challenge.

Mr Smyth: I have spoken to three or four companies
in the last month who are what I would call the
reputable large companies and they all reinforced
the fact that they cannot get people in the local
labour market and they have had to go out to
Portugal or increasingly to Eastern Europe. They
emphasise that they are paying the going rate but I
think they are frustrated by the fact they cannot get
local people with the attitudes and knowledge and
skills they require in their workplaces.

Q323 Mr Pound: Is this construction, catering,
nursing?

Mr Smyth: This is the food sector principally but
increasingly in the engineering and construction
sector.

Q324 Mr Pound: Engineering?

Mr Smyth: There are companies relocating from
parts of the Province going to Cookstown because
they cannot get the local labour market. They are
moving into the Belfast area where they believe there
is a bigger pool of labour. There are other companies
that are working at capacity because they cannot get
labour to manage their output on the back of that.
We need to bring these immigrants in if we want to
grow the companies. They are communicating that
to the rest of their employees and, by and large, that
is accepted. One thing these international workers
are bringing is a very, very high work ethic, which is
an extremely powerful benchmark for the existing
workforce.

Mr Gillen: We have 250 young people coming in as
modern apprentices in the construction industry. A
recent survey said we need an 18,000 workforce
in the construction industry. 250 modern
apprenticeships will not address that skills shortage
that Nigel highlighted and it is something we need to
do something about. What it does do is give 250
people young men and women the opportunity to
finish their time and come out with a skill. What was
happening prior to this was they were coming in for
a year or two years, costing the employers virtually
nothing and going out before they had the
opportunity to finish their training stint. That again
is something that we have discussed with the
employers, with the Secretary of State, with John
Spellar. There is the whole question of public
procurement as well. We met the Procurement
Director just two weeks ago. We are asking them to
introduce this whole social issue into granting public
contracts. There is a duty on government here, as
Patricia referred to earlier on, to ensure the systems
are there where people can be trained, and that is still
a problem for us.

Q325 Mr Beggs: Are you aware of illegal
immigration having any impact on the workplace or
on hate crime?

Mr Gillen: We have no statistics on that at all at the
moment. There is obviously some illegal
immigration but because it is illegal it is more hidden
and they are unlikely to come to the trade union
movement for help or support because they know
that they are vulnerable. Again, it is an issue for the
authorities to look at.

Ms McKeown: We have seen the television
programmes that you have probably seen yourselfs
in terms of the some of the activities, some elements
of the food industry, the mushroom-growing
industry, et cetera. We have had again through the
Anti-Racism Network evidence from local trade
union officials in various parts that there are people
certainly being smuggled and exploited and there is
all of the problem of fear and intimidation that goes
with that. It is there; I could not say to what extent.

Mr Gillen: There was a case last week anecdotally
where a person was employed and they did get in
touch with the trade union officials and they were
prepared to help them. They said, “We want advice
as to how we should go about some things but this
person is here illegally.” You cannot help them if
they are not prepared to stand up.

Mr Beggs: My final question would be to
Nigel. The CBI has suggested that there might be
merit in the Government becoming involved in a
more proactive communications campaign in
partnership with the business community and other
stakeholders to explain why immigration is increasing in Northern Ireland. What form would you like the communications campaign to take? Has the CBI approached the Government about this issue?

Mr Smyth: Regarding the second part of the question we have not approached the Government on the back of that. We know from experience that communications has a key part to play in changing a culture and addressing a problem and we have experience of that over the last 14 or 15 years within the workplace. Certainly we do believe it requires some form of educational campaign, whether by posters, TV, leaflets or newspaper articles. We would need to combine that with a level of education training of community leaders, local political leaders, et cetera, particularly in some of these sensitive areas geographically where hate crime seems to be a bigger feature than others. We have not given it a great deal of thought but certainly the experience that we would be coming from over the last 15 years would suggest that communications is a key part of the answer in addressing a problem like this.

Chairman: Thank you very much all of you. It has been a very helpful session indeed. Good answers, to the point, and I hope that those who follow will do the same. The Committee will adjourn for five minutes.

Memorandum submitted by Belfast City Council

1. The Council welcomes the opportunity to make a submission to the Northern Ireland Affairs Committee on the issue of Hate Crime in Northern Ireland, with particular reference to the sectarian element of the Inquiry.

EXPLORE THE REASONS FOR THE REPORTED INCREASE IN CRIMES AND INCIDENTS MOTIVATED BY HATRED WITHIN AND BETWEEN THE COMMUNITIES IN NORTHERN IRELAND

2. Although Northern Ireland in general is characterised by the social divisions between the two main communities of Catholic and Protestant, it is in Belfast that these divisions are most evident. The segregated patterns of life in the City exist at all levels and are often marked in physical form, through eg. flags, gable end murals and kerb painting. Demographic evidence shows progressively higher levels of residential segregation and it is now estimated that less than a third of the population of Belfast lives in areas which are mixed. This polarisation is particularly marked in public sector housing where the NI Housing Executive estimates that estates are almost wholly segregated, with the figure for the rest of NI being around 70%.

3. There are at least 27 purpose-built interface walls in Belfast of varying construction and many more interface areas and confrontation points. The interface communities have been most affected by the Troubles of the last 30 years and have consistently high rates of social, economic and environmental disadvantage. They are most affected by the continuing tension and sporadic eruptions of violence and their access to services and facilities perceived as being “on the other side” is restricted.

4. There are more resident minority ethnic members in our community than in other local authorities in NI as Belfast is a regional capital and headquarters for many organisations. Although official 2001 census figures show that minority ethnic groups constitute only 1.37% of the population, numbers are growing. These minority ethnic and faith citizens make a significant contribution to society and the local economy and provide important services, often filling jobs which cannot be filled by local people in NI, which continues to have a net outflow of population. The Council is concerned to note that the level of racially motivated crime in NI is proportionately higher than in the UK and has been alarmed at the recent increases in racist incidents and attacks, especially in South Belfast.

5. Evidence from social attitude surveys show that communities in NI continue to portray low levels of tolerance or appreciation of diversity in general. Research has shown that even pre-school children in NI show small but significant differences in their preferences for particular people’s names and flags and in their attitudes towards Orange marches and the police. There is also a higher incidence of domestic violence in NI and violence in general here appears to be a more acceptable means of dealing with conflict.

6. There used to be a common misconception that racism was not a problem in NI but unfortunately recent racist attacks and incidents have dispelled this myth. Racism also appears to be much more significant than sectarianism in influencing people’s attitudes and survey evidence shows that NI people seem to be twice as unwilling to mix with members of minority ethnic groups as with members of the other main religion to themselves.

7. The Troubles of the past 30 years have effectively isolated NI from the wider demographic changes within the UK, Dublin and Europe as a result of immigration and mobile workforces and to some extent NI is still catching up. Successful and expanding cities everywhere attract people from all over the world and Belfast is no different. We must be careful not to associate a perceived increase in racism directly with an increase in the minority population; a rise in reported crime does not necessarily reflect an increase in intolerance as that has always been here.
8. The increase in reported crimes is due to some degree to the fact that victims of racist incidents have become more confident about their reception when reporting incidents to the police and this is to be welcomed. This is partly as a result of the higher profile given to hate crimes in the media but also partly due to more sensitive PSNI recording procedures and increased resource allocations—eg each District Command Unit now has a Minority Liaison Officer and in South Belfast, where there have been most racist attacks, the PSNI have put on extra patrols and dropped 29,000 leaflets.

9. However, care needs to be taken in analysing the PSNI statistics. The PSNI's own figures reveal that despite 463 reported incidents in the year 2003–04, only eight prosecutions were made for racist offences. The PSNI stressed that not all the incidents reported were crimes: a number were incidents which the PSNI encouraged people to report but over which they could take no action.

10. Often intolerance and racist behaviours mask other social problems such as economic decline and social disintegration of traditional communities; this is not to excuse such behaviour but underlines the fact that policy-makers require more sophisticated interventions than simply anti-racist programmes. There are claims that those responsible for racist attacks may have paramilitary links.

EXAMINE THE EFFECTIVENESS OF MEASURES TAKEN BY GOVERNMENT AND RELEVANT AGENCIES TO TACKLE PREJUDICE, AND TO SUPPORT THE VICTIMS OF SUCH PREJUDICE

11. The Council is committed to the principle of equality and to the recognition of human rights for all its citizens. Our Vision in terms of our Good Relations Strategy is for a stable, tolerant, fair and pluralist society where people can live, work and play together, with respect and understanding and without fear or mistrust. Unfortunately, when sectarianism and racism pose a continual threat, the attainment of such a society is very difficult.

12. The Council is well aware of the effects that Belfast’s segregation has on the planning and provision of effective public services. This necessitates, among other things, additional costs in, for example, the dual provision of facilities for leisure and community use: practical difficulties in the management of a large workforce delivering services in areas characterised by division, eg in refuse collection and grounds maintenance; and intermittently, the cost of cleaning-up after civil unrest, street disorder and bonfires etc.

13. The Council acknowledges that behaviour and attitudes in our society need to change significantly in order to address broader issues relating to hate crime and injustice and is determined to play its part in working to address prejudice, enhance awareness of other cultures, increase tolerance in the City and tackle issues like sectarianism and racism.

14. The Council has adopted Good Relations as a corporate strategic objective and our Good Relations strategy includes specific actions that aim to promote both good community relations and good race relations within Belfast. This strategy was developed following audits of both the internal and external environments to ensure that it took account of recent developments and incorporated best practice. At a draft stage, the Council undertook a wide-ranging series of round-table consultation meetings with representatives from various sectors within the City, including Churches, faiths, minority ethnic groups, trade unions, business, statutory bodies, voluntary organisations, community groups, those living in interface areas, community relations specialists, advisors and academics. This series of consultation meetings was well attended and discussions were lively; views expressed on the Council’s proposals were very positive and were incorporated into the strategy.

15. In the past 20 years, there has been a marked improvement in political relationships within the Council with the concept of proportionality well embedded and the d'Hondt system used to allocate positions of Committee Chairmen and Deputy Chairmen. The composition of the Council has changed and become more finely balanced and there is more cross-party working, with all Councillors recognising the benefits of working together on major issues.

16. These developments at City level have reflected the profound social, political and legislative changes that have taken place at regional level in NI. Despite ongoing political differences, all political parties in the Council agree that better relations among our citizens will contribute to a better future for everyone. The Council has agreed that it will make efforts to tackle the challenges of our divided society and make a positive contribution towards becoming a more stable, diverse and equitable society. It has acknowledged that, as a democratically elected body, it is in a prime position to demonstrate civic leadership and promote good relations in society.

17. The Council’s innovative model of a Good Relations Unit, which co-ordinates and integrates work on the promotion of equality of opportunity with its developing work on good relations, has been recognised as a model of good practice by the Community Relations Council, the Community Relations Unit within the Office of the First Minister/Deputy First Minister and welcomed very positively by the Equality Commission, who regard Belfast as a pathfinder Council.

18. The residents of Belfast support the Council’s plans to take action in relation to improve community relations. In the Council’s own major Public Consultation Survey of 2001, over half of those interviewed stated that the worst things about living in Belfast were the Troubles, violence, sectarianism and bad community relations. When asked (without prompting) what the Council’s main priority should be, 14% stated that it should be community relations (this was the top response).
19. The Council acknowledges that a great deal has been achieved to date by many individuals, groups, and organisations that are working, often behind the scenes, to improve community relations and reduce tension and mistrust in the City. The Council has recognised that it cannot affect change in community relations in society on its own and is already working in partnership with other public and private agencies in the City to address wider policy issues and examine the factors that cause division and exclusion.

20. Our Good Relations Steering Panel is unique within Council structures as it is made up from elected Members from all six political parties, along with representatives from the Churches, trade unions, the business sector, Community Relations Council and minority ethnic groups. Many of these individuals and organisations are engaged in peace-building and cross-community activities and have the capacity to reach a broad audience for this work. The concept of the creation and establishment of a Good Relations Steering Panel, where external members from a wide range of bodies also contribute to the Council’s work in good relations, has been widely acclaimed.

21. Earlier this year, the Council unanimously adopted a Notice of Motion which condemned all racist attacks in the City and declared its willingness to work with all those organisations which are genuinely trying to remove the evil of racism from Belfast. Racist behaviour not only has a traumatic effect on those directly affected but degrades the quality of life for everyone here. The Council has called for all steps to be taken within the law to deal with such behaviour and to provide reassurance for those under attack.

22. The Council has agreed: to publicly condemn, at every opportunity, all manifestations of racism in whatever form and wherever occurring in Belfast; to continue to engage in dialogue and develop new channels of communication with minority ethnic members of our community; to give practical support for projects designed to tackle racism within the City and to request the Belfast District Policing Partnership to monitor the PSNI to ensure that appropriate steps are taken to apprehending the perpetrators of this type of crime.

23. Under the District Council Community Relations Programme, funded by the Community Relations Unit within the Office of the First Minister/Deputy First Minister, the Council has established a Good Relations Grant-Aid Fund with challenging criteria and has provided grant-aid and practical assistance to a wide variety of projects which support and encourage good community and race relations eg a mediation project in the Donegall Pass area, a project to tackle sectarianism in local football and cross-community work on the Springfield Road.

24. The Council has already co-operated with the Community Relations Council in a couple of joint funding applications and has worked closely with it and other funding bodies to ensure that the criteria established for the allocation of grant-aid are complementary and avoid duplication. The Council has just jointly commissioned research to carry out an audit of Good Relations activities and projects in Belfast; the cost of this will be shared 50/50 with the Community Relations Council and many other bodies, including the Community Relations Unit and Belfast LSP have already expressed interest in the work.

25. The budget allocated to the promotion of good relations within the Council is miniscule compared to other Departmental budgets. The budget allocated by central Government to the community relations sector in general in NI is indicative of the level of the priority given to it and is considerably less than that assigned to the equality sector. Yet demonstrating commitment beyond compliance with legislation and attitudinal change will only come about through community relations work and not through litigation.

26. The current Review of Public Administration in NI has already accepted that local Councils are to have increased powers and duties. The recent consultation on A Shared Future, the outcome of which we await with interest, also indicated that local Councils might have greater responsibilities regarding community relations. If this is the case, local Councils will require additional support and capacity building at a regional level in order to undertake these duties effectively and provide civic leadership at a local level.

27. The Council recognises that it has a responsibility not only as a service provider for those who live and work in Belfast, but also as, in NI terms, an employer of a substantial workforce. We are currently drafting and expect to complete by the end of this year, a Good Relations Training Strategy. This strategy will include training and awareness on issues including respect for diversity, cultural awareness and conflict management and will be delivered to all 2,400+ employees and 51 elected Members. The strategy is currently being developed and will draw on the real experiences of Council staff that provide services in a divided City.

28. The Council aims to mainstream good relations principles—equity, diversity and interdependence—into all its business. We have made a start by requiring all Committee reports to contain a section relating to the equality implications contained in the report; at a later date this requirement will extend to good relations considerations.

29. There is great importance attached to symbols in NI—flags, graffiti and murals—which play a critical role in defining territories. Yet perception differs according to background—what may seem an expression of cultural identity to one may appear as offensive or downright hostile to another.

30. As a good example of a successful local campaign, in partnership with the DRD Roads, NI Housing Executive and the local community, the Council cleaned up 21 murals and removed 7,000 metres of kerb painting in the lower Shankill. This project won a Tidy Britain Award where its impact was described as not just environmental but a “symbol of hope versus the legacy of the past”.
31. The Good Relations Steering Panel has considered a draft set of principles which would look at the location of flags and timing of display, including a default mechanism for their removal. The Council is also involved at a strategic level to try and address this issues of flags, bonfires etc. in a practical and appropriate way. Such displays have an obvious impact on the environment and quality of life; they impede regeneration and deter investment. A more concerted and co-ordinated approach by Councils, Government Departments and other agencies eg NIHE, DRD, Roads Service would be helpful in tackling the proliferation of flags flying in Belfast.

32. Disadvantage and deprivation play major roles in contributing to social unrest and despite many Government initiatives over the years, social and economic deprivation continue to have a substantial impact on Belfast. The Noble report ranks the City as the most deprived Council area in four out of the six measures used; the worst ten wards in NI in terms of health and eight out of the ten most deprived wards in terms of education, skills and training are all in Belfast.

33. The Steering Panel has agreed that the issue of sectarianism is not confined to interface and working-class areas but is evident throughout society and manifest in different ways. Mixed communities also require support to retain their mixed nature.

34. The Council has made strenuous efforts to try to increase the attractiveness of the city, stimulate regeneration and improve its image. The relationships among Belfast’s own people are crucial to its future as they have a very real impact on our quality of life and how we are perceived. If Belfast wants to take its rightful place in Europe and in the global economy it must not be dragged down by bigotry, hatred and intolerance. Our image has a direct effect on our ability to attract visitors, tourists and inward investment, and our ability to develop and thrive as a city.

35. The Council has agreed that the law needs to protect all vulnerable groups in society. There should be no hierarchy of crimes and no legitimate differentiation between hate crimes, whether motivated or aggravated by hatred of race, religion or sexual orientation. The Council welcomes the extension of the legislation to protect people with disabilities.

36. The PSNI is concerned about the low number of prosecutions as it has put considerable effort into encouraging people to report incidents and the rise in the number reported demonstrates that this has been effective. The PSNI is aware that although people in the local community know who is behind these racist attacks, they do not share the information with detectives. Without community support, it is very difficult for the police to take action.

37. The principal problem is not with the law itself, but in trying to ensure that those responsible for carrying out hate crimes can be apprehended, charged and successfully prosecuted. To ensure that witnesses are comfortable about coming forward and giving evidence, sectarian and race crime has to be universally condemned and regarded as socially unacceptable.

38. The Government has had successes in the past with campaigns such as wearing seatbelts and drink driving and would be best placed to promote a similar campaign on sectarianism and racism, backed up by diversity awareness in schools. The concept of good citizenship and a broader social responsibility can only be embedded in a long-term cultural shift brought about through educational strategies.

CONCLUSION

39. The Council is aware that there are no short-term answers in the process of change that NI is going through and no quick fixes in addressing issues like prejudice and intolerance in a divided society.

40. Developing robust relationships, within which we can still retain our different opinions and our uniqueness, but where we can also respect the views of others, is essential. As Belfast emerges from 30 years of violent conflict, we have a collective responsibility to devote our efforts to working together to heal the wounds of the past; to building mutual understanding, respect and trust; and to promoting good relations among all our citizens. Peace-building and the development of trust will take time but improving relations is a matter of concern for us all in the new Belfast of the 21st century.

41. Public attitudes towards community relations in N Ireland often go hand in hand with perceptions of political circumstances but it is worth pointing out that a NI Life and Times Survey at the end of 2003 indicated that although the public were somewhat jaded about the political situation, attitudes towards community relations were increasingly up-beat. The increase in the proportion of people who believed relations between Catholics and Protestants are better now than they were 5 years ago mirrors the decline in paramilitary violence. Optimism is also rising—the proportion of those who believe relations will be better in five years time is increasing.

August 2004
Memorandum submitted by Down District Council

Down District Council welcomes the opportunity to comment on the issue of hate crime in Northern Ireland which has been highlighted in Parliament and the media in recent months. The Council is committed to the principle of equality and the recognition of human rights for all its citizens. There is also recognition that certain groups at particular times need additional protection or assistance because of their particular circumstances.

Section 75 of the Northern Ireland Act 1998 (“the Act”) requires Down District Council (DDC), in carrying out all its functions, powers and duties, to have due regard to the need to promote equality of opportunity. In addition, Council remains committed to the promotion of good relations between persons of different religious belief, political opinion or racial group. At the heart of the legislation is improved and better targeted public policy making.

Down Council’s Corporate Plan 2003–06 states that Council will,

“promote good relations, equality of opportunity and fair treatment for all and implement our policies consistently . . .”

BACKGROUND

Down District Council area extends over 647 square hectares with a dispersed settlement pattern. There are three main towns, Downpatrick the district town, Ballynahinch and Newcastle. There are also an additional 14 villages and 22 smaller settlements across the area.

The Down area has not experienced the levels of violence experienced in single identity or large urban areas. There have been, however, some high profile incidents throughout the last 30 years that have had a subsequent impact on good relations.

Within the Down area the number of ethnic minority residents has risen slightly, however, according to the 2001 Census Data. The area remains, in terms of ethnic group, an area with 99.3% white majority out of a population of almost 64,000.

At present, there is no statistical evidence within Down, to suggest there has been an increase or high level of “hate crime”. PSNI Community Safety Branch has recorded one racial incident in the Down District Command Unit in 2002–03 and no sectarian or homophobic incidents. This, however, may suggest that there is a level of under-reporting in relation to these and similar types of crime.

Following the recent review of Community Relations Policy “A Shared Future—A consultation paper on improving relations in N.I. 2003”, Down District Council is aware that the range of ethnic minorities represented in Northern Ireland will grow in the next decade. This will represent a challenge to policy makers in both central and local government. The experience gained by colleagues in local authorities in Great Britain, however, will be invaluable. Organisations such as Improvement and Development Agency and Cabinet Office are keen to share good practice across the public sector in such areas.

Council is also aware of its civic leadership role and works in conjunction with the community voluntary and statutory sector to further the interests of everyone in the community irrespective of background. Council is proud of its record in promoting an area where tolerance is clearly in evidence. Council is not complacent, however, and believes that the positive attitudes shown by its citizens is as a result of the courage and consistent civil leadership shown by public representatives in reacting to incidents over the last thirty years.

Council has now committed itself to a civic responsibility programme for all citizens. This will incorporate the valuable work already undertaken by all Council departments and complement work currently undertaken in schools. Consultation will shortly be undertaken with a number of stakeholders throughout the community, including groups representing the 9 Section 75 groups, to determine how this can be developed.

Issues to be addressed include a greater sense of tolerance and understanding in areas such as political opinion, racial background, sexual orientation and religion. It will also promote active citizenship across all age groups, and encourage a more inclusive society.

Council recognises that active citizenship involves democratic participation with individuals playing a full part in community and civic life. Community capacity building should aim to promote opportunities for people to contribute to the regeneration and development of their communities for volunteering in the community, and to participate in public affairs for the benefit of the wider community.

Social Inclusion is the process of ensuring that all sections of the community, particularly the disadvantaged or disabled, have equal access to opportunity. The aim of social inclusion will be to make a difference to people, especially those who cannot participate because of some actual or perceived barrier. Social inclusion will mean giving everyone a chance, regardless of circumstance, to have their needs, abilities and aspirations recognised, understood and met. Council’s civic responsibility programme would hope to enable them to realise their full potential and become full participants in society.
DOWN DISTRICT COUNCIL’S COMMUNITY RELATIONS PROGRAMME

Evaluations by the Community Relations Unit of Council’s community relations programme have concluded that the programme has been effective in helping to address issues of sectarianism and prejudice. The experience of Community Relations practitioners in Down would suggest, however, that matters or issues outside the control of the programme such as the underlying political situation may subsequently have a negative impact on good relations. To this extent good community relations is a delicate house of cards that has to be reinforced.

The Council has been proactive in relation to certain celebrations such as the promotion of the annual Cross-Community St. Patrick’s Day Parade; nevertheless this improved situation can last only whilst the hard work continues and provided that external events do not conspire to raise tensions. The parade includes each year up to six invited groups from ethnic backgrounds. This allows them to showcase and celebrate their culture to a wide audience.

Training has been offered to voluntary, statutory and community organisations on a diverse range of topics including good relations and dealing with prejudice. This programme seeks to build the capacity of groups to develop equitable policies and procedures, while raising awareness of the issues facing minority or vulnerable groups.

Council has also provided grants to local voluntary and community groups to encourage and assist them to deal with issues of identity and culture. One example is the support for attempts at mediation in relation to flying of flags which are used to mark out territory. An annual programme of Soccer Fun Weeks is organised by the Council, which includes activities to build tolerance and respect with regard to symbols of identity and allegiance.

Internally, the facilitation of equality awareness training for staff has been complemented by the mainstreaming of and promotion of an equitable ethos throughout the organisation.

PEACE II/ EUROPEAN MONIES

Financial support accessed through European Peace programmes has made an impact at grass-roots level. For example, the Community Halls Project encourages community activists to be proactive about the management of community halls. This includes participation on a course to ensure their premises are open and welcoming to all traditions and cultures. Y2K is a youth forum in Down District. The forum, which is funded by the Local Strategic Partnership on which Council is represented, recently organised a trip to South Africa to explore difference there.

In relation to the South Eastern Education and Library Board Schools Cross-Community Contact Programme, Down District has one of the highest levels of school linkages.

Down District Council notes that while interagency initiatives appear to have been successful locally, co-ordination at a higher level has not been as positive. This may change with the development of an inter-departmental body to address issues of concern.

NIHE COMMUNITY RELATIONS STRATEGY

Significantly, Down is one of two district council areas that have the highest prevalence of mixed social housing estates in Northern Ireland. As a result there are no significant interface areas. Where there are single identity estates representatives of these estates work closely with Council on Council’s Customer Focus Group.

The publication of the Northern Ireland Housing Executive strategy, “Community Relations and Community Safety; A Housing Perspective”, provides clear and strategic guidance on their community relations policy. In particular:

— To provide housing support to victims of sectarian intimidation.
— To maintain the freedom of choice of individual applications to decide where they wish to live.
— To support programmes in conjunction with others which strengthen that choice by preventing intimidation, removing sectional symbols and developing “mixed” estates.

The Executive in the implementation of their strategy have developed local action plans for addressing conflict and division. On the ground the perception of NIHE has mainly been positive due to the direct intervention nature of the organisation.

COMMUNITY SAFETY

Community Safety has been acknowledged as a medium that can address common issues of concern and therefore can impact positively on good relations within the District.

The establishment of Down District Community Safety Partnership in December 2003 has encouraged multi-agency responses to all community-based issues.
Programmes to address community concerns include:

— Community Safety Capacity Building Programme which proposes the development of a district-wide cross-community community safety network. Participant communities will therefore be resourced to work in partnership to implement innovative solutions to crime, anti-social behaviour and community conflict. Good Morning Down is an example of a proactive scheme which is about to start operating out of Council's Art Centre in Downpatrick. It is a telephone helpline and community information point for the vulnerable households in the District.

— Cross-Border Community Safety Network which will link all communities through the medium of community safety and the implementation of district wide projects.

CONCLUSION

Council recognise that hate crime in Northern Ireland is on the increase. Council are keen to play a role in improving good relations and tolerance. The effectiveness of programmes and interventions which promote a more tolerant society will continue to be evaluated and implemented across the Down District. Council will use its civic leadership role to speak out against hate crimes whenever they occur and send out the message that such behaviour is unacceptable.

20 August 2004

Memorandum submitted by Strabane District Council

Strabane District Council welcomes the opportunity to submit written evidence on the issue of hate crime in Northern Ireland. Strabane District Council is committed to the “fulfilment of its section 75 obligations in all parts of its organisation”. To ensure the effective implementation of the scheme, the Council has introduced internal co-ordination arrangements, which are reviewed on an annual basis.

HATE CRIME IN STRABANE DISTRICT COUNCIL

According to PSNI there were eight recorded incidents of racial crime in Strabane between 1996–2004.

HOMOPHOBIC INCIDENTS

Strabane has been one-recorded homophobic incident from 2002 to 2004.

SECTARIAN INCIDENTS

Currently the PSNI have no mechanism in place for recording this type of incident.

It should be highlighted, however, that a level of under-reporting may exist in relation to crime in the area.

STRABANE DISTRICT COUNCIL COMMUNITY RELATIONS PROGRAMME

Background to Community Relations

Strabane District Council has had a Community Relation’s policy in place since the inception of the CR programme in 1989. The aim of the Council’s Strategy is “in mainstreaming Community Relations within the Strabane District Council area, the department will strive to promote an understanding of and respect for cultural diversity and ensure equity for all in a society without fear”.

Key Areas of Work

— The delivery of training programmes such as “Us and Them Too” which have been successful in developing an understanding of race, disability, and sexual orientation to community organisations in the district.

— Equality awareness training—the promotion of section 75.

— Religious diversity training—promoting an understanding of the different religious traditions, which exist in Northern Ireland.

— Twinning initiatives with schools and community groups.

— Cultural diversity programmes.

— Providing support and advice to groups who wish either to develop a Community Relations Strategy or participate in a cross-community project.

Peace II/European Monies

The implementation of the peace programme through the Local Strategy Partnership has made a significant impact on improving relations in the area through the implementation of a range of projects. Recognising that reconciliation is a difficult concept to quantify, an evaluation of peace one attempted to offer a measure of taxonomy to project promoters to probe the extent of cross-community contact.
affected by partnership supported projects. The results showed a positive increase in cross-community contact by participants. In terms of direct reconciliation project promoters indicated that their project had a positive effect on reconciliation mainly within their own neighbourhood.

**Schools and the EMU programme**

The school system remains mainly segregated in NI with 96% of children attending separate schools. There are however, a number of controlled primary schools that are well mixed in terms of religion and race in the Strabane area.

The majority of primary schools in the Strabane District Council area participate in the “Education for Mutual Understanding Programme”, this is a programme, which promotes mutual understanding in schools and provides the opportunity for children and teachers to make links and participate in joint projects.

**N.I.H.E—Tackling Division**

Housing also remains segregated in NI with almost 70% of NIHE housing estates being either 90% protestant or 90% catholic.

The Housing Executive is committed to improving Community Relations and help tackle division through its Community Relations programme.

The Key Strands of the programme are:

— To respond to the needs of people in danger as a result of Community Conflict.
— Support people who choose to live in single identity or integrated neighbourhoods.
— Work in close partnership to develop results on the ground.
— A new Community Cohesion Unit.
— Involving tenants on shaping housing services continues to have the highest priority within the Housing Executive 430 C. Ass. The implementation of the Neighbourhood Renewal, Community Safety and Community Relations strategies are integrated and engaged in this work.

**Community Safety**

The implementation of the Northern Ireland Office’s Community Safety Strategy, notably the establishment of a Community Safety Partnership for Strabane, will provide the opportunity for inter-agency working at a local level. The partnership will aim to deliver the nine key themes identified in the community safety strategy. One such theme is “offences motivated by prejudice and hatred. Strabane Community Safety Partnership will work with Community Relations and others to reduce levels of crime, and to promote and enhance the safety of minority ethnic residents.

**Conclusion**

Council recognise that hate crime in Northern Ireland is on the increase. Council are committed to playing its role in enhancing and improving good relations and tolerance throughout the district and through its work as a council. Programmes, which promote a more tolerant society, will continue to be developed throughout the district and their effectiveness monitored and evaluated to ensure that all residents can continue to live, work in the Strabane District.

**Witnesses:** Ms Hazel Francey, Good Relations Manager, Belfast City Council; Mr Gerry McBride, Policy and Co-ordination Officer, Down District Council; and Ms Clare Mullen, Community Safety Officer (previously Community Relations Officer), Strabane District Council, examined.

**Q327 Chairman:** Let’s move on. You are very welcome, ladies and gentlemen, thank you for coming to help us with our inquiry into hate crime. Perhaps each one of you could just give us a quick thumbnail on what evidence you have of sectarianism and you have each tried to tackle it. Shall we start left to right.

**Ms Francey:** My name is Hazel Francey from Belfast City Council. I think it is fairly obvious that Belfast has particular problems in Northern Ireland regarding sectarianism because Belfast has actual physical divisions. We have 27 peace walls or peace lines in Belfast. The level of segregation is fairly obvious at all levels of the city and social surveys show that segregation and polarisation of communities is increasing. That is particularly obvious in public housing. Basically the less money you have the less choice you have. Obviously the Troubles of the last 30 years have subsided a lot but we still have sporadic outbursts of violence, particularly at interface areas and other confrontation zones.

**Q328 Chairman:** What have you been doing in response to it? Let’s stay with Belfast for the moment.

**Ms Francey:** Belfast for a long time did not have community relations officers in post and we have just recently rejoined the District Council
Community Relations Programme which is funded by the Office of the First Minister and Deputy First Minister. We have set up a good relations unit within the last year and a half and that unit is a bit different from other district councils because we have joined together the two statutory obligations under Section 75, the first of those being, as you know, to promote equality of opportunity and the second part of Section 75 is to promote good relations. We have set up a unit which combines the equality responsibility with the good relations duty and we have rejoined the district council programme. We have established a large good relations fund through which we hope to fund and support local activities and projects which promote good race and good community relations between our citizens. We are also doing a number of other things internally within the council. We are establishing a training programme for all the council staff. I think it is important to point out that Belfast City Council in Belfast terms in Northern Ireland terms is a fairly big employer with 2,500 employees so we hope to complement our existing equality training strategy by bringing in new a community relations and race relations training strategy on the back of that which will then filter out through all our workforce.

Q331 Chairman: It is overwhelmingly sectarian although the figures are relatively small?
Mr McBride: Yes, they are.

Q332 Chairman: What about Ms Mullen and Strabane? A different story here?
Ms Mullen: The way the district is made up Strabane Town which is 98 per cent Catholic and the rest of the district which is 65. Like any other area in Northern Ireland there have been a number of sectarian incidents taking place in the district, be that through graffiti or whatever. In terms of racial incidents there have been eight incidents recorded between 1996 and 2004 and there has been one homophobic incident from 2002 to 2004. Strabane District Council has a community relations programme and since inception in 1989 has taken this on board. We have a very strong community relations programme. We try to reduce geographical polarisation between rural communities and urban communities. We do a lot of work with the local schools in the district through different cultural awareness programmes and initiatives and we work closely with all our community groups.

Q333 Mr McGrady: It has often been said that local authorities because of their proximity to day-to-day issues within their communities are best suited to address the causes of sectarian hate crimes and the resolution to them. That would mean in my interpretation that you should be given the primary role in that particular development. Do you accept that and, if so, how do you think it should be implemented?
Ms Mullen: Councils are well placed to take on a lead role in assessing sectarian incidents which happen and their causes because we have officers there at a local level working with groups and because of our local councillors we are there in place. I do not know if I can speak for the others.
Ms Francey: In Belfast we would argue that onethat all the different programmes incorporate the equality principles, in particular the Section 75 principles.

Q330 Chairman: What is the biggest problem area of hate crime in your area?
Mr McBride: In relation to our district I have been trying to assess the statistics in relation to the various divisions, et cetera. In the last year there appeared to be approximately 30 sectarian incidents across the district. That is very much anecdotal as the statistics are not well collated at present. They would tend to centre around issues such as sectarian graffiti and in some cases physical attacks on individuals but there would be roughly 30 incidents that we can assess across the districts. In terms of race attacks, there perhaps have been one, possibly two, that could be seen to be motivated by the ethnic nature of the individual. In terms of homophobic crimes there appears to have been one incident that has been noted that may have been homophobic in nature.
there are many other agencies that have a key role to play and without them these other programmes would not be as successful.

**Q334 Mr McGrady:** I am not sure, Chairman, if there is a consensus of opinion on answers there. If it is not the districts councils who are the primary driving force on local issues what body do you think should be the primary co-ordinating body in the eradication of hate crime? Secondly, just as an aside for a minute, we have some evidence that homophobic and racist attacks are on the increase generally. In each of the districts you represent has there been an increase in sectarian hate crime, is it level, or is it diminishing?

**Ms Francey:** Could I answer on the question of partnership. I would also say that the council has certainly said that it is quite happy to lead this partnership so I do agree that councils are the best body to take responsibility in the future. Certainly the feedback we appear to have had on the Shared Future document, which was about community relations in Northern Ireland in general, would seem to imply that councils might be given a greater responsibility in that direction. That is not definite yet by any means. On the homophobic point, I would say that the level of homophobic crime in Belfast certainly does appear to be on the increase and racist attacks are on the increase as well. I think sectarian crime is as it was. I cannot answer for Down.

**Mr McBride:** In our own area we have found, again from anecdotal evidence, that the number of crimes of a sectarian, racist or homophobic nature has not really increased and to some extent has decreased compared to say five years ago.

**Q335 Reverend Smyth:** I think we have heard that some councillors in Northern Ireland exhibit sectarianism. Do you think therefore that a council is in a good position to promote good community relations?

**Ms Francey:** I think that Belfast has had particular problems because we were out of the community relations programme for a long time and it is difficult to re-establish an effective programme. I do think—and Reverend Smyth will probably know all the reasons for Belfast being out of the programme for so long—there were political rocks about 10 or 12 years ago and there were problems about getting it re-established. Belfast Council has now changed and we are about 50/50 from the point of view of the composition of the council and despite all of the political differences (and there are many within Belfast because we have six political parties and no party in overall control) all the parties did agree and do agree that we need to promote good community and good race relations among all our citizens for a better future for everybody. That is not just from a moral point of view or a social and security point of view but also from an image point of view and from the point of view of attracting investment and of promoting business regeneration from an economic point of view as well.

**Mr McBride:** I believe, and I think our council believes that good relations is really a prerequisite for effective service delivery and for ensuring that we serve everyone within our community. I think we are all aware that in various areas we have to duplicate services because of issues that arise and we may have to have community halls or leisure centres in different areas because people are unhappy to travel to a neighbouring area. Therefore we do believe in our council that it is a prerequisite and good relations is one of the underlying principles that we stress in our corporate plan.

**Ms Mullen:** I entirely agree with Gerry and Hazel. The councils are well placed to take on a key role in promoting good relations but the role of the local strategy partnerships through the PEACE II programmes also have a role to play in it.

**Q336 Reverend Smyth:** Quite often that role is played by community relations officers and we have been told there has been good work done. Is there any illustration from the different councils that you think worthy of emulation that others could look at and share?

**Ms Francey:** As I was just saying, we only started up our programme in the last year or so but we have worked closely with the Community Relations Council. Just as a couple of examples of projects that we have supported from the race relations point of view, we have supported a mediation programme project that is still on-going in Donegal Pass between local residents and the local Chinese community because there have been quite a few instances of conflict there which I am afraid continue to the present. We are funding that and we are happy to continue funding that because we hope that that might be resolved in the near future. We have also supported projects to reduce sectarianism in sport in Belfast. We have supported projects which have been developed and carried forward by local people on particular interfaces, for example, Springfield Road, which is a very good, locally based steering group. Those are the kind of projects certainly I would regard as good practice.

**Q337 Reverend Smyth:** Yes good practice, but have you got any that have positively changed the attitudes and behaviour of communities?

**Mr McBride:** I could give the example in Down District of the cross-communities St Patrick’s Festival. That certainly has gone a long way to break down certain barriers that there have been across the communities. It culminates in a cross-communities carnival parade. In that we have representatives from different sections of the community and also in last year’s parade there were six ethnic groups that were represented. We think that has been very positive in terms of showing the cultural diversity of the area and also the inclusiveness of the district and the fact that there are people who are wishing to reach across the divide, as it is known, to try and explain various identities.
Ms Francey: Again like Hazel, Strabane Council has been involved in supporting small-scale projects through the delivery of training programmes which have been successful in developing an understanding of race, disability and sexual orientation to both schools and community organisations in the district and through evaluation of every programme we do we are hearing back analysis. Maybe it is the first time groups have come together to undertake training and they would therefore do other projects because they felt more comfortable by coming together and they would be more willing to do other programmes.

Q338 Reverend Smyth: I appreciate Belfast is both the largest council and has a great many more difficulties in it and also you have just come back into the loop. Is there any basic difference between your good relations approach and community relations approach that other councils have?

Ms Francey: I think the main difference is a structural difference, the fact we have linked together the good relations duty with the equality duty. This has been accepted by the Equality Commission as an example of good practice and the Community Relations Council say the same. I think it would be difficult to just impose that on other councils because smaller councils have been dealing with community relations programmes for years and very often the community relations officer is part of the leisure department or part of the community services department. We are based centrally within the chief executive’s department. The whole purpose behind that was that the principles of good relations and the principles of equality could be mainstreamed into all of the other departmental activities and all of the departmental plans so that good relations and community relations is seen to be everybody’s business and not just: “Community relations? That is the little girl who works down in leisure.” It was seen very much as being distant and not related to mainstream, core council activities. That was the main purpose of the structural change and basing it centrally in one department. For example, at the minute we have introduced for all departments for all reports going to committee which need a decision ratified by elected members an equality section, and we hope to expand that in the next year or so to good relations considerations. All senior managers within the council have to think about every decision that is being taken—does this have equality considerations, does this have implications for good relations across the city?

Q339 Reverend Smyth: I think we have been speaking about community relations and I know that councils have funded, for example, Christmas lights, tea parties, concerts and such like and they would be hopefully fairly consensual. On the other hand, it has been suggested by Mr McBride that because of the nature of communities that community halls and leisure centres have got to be provided in different areas. What role can local councils play in breaking down this concept of narrow community rather than “their” community and the whole concept of deep-rooted sectarianism which leads to hate crime?

Ms Francey: In Belfast we do not fund things like turning on Christmas tree lights or pensioners’ tea dances or any of the smaller activities that may have been funded 15 or 20 years ago. We have drawn up, in partnership with the Community Relations Council, much more stringent criteria than in the past and any project or activity that we fund has got to deliberately challenge issues about relationships, it has got to make people think more seriously about the purpose of the activity.

Ms Mullen: Strabane would be in the same position as Belfast. We do not fund Christmas lights.

Q340 Reverend Smyth: I understand that is changing. I said these things were done and they were consensual. Nobody was going to object to Christmas lights being turned on—well, some folk might—but we are dealing with the question of how do we bridge the sectarian divide that leads to hate crime. Have the councils any role to play in that?

Ms Mullen: Through the Community Relations Programme, through the delivery of training programmes, and through developing awareness. Councils have a role to play in educating school children and educating community groupings. That will go some way to preventing hate crime in the district.

Mr McBride: In our council area at the moment we would want a range of programmes to try and provide people with the information that they need in order to see a way through some of the difficult issues that they are facing. We have a number of programmes that we run and we would use people from the Northern Ireland Council for Voluntary Action (NICVA) and they would run a number of these training sessions in relation to various perceptions, different identities, and they would also look at things like mutual understanding, anti-sectarian awareness, mediation skills and a basic introduction to community relations work. These programmes ensure that the capacity of the community itself is strengthened. We believe that that is an important aspect of what the council can do in terms of providing the community itself and groups within area with the ability to understand the differences and cope with that when it occurs on a more local basis within their own areas. We feel that that helps with building relationships and we believe that again is a key factor in promoting good relations across the district.

Q341 Mr Beggs: Community relations policy has been accused of being a very middle-class concept which fails to recognise the harsh realities of many single identity communities, and is therefore aimed at those who need it least and people who attend community relations training are the converted. Is current community relations policy really targeting those most likely to commit hate crime?
Ms Francey: In Belfast with our particular interface problems we have a duty to look at those particular communities and the Belfast interface project itself launched its own policy statement within the last couple of months and we have agreed that on those particular problems our council should look seriously at those issues. Next week we are inviting in the director of that project who is going to give a presentation to our steering panel. At the same time we are conducting a major piece of research from Dr Mike Morrissey, who used to be a lecturer at one of our local universities. The aim of that is to try and find if there are other gaps because we realise there are a lot of organisations funding projects in Belfast and we want to find out where our money should be going so that there is no duplication and no overlap. We are trying to use this piece of research to identify areas where our funding should be targeted. I agree in the past there have been accusations that it is middle-class and it is nice and it is safe. All of our steering panel agree that we need to get the best use of resources to make sure that they are used most effectively. We want to look at the areas where it is needed most and I would suspect very strongly that the interface is going to come out as one of the areas where we need to focus our efforts in future.

Mr Beggs: The empirical evidence show patterns of increasing polarisation in Northern Ireland, an increase in hate crime, deteriorating attitudes between communities, all of which create circumstances in which hate crime flourishes. Has community relations policy failed?

Q342 Mr Clarke: Nobody wants to answer that! Ms Francey: It has not been terribly successful. You would have to say that really, to be realistic! Ms Mullen: Good job you said it!

Q343 Mr Beggs: Are there particular successes you can point to?
Ms Francey: Yes, as I said earlier, there are a lot of groups who have been working for years and often behind the scenes. We have a lot of unsung heroes. The fact that relations at the interface this summer and certainly last summer were quieter in Belfast than many of the previous years is owed to a lot of hard work from a lot of individuals living in very difficult areas and doing difficult work at all times of the night.

Q344 Mr Beggs: My final question would be addressed to Belfast. You say in your submission that the Council is working in partnership with public and private agencies “to address wider public issues and examine the factors that cause division and exclusion”. What agencies have been involved in this work and what have you found in terms of the causes of division and exclusion?
Ms Francey: That is part of the research to which I just referred that we were commissioning that is being jointly financed by ourselves and the Community Relations Council. A lot of other organisations have already expressed interest in the results of this survey which we hope will be available before the end of the year. The Local Strategy Partnership certainly would be interested in the results of that because they are in charge of allocating PEACE money. We mention in the written submission that we have representatives from churches, the business sector and the trade unions on our steering panel and they are on there because we know that they have access to much wider networks and obviously we can cascade our policies and efforts throughout those bodies as well.

Q345 Mr Bailey: We have already had some indication about the relative levels of mixed housing provision but can you just give a breakdown for each of your authorities.
Ms Francey: Within Belfast it is estimated now that less than one-third of the population of Belfast lives in areas which are mixed and this split is particularly marked in public sector housing. The Housing Executive estimate that in the rest of Northern Ireland about 70 per cent of estates are segregated and in Belfast they are almost wholly segregated.

Mr McBride: In Down District the majority of housing areas would be mixed public sector housing areas. Again the majority of the housing estates would be mixed.
Ms Mullen: Strabane Town itself would not be mixed housing. Some of the smaller rural villages like Down Manor, Ballymagorrey and Sion Mills would have more mixed housing but again I would say the majority of the district would be segregated.

Q346 Mr Bailey: In the case of Belfast it has definitely become more segregated. I think that is a fair comment. Would that be equally true of the other authorities?
Mr McBride: In terms of Down it has probably gone the other way.

Q347 Mr Bailey: Strabane?
Ms Mullen: Strabane remains segregated. I do not have official statistics.

Q348 Mr Bailey: To Belfast, if it is accepted that increased housing segregation is symptomatic of worsening community relations—and perhaps you can debate that—what specific initiatives have you taken to address this?
Ms Francey: In Belfast?

Q349 Mr Bailey: Yes.
Ms Francey: The Northern Ireland Housing Executive has recently launched a programme to try to promote community relations in housing. The city council in Belfast does not have responsibility for housing.

Q350 Mr Bailey: Have you taken any community-orientated initiatives because some of the problem, as we heard in interviews earlier, was that in effect the housing authority was trying to improve housing but community relations were so bad that it still left this segregation.
Ms Francey: We have not made any specific efforts regarding housing from the council’s point of view but we would certainly be supportive of the Housing Executive’s efforts.

Q351 Mr Bailey: Would there be scope for joint initiatives with the Northern Ireland Housing Executive?

Ms Francey: Yes. At our last steering panel meeting we talked about doing some pilot projects along those lines but nothing definite so far.

Q352 Mr Bailey: To any of you—any particular thoughts about giving existing mixed residential areas support to ensure that they do not become polarised as has happened in some cases in Belfast?

Mr McBride: In terms of Down District we have very strong links particularly between what you might call the single identity areas where the various tenants and community groups would meet on a regular basis, and that does help to improve relations. That happens right across the district. The council itself has a mailing list of 185 groups across our district and that would go out regularly explaining the different programmes and schemes that are on offer and also there is a lot of joint working between those different areas. We feel there is a lot of very positive work going on.

Ms Mullen: Strabane would be similar to Down. There are a number of Northern Ireland tenant action projects in place throughout the district which bring members of the community together to talk about housing issues and there is a multi-agency approach. We also have a regular community sheet that would go out to over 100 community organisations to keep residents and community groups informed of what is happening and what is available.

Q353 Mr Bailey: To Belfast just to, if you like, broaden the discussion slightly. In your submission you mention that in a partnership effort with the Northern Ireland Housing Executive you have cleaned up 21 murals and removed 7,000 metres of kerb painting on the Lower Shankhill Road. Aside from its obvious environmental impact what other impacts did this work have? Did it provoke resistance and is this policy continuing?

Ms Francey: It did not provoke resistance because it was done in consultation and with the support of local community groups. It was very widely welcomed. I think I mentioned in the submission that it won a Tidy Britain award and the Chairman presenting the trophy said it was not only an environmental improvement but a symbol of hope versus the legacy of the past. It is not continuing as such but our contract services department has a Better Belfast Campaign and is certainly developing a programme to brighten up the neighbourhood in Belfast. We have other departments in the council who are developing what we call a Strategic Neighbourhood Action Programme (SNAP) and an Arterial Routes Programme where that kind of regenerational approach is taken throughout the city. That was a pilot problem and it seemed to work very well.

Q355 Mark Tami: We have heard a lot about Section 75 of the Northern Ireland Act today. How successful do you think it has been in combating ‘hate crime’?

Mr McBride: I think Section 75 is a very strong piece of legislation. What it did perhaps for the first time is it identified many key groups that in the past have received less attention than would be required. The essence of Section 75 is to improve public policy making and therefore it did focus the minds of the elected representatives when they were deciding on what particular policies to put forward to ensure that they were quality-proofed and effective. So I think it is a very important piece of legislation. Tied into that is the good relations responsibility which is incorporated within Section 75 and I think if it is taken to its logical conclusion it should improve the overall delivery of services and at the same time create a more inclusive society for everyone and one that is responsive to the specific needs of various groups.

Q356 Mark Tami: Would your colleagues agree with that?

Ms Mullen: I would agree with Gerry that Section 75 has gone a long way in terms of making the councils and other bodies more focused on disability and race. Strabane District Council would make the community organisations aware of what Section 75 is and how it works and how they would need to take it into consideration if they have a building and they are employing staff and that kind of thing.

Ms Francey: I think the main issue from our point of view has been the equality training that all staff and all elected members have undergone to make them aware of their statutory obligations under the new legislation and make them aware of the nine groups that have been designated. The introduction of the consultation process has broadened things out and made people aware, not only of their statutory obligations under the legislation, but it has improved our communication with the groups affected. Our equality officer would have a very good working relationship with the various Section 75 groups.

Q357 Mr Tynan: How successful have the Community Safety Partnerships been, and how would you see them developing? Do you see their role developing further?

Ms Mullen: Strabane District Council have just adopted the Community Safety Partnership, so we are lagging behind other councils in that respect because of the politics. We feel that the establishment of the Community Safety Partnership provides the opportunity for multi-agency working. Community safety will be a new concept for Strabane District Council to take on board and we hope that it will help us focus on the community safety of the area as a whole through a multi-agency approach.
Ms Francey: It is probably too early to say. We are just in the stages of having adopted a Community Safety Partnership in the last year or so, so it is very much in its infancy, but it does seem to be working well.

Mr McBride: I would agree. The working definition we have for community safety is “protecting people’s right to live in confidence and without fear for their own or other people’s safety”. It is about ensuring that everyone within the area is being dealt with in a proper manner and that where issues arise, there is support for them and that crime prevention measures are brought into effect before certain issues get out of hand. Using the partnership approach, using people like the councils, the local health authority, the housing executive, the police service etcetera, ensures that there is greater emphasis on preventing crime and also ensuring that the communities themselves can play their own part in preventing crime within those localities. So we believe that a Community Safety Partnership is very important to the district.

Q358 Mr Tynan: Is there any way we can improve on it? Can the role be developed further? I know it cannot as far as Belfast is concerned, but how do the other councils see that?

Mr McBride: There are a range of initiatives that are being considered by our own Community Safety Partnership. We have just embarked upon a community safety audit. Stage two of that involves consultation with various groups throughout the district. Running on from that will be a specific action plan. We have already identified a number of programmes, some of which are cross-border initiatives, to try and look at best practice not only within our own district but across the UK and across other districts in Northern Ireland. We have also looked at a range of specific programmes, such as target hardening for particular properties. There is a scheme that has just got off the ground called the “Good Morning Down” scheme. This is a telephone help-line type scheme where vulnerable people within the community will be able to receive some telephone support, particularly in the morning time and we hope to extend that to people from ethnic minorities or other people who feel vulnerable. We believe that that type of scheme shows that the community cares about people and it cares about giving support to people who perhaps feel under pressure either because of their age, because of their disability or because of their ethnicity, or perhaps they have been the victim of crime in the past. We believe schemes like that, properly targeted and focused, can have a great impact in dealing with the fear of crime, which in many cases is a big issue particularly for elderly people.

Q359 Mr Tynan: Hazel, Belfast Council is critical of the Government’s funding and allocation as regards the community relations sector and argues that it “is indicative of the priority given to it and is considerably less than that assigned to the equality sector”. What additional funding do you require?

Ms Francey: We were just making the point in the submission that the amount allocated is tiny compared to the amount given to various other sectors and that obviously reflects the priority given to it by central government and by government at Northern Ireland level. If you are serious about addressing a problem and about resolving issues, nothing happens without resources. If you need to tackle the problem, you need to pump some resources into it. We were just making that general point.

Q360 Mr Tynan: If additional funding was made available, what would be the priorities for support and why?

Ms Francey: I think training staff, not just public sector staff that have to train under Section 75, but training from a very broad perspective. There have been social attitude surveys undertaken which show that children as young as three show evidence of sectarianism in their behaviour. So you are really talking about training and education from a very broad point of view and about how damaging and how negative poor community relations are in the workplace. There have been examples in the past of government campaigns on all sorts of things, road safety and wearing seatbelts. Perhaps we should start putting out the message that sectarianism is not a good thing to do and not a good idea.

Q361 Mr Tynan: Surely if you are able to make a case for additional funding then that is the best way to receive that additional funding? Surely under the circumstances where you believe that there is a need for additional funding, if you make the case on that basis then there is a good chance you will receive that?

Ms Francey: We have been told that there is no more money available.

Q362 Mr Tynan: Regardless of what you require?

Ms Francey: Yes. We were told to stick to last year’s figures, that we need not ask for any more because we will not get it.

Chairman: Thank you very much indeed. You have given us a very interesting perspective from three markedly different areas which you work in and represent. Thank you very much for your help.

Memorandum submitted by Falls Community Council

Falls Community Council is the community development umbrella organisation for West Belfast. As a recognised charitable organisation, serving West Belfast for almost three decades, FCC is committed to achieving Human Rights, Social Justice and Economic Equality. For that reason FCC welcomes the opportunity to submit this summary submission to the NIAC’s inquiry into Hate Crime in the north of Ireland.
It is a fact that Hate Crime legislation has long existed in the six counties. In the north of Ireland, incitement to Hatred Legislation has been available since 1970, but has rarely been used to prosecute any person for incitement to racial hatred. There is a clear need to revise and strategically strengthen the existing legislation and ensure its enforcement.

Under Section 75 of the Northern Ireland (1998) Act, there is a provision for the promotion of Equality of Opportunity between designated groups.

The Equality Commission must realise the full potential of the current existing legislation to correct existing inequalities, irrespective of race, ethnic origin, religion or creed.

There has been greater attention given to the incidents of racially motivated violence in recent years, whether the incidents of such violence has increased in that time is not immediately clear. However, more thorough scrutiny of racially motivated crime by the Committee would be welcomed.

The incidence of violence against individuals of differing sexual orientation should also receive more thorough scrutiny by the Committee.

Most importantly, the evidence of sectarian violence deserves more thorough scrutiny. FCC believes that the incidents of anti-Catholic violence, has increased during the last number of years. But for its own purposes, the RUC and more recently, the PSNI have not actively reported the origins of the incidents and the severity of such violence. The past four years shows a pattern of intimidation and violence against Catholics in interface areas in Belfast and in towns in other parts of the six counties where the Catholic population has been growing.

FCC encourages the Committee fully investigate this pattern of violence and hate crime, and the failure of the police to stamp it out and root out the perpetrators.

25 March 2004

Witnesses: Mr Dónal McKinney, Falls Community Council, Mr Peter McGuire, Duncrun Cultural Initiative, Ms Mina Wardle, Shankill Stress and Trauma Group, Mr Tom Winston, Greater Shankhill Alternatives, and Mr Jim Auld, Community Restorative Justice, examined.

Q363 Chairman: Lady and gentlemen, thank you so much for coming to help us with this inquiry. We have had a lot of really differing opinions so far today and I have no doubt we are going to get some more from you. First of all, let us talk about your perception—and it may well be different—as to the relative balance of ‘hate crime’ activities, that is race, homophobia, sectarian. We get the impression that it is much more sectarian ‘hate crime’ than the others put together, but that may not be the case in particular areas. Perhaps if we go from left to right, starting with Mr Auld and then moving down the table.

Mr Auld: Maybe you could come back to me.

Mr McGuire: The only reason that there are more sectarian crimes is because there are more Catholics than Protestants. If there were more gay people and more people from a different ethnic background living in Northern Ireland, there would definitely be more incidents.

Q364 Chairman: I suppose the Almighty may be working on that, but I rather doubt it.

Mr Winston: I do not think I am going to say anything that is going to shock you. There is obviously more sectarian crime in Northern Ireland than racism or homophobic crime.

Q365 Chairman: But as far as the people you deal with in the Greater Shankhill area, is it mostly sectarian?

Mr Auld: It is creeping in, yes.

Q366 Chairman: Is there a race element?

Mr Winston: Yes.

Q367 Chairman: It is growing, is it?

Mr Winston: It is becoming more prevalent.

Q368 Chairman: What about Ms Wardle?

Ms Wardle: Hate crimes are a complex subject. Sectarianism would be the main one for us. I believe we have a golden opportunity to stop racism before it starts because it is occurring in areas of high concentration of ethnic communities. It is not a community problem if all of a sudden people are expected to know about everybody else’s culture. I think we still have time to work on it. I know that at least one political party in south Belfast actually put their election literature in Chinese as well. Some parties are attempting to address the issue, and that was four years ago.

Q369 Chairman: Which party was that?

Ms Wardle: It was the PUP. Change is difficult. Going from sectarianism to a tolerant society needs a lot of work. The people who live and work in the communities have had to take the lead role as community workers because statutory people cannot get at the weekends or in the area after high tension. At times the challenge is whether it is diversity, it is sectarianism or politically sponsored exploitation of the lower classes. That is a thing that comes into my mind all the time. I think it is time we all took risks. I believe we have already seen that, which has not been perfect, since 1994. It is about
how we run our organisations, how we ourselves recognise our past can be imperfect and work towards leading our community out of it. It is how you apply yourself to those things that is important. We all know the ills of the past, but the way out of it is to lead from the community. It is most difficult at the minute because we are in a political vacuum. There are things happening now that were not happening when we had an Assembly and that makes it more difficult for people like us. We noted in the IMC report that the amount of punishment beatings, which is another form of 'hate crime', had gone up. I think it is more about a lack of energy and resources by the police than about people themselves. In our community we are practising an alternative system where people have to recompense their community for the ills done and not by a punishment beating.

Q370 Chairman: Mr Corr?
Mr McKimmey: Mr Corr is on baby duty. I am Dónal McKimmey.

Q371 Chairman: Where are you from?
Mr McKimmey: I am from the Falls Community Council. Sectarianism is the main dynamic here in relation to 'hate crime' only because that is the one people understand and that has been exposed over 30 years. Sectarianism and racism, whatever that means in this context, is one and the same ill.

Q372 Chairman: We have a clear distinction. Sectarianism is between nationalists and unionists or whatever you want to call them. I think the Committee is well versed in the problems that we have had over the years. Let us look at the other growing ones. Racism is something that is relatively new in Northern Ireland as you have had more and different ethnic minorities arriving here. Homophobic prejudice and ‘hate crime’ probably always have been there but it has come to the surface much more. How are you in your various ways trying to cope with those two? Let us put sectarianism to one side for a moment because I think we all understand the dynamics of that and the difficulties. These are relatively new problems for organisations like yours to tackle. Can we try and leave the sectarianism out for a moment. Tell us what your problems are with racism, homophobia and ‘hate crime’ and disability too, which is another thing that apparently is growing, and tell us how this reacts in your community and how you are trying to cope with it.

Mr Auld: Perhaps I can go back to the sectarian question. In terms of my own organisation, in general terms we would be dealing with a lot more sectarian outline cases or generalised cases, but in particular incidents we would be dealing with more families or individual people who have suffered because of either homophobic attacks or race attacks. How do we tackle it? I assume this is the same as some of the other people here would tackle them and that is by trying to get an understanding from the perpetrators about why they do what they do, getting the victims to confront them about their behaviour, getting some sort of mechanism in place where that can be done in a safe environment, where perpetrators get an opportunity to see the harm and the hurt that they have caused others and get an opportunity to apologise to the victims of those attacks. While that is being done we can support the victims through that whole process so that they feel that they have a safe place to live.

Q373 Chairman: Any other offers on this? Does it take up a lot of your time and effort?
Mr McGuire: The history of this island is that it has been isolated from the rest of Europe, particularly the north. I work with young loyalists, with people either on the fringes or members of loyalist paramilitary groups. My experience of them is that they have no experience whatsoever of difference or diversity, and why would they have because everybody here is white and Catholic or Protestant, and Catholics and Protestants are segregated. They have no experience of the others even here in this country. The majority of them do not even know the name Europe or internationalism and I think the only way that you can break that down is by bringing people into contact with it.

Q374 Chairman: That is not the question I am asking. I am asking you how homophobic, racial and disability 'hate crime' impact on the work you are doing. It has got nothing to do with Europe, with respect. You can be pro or anti Europe and you can be as homophobic as hell. Is it a growing problem in the people you work with, and how are you handling it? I want to get a feeling of how big a problem this is.

Mr McGuire: What I do is try and bring our groups into contact with people from the gay/lesbian/bisexual community with international people, people from different ethnic backgrounds and to work on relationships and to renegotiate new relationships.

Mr Winston: As far as we would be concerned in the Greater Shankhill area, we are funded to try and stop young people getting involved in anti-social type behaviour and we have been quite successful in doing that. The funding comes from outside the UK and that is another problem. The difficulty we face with young people is that a lot of them do not know what they are getting involved in. When they start to get involved in racist attacks they do not understand the problems behind it. They do not realise that what they are doing is counter-productive to the community that they are living in. It is a small number of attacks. They are attacking people who are working in hospitals, giving a service to the community that they are living in. So we try to educate them in that, but unfortunately we do not get funded to do that so we cannot do it as well as we would like because we are busy doing what we are paid to do. I think the Government fails in that respect. There is a lot of money given to organisations who are not on the
Mr McGuire: The main reason is that these people needs to take that into account. you understand the logic.

Q379 Mr Clarke: The Sub-Committee's inquiry Mr McGuire: Because there is no housing in Does anybody know why?

Q378 Chairman: Mr McGuire: It is a fact. Is that a fact?

Q377 Chairman: Is it a fact that more of the ethnic people coming into the community. about colour. It is not about colour. The travelling been done within these communities for these If you start talking about ethnic groups, often it is

Mr McGuire: The main reason is that these people are being housed in loyalist areas because that is where the housing is. It is not members of the Ulster Unionist Party putting bricks through people's windows, it is working class loyalists on the fringes of different paramilitary groups. Why are they doing it? Because they feel under threat. They see their area disappearing. They believe there is a conspiracy to depopulate areas close to the city centre in Belfast so that they can build more commercial properties. They feel under threat from nationalist republican areas and in the morning they wake up, come out of their door and there is an Asian family or a black family living beside them. It is obvious what is going to happen, particularly because no work or preparation has been done within these communities for these people coming into the community.

Q376 Chairman: Is it a fact that more of the ethnic minorities, Asians, blacks and others, are sent to Protestant public housing rather than Roman Catholic?

Mr McGuire: Yes.

Q377 Chairman: Is that a fact?

Mr McGuire: It is a fact.

Q378 Chairman: Does anybody know why?

Mr McGuire: Because there is no housing in nationalist Catholic areas.

Q379 Mr Clarke: The Sub-Committee's inquiry into housing discovered that housing pressures within the nationalist community were so great that there were not the voids prevalent within Protestant areas, whether it is housing executive houses that are empty or ex-private housing being used. Here is an example where housing policy is having an impact on 'hate crime' and I think the Committee needs to take that into account.

Mr Winston: Sandy Row is just out the back of us and a hotel has been built where there were once thousands of houses and you have apartment blocks where there were once thousands of houses and the community is being squeezed and squeezed and squeezed. They feel under threat by multinationalings coming in and bulldozing their houses and putting apartment blocks up or ethnic minorities coming in their areas as well. You have to put that into the mixing pot and realise that that may be part of the problem.

Q380 Mr Clarke: I am going to ask another complex problem related to paramilitary feuds. The Community Relations Council have said to us in their evidence that they do not consider intra-community sectarian violence to be 'hate crime'. Again, it is a bold statement, but is it one that people would agree with or comment on? How do we define those offences that go on intra-community? Are they 'hate crime' or are they not?

Mr Winston: It depends on what way you look at that. People hating each other, is that 'hate crime'? No. We all hate something, although some of us would not like to admit it. Possibly part of that is down to the fact that they do not like individuals within different paramilitary organisations. Whether that is 'hate crime' or not is open for debate, but there is obviously a dislike there.

Mr McKimmey: There are more than two communities in the north. When the Parrick Centre in Belfast so that they can build more commercial properties. They feel under threat from nationalist republican areas and in the morning they wake up, come out of their door and there is an Asian family or a black family living beside them. It is obvious what is going to happen, particularly because no work or preparation has been done within these communities for these people coming into the community.

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Q381 Mr Clarke: No, I do not. I apologise for asking the question. The Community Relations Council did say that they did not wish that to be seen as ‘hate crime’ and I thought that was important.

Ms Wardle: In our community we like to think that the intra-community violence actually is pay back time for an awful lot of people, it is just individuals paying each other back rather than two organisations or differently opposing groups. Very often it is to do with something that happened 20 years ago and somebody remembers it.

Q382 Mr Clarke: Within my own community in Northamptonshire in England we pioneered monitoring and reporting procedures for ‘hate crime’ whereby people could decide themselves if a crime had been committed against them and they could report it, even if it was not reported against them when they witnessed it. That led to an incredible breakthrough in terms of being able to record and monitor incidents and then match those against those that are recorded and monitored by the various different bodies and authorities. Is that something you would encourage? One of the faults here is that there is a lack of detailed and comprehensive monitoring and reporting. Is it not about time the community took it upon themselves to take responsibility for reporting it and having the power to decide themselves what is or is not a ‘hate crime’?

Mr McKimmey: Yes. Third party reporting, which was something we worked through with the travelling community, was reasonably successful and it is something that should be thought about here.

Mr Auld: In terms of my own organisation, last year we dealt with 43 cases that we have logged as ‘hate crime’ throughout the North.

Q383 Mr McGrady: In dealing with cases under restorative justice you must get a good insight into the motivations or responses of the perpetrators and the victim. Are there any lessons you can learn in general terms from that experience as to how we could better address the general area of ‘hate crime’?

Mr Auld: I think it has already been talked about. I think the issue is a lack of understanding, fear, a sense of power for some people and a lack of education around the issues.

Mr Winston: I represent the Greater Shankhill Alternatives. Restorative justice is a bit of a buzz word at the moment. What we tried to do was simplify it. Basically it is about people helping people and it is a bottom-up approach. It is something that goes amiss by many people including governments. You cannot impose something on a community. You have to give the community the tools to try to give them the opportunity to come out of it. What we found was that when we gave the community the tools, that is bringing in the offender to sit round the table and discuss the problem, we could come up with solutions. That is the way forward. It has worked.

It is proven to work within the Greater Shankhill community. In the past a lot of people within our community were always getting experts in to tell them how to work. What we found through our research was that there was a lot of expertise within the community. When we first started, restorative justice was a concept that not a lot of people knew about but it was what everybody was doing. It is about you helping your neighbour and your neighbour helping you. It is something that always happened. Putting the term restorative justice around it within Northern Ireland tends to politicise it a lot and that is the problem with it. Basically in its simple form it is about helping your neighbour and letting your neighbour help you. The more we developed that the better response we got from within the community.

Q384 Mr McGrady: Do you refer problems or concepts or findings to other organisations?

Mr Winston: If there are things that come up within the organisation that we have not got the expertise to deal with, we would refer that on. We have found that there is a lot of expertise within the community to deal with drug and alcohol abuse, trauma, things of that nature. If it is more serious than that, we would pass that on to the relevant authorities to help to deal with it. We find that by keeping most things within the community there is a better opportunity for young people to see the error of their ways, giving something back to their victim and then their community and then themselves, and that gives us the opportunity of working with those young people to prevent them doing that thing in the future.

Q385 Mr McGrady: You seem to be indicating that one of the consequences of restorative justice endeavours is it reduces the possibility of re-offending. Is that your finding?

Mr Winston: Very much so.

Q386 Mr McGrady: I have some concern about restorative justice, not restorative justice per se but about certain organisations claiming to be restorative justice who are perpetrating ‘punishment’ beatings as their interpretation of restorative justice. How much does that impact upon the obviously valuable and evenhanded work that you are doing?

Mr Winston: I do not know what you are speaking about. We are a restorative justice programme. We try to stop young people getting beaten and shot for the misdemeanours that they cause within the community. We have been an all-inclusive organisation. There are statutory bodies, such as the police, the probation service, social services, that would sit on the various committees we would be involved in. It is a holistic approach and we have found that using that holistic approach is the only way forward. If there is evidence to suggest that people within Shankhill Alternatives are not doing things properly, then I think that should be put to Shankhill Alternatives and the people that are on their different management committees.
Unfortunately, in the past people have been saying that it is just the paramilitaries wearing suits and having control within their communities when it is the opposite. I do not know how many young people we have convinced to stay away from paramilitary groups, not to join them, to take a different route and I do not think we are given any credit for it.

Q387 Mr McGrady: The organisations I was referring to have no connection with what you are talking about. I am talking about so-called community groups calling themselves restorative justice who will not have any contact at all with the courts, the probation service, the police or social services, but rather a self-fulfilling organisation. Thank you very much for that very helpful response.

Mr Auld: Certainly in the past we have had the same difficulties as Tom has had. I am from Community Restorative Justice Ireland and we operate in nationalist areas and as such we do not have a relationship with the PSNI. We have a good working relationship with all the other agencies of the state. We have a good working relationship with the probation and social services, the housing executive and all the other agencies that flow from them. However, we do not have a relationship with the police. You are all politicians. Some of you will be in Leeds this week talking about the policing issues, or certainly people from the main political parties are going to be there to talk about resolving the difficulties with the police service. I am not here to apologise for my own organisation not having a relationship with the police. We would welcome that day. We are one organisation that is actively trying to promote the idea in the nationalist community that there is a need for a genuine and open police service operating in our community because we see at first hand the effects of not having a responsive police service to our community’s need. Last year we had over 1,100 cases that we dealt with throughout the north and 800 or so cases we dealt with successfully, but in 147 of those cases the people we dealt with said that they did not want to take part in the process that we offered and they walked away. None of those people who did not want to take part in the process that we offer has been punished or been put out of the country or had any other ill effects. They have to live with the consequences of arguing with the people that they had an argument with in the first place. I had a meeting two years ago with the criminal justice section of the Northern Ireland Office when the same points were originally made about restorative justice and the accusations that were made about the name, and I told the director of that branch simply to put up or shut up, that if they had any information about us as an organisation or any individuals involved in it they should go to the proper authorities and make those complaints known or come to me as the director of the organisation and I would ensure that none of those people would have anything to do with the organisation. There was no reply. I would say the same to anybody. If there is anybody who has got any evidence that anybody in CRJ Ireland has had anything to do with punishment beatings or shootings, please come and tell me. I would be delighted to deal with it.

Q388 Mr Beggs: Paramilitary-style shootings and beatings (so-called ‘punishment’ attacks) appear to be increasing, particularly in loyalist areas. Why is this the case given the work that you are involved in?

Mr Winston: I would dispute those figures for the areas we are working in. The figures that we have would prove that paramilitary attacks in the Shankhill have decreased dramatically over the last six years. For example, in the nine months of research from March 1996 to December 1996 there were 18 or 19 punishment attacks in the Shankhill area. I would argue that there have been less than 10 since 1998 to now for those involved in anti-social type behaviour. There will always be punishment attacks for those involved in paramilitary organisations who transgress the rules of that organisation, but unfortunately that is outside of our remit. We are trying to protect young people from being beaten who are involved in anti-social behaviour. I wish there would come a day when we could influence the paramilitaries not to go down that road for their own members, but that is something we cannot deal with at the moment. In Northern Ireland a lot of people are good at saying you should always do something else as opposed to giving you praise for the work you are doing. The figures that are being banded about at the moment might mean that there have been paramilitary attacks in other areas, but we have to look at the remit that we have been dealt with by the organisations that have given us the money to try to prevent them happening. I think the police would be very supportive of the work that we do and I would suggest the areas we are working in and have been working in over the last two or three years have seen the number of paramilitary-style attacks drop dramatically.

Mr Auld: I suppose that term is an interesting one, “paramilitary-style attacks”, because one of the things that I am very conscious of is that there are more and more ordinary citizens who are willing to band together to carry out attacks on individuals who they perceive as causing trouble in communities, who have nothing to do with paramilitary groups but who are frustrated individuals who are taking the law into their own hands.

Q389 Mr Beggs: Will the Criminal Justice (Northern Ireland) Act 2004 (allowing courts to impose heavier sentences when an offence is aggravated by religion, race, sexual orientation or disability) help to combat this kind of violence?

Mr Winston: Yes and no. The difficulty in the areas that I live and work in is that some people would suggest that the police have obligated their responsibilities and therefore the community turns to the paramilitaries to act out on their behalf. The
type of offences that we would be dealing with are minor offences like vandalism, petty theft, things of that nature, which is high up the list of priorities for the community but may not be so high up the list of the police’s priorities. Whether there should be more emphasis put on policing the areas is another question. I think that should happen and I think it would have the support of the community if that did happen. Whether for political reasons or other scurrilous reasons the police do not act for certain individuals, but that needs to be taken very seriously.

Mr Auld: The Criminal Justice Act will have a very limited impact. I am basing that on the fact that we dealt with 43 cases involving those headings over the last year out of a total of just over 1,100. It will have a small impact.

Q392 Reverend Smyth: This is what we are trying to get at because the harsh reality is that it has become hate, whether it is for disability or homophobia, and how are you going to define it as distinct from the actual crime? That is one of the issues that we are having to examine and why we are maybe pressing you and trying to get to the bottom of things. We did say that the paramilitaries are not as active as they were. Would you say that they are not responsible for any ‘hate crimes’ at the moment? Is it all just at an individual level now?

Mr Winston: I think it is easy to blame the paramilitaries for ‘hate crime’. Mr Clarke was saying about “the village” area and about people being associated with a particular paramilitary organisation supposedly having control over that area, therefore they must be involved in ‘hate crime’. My understanding is that that is not the case. My understanding is that it is certain individuals within that community doing that. If paramilitaries do what they do best and punish those individuals for being involved in ‘hate crime’ then there is another outcry for that. It is a hard nut to crack. If paramilitaries were policing their community the way certain individuals within their community want them to do and stamping down on that type of thing, then that opens another can of worms. I suppose the easy answer is to phone the police and let them deal with it, but we are living in Northern Ireland and that is much more difficult to do than a lot of people understand. A lot of people that do not live in those communities do not understand that it is not easy to lift the phone and say that young Joe next door is causing problems.

Q390 Reverend Smyth: I would like to look at the question of those who are involved in what are called ‘hate crimes’. Are they sectarian victims of the wider Northern Ireland scene, or can we say that the sectarian conflict is over and that current sectarian attacks are actually individualised ‘hate crimes’, particularly bearing in mind what you said, Mina, about these being pay back crimes?

Ms Wardle: I see it as neither one nor the other, but I know that in many cases it is pay back time. We have seen that big time in our area with some people losing their lives over it.

Q391 Reverend Smyth: Hate is lying behind it, is it not, even if it is hate for the person who perpetrated the offence?

Ms Wardle: Yes. There is a lot of that and I think it has been widely publicised by the media, although the media sometimes get that wrong as well. What we find very strange in our community, and it is becoming more and more prevalent in our community, is that you ring up the local police station, if you have got one, and nobody responds. There are old ladies of 84 years of age ringing up paramilitary organisations for a response. The policing on the ground has got to multiply particularly in that area. You cannot phone up a police station—and I would ask you to try it—and get a crime number. You never see anybody there. As to your question, there is a bit of both. Sometimes people want retribution, not restoration and it is difficult because it is horses for courses, what do people want.

Mr McKinney: It is very complex. People will attack somebody for hatred reasons as well. One of the important things about racism or sectarianism is the idea of supremacy. People may have the idea that they are not the boss here any more so they act against that. That must be put into the equation as well. There is no doubt about it, the ineffectiveness of some communities and some groups within those communities is another dynamic. Hate is another part of that equation. There is no one answer to the whole thing.
Q393 Reverend Smyth: We can understand that. We have got to probe the issue. Whilst I understand what Tom was saying, he speaks with authority on the Shankhill, I happen to represent south Belfast and he is not going to deny that the party which actually published an election leaflet in Chinese was also the party that sought to remove a person who actually wrote an article in Donegal Pass calling upon the folks to clear out the Chinese from the area.

Mr Winston: Surely that party should be commended for getting rid of that individual.

Q394 Reverend Smyth: He is still about, and that is the very point I am making.

Mr Winston: Are you suggesting that the paramilitary group associated with that party deals with that individual?

Reverend Smyth: I am saying that it is quite possible for political parties to do things and to say things—Chairman: I think we are getting diverted.

Q395 Mark Tami: What is your relationship with the police? Have you seen any improvements or change in the way that they are dealing with ‘hate crime’?

Mr McKinney: No. The race debate here and what you are doing is a prime opportunity to do something really good. You can have the best legislation in the world but if you do not have enforcement then it is ludicrous. We have had incitement legislation here for years but it has not been enforced. There are credibility issues as well. We have to live with it in this part of the world and deal with it. I cannot see that there is going to be huge change.

Mr McGuire: It is all right having the legislation and it is great if it is enforced in an honest way without any politics coming into it, but all that means is we will have more people in prison and more people with a criminal record.

Mr McKinney: I worked on many good initiatives in London, with young black kids. Do they have any more belief in the police? It has gone up slightly but it has got a long way to go because they have to see good practice and honest practice.

Mr Winston: Getting back to your question about how we deal with the police and how the police deal with us. We have had an on-off relationship with the police over the last eight years where we have tried to encourage the police to be more actively involved with our organization, and certain individuals within the police have done that and taken risks to do that, but somewhere up that chain of command they have been stopped at certain levels. Things are changing slowly. More and more police are getting actively involved with our organization. We are dealing with the Northern Ireland Office about trying to develop that further. Whether the police are doing enough about ‘hate crime’ is up for debate. If organizations working on the ground were given the tools to help convince the young people to desist from getting involved in those offences then surely we could go further.

Mr Auld: We are in a very similar position. We have a meeting with the Northern Ireland Office tomorrow to look at developing a relationship with them and hopefully that will set the scene for us developing a relationship with the PSNI. I have no doubt that, should that happen, an active, strong community working in partnership with an open and accountable police service is a unique opportunity. We have an opportunity there for a new emerging police service working with a community that is open and tolerant and active and wanting to participate in the criminal justice system and there is an opportunity there to develop a police service with the community that will make this place a much safer place to live in. I just hope the opportunity is not squandered.

Q396 Mr Bailey: What do you think the Government should be doing that it is not already?

Ms Wardle: I think they should be listening and I think they should be leading by example, which is what you are doing today. In about four months’ time I will be able to give you a paper called “Would you listen to them?” I do not know if they use it in any other part of the world. It is about how when somebody else is talking somebody else has to listen. It involved talking to 200 people on every issue that affects your every day life. We are not going to steer away from all the contentious issues of policing, racism, homophobia, housing, the health service, we are going to cover everything that any of you have to cover in Westminster and we will produce a paper on that. We have done a programme called “Turning the Tides”. I am going to pay a bit of a compliment to Greater Shankhill here. Three years ago we took three of their young people who they had finished with, they were 18 years of age and we started working with them. We put them into a mediation programme which meant they had to go to other conflict areas, including Kosovo and we have got three young gentlemen from the Shankhill of 21 years of age now and they went with nationalist youths and they are playing an active role in monitoring the situation in east Belfast and they are doing that with the Mediation Network. They started off as slight offenders. Their lives have been turned round because somebody took the time. There is no point in taking a group of kids away for a week and bringing them back, that achieves nothing. We have taught them a new way. Initially Greater Shankhill had begun that process and then handed them over. I think it is good you know, when you hand them over, there is another programme that they will benefit from, which they have done. They have been great ambassadors for Northern Ireland.

Chairman: That is very encouraging to hear and a happy note on which to end. Thank you very much indeed for your help.
Q397 Chairman: Good afternoon. I know exactly what Interaction Belfast is involved in, but just run through it in less than one minute.

Ms McGlone: Interaction Belfast is an interface project, it is 15 years old, working in the west of Belfast, along one of the biggest interfaces and looking at development models of good practice, of how you deal with conflict, resolve differences and create protected space.

Q398 Chairman: If only all our answers were like that we would be very happy indeed. Thank you. Mr McQuiston, we have not had you in front of us before. Just tell us, briefly, how you struck up this friendship with Sean Murray and the cross-community work you are currently involved in and the main impact of that.

Mr McQuiston: First of all, I have to apologise for Sean not being here. He had another commitment he could not get out of. I am the chairperson of a group called Prisoners in Partnership, which is a group of ex-loyalist prisoners and it is based in the Highfield/Springmartin area of west Belfast. Our motto is “From defending to mending”. After the ceasefires we thought we would get into a partnership with the community to try and bring some community development into the area. Because it is an interface area it was impossible to get away from inter-community stuff within the area and in order to develop that community we decided that we would get involved in the Springfield Intercommunity Development Project. We got involved with the Springfield Intercommunity Development Project and basically, of the 28 or so core member groups in there, it would be roughly 50:50. There was a lot of contentious stuff around the area. We felt it was no use working on a day-to-day basis in and around the area without looking at the contentious stuff and so we started the mobile phone network. With the mobile phone network what happens is we have different community workers the whole way down the interface and they would have an adjacent worker facing them. If young people gathered at one particular place in order to start throwing stones or whatever, then the community worker on whatever side it happens will ring the people on the other side and society. The diversity is not something we are used to. A community worker on whatever side it happens will ring the previous evidence. We live in a very segregated society. The diversity is not something we are used to. People have had protected territory for centuries if not generations and there is prejudice there, prejudging the other without prior knowledge. People will attack houses on the other side. They do not know those people. Those people have not done anything to them. That is about prejudice in our society, but when people do something that then becomes sectarianism in my view. In some sense, what we see on the interface is the manifestation of prejudice. People are attacking other people because they see them as the enemy when they have never even met. Our job has been, and continues to be, to try and develop relationships where more and more of those people get to find out who the other people are. You

Q399 Chairman: That is very interesting indeed. Has that sort of alliance been replicated in other interface areas?

Mr McQuiston: To the best of my knowledge it has not been done very much. We are working with people from north Belfast to try to replicate the good practice and the models that we have in west Belfast.

Ms McGlone: Last year myself, Billy and Sean, along with the Parades Commission, went to South Africa and we met Brian Currin from the Criminal Justice Review Board. I asked Brian if he fancied coming over and doing some work on trust building along the interface in west Belfast and he said yes. So this time last year he came over and we started a series of trust building sessions between activists in north Belfast, unionists and nationalists, and west Belfast nationalists and unionists. Obviously there are differences in those areas and that is the problem. The difficulty is each interface area is different, it is different geographically and some are enclave areas. We did find the difference stark in terms of north and west, but we are still engaged in that process. That process has been going on for a year. I have brought you the documentation that resulted from that.

Q400 Chairman: The Community Relations Council question whether this sort of intra-community sectarian violence and paramilitary feuds within the individual communities could be described as ‘hate crime’. Do you have views on this?

Mr McQuiston: We have had 30 years of the troubles so there is bound to be deep-rooted hatred within the two communities. Some of the inter-community trouble that is going on at the minute is recreational rioting, kids basically with nothing else to do. We have the mobile phone network and we ring each other up and try and speak to kids on both sides, but what has happened is that the kids on both sides have now got their own mobile phone network and they ring each other up and try and arrange a riot in places where we are not. Whether that is hatred or not, I do not know.

Ms McGlone: We have weekly meetings on the mobile phone networks. Relationships have been built up over the last two or three years on that and I would like to think that there was trust there on both sides.
cannot get everybody to meet everybody. It is about creating a culture, which we have managed to do to quite a successful point, where it is normal slowly being healed. We facilitated the communities that has a different dynamic and as an organisation we published one private and one public report on the recent Shankill feud. I am surprised that the Community Relations Council do not see it as 'hate crime' because the end result is the same, people are displaced, they are killed or injured.

Q401 Mr Clarke: You will have heard my questions earlier on. I think we are trying to get a feel, not just of whether or not there is 'hate crime' because of course there is 'hate crime', but post the ceasefire is the problem getting more focused and targeted in certain areas than others. I wonder if you could give us a west Belfast perspective in terms of whether or not you have seen any increase or any shifts or any trends. As the ceasefire has come on is the 'hate crime' different? Are you seeing rises in 'hate crime' related to racism? Are there more intra-community problems? What would you say to the Committee in terms of a west Belfast perspective?

Ms McGlone: I would say that we are going through a blip right at this moment in time and that is because of the summer that we came through. Because there was not much publicity and there was not much rioting people did not see it as a bad summer when in fact it was a horrific summer. Both communities were very traumatised by decisions made around parades, and both communities convulsed in some situations around decisions taken by the Parades Commission. We have had a slight rise in young people, because of what happened in Ardoyne, because of other issues, actually going out and attacking communities on both sides. It is a blip. One of the things I would say is very different at the moment is that in the past if something like Leeds Castle was coming up everyone would have waited with baited breath and it would have been said that that was going to have an impact. The sectarianism is not at the interfaces, that is not where it is played out, people would come from other areas. In the past the community took responsibility for that and said, "Hold on a minute. Our quality of life is not going to be affected every time there is a break down in talks or the Assembly is suspended." People took responsibility and started to build the trust, to develop those relationships. There is ambivalence about Leeds next week, but three years ago it would have been a disaster if it did not work and it would have been played out at the interface and there would have been violence. From our perspective it has got better because, even though we have got this blip at the moment from the summer that has been a bit hard to manage, people are still managing it. Relationships were strained because of what happened, but people still kept meeting and talking and the relationships are slowly being healed. We facilitated the communities for a year and we asked them what would make it easier for them, what is this about sectarianism and Brian Currin helped us with that. I would say that we are going through a difficult time at the moment, in fact there was some stuff last night and over the weekend, but things are getting better.

Mr McQuiston: Some of the things that are happening are of a recreational nature. I have noticed since the ceasefires that there has been what I call cartoon characters appearing. These people seem to come on the scene all of a sudden and they are at the forefront any time there is trouble. I think it is at times of political instability that these people can run about and be listened to, and I am hoping that in the near future the political instability will be taken away and so another excuse will be taken away. If you look at young people now that are involved in inter-community stuff in most of the interfaces, the kids are 16 and 17 years of age, but they were six, seven or eight years of age when the ceasefires came about and when the Good Friday Agreement came about. They have not really got a hate there; it is just that they are unsure or whatever in their community. A lot of it is recreational. I do not see it as being hate. I think we have to change people's perceptions of each other and we have to get involved in stuff that helps us see each other's cultures and what perceptions the other communities have. We are involved in a lot of cross-cultural stuff at the moment with young people and letting them see that there is not any danger in any other culture and that having a different political belief or culture is quite legitimate. Is it 'hate crime'? I do not know.

Q402 Mr Clarke: You will have heard me talking earlier about "the village" and how a lot of Chinese and Asian people have moved in and the paramilitaries saw it either as a good way of getting support or they tried to stop it. Has there been any of that around?

Ms McGlone: No. One of the things that came up in the strategic plan that we did was about racism and people saying that we would have to sort out the fact that we are all segregated and that there has been interface violence or whatever, but people say the issue of racism is rising and it is an issue within our communities. On the nationalist side, you have a lot of Pilipino nurses working in the Royal Victoria Hospital. The vacant housing stock is much more accessible. There are Iraqi families on the Shankill as well. Certainly our community activists identified with that and they said that many of the things that we are using to look at the differences in terms of sectarianism could also be used to learn from. It would not be in our remit or out of it but at the same time it is something we are going to have to address. You were talking about your system in Northamptonshire where you started to log the incidents. We do that on a regular basis, every Friday people come and they log the incidents. That has been dealt with through our
Mr McQuiston: There was one racist incident, it was not an attack, that would have been seen as racist, that is just on the interface. Maybe there are not many ethnic minorities living along the interface. Although it covers 12 wards, there are not many there because the housing stock is premium anyway.

Mr McQuiston: I take the same view that someone sitting here said earlier and ‘the village’ is a prime example, the communities feel under pressure. The housing stock is being bought by young professionals and you have people of different backgrounds coming in and they feel under pressure. These things seem to be happening in loyalist areas. Last year there was 29 people re-housed because of racist attacks by the housing executive and 16 of those were in loyalist areas and 13 were in nationalist areas. It is not just in one community here that this is happening.

Q403 Reverend Smyth: Billy, in the light of a number of submissions, for example from the CRC and from NICVA, we have noticed that they are claiming an increasing segregation in Northern Ireland, particularly in housing and deteriorating relations between the two communities. How would you assess the state of community relations at the moment between the two main communities? I appreciate that you are mainly in the north and west but you must see a fair bit of Belfast.

Mr McQuiston: I put a lot of it down to political instability and people not knowing where they are at the moment. When people feel frightened they will strike out. There is a lot of that going on at the moment. I would say in west Belfast, in the area that we come from, community relations have been greatly improved in the last five to six years. When I first got involved with inter-community stuff I took some flak within my own community, but I took the view that if you have an interface area then the Protestants will move out and that is just a fact. I felt it was endemic on me and people like me to do what they could to give confidence back into the area so that people could live in that area. Our community is now expanding. Ten years ago in the estate that I come from 15 per cent of the houses were empty. We now have a waiting list and the community is expanding. A lot of that is down to housing stock. The Catholic community in west Belfast is expanding at a tremendous rate and the Protestant community has dwindled and this has a lot to do with housing. There is a lot of instability there and perceived threat.

Q404 Reverend Smyth: One of the problems I have noticed myself in your area of west Belfast is the great numbers of people who were moved out by government planning, whereas because of the parish system in the Falls and so on people stayed and houses were built there. Is that not still part of the problem?

Mr McQuiston: Within the Greater Shankhill area there would be a viewpoint that the British Government had a plan to move all loyalists to the east of the river. I know community workers in the Greater Shankhill area who have maps on their wall and if you look at the Protestant loyalist community in west Belfast in 1969 for instance and now, it is dwindling all the time and a lot of that is down to housing stock. If you take the redevelopment of the Shankhill, at the time there was 64,000 Protestants living in the area but there is now something like 24,000 living in the area and that is because of the redevelopment of the Shankhill. Thousands of houses have been knocked down. There is a perception within the Shankhill area that the British Government was trying to move people east of the river in order to contain the troubles in east Belfast.

Q405 Reverend Smyth: You mentioned ‘the village’ earlier. How far is this group that call themselves the British National Party who have come into the area responsible, and how far is it that folk are concerned they are not getting the houses they want to live in their own area because young professionals have bought it over?

Mr McQuiston: I think that is a big problem in areas like ‘the village’. Young people born and bred in the area get married and they cannot afford housing stock in the area because the young professionals have put the prices through the roof and because outside developers are buying the houses up and renting them out to other people for rents that those young people cannot afford.

Q406 Mr Pound: I was going to ask about best practice and how you expand that beyond the boundaries of your immediate areas but I think you have both answered that question. Is there anything you want to add to that about spreading the word on the extraordinary achievements you have had in terms of best practice?

Ms McGlone: Thank you for that opportunity. What we have done is we have talked to people that live on the coalface and we have said to them—and this project has been going a long time—we need to have a framework within which we can move on all these issues. We started with a blank sheet. Brian Currin helped us with it. I believe this strategic plan is a document of good practice because it was drawn up after consultation. I will go through it briefly.

Q407 Chairman: Are you going to leave it with us?

Ms McGlone: I brought you packs. We did an annual report like a newspaper because we have this real thing about the media never report anything good about interfaces.

Q408 Chairman: The media never report anything good about anything.

Ms McGlone: What we did was we decided to produce a newspaper and it was the good news stories from west Belfast. We also did a report called ‘The State of Play’ and basically it is an idiot’s guide to the interface in west Belfast, what the issues are, what the problems are, the political leadership, all of that. Then I brought along the strategic plan, which
was the final document to come out of it. I want to run through that because it will be very different from some of the things I heard earlier. The area that we work in is the interface between the Shankhill and the Falls, so what I am saying has been agreed by people from the Shankhill, the Falls, the nationalists, unionists, republicans and loyalists. One of the things we need to continue doing is what we called resolving difference, that is the mobile phone network, that is about conflict, that is the fire fighting in some senses, but it is also the issue of graffiti, flags and emblems. We need to deal with those issues and we have been doing that very successfully. When I talk about us, I am talking about all the community activists we work with; I am not just talking about the staff in the organisation. You can read that. We have put what we mean by that there and then the actual steps that need to be taken to combat that issue and we have tried to put in quotes we had from different people that epitomise that for us. The other one was community developments across the interface. We are trying to achieve a place where we do not do community development on the Protestant side and the nationalist side, even though they have very different needs, but we do community development together. People will train together, do seminars together and they will do projects together. We recently painted the Lanark Way gates. There are now beautiful murals on them that were done by children from Clonard and Highfield and we had the launch there a couple of weeks ago. The reason why this is on the front of the report was to retain the old gates and there has not been a touch of graffiti on them yet. It is about starting to do things together rather than separate development. The third one is exploring diversity and this is where the issue of racism comes in. As Billy was saying, they are involved in cultural visits. We have gone down to the Doyle, we are going up to Fernhill House next week, both communities together and we also do some quite political stuff as well in terms of murals and going in and out of each other’s areas, visiting memorial gardens that would be perceived as being for people from the troubles. The other one is highlighting community needs. These areas are deprived. There needs to be a joined-up government. We do not have an Assembly. We need to have all the departments working together to look at urban regeneration and instead of bringing out all these separate initiatives that do not link together, maybe we should be taking interface communities and having a look there.

**Q409 Mr Beggs:** What should be the Government’s priorities in tackling sectarian attitudes and behaviour which can result in ‘hate crime’, and what should the Government be doing that it is not presently doing?

**Ms McGlone:** Two things. One is a shared future. A shared future is not perfect but it is the only show in town. It is the first time that we have a potential policy that has been consulted on. Is it not incredible, after 30 years of war, that we do not have a community relations policy for the Government? When I was in the civic forum I abused one of the researchers by asking her to go into the programme for government and the finance and to find out how much money was spent on community relations. There were two areas, OFM and DFM through the city council programmes and EMU, the Department of Education. The answer was £0.5 million. That is disgraceful. I will read a quote from this report: “Since the publication and resourcing of the North Belfast Community Action Unit . . .” if you remember, it was set up in May 2002 and it was after the Holy Cross dispute—“ . . . the report provided analysis of many of the key points concerning issues facing communities in north Belfast.” We welcome that analysis, but the reality was that £17 million is going into that area. That is not a coordinated approach to these issues, that is a specific approach directly because of a dispute that happened in one area. The positive side to that is that interfaces then became prominent. We were very lucky because suddenly everyone started to see it was possible to do something. Up until then it was very difficult for us to get funding. The funding is not the issue, it is support. It is about a policy in community relations, at least it is about saying to different government departments that they need to look at this. One of the ideas that they may think about is that interface communities take some of this good practice that we have worked for so hard. You do not have to re-create the wheel. There is good practice already out there. Maybe you could use that as a pilot to see how it goes. It is not about resources, it is about support, it is about enabling and empowering people to do things. The other thing that I would say is that I do not think the Government is very good. If you want to know about domestic violence, you do not go and ask a fireman unless he has been a victim of domestic violence or a perpetrator. Groups like ourselves that have gone through all this work suddenly find an initiative that is coming out that nobody has discussed with us. That was one of the difficulties with the north Belfast unit, they did not take into account all the experience of people that had worked in that area prior to that and that is why we were glad they did not come near us because we were able to do that ourselves. These are the two things we would like to see happen. One is a shared future, imperfect though it may be, but we will learn as we go along. It needs to be moved on and the Government needs to engage with it. The second thing is that I think the Government needs to recognise that there is expertise out in the community sector. Let me give you an example. I met with Des Browne on a number of occasions. We said, “You need to do this, this and this,” and he said to us at the time, “Look, I would really love to do that but you have your own government here. There is really nothing I can do.” Two days later it fell. We asked him for three things at the time. One was to progress the shared future, the second one was to provide some way that groups like ours that were well established did not have to jump through hoops every time they wanted some funding, and the other one was to have an inter-agency group that would start to look at interfaces. He brought in a group of people from different departments in Stormont. The only representative
on it from the community was Duncan Morrow. There were no specialisms in interface or racism or whatever. I think Des tried very hard to progress those things. Unfortunately somebody decided to move him.

**Chairman:** As always, a thoroughly positive contribution from you. Thank you for coming. We will read the paper you have left us. I am going to adjourn the Committee. Thank you both very much indeed.
Tuesday 14 September 2004

Members present:

Mr Michael Mates, in the Chair

Mr Roy Beggs
Mr Tony Clarke
Mr Eddie McGrady

Mr Stephen Pound
The Reverend Martin Smyth
Mr Bill Tynan

Memorandum submitted by the Anglican Church of Ireland

INTRODUCTION

Shaping influences in the Church of Ireland

The Church of Ireland welcomes the reinforcement of hate crime legislation in Northern Ireland.

The Church of Ireland Community is a minority community within Northern Ireland. With a membership of 280,000, it represents just less than 20% of the population of Northern Ireland. It is the second largest of the three main protestant churches. As with many minority communities, our members, at times, have been targeted individually and as local communities by those perpetrating hate crimes. As with many communities, we have sometimes, individually and as local communities, been part of the problem.

The Church of Ireland concurs with the definition of hate crime commonly applied in the rest of the UK as subjecting people to harassment, victimisation, intimidation or abuse because of their race, faith, religion, disability or because they are lesbian, gay, bisexual or transgendered. The police definition of hate crime used by Hertfordshire Constabulary seems to be simple and direct. “A crime where the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimised.”

In the UK—the phrase “crime” includes physical attacks or assault, harassment, threats, disputes between neighbours, swearing or making abusive remarks, people doing things that frighten, intimidate or distress, bullying at school or college, arson, spitting, insulting gestures and again, we feel that these criteria would be widely recognised by many individuals and communities in Northern Ireland.

In 2002, the Church of Ireland received funding from the International Fund for Ireland and the Priorities Fund of the Church of Ireland to conduct a survey of attitudes to living with difference within our own community and between ourselves and the wider community. The study, called The Hard Gospel was insightful and clear. Church of Ireland members recognised that sectarianism and other negative ways of relating to those who are “different” is not just a problem for others but for all of us living in the social system of Northern Ireland. It is something that is so deeply embedded into our society that, like the bindweed lacing itself through our hedgerows in summer, it springs up everywhere and winds itself through all our activities.

But a heartening fact that emerged from our study, was that the great majority of respondents both recognised sectarianism for the evil that it is, along with racism, sexism and discrimination and hostility on the basis of disability or gender and wanted to do something about it. From this response we would say that there is broad support in our community for measures to counter hate crime.

Much of the evidence that we will offer to the Inquiry is informed by what we learned of ourselves and our attitudes through this study, The Hard Gospel. We also base our views on our direct experience of ministry to our own community during the period known as The Troubles and our efforts to offer a Christian witness to the broader community, throughout. We also have direct experience of the painful emotions raised by conflicting attitudes to gender and sexuality. And finally, as a Church, we are now challenged with examining our attitudes to those who come to our shores as strangers.

The Church of Ireland as part of the international Anglican Communion, is committed to finding ways to establish a more just and integrated society where the integrity of contrasting cultures and the human needs of those involved are respected. We see ourselves as a bridging Church—not always a comfortable position for a minority group to play.

The strengthening of legislation and sentencing structures to deal with hate crime would seem to offer part of the solution to this problem in Northern Ireland. The Church of Ireland encourages government by all means to pursue its legislative course, to encourage the police force in pro-active engagement with the defence of human dignity and to support the criminal justice system is securing prosecution of these hateful crimes.
However, the study of the Church of Ireland community indicated that, in itself, legislation may not be sufficient to change attitudes, perceptions and behaviours. The Church would call for the development of a professionally managed, thorough-going programme of information, education, persuasion and training. The purpose of such a campaign is to establish a broad safe space in the centre of society where non-sectarianism, non-racism, non-sexism, and equality regardless of ability are the norm.

We believe there is still a problem in many local communities, where subtle intimidation maintains sectarian and racist attitudes as the social norm. We believe this situation must cease.

SECTION ONE: REASONS FOR INCREASE IN CRIMES MOTIVATED BY HATRED

Reasons for the reported increase in crimes and incidents motivated by hatred within and between the communities in Northern Ireland

Factors that may contribute to greater reporting of hate crime include:

— Increased levels of information about hate crime.
— More knowledge of how to report hate crime.
— Possibility of anonymous reporting of hate crime.
— Growing acceptance that hate crime is unacceptable.
— Perception that police will react more objectively.
— Perception that government has prioritised this area of crime.
— Greater awareness of vulnerable groups by Churches.
— More church involvement with self examination and reconciliation programmes.
— Conscious attempt by church leaders to name the taboos that have, in the past, permitted hate crime to flourish in a spiral of silence.
— Awareness of the architecture of hate-crime among journalists. Both local press and bigger players such as the BBC and UTV, and the mainstream papers now identify hate crime as a news category and are reporting incidents, increasing community understanding of the issues.

But our perception is that there are also factors tending to increase the incidence of hate crime:

— More incidents of hate crime. In particular, racist crimes seem more common as new communities arrive in Northern Ireland.
— A lack of prosecutions tends to reinforce the impression that hate crime is acceptable.
— Greater permeation of society by protectionism and gang-related crime, tends to result in hate crimes within communities.
— Some protestant communities believe that a blind eye will be turned to intimidation and eviction of “their” group, while that intimidation takes the form of a stone through a window, rattling the letterbox and other “low grade irritation”.
— Similarly, it is well documented that many nationalist communities feel the police will not defend their rights in similar situations.
— Despite the PSNI’s making progress in altering their image, these difficulties are likely to persist for some time in Northern Ireland.
— Increased consumption of alcohol and drugs may raise levels of active aggression turning attitudes into hostile behaviours and criminal actions.
— The last decade has seen considerable housing development and demographic change. The eastern part of Northern Ireland in particular has seen major population influxes and new housing developments. Equally, there are areas where populations are declining. Given the historic tension between the communities regarding housing, the Church feels that there might be merit in studying the issue of hate crime in relation to demographic and infrastructural change in Northern Ireland during this period.
— Society is less inclined to use formal rules of social and business exchange, for instance around items such as introducing, greeting, meeting and issue resolution. Is there occasion to introduce a programme to schools and workplaces that explores the intricacies of social and business interaction through the lens of multi-cultural communication? Could the Trade Unions and Employer organisations be brought into this equation?
SECTION TWO: TO EXAMINE THE EFFECTIVENESS OF MEASURES TAKEN BY GOVERNMENT AND RELEVANT AGENCIES TO TACKLE PREJUDICE AND TO SUPPORT THE VICTIMS OF SUCH PREJUDICE

As indicated in Section One, there are a number of points in relation to hate crime where there is visible progress. However, the study The Hard Gospel, showed that within our community there is a view that negative attitudes towards “difference” continue to be a major problem in Northern Ireland. Hate crime is compounded by a culture of silence, avoidance and even acceptance of attitudes and behaviour that are unchristian, and to us, unacceptable.

The creation of the Equality Authority was a very welcome and positive move. But it needs to operate beyond the obvious and start engaging with the difficult issues. The media are highlighting racism in Northern Ireland. We need to see police enforcement. Sectarian incidents are daily news. But until very recently, they haven’t been recorded, monitored or even had official criteria to label them, never mind prevent them. And Northern Ireland desperately needs to get these issues aired for debate in the whole community. We need an agency tasked not just with enforcement, but with providing information, education and training.

We also need a mechanism, perhaps linked with the enforcement agency, to identify the victims of these crimes. Currently, victims are primarily part of a criminal justice process, when an incident is actually prosecuted. Otherwise they remain the unknown and very isolated person or family who feels unable to make a complaint, or whose complaint is not taken any further. Again, we are confounded by silence, by fear and by failing to know what we should do about it if someone tells us of such a crime. Tea and sympathy are not great substitutes for restorative justice, the firm enforcement of human rights and protection of human dignity.

There is a cost to providing this level of support. Has the exchequer made this a budgetary priority? Will there be central funding? How will the different systems being introduced throughout the UK impact on the availability of funding? There is a widespread feeling in our Church of Ireland community in Northern Ireland that the victims of sectarian, racial and other forms of hate crime, receive inadequate support, and that there is little that is truly restorative.

SECTION THREE: TO ASSESS THE EFFECTIVENESS OF THE EXISTING LAW AND PROPOSED CHANGES TO THAT LAW.

There is increasing awareness that the form of legislation in Northern Ireland may differ from that in the rest of the UK. This is particularly so in the areas of equality legislation (the proposed Single Equality Bill for NI), proposals relating to human rights, and also, to the current issue, hate crime.

The reasons for this are not well understood, and, have not been broadly explained or debated. There certainly ought to be both information and debate on this approach to legislation as well as some mechanism to gather feedback.

In part, this lack of public information and debate has resulted in different views on the legislation developing within the Church of Ireland, as within wider society. There are some within our Church who see the proposed legislation as offering a very progressive approach to the defence of human rights and dignity. Other groups plainly feel concerned that NI will have “different” legislation to the rest of the UK and are also anxious at the punitive tone of that proposed legislation.

It is therefore difficult to present a single thought that encapsulates “the Church of Ireland response”; overall, while supportive of the thrust of legislation, our community is concerned that different rights, legislative structures and enforcement policies will exist within the UK and Northern Ireland. We see this as both a conceptual and practical problem. It must present administrative difficulties for organisations operating in more than one region of the UK. The fact that different rights may be legislated for in different regions of the UK leads us to conclude that we are heading towards a situation where, apparently, human rights will be linked to regional residency rather than to citizenship. Human rights is a global issue of justice. Why, within the UK and Northern Ireland, are we not aiming for a single unified approach? Ideally, one that is integrated within the framework of EU legislation also.

Government measures may sometimes be perceived to be very structural, focused on economic development, education, legislation, policing and enforcement. There is a perception that more resourcing is required for programmes that address attitudes and behaviours. Some means of addressing these issues at a societal level, perhaps using some of the educational structures as a foundation might create a progressive dynamic by reaching into community structures.

The existing law, while dispersed in a number of pieces of legislation, covers the principles involved. Recent publicity about hate crime has raised awareness of people’s rights and of how to report hate crime. PSNI initiatives, particularly in relation to gender- and race-related hate crime encourage a greater sense of security among victims to report such instances. However, this profile needs to be built on and extended to cover the very significant area of sectarian crime. The Church welcomes the initiative to bring sentencing structures into line with the rest of the UK.

The Church notes that concepts of restorative justice that appear in legislation and implementation in the rest of the UK are not evident at this stage of development in Northern Ireland legislation. The Church would encourage government to look at incorporating concepts of restorative justice in NI.
If there is a concern, it is that the Northern Ireland legislation places too exclusive an emphasis on the prosecution and punishment of hate crime and perhaps, insufficient emphasis on the development of integrated communities.

Existing legislation makes it possible to prosecute hate crime. Yet something is preventing the prosecution of hate crime in Northern Ireland. Prosecution figures are extremely low, yet recorded rates of crime in those categories where statistics are available (racist attacks) indicate a higher rate of per capita incidence than the rest of the UK. Anecdotal evidence suggests that sectarian crime is equally problematic, although, no statistical record of sectarian incidents is kept. The Church would strongly urge the gathering of information and statistics to enable evaluation of the success of the legislation. The Church would urge government to explore why prosecutions are so few before relying so heavily on further legislation to reduce what is a very real problem for us in Northern Ireland.

The historic situation in Northern Ireland presents the state with a different perspective on the problem of sectarian hate crime compared with the rest of the UK. Some sections of the community may not find the PSNI the appropriate agency to implement restorative justice aspects or community development work which would seem to be a necessary component. Would government consider working with social partners in the community, or to set up structures to work in both communities?

Memorandum submitted by the Catholic Church of Ireland

INTRODUCTION

The increase in racist and homophobic incidents, along with attacks on the elderly and disabled, has been met with a growing sense of concern and deep moral revulsion by the overwhelming majority of people in Northern Ireland. It is an issue which requires urgent and comprehensive action from all of those who can influence public attitudes in any way. All such attacks, and the attitudes of superiority, exclusion, intolerance and aggression which lie behind them, are an insidious evil which must be constantly and vigorously challenged within all of us and within society at large.

The Criminal Justice (No. 2) (Northern Ireland) Order 2004, due to come into operation on 26 September this year, is a vital and welcome part of the political and legislative response to this evil. Strong legislation sends a clear signal that such behaviour can not and will not be tolerated, since it offends the fundamental dignity of every human person and undermines the very freedom, tolerance and respect which lie at the heart of a stable and democratic society. The availability to the courts of increased penalties for offences motivated by hostility towards a person’s race, religion, sexual orientation or disability will hopefully provide an important additional deterrent to people who would be tempted to engage in such acts.

BEYOND LEGISLATION

Yet strong and effective legislation of itself will not be enough to address the underlying attitudes which give rise to such behaviour. We must, collectively and comprehensively, seek to address the roots of hatred itself, in all its forms. This will involve a wide range of strategies, structures and initiatives which together should form a comprehensive social and political response to the underlying sources of such attitudes and behaviour. This in turn will require engagement with the widest possible range of civic, religious and political organisations that can help to influence these attitudes in our society, including the Churches. For that reason I welcome this opportunity to participate, with others, in exploring ways in which we can all respond to the current situation.

While a more thorough analysis is required, and should be sought through comprehensive academic research into this issue, it is possible to identify at least some of the factors which contribute to the presence of a higher rate of racist incidents and other “hate” crimes in Northern Ireland than in England and Wales.

This includes the fact that the last ten years have seen a period of almost unprecedented social and demographic change in Northern Ireland. At the social level, some people have experienced a general increase in confidence, inclusion and participation. Regrettably, but by no means inevitably, this has been met with a corresponding decrease in the sense of confidence, inclusion and participation on the part of others. Added into this mix have been the significant demographic changes that have occurred in terms of the relative size of the two largest communities. This has produced changes in the pattern of housing provision throughout Northern Ireland and has given rise to well publicised tensions between the two largest communities, most notably, but not exclusively, at so-called interface areas.

The cumulative impact of these changes has been to leave many, particularly in areas of social and economic disadvantage, feeling that their identity and security of space and belonging, is under threat. This in turn can reduce a community’s capacity to react constructively to the consequences of increased racial, ethnic and religious diversity.

The relative confidence of certain sectors can lead to an unjustified sense of complacency about their responsibility and propensity to so-called “hate” crimes, when, in fact, racial, homophobic and ethnic attacks are on the increase in these areas as well.
All of this highlights the need to consider the impact of overall political and social change on more localised, even individual, attitudes and behaviour, when analysing the dynamics of hate. The failure to secure stable political arrangements, based on equality, power-sharing and mutual respect, will inevitably impact on the dynamics of fear and threat which exist in society at large, especially if people feel disempowered or become disillusioned with politics and social change generally. The character and tone of political and civic leadership are critically important in this regard. There is a huge responsibility on civic and political leaders to model the principle of constructive co-operation for the common good, while at the same time demonstrating respect for the right of everyone to a particular religious, ethnic, political or cultural identity and conviction. There have been examples of leaders being able to work collectively together without dilution of convictions, principles and identity. We must, at all levels of civic, religious and political life, witness to the possibility of confident and diverse identities working in effective collaboration for the common good.

**BUILDING CONFIDENT IDENTITIES**

To do this effectively, however, requires that people feel secure in and confident about the future of their own identity and confident in turn, that their identity will be treated with fairness and respect by others.

This suggests that part of the response to the general issue of “hate” crime is to develop and support strategies which enable individuals and communities to build confidence in their own identity and culture. Such strategies should enable them to respond to inevitable and necessary changes in society, and to participate constructively in the mechanisms for influencing that change at a local and regional level. This means supporting what are sometimes known as “single identity” capacity building strategies. These seek to develop and empower local communities to greater confidence in their own identity. Building this confidence will help to diminish the sense of threat felt by people when they encounter increasing diversity and demographic change.

What is also required is that strategies be developed and supported which seek to build understanding between diverse identities. A lot of excellent initiatives have already been undertaken in this regard, many of them sponsored by the Churches. Youth Link, for example, one of the largest providers of Youth Services in Northern Ireland, was established by the Catholic, Church of Ireland, Methodist and Presbyterian Churches in 1991. It supports the Churches in working together to develop excellence in youth work and provides opportunities for young people of different traditions and cultural backgrounds to develop mutual understanding, tolerance, acceptance and respect and to be active contributors towards reconciliation and building a better society.

In 1978, the Irish Council of Churches and the Catholic Bishops’ Conference established the Churches’ Peace Education Programme. The aim of the programme was to provide support to primary and secondary schools throughout Northern Ireland in the areas of mutual understanding, respect for diversity, learning conflict resolution through games and play and the development of emotional literacy and peace-building skills. Over the 26 years of its existence the project has produced a comprehensive and pioneering range of school-based materials covering every year group and each key stage in the Northern Ireland system. At present these materials are being used in 500 out of the 800 primary schools in Northern Ireland and in over 50% of Secondary schools. Until April of this year, the project had two full-time employees working directly with schools and developing materials, supported by administrative staff and a number of part-time and voluntary staff. Until recently, the project was also at the forefront of developing and maintaining pioneering/cross-community! cross-border joint school projects on cultural heritage and mutual understanding with primary and secondary schools in the border counties. The project also maintains a comprehensive resource centre for schools at 48 Elmwood Avenue, Belfast. The materials here cover the whole range of skills and information necessary to address the issue of “hate crime”, in all the forms identified in the recent legislation, within the school curriculum.

Sadly, however, after 26 years of pioneering work, and in spite of being the only such project to have the backing of the main Churches and subsequent access to both the Maintained and Controlled sectors, the Department of Education decided to cease funding for the Churches’ Peace Education Project in April of this year. This meant that staffing was reduced, with immediate effect, to one person on a part-time basis, paid for solely by the Churches and some other voluntary and charitable sources. This decision by the Department of Education has also brought about the end of the highly acclaimed cross-community! cross-border schools initiative.

In the light of the increase in “hate crime”, which has precipitated our meeting here today, and the need to address the underlying sources of such crimes through schools in particular, it is difficult to understand how such a decision can be justified. I take this opportunity to ask those politicians present to raise this matter with the relevant Minister and with the Department with a view to seeking a reversal of that decision.

Schools have a vital role to play in addressing the attitudes which underpin intolerance and hatred in our society. Thankfully, all of the various sectors within the education system in Northern Ireland, seek to address this issue as a key priority of the particular character and ethos of their type of school. The official religious education programme, developed by the Catholic Bishops of Ireland includes, material, information and activities which seek to address the issue of tolerance and respect for diversity. It seeks to raise awareness of other religions groups; It deals with the experience of immigrants and the Christian duty
to love and support the stranger in our midst; and tries to development constructive skills of conflict resolution. We have recently reviewed this programme with the objective of addressing the increase in racial and other “hate” based incidents.

The Catholic Church has also given its active support to the inclusion of these themes, most notably the obligation to study and understand other world religions, in the recent revision of the Core Syllabus in Religious Education.

**Practical Initiatives**

A number of Catholic schools in areas where racial incidents have been occurring, have taken the lead, with their local Parish, in arranging “welcome” and “awareness” days for local people. There they can meet they can meet talk to people from a variety of ethnic and religious backgrounds who are living in the area. This has included days where people from a variety of ethnic and religious backgrounds set up stalls in School or Parish Halls which display food, artifacts and symbols which reflect their culture, practices and beliefs. I believe initiatives such as these deserve to be encouraged on a wider basis.

Many local parishes and protestant congregations have also been at the forefront of facilitating engagement, discussion and encounter between various religious, ethnic and other groups at local community level. These discussions deserve to be encouraged and further developed.

The *Partners in Transformation and Moving Beyond Sectarianism* projects, deserve particular mention in this regard. Organised by the Irish School of Ecumenics these initiatives seek to help Churches, at both a local and at a leadership level, to reflect critically on their own disposition towards attitudes of superiority and exclusion, and at the same time to “enhance, nurture, and support the capacity of churches and faith communities in their calling to be peace-builders and agents of transformation”. This pioneering work provides a model of good practice which could be extended to include reflection on other sources of “hate” in our society and deserves to be extended to include engagement with other sources of social capital and influence such as political parties, civic institutions as well as civic and political leadership.

One of the important lessons which have been learnt from these initiatives is the role of public language in generating a culture of superiority and exclusion, a critical source of attitudes of hate. For Churches this presents the particular challenge of ensuring that the language of legitimate theological debate and difference is not translated into attitudes of exclusion and superiority. As Christian leaders we must ensure that the overwhelmingly inclusive, tolerant and constructive language of Christian faith is translated into a similarly inclusive, tolerant and constructive society in which respect for the inherent dignity of every human person is the preeminent culture and ideal.

This attention to the importance of language also has consequences for many other leaders in society. For that reason I suggest that support should be given to initiatives which seek to train civic, religious and political leaders in this and related areas.

Other initiatives which deserve consideration include:

- Inclusion in the legislation of increased penalties for those who have attacked, threatened or intimidated the elderly, the young or the disabled. The additional vulnerability of these people suggests that they deserve additional protection through the law.

- The creation of a centralised resource agency which could provide a gateway into a comprehensive range of agencies and resources for those who have been subject to any form of hate-based crime, threat or discrimination. Often those who have been subject to such incidents are uncertain as to where to go to get support which will be coherent and comprehensive enough to respond to their situation.

- While it would require a much fuller discussion, the Churches may be uniquely placed to cooperate in a co-ordinated campaign against hate crime, in all its forms. The structure of Parish, Congregation and School could be utilised to disseminate an agreed logo which people could place in their front windows at home as a sign of welcome to anyone who may be feeling threatened or at risk. Young people especially could be encouraged to wear lapel badges indicating their willingness to help anyone in need of support against threat or attack. Such an initiative could be further developed along the lines of the “Neighbourhood Watch” type schemes already in operation in some areas.

- The development of a public campaign against “hate crime” based on similar campaigns which sought to change public attitudes to smoking, speeding and drink driving.

- The allocation of additional resources by the PSNI in order to address this particular issue through increased monitoring and recording of such incidents across all of the “hate crime” categories mentioned in the legislation.

- Further attention needs to be given to addressing the phenomenon of “marking out territory” in Northern Ireland. This includes providing additional legislation and resources which would allow for stronger police action in relation to paramilitary flags and other inappropriate symbols displayed on public property.
— The creation of a voluntary code of public conduct and debate for politicians, church personnel and other community leaders.

— The establishment of local civic fora which have, as part of their statutory constitution, representatives from each of the categories identified in the “hate crime” legislation and which discuss, as a matter of routine, issues relating to the legislation.

— The development of locally negotiated, publicly displayed and widely disseminated Community Charters outlining agreed principles for relating to individuals, groups and communities and for the sharing of space and resources.

**CONCLUSION: ADDITIONAL CONSIDERATIONS**

In light of the recommendations of *The Justice (Northern Ireland) Act 2002* to explore the increased use of “diversionary options” and restorative justice concepts in the Criminal Justice system here, it seems reasonable to suggest that such options should be explicitly developed in the context of the proposed legislation on hate crime. Perhaps more than most other types of crime, recidivism in relation to hate crime may be reduced by exposure to programmes which encourage the perpetrator to address the underlying attitudes, presuppositions and misunderstandings which gave rise to this dimension to their actions in the first place. The aim of any punitive action in this area must be to address the attitudes underlying the behaviour as well as the behaviour itself. In this regard, it may be helpful to increase the range of remedial options available to the court, including the possibility of community service in which the perpetrator is obliged to spend time working for or with the group they have victimised.

Finally, as a religious leader I would like to point out that the increase in racist and other “hate” based incidents occurs in the context of a growing atmosphere of aggression and violence more generally in our society. While a complex social phenomenon, this too deserves the attention of those responsible for social policy and social cohesion. Among other things I would suggest that it requires an effort to restore the general sense of responsibility for the common good in society, to move away from an exclusively rights based approach to social participation to one which places a similar emphasis on courtesy, respect and mutual responsibility for the common good.

14 September 2004

Memorandum submitted by the Presbyterian Church in Ireland

I submit the following memorandum on issues covered by the Committee’s terms of reference for the “hate crime” inquiry. I regret that due to holidays in August it has not been possible to send them to you before now and they are, of necessity, statements which the Church has already made. While they relate mainly to racist ‘hate crimes’, the underlying principles have a more general application.

1. While recognising that racism is not the only concern of the ‘hate crime’ inquiry. The Presbyterian Church in Ireland has been very concerned at the rise in incidents of racist intimidation and attacks particularly, though certainly not exclusively, in South Belfast. The Race Relations Panel was active in bringing together representatives from various congregations to agree a strategy to offer support to those who feel threatened. The following statement was issued earlier this year:—

The recent attacks on ethnic minority families in south Belfast stand in stark contrast to the values of a civilised and fundamentally Christian community. At Christmas time, in church services, parties and even shopping sprees most people remembered, even if only vaguely, how in Bethlehem two thousand years ago room was found for a visiting couple, and space for a baby to be born. In Belfast 2003 three families, including two pregnant women, were driven from their homes. Now New Year 2004 sees that activity repeated in the same area. It would be a mistake to regard the perpetrators as mindless thugs: sadly and alarmingly, those who carry out these appalling acts will believe they act with sound reason.

As a society we urgently need to counter xenophobia (fear of or hostility towards the stranger) by developing a wholeheartedly positive attitude towards those of minority races and nationalities in our midst. Some are guest workers, some asylum seekers or refugees. Some are overseas students who have chosen to come to Northern to learn not just the contents of their courses but about our way of life. Others are long-time residents, many of them born here, and are members of established ethnic minority communities, such as the Chinese. They have brought cultural enrichment as well as practical skills and valued services. Many are Christians. All should be able to experience respect and Christian hospitality.

There have also been heartening accounts of generosity towards those threatened and displaced, and that’s the other side of the story. I feel sure that the vast majority of the citizens of Northern Ireland will in fact agree with a statement from the Presbyterian Church’s official policy document on Refugees and Asylum Seekers:
We believe that all people are created equal in dignity and personhood, and are made in the image of God. We affirm respect for the dignity and worth of every person regardless of nationality, ethnicity, culture, colour or religion. Human life, personal safety and physical security should be upheld in the law and practice of institutions.

However institutions, including the churches, need to take seriously the rapidly rising scourge of racism in this Province. We need urgently to develop a concerted strategy to counter this social evil. This should be high in the priorities of our elected politicians.

2. This concern is part of a much wider issue as to how a truly inclusive community, with respect for all, can be created out of the fractured society which is Northern Ireland. In 2003, in the context of Asylum Seekers and Refugees, the General Assembly adopted a report which has wider significance. The following section is relevant to your present inquiry:

Theologically and Ethically the churches’ concern is rooted in the biblical understanding of the dignity and worth of the human being.

(i) Individuals are created in the image of God the Father, potentially redeemed through the Son, cherished by the Holy Spirit and called fullness of life. They are accordingly deserving of respect, fundamental human rights and opportunity.

(ii) The individual is set within the family, a factor which is perhaps of even greater importance for cultures where the extended family is the norm more than it is in Western societies with their focus on the nuclear family. This can have important implications for policy and provision for asylum-seekers and refugees.

(iii) The Church is concerned also for community. This suggests variety and inclusiveness. As the world increasingly becomes a global village so the stranger who is different becomes increasingly our neighbour, with whom we must coexist and interact harmoniously.

Ultimately the Church’s positive vision of inclusive community is derived from the heavenly vision, as expressed for instance in Revelation 7:9:

“After this I looked and there before me was a great multitude that no-one could count, from every nation, tribe, people and language, standing before the throne and in front of the Lamb”

However, despite policies of integration and programmes of community relations, experience has underlined the gap between vision and reality. Diversity easily disintegrates into fear, suspicion, hostility and violence. For instance the former Yugoslavia broke down into ethnic conflict once the restraint of a Communist dictatorship was removed. Add race, which is usually a factor in the case of asylum-seekers and violence. For instance the former Yugoslavia broke down into ethnic conflict once the restraint of a Communist dictatorship was removed. Add race, which is usually a factor in the case of asylum-seekers and refugees, and the difficulty of achieving an inclusive community is heightened. Sociologists, psychologists, demographers, economists and political scientists all have their contribution to make to our understanding of such failures of human relationships. But for the Christian the diagnosis is sin, in both persons and societies. Neither are churches immune:

“We are obliged to confess that racism is a sin, not only of individual Christians, but of churches and societies at large. People have become accustomed to patterns of neglect of and contempt for others, of injustice and prejudice, of degradation and exploitation, and now regard them as ‘normal’. This demonic pervasiveness of racism compels us to speak of ’collective sin’. "None is righteous, no not one” (Rom. 3.10). “We are thrown together in a solidarity of sin.” (Racism in Theology: Theology Against Racism—Report of a Faith and Order Consultation, Geneva, 1974, p.7)

Despite the forces of negativity which often frustrate human schemes and dreams, the PCI seeks to bear faithful witness, in its words, in its actions and in its own life, to the possibility, under God, of inclusive and diverse human community.

The PCI is associated with the Churches’ Commission on Racial Justice, a Commission of the Churches Together in Britain and Ireland. That Commission has set out a series of basic humanitarian values and principles which, with minor adaptations, the Race Relations Committee and the Inter-Church Relations Board now commend to the General Assembly as consonant with the above faith statement, and as applicable in both jurisdictions, as follows:

We believe that all people are created equal in dignity and personhood, and are made in the image of God. We affirm respect for the dignity and worth of every person regardless of nationality, ethnicity, culture, colour or religion. Human life, personal safety and physical security should be upheld in the law and practice of institutions; this concern for humanity is also reflected in international law and human rights instruments.

While recognising the need for controls, we believe that hospitality and compassion should underlie any approach to people seeking asylum and refuge. Misleading or disparaging terminology should be rigorously avoided when referring to asylum-seekers, refugees and other immigrants.

We believe that people seeking refuge in the UK or Ireland can enrich and enhance the cultural, religious, economic and political life of British and Irish society, and should not be treated with hostility and suspicion.
We believe it is the responsibility of the respective Governments and of the media to resist negative stereotyping of targeted groups (such as ‘Arabs’ or ‘Algerians’) and to promote the positive aspects of immigration among the general public, stressing the value of diversity and the contribution made historically by immigrants to society, and facilitating the social inclusion of immigrants as central to combating racism and racial discrimination.

While absolute respect for the right to seek asylum must remain, there is a need for international policies that will address the root causes of forced migration, such as the destructive aspects of international trade, conflict and poverty. The situation could be addressed in partnership with other Governments by developing conflict prevention and resolution measures, securing a massive reduction in international inequality, reducing the trade in armaments, and putting human rights standards at the heart of development policy.

3. The Church also recognises that it has a significant role in shaping people’s attitudes towards others. While legislation and effective policing is important, in the long-term only a change of mind will create a diverse society with respect for one another. The same report, while focussed on asylum-seekers and refugees, sets a direction for our congregations:

While it is important that the PCI plays its due part in formulating and monitoring legislation, procedures and provision for asylum-seekers and refugees, and in shaping public opinion, as a church the PCI manifests itself primarily at local congregational level. It is precisely there that the church can meet, assist and relate to the asylum-seeker and refugee in practical ways.

Accordingly the PCI encourages its congregations to become centres of welcome, extending the hand of friendship and a caring heart to those who come as strangers into their locality. While it is sadly true that there have been incidences of hostility in local communities there are concrete examples of a different attitude. One congregation has initiated a Welcome Centre, now run in conjunction with other churches, which offers friendship over a cup of tea and referral services for such things as health, education, housing and so on. Such initiatives can best be taken in partnership with other interested parties locally, whether other churches or voluntary organisations, hopefully in partnership with statutory bodies.

Individual Christians and congregations can foster understanding and counter uniformed prejudice in their local community. Asylum-seekers and refugees make up a tiny minority of the resident population of Ireland, north and south. They face all of the challenges involved in adapting rapidly to a new culture, including, in some cases, learning a new language (though it should be remembered that many asylum-seekers not yet fluent in English are fluent in several other languages already). In addition, they may have had to leave their own country in traumatic circumstances and may be experiencing profound feelings of displacement, loneliness and grief. Therefore those of us who are part of the majority community have a particular responsibility to educate ourselves regarding the wider global context in which we all stand. This would include informing ourselves, for example, about the world-wide refugee population (most of whom are hosted by developing countries facing economic difficulties of monstrous proportions compared to ours); about the reasons people may have for seeking asylum in Ireland or the UK; about the policies of our own governments with regard to asylum-seekers and their need for housing, food, legal assistance, and so on; about the kinds of trauma that asylum-seekers may have experienced and the ongoing effects of such trauma; and about the links between people’s reasons for seeking asylum and wider development and justice issues. We urge our local congregations to seek out or set up adult education programmes covering such matters.

4. A further report to the 2004 General Assembly, recognises a genuine dilemma for people:

Behind the recent attacks in South Belfast there are undoubtedly elements of naked racism, paramilitary gangsterism—even if not officially sanctioned!—and, it appears, of political extremism. However we have learned that one additional, and in some ways fundamental, factor is an understandable concern on the part of ordinary decent residents about the rapid erosion of hitherto close-knit local communities. Long-time residents find themselves increasingly squeezed between the inner city expanding outwards and the suburbs moving inwards. Inner city businesses buy up residential property for offices, and suburban landlords buy up and convert houses into flats. These are then let to a transient population of students, young workers and immigrant families. Many decent people deplore the extremist actions of a few, which get into the press and lead to the whole area being described as racist. What is the Church’s response to be?

Again, we draw attention to our Policy where we encourage local congregations to become centres of welcome and hospitality, as a number are indeed doing. However the churches need to listen to the confusion, anxiety and grief of those who see their community eroding around them and feel powerless to resist.

Put positively, our concern must be to join with others—other churches and community organisations—not in resisting changes which are, in any case, inevitable, but in working constructively for the creation of new, multi-cultural and even multi-faith communities where all, both long-term resident and newcomer, can feel included and valued and all see their neighbour as a gift. Our mission is the building of community; the fostering of communities which have the exciting, variegated texture of the Kingdom of God.
5. This memorandum has concentrated on issues of racial hate and abuse. It is recognised that examples of “hate crime” also exist in many other areas where minorities find themselves under pressure and attack. These are equally to be condemned. The Presbyterian Church in Ireland will continue to work for an inclusive community where everyone feels secure. This we believe to be our calling and our challenge.

1 September 2004

Memorandum submitted by the Methodist Church in Ireland

1. The Methodist Church in Ireland (referred to hereafter as “the church”) welcomes the opportunity to reflect and comment on Hate Crime in Northern Ireland.

2. As a faith community which is part of civil society and which takes seriously its social responsibility, the church is deeply disturbed by the current level of hate crimes. That the incident rate doubled in 2003–04 from the previous year is a disturbing factor. The church is aware that current statistics for racial and homophobic attacks may well be seriously underestimated.

3. Given that there were 453 incidents in the last fiscal year it is a matter of serious concern that PSNI figures reveal that there were only eight prosecutions for racist offences. The comment of the Inspector of the Community Safety Branch highlights a serious difficulty. “It is very difficult for police because when a sinister attack happens we are relying on people in the community to come forward; at the moment they are not coming forward and that means there is nothing we can do unless there is forensic evidence”. The church recognises the difficulty in local communities where fear and intimidation still rule and would want to support people by moral and practical means to come forward with information which can lead to convictions.

4. In condemning all forms of hate crime the church is concerned to identify underlying causes and to develop a sociological profile of local communities where hate crime is prevalent. We do not have anti-minority political parties as have France, Belgium and Austria, but the community includes those with deep rooted white supremacist and homophobic mind-sets which appear to have, at least, informal connection to organised groups elsewhere. Immigrants, Jews, non-whites and homosexuals are subjugated to appalling abuse in many European countries. Northern Ireland now shares in this racist or hate ethnicity. The church believes it important to understand hate crimes and therefore to take seriously a sociological analysis. Some of the underlying causes may include:

   — personal and cultural disempowerment
   — socio-economic disadvantage
   — inability to deal with differences
   — sense of threat or cultural displacement by the other.

5. The church recognises from its experience and recognition of sectarianism that attitudes of prejudice and hate and the mechanism of scapegoating are not confined to socio-economically disadvantaged and culturally threatened areas, but can also be found in middle-class, educationally advantaged communities which include those in church pews and membership.

6. In response to hate crimes the church welcomes and is supportive of the proposed legislation, including its sentence-based approach. There is wholehearted support for the inclusion of disability along with sectarianism, racism and homophobia. The church welcomes the statement of the Criminal Justice Minister of June 2004 that “crimes motivated by any of these categories will not be tolerated” and that “The proposals also bring forth measures to increase maximum sentences for certain offences, giving judges greater powers in sentencing where aggravation is proven”.

7. The church, while noting that the Government did not apply for “legal technical reasons” the 1998 Act to Northern Ireland, now warmly welcomes the decision to bring the current law into line with that in England and Wales, thereby providing “Another signal that in Northern Ireland normal rules apply”.

8. The church welcomes the willingness of the PSNI to collect statistics for incidents of hate crime, including sectarian related crimes and crime against disabled people and to do so immediately. This will provide more accurate information about the level of such crimes and it will provide an important basis for the sociological analysis suggested in 4 above and to ascertain clearer reasons and causes for hate crime. This will help inform a more holistic response to the problem.

9. The church also believes that the Local District Policing Partnerships should monitor the PSNI in its recording of statistics and apprehension of hate crime perpetrators.

10. The church would also welcome an added emphasis to the sentence based approach. Clear signals do need to be sent to the community as a whole that normal rules apply and that there is zero-tolerance for hate crime. However, a purely punitive approach to sentencing needs to be complimented by a restorative justice based approach to perpetrator and victim. Transformative encounter and educational programmes will be
essential for perpetrators and adequate social and emotional support systems and provisions for the victims of hate crime. The church believes that a holistic approach is essential to communal health care and well-being, including criminal justice.

11. In support of the legislation, the church also recognises that other action is required to tackle hate crime in the community. To meet the difficulty of the PSNI in obtaining essential information from the community, a multi-agency hate incident reporting mechanism could be developed in Northern Ireland. This model, for which there is precedent in Yorkshire, could encourage members of the public to report incidents of hate crime by providing them with a facility to report incidents at locations other than the police. This approach would also encourage victims to report incidents in settings that may be more comfortable to them.

12. An information mail-shot campaign could be used to access every household in Northern Ireland with a “Citizens Against Hate Crime” leaflet/literature. This could include awareness raising, the nature of hate crime, incident reporting mechanisms such as Hate Incident Reporting Centres.

13. The church believes that it has a particular role to play in countering hate crime in the community. In this conviction it recognises popular confusion around the word “church”. There are at least three levels of usage, not all clearly understood in the public mind. “Church” may mean:

— church leaders or its hierarchy
— clergy
— the people or church membership.

14. The church recognises and acknowledges the commitment and involvement of members in civic and political life. Methodist people, as with those of other denominations, serve on Police Partnerships, District Councils, as MLAs, District Councils, Education and Health Care Boards, Probation Boards and the voluntary and statutory youth sectors. Their public service is motivated and shaped by faith values. The church as a worshipping and educational community is increasingly conscious of its responsibility to support and empower such people in their civic and public service.

15. The church understands its identity, in part as a community of theological reflection and moral formation in the public place. It therefore recognises that attitudes and behaviours need to be formed and constantly transformed and that this dimension provides a broader approach than just legislation.

16. The church, therefore, would want to consider practical steps in relation to hate crimes. During the year the church observes particular Sundays. Racial Justice Sunday is already observed. This could be broadened, or another Sunday designated (Good Relations Sunday) to prepare material for Methodist congregations and focus on the issue of hate crimes on the basis of sectarianism, racism, homophobia and disability.

17. The church could prepare study material for its congregational educational programmes with children, youth and adults. Education for Citizenship, broadly based and inclusive of a significant focus on hate crimes and the related issues would be a positive approach for groups of local people, single denomination or ecumenical, to become more aware of a local community profile, attitudes and responses required to community engagement. Such a programme would have local and global dimensions. The issues also need to be an integral part of training and formation for ministry.

18. The church acknowledges its heterogeneous, transnational and transcultural nature and therefore the ever present challenge to live with differences and celebrate diversity. Given that fear of difference is a deep seated problem in Northern Ireland the church has an obligation to model diversity and advocate the practice of respect, mutuality and the acceptance and celebration of rich diversity in the wider society. In relation to sectarianism this will mean less intentional emphasis on theological and doctrinal differences to the exclusion of commonalities and shared humanity. The constant emphasis on differences sends negative signals which motivate prejudice and even violent behaviour.

19. As a community of the Word the church is conscious of the power of language to communicate ideas and shape attitudes. There is a moral struggle with the issue of homosexuality and a lack of moral consensus. The church is conscious of the need for rigorous reflection in this area. There ought to be no moral ambivalence in relation to homophobia which places on the church a moral obligation to be aware of the violence of language which can be involved in moral and doctrinal statements, especially in public. There is a need for critical awareness in relation to the church’s statements and to challenge public statements from whatever quarter which use the language of violence or are homophobic in nature and consequences.

20. The church is conscious that Northern Ireland society has been and is characterised by an all-pervasive culture of violence and that this can be related to forms of religious fundamentalism. Hate crime is one of the forms of violence. The church, therefore, is acutely conscious of the need to develop a culture and strategies of non violence in which it is clear that the only way violence changes the world or society is to develop a greater spiral of destructive violence. This also means advocating and practicing the qualities of non violence and shaping new models of positive power equilibrium. The church has an obligation to develop and educate its members in a theological and moral praxis of non violence for the public place.
21. The church is a community of practical engagement and local congregations need to be empowered imaginatively and concretely for action. Encouragement should be given to local congregations to develop multi-cultural friendship evenings or a multi-cultural festival.

22. The church can also encourage good relations initiatives. In communities where there are multi-ethnic and religious groups designated people could be responsible for initiating relationships with someone from another group and building good, trustful relations which can lead to wider encounter between sub-cultures and communities.

23. The church is aware of the need to be open to collaborative initiatives and activities in countering hate crimes. Community Networks are and can be formed providing a collaborative approach to eliminating hate crime and enabling the building of inclusive community.

24. The Methodist church in Ireland is grateful for the opportunity to reflect on the serious issue of hate crimes and give evidence to the Parliamentary Enquiry. The church is committed at all levels of being church to a positive and responsible role in public space. Through support for positive legislation, education and practical engagement it is committed to greater equality, the implementation and practice of human rights and responsibilities, good relations and to the construction of a community which is creating, guaranteeing, encouraging spaces within which different communities can interact, enrich the existing culture, create a new consensual culture and grow at their own pace.

August 2004

Witnesses: The Most Reverend Rt Hon Lord Eames, a Member of the House of Lords, Anglican Church of Ireland, Archbishop Sean Brady, Roman Catholic Church, Reverend Winston Graham, Methodist Church of Ireland, and Reverend Dr Ken Newell, Presbyterian Church of Ireland, examined.

Q410 Chairman: Good morning, gentlemen. You are very welcome. We are very grateful to you indeed for coming to help us with this inquiry we are doing into ‘hate crime’ and its causes and possible solutions. I wonder if, first of all, perhaps for the whole island an explicitly dedicated refugee project which again addresses the resistance there is to people of a different race, different religion or different sexual orientation.

Lord Eames: We are all agreed, Chairman, that as a background to anything we say to you and your colleagues this morning is the fact that historically sectarianism is the infiltration point in all the attitudes that we want to discuss with you. Historically and in every other aspect it is what we have inherited over the generations and it is coming to its peak in our generation probably because of the attention given to the violence of the last 30 years. So far as the Church of Ireland is concerned, which is the Anglican Church in Ireland, we have engaged in a most serious and actually very expensive survey called “The Hard Gospel”, which is to try and look at how our membership relates to this whole problem of sectarianism. While the results of that are still coming in, I would say my answer to your question is that we see our job in the Christian sense as trying to put that Christian perspective against the depth of sectarian hatred that there is. That is the way I would approach it.

Archbishop Brady: First of all, I want to say that I welcome this opportunity of speaking with you and contributing to this discussion of the problem. I suppose in our church our main efforts are on various fronts. In education we have taken part in the church’s Peace Education Project which has been introducing material into schools for the past 26 years. We have also taken part in the Moving Beyond Sectarianism project wholeheartedly. Some parishes and schools have had awareness-raising efforts to address this problem but it is also about enlarging it to address the new arrivals in our midst and to become more aware of the reasons for hatred. People are often threatened by new situations. There are many aspects. We also have for the whole island an explicitly dedicated refugee project which again addresses the resistance there is to people of a different race, different religion or different sexual orientation.

Q411 Chairman: We may come to those last two later. It is just your role in the sectarianism and the divide that one wants to try and identify first. Mr Graham?

Reverend Graham: The Methodist Church thanks you for the opportunity to participate. I am representing our president who regretfully cannot be here and I come as secretary of the church. The Methodist Church has a huge concern about this. We feel in many ways it has been on the increase over the last year it has shown itself very ugly in the last year it has and to its peak in our generation probably because of the attention given to the violence of the last 30 years. So far as the Church of Ireland is concerned, which is the Anglican Church in Ireland, we have engaged in a most serious and actually very expensive survey called “The Hard Gospel”, which is to try and look at how our membership relates to this whole problem of sectarianism. While the results of that are still coming in, I would say my answer to your question is that we see our job in the Christian sense as trying to put that Christian perspective against the depth of sectarian hatred that there is. That is the way I would approach it.

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Reverend Dr Ken Newell

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The Most Reverend Rt Hon Lord Eames, Archbishop Sean Brady,
Reverend Winston Graham and Reverend Dr Ken Newell

response to the moment but also in what we have done before it, to prepare for it in the building up of relationships.

Q412 Chairman: Thank you.
Reverend Dr Newell: I think anyone realises that sectarianism comes out of a culture of conflict and associated to that is a culture of contempt and ancient animosities. It has been part of the mix of our culture and life and atmosphere for centuries and therefore it is not going to go away quickly. It needs to be challenged, but you also need the wisdom to realise you are in this for the long haul. Our church has taken a very clear position, not just anti sectarianism, but very much pro peace and in building an inclusive society. I brought along with me the peace vocation of our church, which is the position we have taken, which is a very constructive and positive one. Over the last three years we have been trying to develop work among young people called “Preparing Youth for Peace”. The purpose of this is to create leaders at every level within our church who feel passionate about the vocation to peace making. The strategy is that if you open the clergy you open a congregation, and if you open a congregation you open a community, and therefore our strategy is not only to bring this in as a very value element of our Christian faith but also to place in every area what we call Presbytery peace agents, but one also needs the congregation, people who are committed to working for a Christian expression of peace making. That is so important. It goes back to two things. We are into the process of attitude formation and, secondly, we are into the proliferation of local initiatives that address sectarianism by offering communities where people can come together and befriend each other, but it is long-term and it is now beginning to bed into the life of the churches.

Q413 Chairman: Thank you very much, gentlemen, for those opening remarks. Many say that since the end of the troubles, since the bombing and the killing stopped but not the violence, the relationship between the two main communities has got worse and is deteriorating. Do you agree with this and, if so, what do you think you can do to help address it?
Lord Eames: I think the end of the high level of atrocities that you referred to, Chairman, has left a sort of vacuum within our society. The way in which that vacuum has been filled by several influences can help to explain why there has been a drift apart, as you say, of the two communities. First of all, there is the power in certain areas of paramilitary organisations. That power is insidious. While it may not be the atrocity scene that we ministered in for 30 years, it is very much the struggle for territory, the struggle for power, the struggle for influence, the drugs scene and everything that goes with it. I think it is significant that so far as the churches are concerned we must recognise that we are but one of several agencies working in that scenario, and while we would all agree on the basic principles of the Christian involvement in this situation, we would differ in the various influences we would have. I think the other ingredient in how the communities have drifted has been the politic scene, insofar as people would say has anything changed, has anything got better? With all the efforts governments and politicians are making, has anything really improved whenever there is kneecapping and so on going on? I think there is also the psychological point to emphasise. The vacuum I referred to has allowed people whose own historic outlook on the future of their country was sublimated during the very serious violence to come to the surface again in new and subtle ways. I think the vacuum—I hope that is not the wrong word to use—following the end of the widespread hostilities has allowed many of these ingredients I have referred to to come to the surface. I think there is an inherent frustration. The third thing that I would emphasise is that I am conscious, and the clergy who talk to me are conscious, that with the current political situation, particularly regarding the future of Northern Ireland, there is a drift away from credibility in many people’s mind of the political process. Many people are saying nothing is changing and our voices are not being listened to, there is a genuine sense of frustration and I think there is a responsibility for that with both Governments.

Reverend Dr Newell: I think the situation has got worse for some people but better for others, it is a mixed picture. In Northern Ireland if you want to see initiatives for change either with regard to sectarianism or racism, you often find behind the
projects people themselves who have changed or who are in a process of change and who are becoming passionate about making changes in the local community. In terms of our Christian faith, one of the things we want to do is expose people to a deeper understanding of the message of Christ and especially in relation to attitudes to other people. As a result of that you change people, and people who become passionate create change locally. I think the continuing development of integrated education—we had several new schools opening at the beginning of September—is very positive but also you have organisations now that are promoting education for reconciliation in towns that it had not been developing in before, and I would refer, for example, to Ballycastle, Enniskillen, Tandragee, Portadown, Armagh, Ballymena, Londonderry, Cookstown and three centres in Belfast where people are coming together to be educated in these things. If you look behind those you always find passionate people, people themselves who have gone through a process of change and therefore they are up for making change in other places.

Archbishop Brady: It is a mixed picture. I found it depressing that the incidence of ‘hate crimes’ has increased, as your report has said, and crimes against people with disability, that is particularly depressing. I came to live in Northern Ireland in 1995 which was the beginning of this peace process. Things have changed immensely in that time, let us not fool ourselves. Let the people who took the risks to bring about that change take the credit for it. It is at high level and at low level. It must be maintained. We must continue to preach on our part the dignity of each individual person worthy of respect, that is the best thing. That message is being developed, promoted, proclaimed and acted upon. People are meeting in small groups and in larger groups, coming together to work together for the improvement of their community and I think that is very positive and needs to be commended. Through this kind of inquiry we can eliminate at different levels the things which oppose that. Legislation is one. We would maintain that there are many other approaches. The education approach must also be addressed and the transformation of people who are blocked by hatred. They need help to overcome that and to mature in their relationship with those whom they do not like.

Q415 Reverend Smyth: This is a question for the two archbishops because you seemed to suggest in your submissions, in relation to housing, there might be merit in examining demographic changes as a factor which has led to an increase in ‘hate crime’. To what extent in your view have the demographic changes led to a growth in ‘hate crime’, particularly sectarian ‘hate crime’ or ethnic ‘hate crime’?

Lord Eames: My reaction to that one is that, first of all, a home, the place that a family lives, is a very special role. When we so often in public life talk about demographic change we forget the purely human side to this. If your home is under threat or attack it will affect everything to do with your family, your relationships and your outlook. There is abundant evidence that in certain areas of Northern Ireland both sides have engaged in insidious attacks on estates, on housing and so on, particularly in interface areas. I believe that there is a serious concern over the way in which areas have been allowed to grow up either as totally segregated areas or as areas where there has been insufficient notice taken of the fact that historically they have always been an interface area. People on the Shankhill and people in west Belfast have spoken in my hearing about their fear that society’s change of environment and the movement of houses is not taking account of what they honestly believe is their culture. When I was a rector in east Belfast, an area not unknown to you, Reverend Smyth, there was the start of the clearing out of the Lower Newtownards Road and they were moving up to areas like mine on the Braniel and so on, and the cry in every house was, “You have said we must move to a new house with no outside loo, a little garden and everything else, but we don’t want to be happy here. We were happy in the environment that we lived in with all its problems,” and yet that was the environment that was being cultured in hatred, in sectarian attitudes. It illustrates for me that you cannot separate demographic change from the fact that these are human beings with their history, their thoughts and everything else. It is going to take, as I think the Moderator said earlier on, a long time to change this, but I would make a plea that in the social planning for demographic change a lot more concern is taken of the human side of this. You will not change people necessarily by moving them; you will change them if they see that their move has got a future of safety for them and that is not always the case.

Archbishop Brady: It is a fact that over the last 10 years there have been unprecedented demographic changes and changes bring threats and a lot of people do not like change, they feel threatened by it and that is one of the origins of hatred. I would agree with Archbishop Eames that a lot more thought and planning needs to go into the housing arrangements. Housing is very important for peace of mind and quiet and it is unfortunate that this development has taken place, but I think with this growing level of awareness of the origins of ‘hate crimes’ and how they can be avoided in the future those mistakes will be remedied.

Q416 Reverend Smyth: At the same time we are criticising, for example, the housing executive and others for not having integrated housing when people do not want integrated housing and we are putting the blame on the authorities. Is this a fair way of dealing with it?

Lord Eames: I think too often that criticism is based on the fact that if a plan looks well on paper it should work out in actual human relations, and I am afraid my experience teaches me the exact
Archbishop Brady: I think there is a case for a much deeper concern and planning before demographic change is introduced in new housing estates and so on. A much greater attention is needed to be paid to where these people are going to come from to go into that new situation. You cannot take people out of a totally sectarian interface area, put them into a new area and say that on paper this is going to make them happy and contented and safe. Northern Ireland is not like that because people take their baggage with them and too often I think the machinery of social change ignores that fact.

Q417 Reverend Smyth: Have you approached the Government about this issue at all as churches? Lord Eames: We have made approaches in various ways on the whole question of social chemistry and social planning in these new areas. I realise it is a very complicated issue, but, as I say, it is part of the whole picture of Northern Ireland. You cannot say demographic change is the real problem. It is part of the big jigsaw. Until we get a movement in the whole picture demographic change is going to be a front-line issue but it is not going to be the only issue.

Q418 Chairman: Let us turn to another controversial area. The Good Friday Agreement took up in 500 of the 800 primary schools and now we find this problem, which is supposed to be so grave, is not being funded.

Q419 Chairman: It is unproven because it has not happened. Archbishop Brady: I was in a school on Friday night in one of the most troubled areas in Northern Ireland that has been in existence for 40 years. I asked the headmaster to indicate to me what the community prized as the most important contribution of that school to the community—I thought it might have been in academics or in sport—and he said they prized it because it was, all through those 40 years, a haven of peace and sanity and security, where people found not just academic nourishment but healing for their hurt. It is facile because the deeper sources of fear and threat need to be recognised.

Q420 Chairman: You say that—I thought it was an alarming peace of research—some children before the age of six have got sectarian views which clearly they have got from their parents. If they are then educated in a community school with the same prejudices, does that not just reinforce it rather than perhaps make them realise at the age of eight, nine and 10 that what they thought at the age of six was wrong and immature? Archbishop Brady: I would dispute that the school has the same prejudices.

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Q423 Chairman: Have any of you other gentlemen got a comment you wish to make on this subject of education?

Reverend Graham: I am supportive and understanding of many of the points that the Archbishop has said. I just want to emphasise that we as a church would be very supportive of integrated education. It is a figure of 95% at the moment. I would like to see many more integrated schools and a rise in that number. The Moderator has indicated that new ones are coming on board. There are three other brief facts. One is that I have personal experience of one of the largest integrated colleges when I was privileged to be its Honorary Chaplain for four years, and I saw there the great value of those in teenage years addressing these issues together as well as growing in education. I think addressing the issues together at that stage of life is important. Secondly, many of the church schools do have mixed communities within their membership now, whether they are called integrated schools or not, and we need to take note of that much more so than in the past. Thirdly, it seems as if when integrated schools are available and become available there is a considerable take up in them.

Reverend Dr Newell: My own experience is that segregated education has been a bad thing. From my own experience of growing up in north Belfast and going to schools in north Belfast, while it was a very good experience, personally, I think, looking back, it was very limited and quite damaging. Because of that I would personally be supportive of integrated education. It is very important to recognise, as the Archbishop has said, the importance of choice. You can either go for what you see as a sort of utopian vision or where you can see what is achievable. The most important thing is that integrated education is an option for people to choose. All the other schools need also to buy into the bridging with other schools and working on common projects so that we are all playing on the views. In Scotland there is a Scottish experiment, but I would think if it can be shown that that was a reasonable attempt to cross the frontier in socialising, yes. You cannot enforce reconciliation, you cannot compel reconciliation but on the question that you are mentioning from Scotland, as I say, I am pleading ignorance to it. It would worry me that you would be guilty in this situation of ours of enforcing reconciliation. Reconciliation is a very tender plant that has to be nurtured and grown and if you, by legislation or by demographic force, demographic change or anything like that, enforce reconciliation, it will never work. I have seen busing in the southern states of America generations ago and I have seen what that did. I have lived all my public life in Northern Ireland. I have seen what this situation...
can do to children particularly. I would plead for a “no” attitude where you are trying to legislate in force reconciliation. Give the outline, give the planks on which it can be built, but do not enforce it because it will be very artificial. **Archbishop Brady:** I am aware of shared campuses also in England. I am not too sure whether they would work here. One thing I know is that in the new curriculum for education there are modules on other faiths and other religions included and we would support that. We also have a document on building the peace which is about how our schools should have been seen together. It may be a small contribution but it does show that we are cooperating on major issues. Secondly, at the parish or congregational level, we have already tried to explain to you what we are all trying to do either together or separately to increase awareness of the problems. Thirdly, I think we must recognise that, as I have just said to you, we cannot enforce reconciliation but we can work on the attitudes of people who have the power to change it, who have the influence to exert to change it. If we are part of the problem, and I think historically we have to admit that the churches have played their own part in the problem of sectarianism over the generations, then we have got to be, to use the trite phase, part of the solution. I believe that what I am seeing now at this stage of my life is a much greater and relevant and more faithful attempt by the churches to build bridges, despite the fact that in some cases it may seem irrelevant, despite the fact that there are areas that are completely under the thumb of the paramilitaries, and despite the fact that while Northern Ireland is looked upon as a church-going society—the figures do not necessarily prove that—we still have in much of Northern Ireland’s life a respect for the main principles of religion and that is part of our problem, but it can also be to our advantage if we succeed in trying to show a united front as churches on the really divisive issues, such as, as Archbishop Brady has said, the dignity of each individual made in the image of the one God. In practical terms I think our chief attack has got to be under two levels: the public things we say and the leadership we try to give, and, secondly, our clergy working at the local level on the streets, in the homes of our people witnessing to back up that leadership we are trying to give.

**Q426 Mr Tynan:** Do you have inter-denominational services in Northern Ireland? **Reverend Graham:** Yes, many.

**Q427 Mr Tynan:** Are they well attended? **Archbishop Brady:** Yes, sometimes.

**Q428 Mr McGrady:** I want to move on to the area of the victims of ‘hate crime’. One of the submissions made to us says that “the victims of sectarian, racial and other forms of ‘hate crime’ receive inadequate support.” Would you accept that there is inadequate support given? Could you possibly give us some ideas as to how that support can be improved either by statutory provision or by community provision? **Reverend Graham:** I think it is very important for us to recognise that there is a responsibility all along the line here. I am happy, on behalf of our church, to pay tribute to what provision has already been provided and encouraging of that, and welcome the willingness of the PSNI or whatever to collect statistics for incidence of ‘hate crime’ or to recognise what some of the agencies are doing in the working of it. There is always more to be done. We would be very supportive of those that are already in place, and I think that we welcome the statement of the Criminal Justice Minister, too, marking up this and about taking these crimes so seriously and needing to do something about that. In the end it will come down to what more we can do and what more we can ask support for. As the Archbishop has already said, one of the programmes that we thought was very important in addressing this issue is not being funded now or the last funding has been cut back on it. We are wondering in our church if something like a multi-agency hate incidents reporting mechanism could be developed in Northern Ireland like, as our report says, the precedent in Yorkshire encouraging members of the public to report incidents of ‘hate crime’ by providing them with a facility to report incidents at the locations where they happen. Can we be seen to find some further ways of helping those who have experienced the ‘hate crime’ to work through their experience, which is a very terrible experience? I know of one or two agencies, very good ones, that are trying to do that and they are struggling greatly with funding. Instead of emphasising all this ‘hate crime’, which is most important and a terrible thing, could we think in terms of how we might develop a programme with Government and other help and our own personal responsibility and our own church responsibility along the lines of good relations? I know that we say too many words, but we have seen here in our Province that the terrible
things that happen are incited by hate-filled language. If we can keep emphasising another kind of language, and talk in terms of moving from saying 'hate crime' is an issue we want to address and promote terminology to the talks about good relations and associated working with that, I feel that is important.

**Reverend Dr. Newell:** If you talk with people who have been the victims of race 'hate crimes' or who have been driven out of their homes, they will often give you an emotional history of what it has been like for them. Often they are left alone to face abuse, usually from young people who come around and smash windows, kick the doors in, pick up dogs’ dirt and leave it on your footpath or through your door. They often talk about being left alone. They also will speak of the fact that very, very few people came and knocked on their door to welcome them. This is the background that many of them are talking about. It is very important, therefore, for us as churches to mobilize neighbours locally. I think it is very wise, before a family is placed in a certain street or community, that the neighbours on either side and across the street are actually informed, they need to be told this family has had a difficult background somewhere else, they are being brought in, just to get some kind of feeling for them. I had a situation where recently a family had that experience. This was two women from Zimbabwe. One of them forgot their key and she had to wait on the doorstep until the other returned from work. In the meantime a man came along the street and began to abuse her verbally and threaten her physically. The neighbours who knew this family came out and told him to get lost. He was shocked, he was surprised as he thought people would feel the way he did. Having that neighbourhood cover is very important. It is very important for the neighbours to know they have white friends, they have Protestant or Catholic friends, they have local neighbours who actually come over and try and help them. I brought that family I was talking about to our church and they spoke at our church. Their house was half furnished by members of the church within four days. They got curtains, fridges, a television and carpet. There is a lot which can be done by mobilizing them. The third thing is that they need people who work for them. They will often ask if there is anywhere they can gather as a group of Zimbabweans or a group of Nigerians and about designating a Good Relations Sunday. My church is inundated with Vocation Sunday, Family Fast Day, Mission Sunday, SVP day, proving that the church is invaded with different days. Typically of Methodists, if I may say so, you work so that when the awful thing happened, no one did people emerge to support the nurses but the nurses knew a group to whom they could turn for safety. That groundwork had been done for at least a year and so when the awfulness arose it was in place and it was just everyday people living around them with church support that responded to it.

**Lord Eames:** You cannot isolate what we are talking about now, the victim situation, from the fear that some of these crimes will go undetected and unpunished. One of the most practical steps towards a new confidence that these sorts of crimes and hate attitude and hate culture will end is the level of detection and the level of judicial punishment, and I hope that that can eventually become a very important issue in this country. The second thing it said is that although they are from another background or colour, these people in this street are their friends and they are going to provide the protection, that is so essential and even if somebody comes to kick the door down, they have a number of friends living locally or slightly further away who can come and visit them and come along in their car and protect them.

**Reverend Graham:** When terrible happenings took place with the Philippine nurses on the Donegal Road in south Belfast, which was unbelievable and hateful and terrible, it was because in that case a church community and others as well had worked at relationships for a good while, first of all, with the nurses and then in those communities. These introductory events and the sharing of friendship worked so that when the awful thing happened, not only did people emerge to support the nurses but the nurses knew a group to whom they could turn for safety. That groundwork had been done for at least a year and so when the awfulness arose it was in place and it was just everyday people living around them with church support that responded to it.

**Lord Eames:** I heard yesterday of somebody who had his farmyard sheds burnt down, and when the perpetrator was confronted with the victim it had an astounding result because it was just a prank, but when the victim saw the devastation that it caused that man and his family there was a new realisation of the gravity. I think that concept is something that at constitutional level should be considered. It is in its beginnings but it has potential.
Reverend Graham: Thank you for what you have said about the report. I would like to acknowledge that the writer of it, Dr Johnston McMaster, is sitting behind me. I am very glad that he is here to hear what you have said. The issue that you raise is an important one because, as you say, Methodists sometimes are said to be those who do not have much theology, they just get on with it. I do not know whether that is right or not. Theology is always very important and I make reference to it in this paper. Certainly on the theme of good relations, if we have not always used the word, it is becoming an increasing issue with us within our Methodist Church agenda. At a meeting I was at last night relating to the work of our Council for Social Responsibility these issues were teased out, for a while painfully at times, from those who were in areas where good relations is a laughing stock and a mockery of what they are struggling with as a church and others. We are trying to move much more on to that and are urgently giving extra thought to it and we are finding other ways of following it up. We very much want to do it across the community, yes. Our general secretary of the Council for Social Responsibility has taken it as part of his remit for that that we mark it up for our next important meeting and we bring it to the church leaders’ meeting quite soon. We do a lot of things together already. The question that was asked was not a surprise but it took us back to saying do you have inter-church services, and it gives us a shock to show the publicity that is about us around the world and people’s judgments about it and how the negative is so often emphasised and not the positive. I feel that as we push and promote this good relations programme more. We are trying to associate very much with a programme that is called One Step Forward, which is a very simplified one we will hear about here and we have contacts for so doing, but we have recognised within the last few weeks it is something we really must promote much more and make it the next priority for our programme.

Q430 Mr Pound: Has there been a reaction from the other churches or is this the first they have heard of it?
Reverend Graham: I would need to have asked one of my colleagues. I only came into this post two weeks ago and after a period of illness, so I am just trying to catch up with it at the moment.

Q431 Mr Pound: You are doing very well, if I may say so.
Reverend Graham: There are others here who could give you an answer to that.
Lord Eames: We have many, many instances of inter-church occasions, shared occasions, shared services. We have to acknowledge that for some on both sides of the religious divide there are theological problems when that takes place. I think the fact that we have these special occasions must go on. What I think we need to emphasise is that while the good neighbours, or whatever you want to call it, service would be useful, I think far more important on special occasions is the ordinary every day work on the ground. Special occasions will come and go, if you will forgive me saying it, but I think at the end of the day it is what happens at the parish level, at the street level, that is going to make a change, and I would make a plea for that to be balanced with these special occasions.

Q432 Mr Clarke: Gentlemen, you have been very generous with us in terms of the churches’ views as to what should be done. I think sometimes at these sessions there is a tendency for us to say what you are doing and for the witnesses to feel as if they must take responsibility for all of the ills of society. Governments have a responsibility. Could you give us your views as to what Governments have not done and what Governments should do to assist in eradicating ‘hate crime’? It is a shared partnership, we all have a responsibility and a part to play, but surely the Governments, be it the Assembly or us in Westminster, should be doing things. What have we done wrong and should we do better in the future?
Reverend Graham: How long have we got! Archbishop Brady: That reminds me of a sign I saw at Belvoir Park Hospital recently which said, “Will the gentlemen who are sitting round discussing the difficulties of doing anything get out of the way of the women who are actually doing something about the problem”! I think we need to raise awareness of the problem and the deep roots of this problem. We also need to realise the limitations of approaching it from a legislative point of view. As has been said already, you cannot socially-engineer a solution to this problem. We have talked a lot about education, but you also need beyond that a transformation. I think hatred essentially implies on the person who hates a failure to mature properly, to appreciate other people and their rights to be in a place. There are various suggestions about campaigns. There have been campaigns in other areas of life about smoking, drink driving. Campaigns like that could be supported and resourced with logos and things. It was interesting to find the profile of the average perpetrator of hate crimes: mostly male, under 25, some unemployed, although not all and not very well educated. That is the profile. You need to address that. It suggests to me that there are underlying problems of poverty, deprivation. All of that needs to be assessed whilst recognising the complexity of the problem. There is one other suggestion about a one-stop place where people cannot get legal advice but maybe health advice, housing advice, not just information strictly confined to your rights in the law but also your housing problems, getting health care, all of that.
Lord Eames: I think the immediate response I would have to it is that at this very minute so many hopes are based on Leeds Castle, and I would think that could be a major step forward. If it can be shown, after all we have come through and the stop-go situation where people have been made
promises and promises have not been fulfilled and trust has been broken—because there is a break down at times between the political process and the man and woman in the street which is basically a breach of trust—that the politicians who have the power to make progress are prepared, courageously, to do it, I think a great deal of that trust could be restored. I think a lot of what we have talked about, if I may presume to say so, has all centred around the nature of trust. Trust has been the real victim of our troubles, and trust between the politician and the constituency and understand what it is and the implications of it, as the Archbishop and others have talked about, if I may presume to say so, has been the real victim of our troubles, and trust promoting that more, making sure that we clearly get going in the right direction, is a huge expectation that we can get through the bickering of various issues we face at the moment and have our politicians, instead of fighting against each other, fighting for the community and the total community. I think there is a desire for that, there is an expectation and hope. With regard to race hate crimes, I can only speak out of experience, but this has become the epicentre of such attacks. What I have observed is very close to what Archbishop Brady was hinting at. Many of the race hate crimes are coming out of communities that feel neglected. They are in a transition and they feel they are not in control of the transition. I have spent a good bit of time in Sandy Row and also in Suffolk Estate, up at one of the flash point areas with Lenadoon and I have been talking to community workers in both. I asked two women who were doing a computer course what felt about their community and they said it is a dying community, nobody cares, nobody listens and nobody helps. As a result of that you are going to get a kind of reservoir build-up of a general feeling of anger and it is out of that, when people start to move in who are different, that you are going to get hit hard by people who have this general malaise feeling that their community is going to disappear. Communities that integrate people from other backgrounds well are communities where they feel secure about the future, feel safe in their homes and where they are aware that this community offers them an opportunity for the future for their children and grandchildren. I am not saying all the race hate attacks are coming out of loyalist communities, but there is a feeling there of alienation and anger. What I notice is that if those communities are not given hope, and politically they need to be focused on because they are subjects, what happens is that they become breeding grounds for racial attitudes and recruiting ground for people from the far right who will come in and exploit them and there are people there of both. I think part of the church’s role is to try and bring attention again, with all the community groups and politicians, to highlight areas in the city that feel that the life support system is slowly being switched off, and unless that is addressed I do not think you are going to see a reduction in the race hate crimes that are taking place.

Reverend Graham: I am very supportive of what has been said. I think the way in which Government could help and others too is through the restorative justice programme, finding a way of promoting that more, making sure that we clearly understand what it is and the implications of it, as was described by Archbishop Brady, in very practical terms. Certainly when one reads about the way that programme has worked in New Zealand, it is quite a story in that it is going to be for the good of the whole of humanity. So a promoting of it and understanding of it is something I would like to see emphasised in the next year or two.

Q434 Chairman: On behalf of the Committee I would like to echo the praise that has been heaped on you four gentlemen for the work you do amongst your various churches. You have your differences and no doubt will continue to have them. I would just like to ask one question in conclusion. What you are doing affects 90 or 95% of the population of Northern Ireland. We have been hearing worrying evidence of the growth of race hate as regards ethnic minorities, particularly the Chinese community. You were able to tell us of the enormous help you were able to give to other minorities, the Zimbabweans you cited. I imagine, although I could be wrong, that part of the glue that bound those neighbourhoods together was their Christian faith. Given that this is a growing problem here and given that it needs to be gripped before it gets out of hand, what do you four do by way of trying to make links with the Hindu, with the Muslim, with the Jew, with the Sikh and with the ethnic Chinese to try and educate both your own flocks and to a certain extent them in integration so that this does not become a problem as bad as it is in some cities in Great Britain.

Lord Eames: So far as my church is concerned, all I can say is that again this is an issue on the ground level, and that parishes are encouraged to reach out to new arrivals in their particular area to try and remove any suspicion that their coming in in a way is going to deteriorate community relations, but, above all else, as somebody said earlier, to try and build up confidence that they can be accepted. I think real progress is being made that way. One of the achievements that I think the four church leaders can claim in recent years has been the pressure we brought on the way in which those seeking asylum in Northern Ireland were kept in a ‘prison’ situation, in contact with criminals who were there for other reasons and we pressurised on this. These were ethnic minority people coming in this way. Now there is a more satisfactory scheme. We are trying again on the ground level to influence politicians and the locality about making these people feel safer in their own homes.
Q435 **Chairman:** But you are aware that this problem is growing?

**Lord Eames:** Very much so.

**Archbishop Brady:** It is a new problem. We need to learn more about it and to address it urgently. I saw a publication prepared by a group called Dungannon Empowerment Agency. It is a three-page paper on the contribution that these migrants can make to our economy and to our culture and all of that to remove the threat that it is negative. It is the same as Irish people going abroad or Scottish people going abroad or anybody else. They were integrated and inserted and made a wonderful contribution to the place where they were welcomed. We have to try and encourage people to do likewise in our own situation.

**Reverend Graham:** Friendship is the big push from our church, particularly on this in relation to people across the whole community and from whatever background or from whatever faith that is the big push of our programmes and in daily working. The schools’ programme is trying to do much more, and understanding, too, a newly drawn up programme within the last two years on the greater emphasis of people from other faiths in the hope that in the teenage years that will be a means of increasing that understanding of friendship and trust and our board of education have been strongly supportive of that programme.

**Reverend Dr Newell:** I think it is a whole new phenomenon. Our Province is changing, as is the rest of the UK and becoming multi-religious and therefore it throws up a new issue for us, how you understand the faith of other people. Can I just speak with regard to the whole thrust of our approach, which is what can we do for ethnic minorities? We try to offer to the ethnic minorities centres of hospitality, support and welcome, but we cannot do it for them on their own, there has to be a partnership. Can I give you one example? The Chinese community is one which I have been involved in, listening to their problems and difficulties and working with them, but they also have a responsibility like the rest of us have. I would like to make a few suggestions. Number one is that the Chinese business community is starting to flourish and do really well. The communities which it operates out of are communities that are going through economic and social deprivation. You do not need to be Chinese to wash dishes; you do not need to be Chinese to come in late at night and hoover the carpet and get the place ready for the next day’s business. It is very important for the Chinese community to realise that they have to build good relationships and often that is providing economic help to people locally who do not want their kids leaving the country and maybe going somewhere else to live to find jobs or maybe even feeling that their kids will never find work. In many of these areas the two big issues are literacy and numeracy. You do not need a certificate in English to wash dishes. We have got to work with the Chinese community and with them, of course, parallel communities. It is very important for these communities to join our political parties and also to join the police and other groups. I think political parties that open themselves up to becoming much more multi-ethnic and multi-religious will be the parties that will take the issues of the minority groups much more seriously and commend them to a wider audience and also open up for them potential for change and opportunity. I think we have got to not just see it as a kind of patronising one-way thing. There is a joint responsibility and working on it together I think will be a healthier approach than just feeling it is all something we have to do.

**Chairman:** Gentlemen, thank you. Those were very interesting answers to a relatively new problem which has been highlighted in the evidence we have received. We are very grateful to you indeed for giving up the time to come and talk to us. We have listened very carefully to what you have said. Thank you all for what has been in my view a very helpful session indeed.

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**Memorandum submitted by the Tim Parry and Johnathan Ball Trust**

1. **The Tim Parry Johnathan Ball Trust**

We are an educational peace charity which aims to inspire and enable people to lead more peaceful lives by helping them understand the nature and causes of conflict.

The Trust was formed after the IRA attack on Warrington which killed 12 year old Tim Parry and three year old Johnathan Ball. Based in a purpose built state-of-the-art “Peace Centre” we are dedicated to working with adults, children and peace organisations which aim to resolve conflicts at a local, national and international level.

Our vision of “promoting peace and building a better future” is achieved through our mission to “develop peace building skills and change lives.” We do this by delivering educational peace programmes and youth exchanges which challenge perceptions and prejudice and aim to encourage tolerance and the acceptance of diversity.

The Trust also recognizes the need to learn from past conflicts through a unique “Legacy Project”. This project is the only work in Great Britain that aims to address the needs of victims and survivors of the “Troubles” who live in Great Britain.
2. TERMS OF REFERENCE

In answer to the Committees’ request for input into the Inquiry into “Hate Crime” in Northern Ireland, the Trust is providing information on the learning gained from working with young people from Northern Ireland, the Republic of Ireland and Warrington as well as work which is currently being piloted with primary school children in Oldham, itself a city suffering racial tensions.

The aim of providing this information is to offer the committee an overview on how these types of programmes can help dispel myths and stereotypes about culture and race and enable young people to meet others who have opposing views to themselves, in order to teach tolerance and acceptance of diversity.

With regard to the specific terms of reference dealing with effective measures and changes to current legislation, the Trust does not believe it appropriate to comment in any detail.

3. WORK WITH YOUNG PEOPLE ON ACCEPTANCE OF CULTURAL DIVERSITY

3.1 The Tim Parry Scholarship

The Tim Parry Scholarship began in 1996 and is a cultural youth exchange, which targets gifted, talented, and successful “high-achievers” who have demonstrated leadership skills within their own schools and communities. The project aims to improve Anglo-Irish-Northern Irish (both communities in Northern Ireland) relationships and foster friendships between the young people of Britain, Northern Ireland and the Republic of Ireland.

The participants live, learn and socialise together, whilst exploring the differences and similarities of their respective communities and cultures. The scholarship raises participants’ self-awareness about their prejudices and how this can lead to conflict.

Personal conflict in the home, at school and in the wider community, is explored and examined along with global international conflicts. The participants understand the nature of each other’s conflicts and discuss its wider consequences.

Innovative learning methods are used and strategies are examined to resolve and manage conflict non-violently. Formal and informal learning activities are the basis of the programme, which aims to be a fun event with serious educational inputs in the field of conflict resolution. (Details of the programme content are attached in Appendix I).

On completion of the programme the participants re-enter their communities with new skills and knowledge that will enable them to act as peer educators, mediators and “Ambassadors for Peace”.

The Trust believes that if we invest in young people now, we can persuade them that they can make an effective difference to their own lives, by contributing to ending all forms of conflict and violence and by becoming “Children for Peace”.

The next programme is due to begin in November 2004.

(Feedback from the programme evaluation forms are attached in Appendix II)

3.2 Young Citizens for Peace Programme

This programme commenced in March 2003 and is aimed at disadvantaged young people aged 14–16 years who have demonstrated leadership potential and who come from areas of deprivation and community conflict. It is a three-centre youth exchange programme focussing on issues of conflict, its consequences and conflict resolution. It is facilitated and hosted by: The Tim Parry Johnathan Ball Trust at the Peace Centre, Warrington; the Conflict Trauma Resource Centre, Belfast and the Glencree Centre for Reconciliation, Co. Wicklow, Republic of Ireland.

24 young people, made up of eight participants from each community, spend three weekends together exploring both the causes and consequences of the “Troubles” but also looking at conflict globally. The programme, while including social and cultural elements to aid relationship building, also includes workshops with training and personal development elements.

It is designed to give young people an opportunity to learn about conflict and its consequences on a personal, community and global level. It takes the form of learning sessions, group-work, discussions and debates, learning games and role-plays which are all designed to give participants an awareness of issues such as identity, rights, discrimination and conflict resolution. The programme also incorporates informal activity and entertainment sessions.

The next Young Citizens for Peace Programme is due to begin in September 2004. The first leg is at Glencree.
3.3 *The Johnathan Ball Tiny Steps for Peace Programme*

Racism and intolerance is growing and emerging amongst ever younger groups of children. We have developed a programme of learning that can be delivered to a wide range of children, particularly in areas of disadvantage, to arrest this trend.

“We know that children as young as three can hold strong, prejudiced views which can seriously effect our children’s development, growth and self-confidence.”—Dr Paul Connolly, University of Ulster, “Fair Play” June 2002

Tiny Steps for Peace is a pilot project to develop and test learning resources which will celebrate the concept of diversity, through learning and play. It encourages young children’s personal and emotional development, physical and mental well-being and full social inclusion regardless of ethnicity, culture or ability. The project is groundbreaking and innovative as it is aimed at children ages 4–7 years. It will be delivered across racial, cultural, class and religious divides, in partnership with parents and teachers, in the children’s own schools and communities.

“’Issues of racism need to be tackled in all schools, in particular at the primary level.’”—Oldham Independent review “One Oldham One Future” Panel Report 11.12.01 p79

The philosophy behind this violence and conflict prevention project is to increase mutual understanding, encourage tolerance, friendships and acceptance of all others as equals through learning and play. The project will focus attention on identifying similarities and differences, and will encourage children to react positively to conflict. This in turn will have a direct impact on the lives of children, families and the wider community. It aims to reduce the level of aggression, bullying and violence in the playground, classroom, family units and wider community leading to greater socialisation and development opportunities for children and their parents/guardians.

The Project will support The UN Convention on the Rights of the Child, Article 2

“You have the right to be protected from discrimination, whatever your race, sex, colour, religion or anything else about you.”

**Aims of the Project**

The project has three principal aims:

1. To research and develop learning resources which celebrate the concept of diversity using drama as a learning medium.
2. To encourage young children’s personal, social and emotional development, physical well being and full social inclusion, regardless of ethnicity, culture or ability.
3. To lay foundations for any subsequent work designed to reduce barriers to inclusion and equality of opportunity.

Programme delivery will begin in October 2004 through to June 2005 and results of the programme will be evaluated by Dr Paul Connolly from Ulster University at that time.

**Summary**

In summary, the Trust has found that by bringing young people from opposing sides together to explore their differences and recognize their similarities, an understanding of the other’s viewpoint can be reached. This does not necessarily mean that participants are “converted” to each other’s viewpoint, but more that they begin to understand that violence is not the answer to conflict and they are open to engaging in discussions on how more meaningful ways to solve differences can be achieved.

**Annex I**

Details of the programme objectives and content for the Tim Parry Scholarship are outlined below.

**Programme Objectives for Participants**

— To understand the meaning of culture and cultural heritage.
— To gain a broader perspective on the common experiences human cultures share.
— To gain an appreciation for the importance of stories in our lives and how stories have been used as a form of communication as well as an art form.
— To understand and respect cultural diversity.
— To successfully work in peer groups within and across international classroom forums.
— To play a variety of roles in group discussions; ask questions to seek elaboration and clarification of ideas; listen in order to understand a speaker’s topic, purpose and perspective.
— To develop the skills necessary to engage in a poem’s components and thus come to an initial and then refined understanding of that piece’s meaning.
— To learn to provide feedback in terms of uncovering the similarities and differences in exemplary and student works, rather than thinking in terms of worth, of various cultural groups and their literary and artistic expressions.

Programme Content
— Twenty-four young people and three peer educators (nine from each community) participate in the project.
— It is an eleven-day programme with time spent in each of the three communities. To enable the participants to gain a full understanding of the “Troubles” and its impact on the three different communities, it is essential that the participants experience the history, culture and people from the different areas.
— The first leg of the project takes place in Warrington. It is a four-day exchange.
— The return leg takes place in Northern Ireland and the Republic of Ireland and is a seven-day exchange.
— Participants are involved in different activities eg group work, discussions and exercises on subject matter eg stereotypes, racism and island history etc.
— They have the opportunity to meet with and listen to unionist/nationalist representatives, ex-paramilitary members, former prisoners, and politicians.
— Trips to the RUC, Army, and the region of Derry are made.
— A variety of social activities and a trip to the Antrim Coast is also on the agenda.

Annex II
Quotations from the Tim Parry Scholarship are below. These are taken from the evaluation feedback forms which are completed by participants at the end of the programme.

“Although someone once said to die for one’s country is the ultimate sacrifice, I now know that to live for one’s country is better.”—Male participant, Northern Ireland

“Without understanding and co-operation, goals are unobtainable. Together we can make changes. Now I want to share my new level of understanding.”—Male participant, Northern Ireland

“My eyes were opened to many things concerning the conflicts in Northern Ireland and it helped me to grow as a person, learning not to take things at face value but to delve deeper into reasons behind such things as violence. It has affected my life so much that I have applied to do a degree in Peace Studies and the root of that choice was down to the Trust and the Scholarship.”—Female participant, England

“I learnt so much about Ireland that I wouldn’t have been able to experience in England. It also destroyed very strong stereotypes.”—Male participant, England

“I gained so much respect for other cultures and beliefs. I learnt to understand that everyone has a right to an opinion and also that as long as these programmes continue, peace will be resolved.”—Male participant, England

“I have a much more open mind about events in Ireland and also that you cannot form an opinion when given only one side of the story.”—Female participant, England

“Violence is not the answer to problems but an experience like this can change a lot of views and be much more helpful.”—Male participant, England

“Peace is often imagined as being easy but I’ve learnt that it is not. Peace involves horrible compromises and letting go of all the grief and seeing those who did crimes walk free. It is really hard but worth it.”—Male participant, England

“I realised that the friendship of the people on the scholarship has changed me—I finally learnt to like myself. It was like an earthquake, it shook my whole world and since then I have been happy and far more confident.”—Female Participant, Republic of Ireland

“Don’t give up on peace! If 28 people from such entirely different backgrounds as us—Catholic, Protestant, Agnostic, Irish, British, Nationalist—can develop friendships then there is no reason why the rest of us can’t—it’s better, it’s nicer and it IS worth it!”—Female participant, Republic of Ireland

“I know that it has affected me in a profound way. This scholarship has left a large impact on my mind.”—Male participant, Republic of Ireland

“It has opened my mind to the Troubles and has enticed me to move on and try to do my bit to end the Troubles. I will now go and devote myself to help resolve them.”—Male participant, Republic of Ireland
“It has helped me to understand opposing views and how to respect people’s opinions, whether they are the same or different from my own.”—Female participant, England

“There are issues that need to be solved in Ireland but also there are people who are willing to try and resolve them for the sake of the future.”—Female participant, England

“Trust, friendship and forgiveness seem very simple to some but for others they form the biggest obstacle to peace.”—Female participant, Northern Ireland

“Nothing seems easy anymore. I’m not as quick to form opinions and I understand my opinion is not the only one nor is it always the “right” one.”—Female participant, Northern Ireland

“This programme educated me about life and people in a totally unique way. I don’t think I could have learnt as much about conflict resolution, history, anger or hope anywhere else.”—Female participant, Northern Ireland

“The programme has taught me that I can contribute in a positive way to other people.”—Female participant, Republic of Ireland

Annex III

Programme Content

The Young Citizens for Peace Programme has been designed to provide a balanced learning experience including:

(a) Learning Sessions

Many of the concepts and terms used in the programme (e.g., human rights, global conflict, etc.) are introduced to participants for the first time, therefore a certain amount of classroom-style explanation is required from the facilitators to ensure that every participant has a full understanding of each term/concept before a more in-depth discussion or workshop takes place.

(b) Learning Games

Game playing can be one of the most effective ways of engaging participants with a subject. The Young Citizens for Peace Programme uses learning games to great effect in introducing in particular concepts of world citizenship, global trade, and discrimination to participants.

(c) Role-Play

This is another effective tool which is used for engaging participants with a particular subject. Literally encouraging young people to play the role of someone else, perhaps someone from a background greatly diverse to their own, can be a wonderful way of creating new perspectives for participants. In one session, participants are asked to play the role of refugees and immigration officers, which leads on to a group discussion.

(d) Guest Speakers

Each guest speaker for the Young Citizens for Peace Programme speaks to the young participants about their own personal experiences as a result of conflict. We aim to have three speakers: a victim of conflict, a former combatant, and a political party activist who give an insight into how conflict can affect communities and individuals at the deepest level.

(e) Discussion Groups

At all times throughout the programme the active participation of every young person is encouraged. Due to the fact that many of the concepts and issues contained within the programme are introduced to many of the participants for the first time, facilitators seek to create a learning environment which encourages participation from every individual, without placing the spotlight on any one person. When delivering the programme, strong emphasis is placed by the facilitators on the value of small group discussion rather than asking the participants to debate the issues at hand within the larger group. This has the advantage that participants feel more comfortable in expressing opinions and ideas in smaller groups, and therefore are less likely to withdraw.

Annex IV

Quotations from the Young Citizens for Peace Programme are below. These are taken from the evaluation feedback forms which are completed by participants at the end of the programme.

“‘I have learned to respect and to trust other people’s beliefs.’—Female participant, England

“It’s better to talk and not to fight.”—Male participant, England
“I have made great friendships.”—Female participant, Northern Ireland
“I have learned not to judge people by their look and religion.”—Male participant, Northern Ireland
“The project has changed my life as I am more confident now.”—Male participant, Northern Ireland
“You shouldn’t take things for granted.”—Male participant, Republic of Ireland
“I never watched the news before but I will now.”—Female participant, Republic of Ireland
“I never knew what life was really like in Northern Ireland.”—Male participant, Republic of Ireland
“There is no need for conflict.”—Female participant, England
“I am very hopeful for the future.”—Female participant, Northern Ireland
“The programme has changed my life and the way I think about other people.”—Male participant, Republic of Ireland
“We are all the same and should have the same rights.”—Female participant, England
“The programme has helped me to stop stereotyping people.”—Male participant, Northern Ireland
“I want to learn more about conflict and other people.”—Female participant, England

Memorandum submitted by the Glencree Centre for Reconciliation

1. INTRODUCTION TO GLENCREE CENTRE FOR RECONCILIATION

Glencree Centre for Reconciliation is an organisation that provides facilities and programmes devoted to peace building and reconciliation within the island of Ireland, between Britain and Ireland, and beyond. It is a unique organisation, 12 miles from the centre of Dublin and situated in the Wicklow Mountains. Glencree offers safe supportive and inclusive facilities to all individuals and groups who wish to work on issues related to peace building. Programmes delivered directly by Glencree target young people, schools, victims/survivors, former combatants as well as political, religious and community groups.

Glencree’s programmes are based on a belief that new ways can be found to deal with diversity and conflict in a democratic society. In addition victims/survivors of the conflict from all the parties affected can be helped to come to terms with their loss and suffering. At Glencree it is recognised that trying to reconcile centuries-old differences and grievances requires patient courageous and unremitting effort in waging peace through our programmes, projects and initiatives.

As a non-governmental organisation, we remain flexible to ensure that programmes reflect the changing political, cultural and religious environment within which we work. Glencree strives to identify gaps and to satisfy needs in the peace building process. We endeavour to complement and support the efforts of others both governmental and non-governmental. The present range of programmes were introduced from 1994 onwards and developed in the light of needs and experience.

1.1 MISSION

The Core Mission of the Glencree Centre is to:

— Provide services and facilities that are expressly devoted to the building of peace within and between communities in both parts of Ireland and Britain.
— Offer programmes and space to help manage conflict in a democratic society.
— Enhance understanding of the complex relationships on these islands and to facilitate the future development of pluralism in Ireland.
— Contribute to the formation of new relationships and trust building within and between these islands leading to the consolidation of peace.

1.2 STATUS

Glencree is a registered charity and a company limited by guarantee. Registered charity No. CHY 5943

1.3 THE GLENCREE CENTRE—SAFE SPACE FOR PEACE BUILDING

The buildings that comprise the Centre were originally constructed in 1801 as an army barracks. The buildings were substantially upgraded and refurbished by the Irish Government in 2000 at a cost of €2.5m. A primary investment of £150,000 by the International Fund for Ireland in 1996 enabled the first upgrade of facilities. The Centre provides safe and inclusive space dedicated to addressing issues of peace building and reconciliation. The Centre facilitates a wide range of peace and reconciliation groups and initiatives and has the respect of all political parties, paramilitary groups and Churches.
The Centre currently comprises:

— Residential accommodation for 60 people with some bedrooms en-suite and others with shared facilities.
— Accommodation for conferences/meetings, providing up to 300 overall places comfortably. There are five meeting/conference rooms catering for groups from 30 to 90 people.
— Full dining facilities for 90 people at any one time.
— Exhibition Centre catering for peace and reconciliation issues.
— Coffee shop.
— Peace Resource/Study Centre.

The Glencree Centre catered for over 11,000 people in 2002. The Centre is presently staffed by a small group of professional staff assisted by 10 full-time residential volunteers from all over the world together with some local part-time volunteers.

1.4 Core Programme Work

In addition to making its facilities available to local, national and International groups involved in peace and reconciliation activities, the Centre organises and delivers directly, six main programmes:

1.4.1 Political Dialogue and Training Workshops

These political workshops for politicians and political activists from Ireland, north and south and Britain are held on a regular basis with a total of 16 planned for 2003. The dialogue workshops are inclusive and private occasions where participants are facilitated to listen to the experiences and concerns of each other. Every political party in Ireland, north and south and from Britain have participated in the dialogue workshops with some more frequent than others. Feedback from participants suggests that one of the main values of the workshops is most evident when political vacuums appear and through the workshops at least some contact can be maintained. There are three main ground rules to which participants sign up:—

— Participants control the content/agenda.
— Glencree facilitators control the process.
— Following the workshop participants inform their parties of any outcomes but do not attribute remarks to specific individuals.

In addition to the structured dialogue, participants also have the opportunity to talk informally over the weekend and get to know each other at a personal level. This often leads to ongoing and fruitful contacts when they return home. Usually they come to appreciate that it is possible to talk to people across the cultural and religious divide without betraying their principles and identity.

In addition to the dialogue workshops, the Centre offers politicians, political and community activists, skills training programmes in negotiation, mediation, public relations and general Alternative Dispute Resolution skills. The main recipients of this training are those who are making the transition from paramilitarism to politics. International expertise, particularly from Canada and the USA is usually availed of for such training.

1.4.2 Victims/Survivors Project LIVE (Let’s Involve the Victims Experience)

This programme has been developed to allow the victims/survivors of the protracted social conflict, involvement in the peace process. “LIVE” is intended to complement and support the work of both governments and other concerned organisations and is effectively a relationship building initiative for those who have been most directly affected by the conflict.

The victims/survivors come from the following four groups:

— N.I. Nationalist/Catholic
— N.I. Unionist/Protestant
— Republic of Ireland
— Britain
The main objectives of the programme include the acknowledgment of past hurts and wrongs and support for victims from all sides of the conflict to live together while dealing with their pain. The project includes a series of bilateral workshops and multilateral conferences. Finally victims/ex-combatants dialogue is arranged where appropriate and mutually acceptable.

1.4.3 Ex-Combatants Programme

Modelled on and created by demands from the LIVE programme, the Ex-Combatants Programme aims to create opportunities for dialogue between former combatants, both paramilitary and state.

1.4.4 Religious Believers

This programme involves groups of religious believers in cross-border and cross-community workshops, exploring peace and reconciliation building as they concern the main Christian Churches. The programme seeks to build relationships across traditional religious boundaries. Many new and active relationships, from which new understandings emerge, have resulted from participation in this programme. This programme has very significant potential in tackling the roots of sectarianism. In other international contexts the Church has been instrumental in bringing about positive change, Glencree in working with religious believers attempts to harness some of the potential of believing communities to bring about sustainable change in how we relate to each other across religious divides.

1.4.5 Women’s Group

A Glencree Women’s group is working to develop and secure links with other women’s groups in Northern Ireland and Britain to improve cross-cultural understanding. Their relationship building activities include workshops and seminars, which are aimed at improving understanding of the many complex issues which impact on peace building and reconciliation.

1.4.6 Education Programme

Given that this memoranda deals primarily with Glencree’s attempt to provide education for young people on the issues of sectarianism, the following section 2.0 gives more detail on this particular area of Glencree work.

2. Peace Education for Second Level Students

The main purpose of this programme is to prepare young people for their role as autonomous, participative and responsible members of society and to develop inclusive mindsets. The Programme also helps them to understand their role and potential in peace building. Participants are also encouraged to develop a sense of shared responsibility for the conflict rather than only seeing those of different political, religious or cultural backgrounds as being responsible.

Participants in the Peace Education Programme come from mainly the Republic of Ireland; however we do have a number of schools participating from Northern Ireland. In addition we have a number individual young people and youth groups from Northern Ireland who take part in our advanced programme. Up to 2,000 second level students participate in this programme each year.

It is the intention of the Glencree Centre to see Peace Education introduced to the mainstream school curriculum. In 2000 we published a relevant curriculum aid entitled “Northern Ireland: A Place Apart?” We are currently finalising a newly updated Peace Education resource pack which will be formatted to provide modules for use within the Irish education system. Specifically for the following subjects: Junior Certificate Civic, Social and Political Education, Junior Certificate Religious Education, Transition Year and Leaving Cert Applied Religious Education. Training will be provided for teachers in the use of the new resource pack.

2.1 Aims of the Peace Education Programme

The aims of this programme are to:—

— Help the participants understand the complexity of the Northern Ireland conflict.
— Break down the dynamics of the conflict and assist participants in developing an understanding of conflict management skills.
— Open minds to difference and promote respect for diversity.
— Enhance the participants’ communication skills.
— Discover personal links to the conflict.
— Support participants practical engagement in peace building.
2.2 **Methodology**

Programmes can be adapted to meet the needs of the participants, however all modules apply the following approach:

- Action-based learning.
- Listening exercises.
- Group discussion.
- Challenging preconceptions.
- Simulation exercises.

The programme takes a participative approach and includes discussion, debate, film and media analysis, guest speakers, political debates, outdoor activities and drama workshops.

2.3 **Peace Education Programme Content**

One, two and three-day Peace Education Programmes are available. A one-day programme is normally restricted to Module 1, however where appropriate elements of Modules 2 and 3 can be added when the group returns for a second visit. All schools are encouraged to undertake the 3-module programme on a residential basis but curriculum pressures and close proximity to the Centre sometimes prevent this. Naturally the two and three day programmes address a wider and deeper range of issues:

**Module 1: Focus on me**

- Life Skills.
- Communication.
- Co-operation.
- Leadership.
- Assertiveness.
- Self-Confidence.
- Self-Esteem.
- Understanding Opinions (our own and others).
- Social Influences.
- Awareness of Prejudice, Stereotyping, Discrimination.
- Introducing Conflict Analysis.

**Module 2: Understanding Diversity—(Them and Us)**

- Influences on Irishness and Britishness.
- Historical Relationships and Context.
- Issues Relating to N.I Conflict.
- The Peace Process.

**Module 3: Building the Future**

- Dealing with the Effects of the Conflict.
- My Role in the Peace Process.
- How Can I Make a Difference?

2.4 **Reaction of the Participants**

Almost without exception the young people participating in our programme appreciate the freedom and autonomy the approach outlined above affords them. Often the young people come to Glencree with a number of negative expectations about what the programme will be like. Most expect it to take the form of a series of long talks and to be extremely boring. When they find out that they will have the opportunity to express their own points of view, many feel frightened of speaking out in public. However, the programme is laid out in such a way that the participants gradually feel more and more comfortable with their environment, to reach the stage that they are able to make valuable contributions to the programme. At the end of the day the majority of participant’s view the programme as having been a worthwhile experience and in fact one that they thoroughly enjoyed.
Often comments in the evaluation form cite that the students have never before been given the opportunity to think about and express their opinions on the issues that arise in the programme.

Some comment from participants:

“The game which involved interviewing each other was very enjoyable because it gave us an insight into each others ways of thinking and our opinions on different issues. I found the two days really enjoyable because it also gave us the opportunity to find out more about the troubles in the North.”—Transition Year Student, Coláiste Eoin, Hacketstown, Co Carlow

“I enjoyed the debates the most. I thought it was very interesting to hear other peoples views on very public and social issues that you wouldn’t usually get to talk about.”—Transition Year Student, Coláiste Chillian, Clondalkin

“I really liked the way the leaders were welcoming and got everyone of us involved in the exercises. They were good listeners and also good at talking about the different issues.”—Participant from Rainbows Group, Clondalkin

“I liked the “All Change” game because it broke the ice and made it easier after that for everybody to speak.”—Transition Year Student, St. Joseph’s College, Ballinasloe, Co. Galway

“I enjoyed the whole workshop. I thought the game about the survivors was brill. It was interesting to see how much we rely on our first impressions in our daily lives.”—Transition Year Student, Holy Child School, Killiney, Dublin

“I enjoyed the exercise where we had to design facilities for the Travellers as well as the “Secret Friends” exercise and the debating exercises where we got to air our opinions. It was a good way to interact with other people and really use our skills together.”—Transition Year Student, Newpark Comprehensive School, Blackrock, Dublin

“The only thing that I can say about the programme is that it is too short. We were all getting into it, learning and having fun and then we had to go home.”—Transition Year Student, Sligo Grammar School

“I really enjoyed the debating exercises because nobody felt too shy to speak up. It was open and friendly yet we were arguing our points at the same time. I thought that the whole trip was a great experience and everyone participated well. The group leaders were wicked! I would recommend this to anyone who enjoys debating and learning.”—4th Year Student, Newtown School, Waterford,

“It was a great experience; I made new friends and played lots of interesting and enjoyable games. It was also a good way to learn about the ‘North’.”—4th Year Student, St. Columba’s College, Portaferry, Co. Down,

“It was interesting to make the Travelling Site posters because it made us think logically.”—4th Year Student, Alexandra College, Dublin

“I liked the discussion where we associated the words called out to us with other words in our heads (‘NOT ME’). It really opened our eyes to how stupid and narrow-minded some people can be. I was also very surprised with all the negative words associated with Britain.”—Transition Year Student, Drogheda Grammar School, Co. Louth

“I enjoyed the discussion on Northern Ireland because it was informative and interesting and also the ‘Not Me’” game. I honestly had never realised how prejudice some people are.”—6th Year Student, Loreto High School, Rathfarnham, Dublin

“I enjoyed the moving debate because we learned to have different opinions while getting on and learned to debate calmly. The ‘River Wild’ game was also cool because we learned to co-operate while still having fun and finally the ‘Beautiful Green Island’ game was great because it taught us not to judge people before we get to know them.”—4th Year Student, Col—iste Bride, Enniscorthy

2.5 THE PROCESS

When given the statement “There Should be a United Ireland” during the “Moving Debate” exercise, the Peace Education participants usually respond in the following ways:

— The majority move to the “Agree Side” and cite 800 years of oppression and tyranny as legitimate reasons for Britain to give them the rest of their country back.

— A few remain in the “Not Sure” category, giving the reason for their decision as “I don’t know enough about it”.

— And there’s always one, maybe two, who disagree and cite economic turmoil and civil unrest as the reasons why they want Northern Ireland’s problems to remain Northern Ireland’s problems.

Finding innovative ideas to get young people, 15–17 years old from the Republic of Ireland, even slightly interested in Northern Ireland beyond the age-old debates, is somewhat of a struggle. This struggle has lead us to present the Good Friday Agreement through word games, pictures, role-plays and most recently through the British, 1980’s, early evening quiz show, Blockbusters.
At the start of the programme, however, talking to young people about NI can be something of a turn off. So we begin by looking at the sources of conflict in their own lives. These can range from personality clashes, exclusion in terms of social skills, different interests in terms of music, and clothes, to wider societal issues of prejudice towards the Irish Travelling community and the refugee/asylum-seeking community or any one who might look like a refugee or asylum-seeker. Looking at these issues facilitators and participants work together to try and find the source of conflict, which usually amounts to lack of understanding, injustice and stereotyping.

From this platform we can then move on to looking at the conflict in Northern Ireland in terms of it also stemming from injustice and lack of understanding on all sides. From here then we can examine the role of the ROI in the conflict and what part people from ROI, particularly young people, can play in the Peace Process.

2.6 PEACE EDUCATION ADVANCED PROGRAMME

Single-identity programmes can help to create an awareness of in-built prejudices and stereotypes that the participants face. However our experience of cross-border youth and school exchanges has shown that there is always an immensely greater learning on both sides. Issues affecting Northern Ireland suddenly become real for a young person from the ROI when they meet and get to know somebody their own age from the other side of the border. And vice-versa, for a young person from NI, myths and misunderstanding about the ROI can be easily addressed by meeting their peer from the other side of the border.

Students who have participated in the Peace Education Programme have opportunities later to become involved in the “Advanced Programme”. The Advanced Programme represents an opportunity for those who have completed the basic Peace Education Programme to take their learning to a new and practical level. The advanced programme varies slightly from year to year. Generally it includes:

— An International Exchange Programme involving groups who young people from areas of conflict around the world.
— Third-level cross-border seminar. This event allows those young people who have graduated to third-level education and who may have been participants in the Peace Education Programme to explore issues of sectarianism and other peace-related issues in greater detail.
— The Tim Parry Project, which brings together 24 young people from Ireland north and south and Warrington, England in the three jurisdictions to study aspects of peace building.
— The Young Citizens at Peace Project, which brings together 24 young people from disadvantaged communities from Ireland north and south and Warrington, England in the three jurisdictions to study aspects of peace building.
— A series of north-south youth exchanges with partners from Northern Ireland.

2.7 CROSS-FERTILISATION WITH OTHER GLENCREE PROGRAMMES

The Glencree Peace Education Programme greatly benefits from using participants from other Glencree programmes as guest speakers. In particular we have called upon participants from the victims/survivors (LIVE) programme, the ex-combatant’s programme, the Churches Programme and the Political Programme. The students appreciate being given the opportunity to ask questions of such guest speakers in a safe space where genuine dialogue is able to take place. The guest speakers are also winners in this process as they are able reflect on their own experiences through the feedback given by the young people.

A example of this is occurred when a broad section of the LIVE programme requested a group of young people from our Peace Education Programme to form as a panel during a conference organised by the LIVE Programme. The LIVE programme participants where eager to hear the viewpoints of young people as the majority of the LIVE participants felt that young people generally were aloof to their experiences of tragedy and loss as a result of the Northern Ireland conflict. The cross-section of young people represented in the panel endeavoured to prove this theory wrong as they expressed great interest in learning about and understanding those experiences of tragedy and loss. This has and continues to be followed up with various LIVE participants speaking to groups of young people in our Peace Education Programme. Without exception a respectful listening ear is found among the young people and countless eager question follow the presentation by the LIVE participant.

Another example of such cross-fertilisation was found during a conference organised by the Glencree Churches Programme, where a group of young people who had taken part in our Peace Education Programme formed a panel, which gave a running commentary on the progress of the conference from a young person’s perspective. Such was the energy created in what may have been an otherwise conservative occasion that another group of young people were invited back to attend a follow-up conference.

Groups of young people on our Peace Education Programme have also listened non-judgementally to both Republican and Loyalist former paramilitaries in order to hear perspectives on the conflict from as wide a selection of groups and individual as possible. The young people are always intrigued to hear how each individual got involved in the paramilitary group in the first place, the part they played in the conflict and most importantly their perspective on the present Peace Process.
Young people from our programme also eagerly grasp the opportunity to ask relevant questions of the various representatives of political groups from the Glencree Political Programme. The political representatives often receive a thorough grilling from the young people, but by the end of the day they usually manage to answer their questions in a diplomatic manner.

2.9 Evaluation

In 2000–01 an evaluative review of the Glencree Centre’s programme activities was undertaken by an external expert group to assess the effectiveness and relevance of the programmes. This included a substantial review of the Glencree Peace Education Programme. The review found the material, aims and conduct of the Peace Education Programme appropriate and very satisfactory, however, they made two important recommendations:

— There should be preliminary briefing for pupils in advance of attending the programme.
— There was a need to put in place follow-up arrangements with the schools to reinforce what had been learned at Glencree.

These recommendations have at least been partially implemented through the development of the advanced programme, the delivery of “in-school” preparatory workshops prior to participation in the programme at Glencree and follow-up workshops, once the students have completed the programme in Glencree. Also, as mention earlier, training in the use of the new Glencree Peace Education resource pack will also be an option for teachers from autumn 2004.

2.10 Staffing and Training

2.10.1 Staffing

Programme Staff

The programme operates currently with a Programme Manager and a Programme Worker.

Interns

Our interns, of which we usually have two at anyone time, provide us with a valuable resource, in terms of facilitating the Peace Education Programme. In the last four years we have had interns from USA, Canada, Israel, Sweden, Norway, Northern Ireland and the Republic of Ireland. Interns usually stay for between three and nine months. The majority of their time is spent actually preparing for, facilitating and evaluating the Peace Education Programme, developing new programme resources and staffing the Glencree Peace Resource Centre. Programme participants benefit from the international perspective on the Northern Ireland conflict that the intern can provide. The drawback with using interns particularly for these who stay for a shorter period is that by the time they have been fully trained, it is usually time for them to move on. Much time is also spent on the recruitment of interns.

Sessional Facilitators

The Peace Education Programme also relies heavily on a panel of around five facilitators who substitute for times that programme staff are not available and who then work along with interns in facilitating programmes. Most facilitators work with us approximately two or three days per month. The difficulty we face with volunteer facilitators is in ensuring continuity and quality as the period that they work with us is sporadic.

2.10.2 Training

Currently the Glencree Peace Education Programme provides two 2-day training workshops and one evaluation day per year for our interns and facilitators. The first training session in September usually covers general issues around the facilitative process, while the second one in January focuses on a specific issue relating to the programme, eg How to deal with difficult individuals, or issues around refugees and asylum seekers. Some training session involves trips to integrated schools and community projects in N.I. and meeting the young people there.

Ongoing training, not only for our interns and volunteer facilitators, but also the programme staff is vital. New questions and challenges arise daily in each new programme. What is needed is a space to air these challenges in an environment where key professionals are available to answer queries and impart the necessary skills and knowledge. This would ensure that all our facilitators are trained to the highest standards possible in order to equip them for whatever eventuality may arise within a programme.
3. Observations Regarding Sectarianism and Young People

From the experience of the Glencree Peace Education Programme sectarianism builds due to lack of understanding and lack of contact between individuals of different groups. In Northern Ireland this type of problem is glaringly obvious, with the majority of young people growing up without any meaningful contact with the perceived “other side”. The schools young people attend, the sports they play, the places where they socialise are inevitably either almost exclusively Catholic or Protestant. This is a breeding ground for sectarian hatred to fester. If a child grows up with just one side of the story of the conflict, they will inevitably believe all the myths and misunderstandings that are purported regarding the “other side”. Such myths and misunderstandings are passed on by carriers who themselves have been the recipients of the same. What begins in the home is further reinforced by our divided education system, by the media and by our divided society.

3.1 What Steps can be in Place to Meaningfully Reduce Sectarianism and in Turn Sectarian-related Violence among Young People?

— As mentioned earlier in this document single-identity Peace Education, identity awareness and conflict resolution programmes can help equip young people with the skills to deal with conflict creatively and can contribute to a reduction in prejudice. As mentioned above young people do not act in a vacuum. They act out what they see in the environment around them. For young people role models very important. Therefore Peace Education, identity awareness and conflict resolution programmes need to be made available to the whole population.

— But single-identity work is only the first stage in the process of reconciliation. Increased opportunities need to be created for bringing young people together on cross-community initiatives where young people meet each other face to face. Relationships can be developed which can further contribute to a reduction in sectarianism. Organisations such as Glencree with its limited resources can only facilitate a small amount of the contact that is required to build normal relationships. The majority of cross-community projects bring young people out of their living situation and create a safe though somewhat idealistic environment. This can be extremely beneficial for initiating new relationships, but for the relationship to be sustained, such cross-community organisations need to have a presence on the ground in local communities. Otherwise the once-off cross-community experience will not make a significant impact on the day-to-day life of the young person.

— For a sustained reduction in prejudice and its associated violences, people’s day-to-day lives need to change. Firstly this should take the form of young people being educated together. Increased funding for integrated education will provide parents with a realistic choice of what setting they would like their children to be educated in. Which will in turn give young people the chance to make friends from the ‘other side’.

— Integrated education will not work in isolation. A number of students who have taken part in the programmes in Glencree and who have attend integrated schools have talk about their experience of getting on quite well in school with their fellow students, but when they return home they return to ghettoised areas where their friends of the other tradition would never dream of going due to fear of intimidation and violence. So even with this limited number of young people who benefit from integrated education, their experience can often be quite superficial unless they are able to continue the relationship with their friends outside the classroom. This means we not only need integrated education but we also need integrated living spaces. Spaces where young people from both communities live next door to one another and play together in the same streets and playgrounds.

— While sport can often divide individuals and communities, it can also help deliver peace rather than division. Used creatively sport can be an instrument for cultural exchange and mutual understanding. With emphasis on team spirit and a collective experience sport can play its part in health promotion, personal development and in the training of social competencies such as leadership and teamwork. Sport can help overcome the barriers of sectarianism and social disadvantage and encourage values such as tolerance and fairplay. A vital part of this process is the role that sports coaches play. Rather than solely being ultracompetitive, coaches can be agents of social change in terms of promoting the values outlined above.

— As a caveat to all the above any implementation of new policies in relation to young people and sectarian violence should not begin without first hearing the views on the proposals of young people themselves. The young people should be central to the consultation process and their interests should always be paramount. With this in mind an advisory committee made up of young people should be set up to consult with the Government on any initiatives to be taken at national and local level. The committee could meet on a regular basis and should consist of a wide cross-section of the community. Such a committee should allow the young people to examine methodologies that are being used to tackle these issues so that information is imparted in a culturally, socially, age, language and developmentally appropriate fashion and so are meaningful to the young people themselves. This committee, while physically meeting together, could also look
at exploring the issues using interactive technology in order to engage a larger population of young people. Whatever policies are implemented should be relevant to the social context in which young people find themselves and there needs to be awareness that this is an age of postmodernism, characterised by consumerism and in which the media hold immense power in influencing young people. Having said this the media itself can be an effective tool in trying to tackle prejudice and reduce violent incidents motivated by hatred.

— Finally it is important to explore these issues in a positive framework with a positive approach. Eg taking a draconian approach will not work, such as emphasizing the long prison sentences that will be given to those who engage in violence. Rather what should be focused on should be the benefits of a shared society.

Memorandum submitted by the Commissioner for Children and Young People in Northern Ireland

The Northern Ireland Commissioner for Children and Young People in Northern Ireland welcomes the opportunity to provide comments to members of the Northern Ireland affairs Committee on hate crime. Hate crime is something which Nigel Williams, Commissioner for Children and Young People has spoken out against in the early days of taking up office.

The role of the Northern Ireland Commissioner for Children and Young People’s is defined in the legislation of the same name—The Commissioner for Children and Young People (Northern Ireland) Order 2003. The principal aim is described in the legislation as “to safeguard and promote the rights and best interests of children and young persons”. The Commissioner was appointed by the Office of the First and Deputy First Minister and is required to report to the Assembly and Parliament about his work and that of his office.

While the detailed powers are set out in the legislation they can be grouped under three main areas of work:

**Promoting Children’s Rights**

The Commissioner’s Legislation identifies the United Nations Convention on the Rights of the Child as Niccy’s guiding light. That Convention could not be more explicit in condemning discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status (Article 2), and in placing a duty on governments to protect children from any discrimination or violence arising from the background of their parents. Article 14 highlights the rights of children to have freedom of thought, conscience and religion. Article 22 promotes the rights of refugee children, and Article 30 stresses the rights of children from ethnic minorities to enjoy their own culture and tradition.

**Complaints and Legal action**

The Commissioner can deal with individual complaints from children and young people, or their parents/ guardians about government services like education, health, adoption and fostering, youth justice, road safety—indeed any service that impacts on those under 18. Since coming into office Niccy has received over 170 complaints, in spite of the fact that we have not launched the office and the work of the Commissioner. Some of these complaints relate to bullying of young people by other young people who are intolerant of differences; we have in fact received 13 complaints about bullying and discrimination; two examples are the cases referred to because one young person is gay and in another case because the young girl’s parents are not Northern Irish. In these cases Niccy has worked with the schools to improve their bullying policies and practices and has offered advice to the young people and the parents. We have also contacted the Minister for Education about bullying in schools and he has agreed to meet with us to discuss the issue further.

The Commissioner’s Office has a duty to keep under review the law and practice relating to children and young people. We welcome the draft Criminal Justice (Northern Ireland Order) 2004. However, while it is important that there is effective legislation able to address hate crime offences, this needs to be supported by raising awareness of the issues and of the legislation, to ensure that victims report crimes and that the legislative process is effective. It is also important that there is a long term strategy to tackle attitudes that lead to hate crimes, as legislation on its own will not be effective.

**Research and Inquiries**

As part of his role the Commissioner has the power to undertake general inquiries into issues where he believes children are being adversely affected. This may be an informal inquiry or more formal with the powers of the High Court to summons witnesses, obtain documents and enter premises. He can also respond to request from the Assembly and Parliament to look at issues.
The Commissioner would like his Office to base all its work on helping children and young people based on thorough research. At the outset a major piece on research by Queen’s University was commissioned, into where Northern Ireland sits in relation to the UN Convention on the rights of the child. That work is near completion and in October we will be announcing the priorities which we will be working on for the next three years, based on this research and on the complaints received by our office. The office is of course happy to share any significant aspects which have emerged in relation to hate crime and its impact on children and young people with this Committee.

RESEARCH INTO HATE CRIME IN RELATION TO CHILDREN IN NORTHERN IRELAND

Sectarian Violence

Recent research commissioned by OFMDFM—Children and the Conflict in Northern Ireland: The Experiences and Perspectives of 3–11 year olds (Paul Connolly and Julie Healy 2004) would indicate that there has been considerable impact on children of this age range who are living under the shadow of sectarian violence. The report references the social worlds as having an influence in terms of these children’s identity within their own communities. Lack of access to resources outside the communities, affiliation with flags, murals, painted kerb stones all help enforce attachments to one community over the other; and of course for many of these children who live in areas of high sectarian tension, incidents of violence, stone throwing and conflict is common at interface areas. The research, amongst its conclusions states that as part of good all round education every opportunity should be taken to increase children’s exposure to and experience of cultural practices and events.

Homophobic Violence

One piece of research (White 1998) in relation to homophobic harassment in Northern Ireland found that in a study of attempted suicides of gay and bisexual men, over half had been bullied at school, with more than 64% of those who had attempted suicides reported experiences of being bullied. The findings highlighted that young people generally reported greater experience of violence and abuse than older people in terms of homophobic harassment. In an overview report on homophobic harassment in Northern Ireland, the Police data would indicate that 28% of perpetrators of homophobic harassment was committed by youths while no children were identified or accused of being involved in this type of harassment. One would obviously question in this instance the reporting by pupils in school, where the evidence cited earlier would suggest that children and young people in school are the perpetrators of bullying in relation to homophobia. Research by Birkett 1998, would indicate that bullying and other forms of harassment are a significant problem for many young people whether they are gay, lesbian or bisexual or not. The respondents in surveys of young gay people who have been bullied in schools would criticise the education system for failing to acknowledge and respond to the issue of homophobia in schools.

Racial Violence

The Stephen Lawrence Inquiry report on institutional racism requires us all to address systemic discrimination. However, there is research in Northern Ireland which would indicate that children as young as two years of age are being discriminated against. The Equality Commission in its Good Practice Guide on Racial Equality in schools states that all those concerned with education must help to raise awareness and develop an understanding of racial groups, their religious and linguistic needs and to promote respect, celebrate difference and develop a culture of inclusion. It is hard to find evidence of success in this area, particularly if we look at the experiences of traveller children. The report “Minority Ethnic Issues in Social Exclusion and Neighbourhood Renewal” demonstrates that children from ethnic communities are disproportionately disadvantaged in terms of schooling and are at risk of exclusion from school. Recent reports in the news on racially motivated violent attacks on communities across Northern Ireland identify that children are present in households. Children do not necessarily have to be direct victims to suffer from hate crimes. The targeting of their families, relatives or communities as a whole will inevitably impact upon their lives.

As with other forms of oppressive behaviours, issues relating to racism can be challenged positively within the education system, and there are examples of some work being done in Northern Ireland to address these issues. For example, NIPPA has created advertisements and work packs for pre-school children addressing diversity and the need for tolerance and acceptance. The Commissioner was happy to support this work.

Disability Issues

As yet, Niccy has no direct experience of working with young people with disabilities who have suffered through hate crimes. We have read the submission made by Mencap to this committee and note with concern the violence towards disabled adults. As we have said earlier, children and young people do not have to be directly abused through hate crime for it to have an impact. We would assume that the children with parents and relatives who have disabilities also suffer because of the hate crime directed at the adults in their lives.
Ways of Challenging and Managing the Impact of Hate Crime on Children and Young People

The guiding principle of Niccy is that children and young people should be involved in decisions that affect their lives. We would urge you as a Committee to consider therefore how you might consult directly with children and young people as part of this important piece of work, we can assure you young people have lots to say and are confident that their contribution will benefit this Inquiry.

Children and Young People can be both victims and perpetrators of hate crime. In trying to tackle the issue it is therefore important to adopt a holistic approach and develop integrated strategies, involving children and young people, families, schools, and agencies both in the school setting and in the community. The approach taken should be based on children’s actual experiences and perceptions rather than on adult constructions of the problem.

We welcome the Governments legislative initiative and the PSNI’s measures around recording and monitoring the incidence of hate crime. From Niccy’s perspective we would like to see the PSNI highlight statistical data on the numbers of children and young people who are both the victims (directly and indirectly); and perpetrators of hate crime.

There is evidence in Scotland, the Irish Republic, England and in USA that society can intervene to reduce or prevent forms of violence, especially among young people including hate-induced violence that can threaten and intimidate communities and groups of people. Initiatives need to be developed which encourage reporting of crimes, enforcement of the law by the police and prosecuting agencies; training for police in the management of hate crimes; and victim assistance programmes which can help victims cope with the trauma. Communities can be encouraged to launch programmes which dispel minority stereotyping, and encourage greater intercultural understanding and appreciation. It is evident from the Research that Education can play a crucial role in raising awareness of, finding solutions to the problems associated with hate crime, and helping to develop a more tolerant society.

While we face a major challenge in Northern Ireland, because our schools are still, in the majority, divided along sectarian lines, there are ways in which the curriculum could better address issues of cultural, religious and ethnic diversity. We should encourage children to respect diversity and prevent the development of prejudicial attitudes through education programmes, by introducing religious teaching which does not concentrate on Christianity but takes account of the many religious views expressed throughout the world; support citizenship work in the classroom and in the community; and introduce conflict resolution training for children, as a start. We would commend the Equality Commission Good Practice Guide on Racial Equality in Education and the constructive work being done through EMU in our schools. The growth in integrated education is also a positive step that should good some way towards the acceptance of diversity amongst children and young people.

Public Education awareness, clear anti-oppressive policies in the workplace and in schools are further important components of a strategic approach to managing and preventing discrimination in Northern Irish life. We need to set up better monitoring systems which collate information on the impact on individuals, children, families and communities, and set targets to reduce the incidence and impact. Our Society leaders, including politicians, church leaders, community leaders and others must continue to speak out against all forms of intolerance.

In conclusion the Children’s Commissioner has a number of duties which include promoting the rights of children and young people; keeping under the review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young people; and the effectiveness of services to provide for children and young people. With these duties in mind we look forward to hearing the outcome of this Inquiry and supporting any recommendations in relation to the rights and well-being of children and young people that this committee makes.

Memorandum submitted by Dr Paul Connolly, Reader in Education, Queen’s University Belfast

1. Introduction

1.1 This written memorandum provides evidence of relevance to one specific aspect of the Inquiry’s terms of reference, namely: “To examine the effectiveness of measures taken by government and relevant agencies to tackle prejudice.”

1.2 The evidence relates specifically to the nature and extent of prejudice among children of nursery and primary school age in Northern Ireland (ie 3–11 year olds) and also what measures government can take to effectively reduce this.

2. What is Known About the Development of Prejudice Among Young Children in General

2.1 There is now considerable research evidence to show that children are capable of recognising physical differences and of developing prejudiced attitudes towards those who are different to themselves from the age of three onwards. From this age, it has been found that some young children have acquired negative attitudes towards and are capable of excluding others on the basis of their “race”, gender and disability.
2.2 There is much less research evidence currently available on the development of homophobic attitudes (ie prejudiced and derogatory attitudes towards lesbian and gay people) among very young children. However, there is a growing body of observational research that has documented the importance of boyfriends/girlfriends to some children’s playground cultures within the first few years of schooling (ie P1 and P2). Moreover, homophobic abuse has been found to have become a routine aspect of some children’s peer-group relations by the middle and especially later years of primary school.

2.3 Very little research has been undertaken and published on the development of ethnic prejudice among young children where difference in terms of ethnicity is not based upon obvious physical differences. This type of prejudice would come closest to what is regarded as sectarian prejudice in Northern Ireland. Some research conducted in Israel/Palestine however has shown that such prejudices can occur from the age of three onwards. A study of young Jewish children found that some three year olds were aware that “Arabs” exist, that they are different to themselves and that they are “bad” and “dangerous”. Those same children however did not appear to believe that Arabs were physically different or distinguishable from themselves.

3. The Nature and Extent of Prejudice Among Young Children in Northern Ireland

3.1 There is evidence of pre-school children in Northern Ireland developing negative attitudes in relation to ‘race’ and disability. A recent study of three- and four-year-old children showed that they exhibited a small tendency to be less willing to play with Chinese children and children with a disability (in this case, children wearing a corrective eye patch) than others (Connolly, 2004).

3.2 The situation in relation to attitudes towards religious differences and sectarian prejudice among young children is a little more complex. A few key points can be gleaned from two recent research studies (Connolly, Smith and Kelly, 2002; Connolly and Healy, 2004):

- While the vast majority of pre-school children do not appear to be aware that they are a member of either the Protestant or Catholic tradition, there is evidence that they are already acquiring some of the political attitudes and cultural preferences relating to their respective communities. For example, twice as many Catholic three-year-olds said that they did not like policemen and also did not like Orange marchers compared to Protestants of the same age (see Table 1 below). A clear trend for children of this age to prefer the national flag relating to their own community was also evident. However, in all these cases, the three-year-olds showed very little understanding of or ability to explain the reasons for their preferences.

<table>
<thead>
<tr>
<th>Percentage of children who . . .</th>
<th>Catholics</th>
<th>Protestants</th>
</tr>
</thead>
<tbody>
<tr>
<td>. . . stated they did not like orange marchers</td>
<td>18%</td>
<td>3%</td>
</tr>
<tr>
<td>. . . stated they did not like policemen</td>
<td>34%</td>
<td>15%</td>
</tr>
<tr>
<td>. . . preferred the British Union Flag</td>
<td>36%</td>
<td>60%</td>
</tr>
<tr>
<td>. . . preferred the Irish Tricolour Flag</td>
<td>64%</td>
<td>40%</td>
</tr>
</tbody>
</table>

Source: Connolly, Smith and Kelly (2002).

- By the age of six, it is estimated that a third (34 per cent) of all children in Northern Ireland recognise that they belong to one of the two main religious communities in Northern Ireland and one in six (15 per cent) make sectarian comments without prompting. There is also evidence that such attitudes first begin to emerge among children, albeit in a very limited way, from the age of three onwards (see Figure 1 below).
Such general measures of children’s attitudes do, however, mask significant variation between children living in different areas. For children living in areas that experience relatively high levels of sectarian tensions and violence, it has been found that they tend to develop a strong sense of being either Protestant or Catholic by the ages of seven and eight (Connolly and Healy, 2004). By the ages of 10 and 11 they also tend to develop a relatively detailed awareness of historical and political events associated with their own (but not the other) community.

By the ages of seven and eight such children also tend to hold strong negative attitudes and prejudices towards those from the other community and a number tend to be routinely involved in cross-community interface violence (particularly verbal abuse and stone-throwing).

In contrast, for children living relatively free from sectarian tensions and violence, it has been found that they tend only to develop a proper awareness of the divisions that exist and that they are a member of one of the two main religious traditions by the ages of 10 and 11. They also show relatively high levels of ignorance and misunderstanding of local news and events, even though many express a wish to be able to learn more about these from their parents and teachers.

4. The Potential to Reduce Young Children’s Prejudiced Attitudes and to Increase Their Willingness to be Inclusive

4.1 A major new media initiative targeted at pre-school children (those aged three and four) with the aim of reducing their negative attitudes and increasing their willingness to be inclusive of those who are different to themselves has recently been piloted in Northern Ireland. The initiative—the Media Initiative for Children (http://www.mifc-pii.org)—is a joint venture led by NIPPA (the early years organisation in Northern Ireland) and the Peace Initiatives Institute (a US-based organisation). It has involved the production and broadcasting of three one-minute cartoons on regional television followed through by specially-developed materials for use in pre-school settings.

4.2 A formal evaluation of the pilot programme involving 165 three- and four-year-old children found that the programme was already having a positive and demonstrable effect after just three weeks (Connolly, 2004). It was found, for example, that once they had participated in the three-week pilot programme these children were more likely to:

— be able to recognise instances where a child was being excluded in the playground (12% of the children were able to do this before the programme compared to 50% afterwards);
recognise that being excluded makes someone feel “sad” (44% before the pilot increasing to 67% afterwards);
— be willing to play with children who are different to themselves (for example, 40% stated that they would like to play with a Chinese girl they were shown a photograph of before the pilot programme; this increased to 51% afterwards).

5. MEASURES THE GOVERNMENT AND RELEVANT AGENCIES CAN TAKE TO TACKLE PREJUDICE AMONG YOUNG CHILDREN

5.1 It is clear from the evidence provided above that prejudice can start at a very early age among children in Northern Ireland. It stands to reason, therefore, that any measures taken to reduce prejudice and to tackle hate crimes in Northern Ireland must include a significant focus on dealing with these issues when they first begin to emerge in young children’s lives and thus before they “take hold”.

5.3 It is with this in mind that three key recommendations are made below to government and relevant agencies in terms of measures they can take to help reduce prejudice among young children:

— A carefully developed and properly resourced curriculum should be developed to encourage all children in Northern Ireland, from nursery age through Key Stages One and Two, to explore a range of different cultural practices, events and symbols, to appreciate and respect diversity and difference and thus to be more inclusive of others.

There is already evidence, as reported above, that it is possible to begin to tackle children’s negative attitudes and to encourage them to be inclusive from a very early age. What is being suggested here is that serious efforts need to be made within Northern Ireland to construct a curriculum that can develop a coordinated approach that begins in the early years and is built upon through the primary years (and beyond).

— From the beginning of Key Stage Two, measures should be taken to begin to encourage children to develop a better and more rounded understanding of their own society through increasing their awareness and understanding of some of the key political, economic and social developments that have taken place in Northern Ireland.

The research discussed above has shown that by the ages of seven and eight children are already developing an awareness of broader social and political events. For those in areas that suffer from high levels of sectarian tensions and violence, this awareness and knowledge develops very quickly but is only partial and often focused on their own community. For those fortunate enough to be living relatively free from such tensions and violence, they tend to maintain a remarkable ignorance of the main events that surround them throughout their primary years, even though many have expressed a desire to learn more.

Building trust and understanding between the two main traditions in Northern Ireland and also producing individuals that can become full and active citizens within the wider community depends upon developing such an understanding. The research evidence to date suggests that such an educational process can and should begin in primary schools.

— In areas characterised by significant levels of sectarian tensions and violence, it is important that conflict resolution efforts should include significant and meaningful work with younger children (from about the age of seven onwards).

Given that children as young as seven living in such areas are likely to be regular witnesses to, if not to also be involved in, routine violence with those from the “other side” then it stands to reason that such children need to be included in any conflict resolution work that is taking place in these areas.

Moreover, there is a responsibility on government and relevant agencies to provide appropriate care and support to children who are forced to deal with the day-to-day effects of living under the shadow of violence. Helping children to reflect upon and work through their experiences and perspectives should certainly form part of the work engaged in with children in these areas.

23 August 2004

Witnesses: Dr Paul Connolly, Queen’s University, Belfast, Ms Clare White, Tim Parry and Johnathan Ball Trust, Mr Hugh Doyle, Glencree Centre for Reconciliation, and Mr Barney McNeaney, Acting Northern Ireland Commissioner for Children and Young People, examined.

Q436 Chairman: Good morning, lady and gentlemen. Each of you as to what extent you think young people are not perpetrating the ‘hate crimes’—the evidence we have is that most of it is done by young people—but are the victims of ‘hate crime’, particularly sectarian and whether or not you perceive it as a growing problem among young people?
Mr McNeaney: My expertise is really with children and very young children, so from the ages of three to 11, that has been the main focus of our research. The research I have been involved in, and directed over the last few years, has shown very much that the conflict within Northern Ireland is impacting upon very young children. They are already picking up at the age of three the preferences, political and cultural, of their own communities, often not knowing why they prefer one flag than another or why they do not like the police as much as the children from the other side. They are slowly developing those cultural habits which then, very quickly, at the age of five and six, start to be filled in with attitudes and prejudices. To me the real problem is that very young children are part of the society, they are picking up the hatred and the tensions that exist. The main message I want to get across today is that we need to develop a strategy which does not just focus on older children, on young people, but we roll that back into the early years because that is when they start to develop a sense of who they are, of where they are and a sense of difference from other people and that is where we can make a positive difference. In terms of their experiences of prejudice, clearly if you are a young child in a family where your window has been smashed or you have excrement put through the letterbox that will have a profound effect upon you, possibly more upon the children than upon the parents, because that is your whole life and your world view at that age. Clearly everybody suffers from ‘hate crime’ including the people that are perpetrating it, but certainly children are at the forefront of the experiences of that and so we need to develop strategies to support very young children.

Q437 Chairman: Thank you. Claire White?
Ms White: Although we do exchange work with the young people of 14 upwards, we only have anecdotal evidence that young people of that age have grown up in a climate of hate and a climate where people are seen very much as the other side and very different from them and they have taken on these views during their formative years and taken them very much to heart. We have anecdotal evidence that young people have turned towards perpetrating these crimes really out of a lack of hope for themselves and their future, and the fact that a number of them come from areas of very high deprivation and their literacy and numeracy levels are very low and they do not really have much hope for the future and are being drawn into this type of activity.

Q438 Chairman: Mr Doyle?
Mr Doyle: In terms of our work in Glencree, we work with both victims and ex-combatants and it is not always clear who is a victim and who is a perpetrator, it is not a black-and-white issue, the lines are not always clearly drawn. Someone can be a victim and also a perpetrator and vice versa. I think this is also true in the programmes we run for young people. I know of a number of young people who display a great feeling of hatred toward a certain group of people, and once we get down beneath the feeling of hatred we find out a bit about why that feeling takes place, where that hatred comes from and it often comes from being the victim themselves. The lines between perpetrators and victims are not clear at all and we need to look at both sides of the story.

Q439 Chairman: Mr McNeaney?
Mr McNeaney: In respect of the Northern Ireland Commissioner’s Office in relation to children and young people, we are a relatively new organisation but we have undertaken some analysis in preparation for today. In the period prior to 2001 there was a significant amount of research undertaken by Neil Jordan. Out of the 881 incidents classified as racist, 152 involved young people and 105 of those were committed by young people. Since that time we have been in contact with the PSNI and in 2003/04 there have been 33 recorded incidents where young people have been the victims, in 2002/03 it was 21 and then in the period from April to June this year there have been five recorded incidents in respect of children and young people under the age of 17.

Q440 Chairman: In your submission to us you say that you want to see the PSNI keep data. I understand from your answer that they are.
Mr McNeaney: That is correct. We would be very keen to ensure that all of the information is being provided directly to the PSNI and I suspect that there is quite a significant issue of under-reporting. I think there would be an issue in terms of young people speaking to their parents about the difficulties that they face and then concerns that the parents may have about reporting the issue to the PSNI. That is linked to a larger issue which we need to face in terms of general reporting of crime in this area.

Q441 Chairman: So the PSNI are doing what you would wish them to be doing. It is reporting in to them which is the problem, is it?
Mr McNeaney: Yes.

Q442 Mr McGrady: Dr Connolly, would I be right in assuming that the political and the cultural attitudes of these young children are taken primarily from their parents’ attitudes, and there are additional influences being brought to bear at that age? Secondly, you suggest the development of a curriculum which encourages the pre-schools and primary schools to explore the different cultural aspects. Would that really address this problem that you have highlighted?
Dr Connolly: I was listening to the session before this one and it seems there is a blame culture often as to whether it is parents or schools that are to blame.

Q443 Chairman: We are talking about three to six years olds. It has to be the parents. You cannot blame the schools because they are not at school.
Dr Connolly: The problem with that is you are ignoring what is outside the front door. Once you walk outside the front door, if you are being walked to the shops, you are seeing red, white and blue kerbstones or tricolours hanging from lampposts, you are seeing racist graffiti, paramilitary graffiti. Let us not just start blaming individual parents when it is
a society problem. It comes back to all of the issues that were raised in the first session about segregation, about the vacuum in terms of politics here. All of these things have an effect upon young people. Clearly parents have a role to play. But are we to blame parents? Should we blame them if they are living in a situation where they feel under threat and when they live in a society which is divided in different ways? Some of the transmission of ideas and values at a very early age does come from parents, there is no doubt about that, but let us not blame it on the irrational attitudes of parents. The children are picking it up and they are choosing to behave in a certain way. There is a much more fundamental problem than that and that really leads on to the second part of the question about what can be done. The picture which is obvious and is coming through from this is that it is a multi-level problem and it requires a multi-level solution. We need a political solution, we need a solution in terms of segregation and all the rest of it and just one aspect of that must be to work with children as well. My view is that we certainly should be working with young children. There are things that can be done and there are positive effects which can be made and we have demonstrated that recently in Northern Ireland. That is one piece of the jigsaw. It would be naïve to think that we could solve the problems simply by changing children’s attitudes, but obviously that is one part of that process.

**Q444 Mr McGrady**: How do parents and communities in a highly polarized society like Northern Ireland actually ensure that these young people subsequently progress with that experience through your centres?

**Mr Doyle**: In terms of Glencree, we provide very positive experiences in all of our programmes. It is in a very isolated location on the side of the Wicklow mountains overlooking Dublin. That can be beneficial in a sense for an initial engagement with people who may never have met before, but for our work to be sustained we need to look at communities as well and look at resources, how we can support communities who are looking at cross-community efforts within their own community. In a way the cross-community work is not a cure for all ills but it is a definite part of the solution, in a way it is an opening up. In terms of the Glencree education programme, we have just received some new funding from the International Fund for Ireland to develop our existing programme and to develop a new qualitative programme in terms of linking schools north and south. We are approaching three schools north and three schools south to link up with each other and to provide support for the teachers and students to maintain that link.

**Q445 Chairman**: Are these Roman Catholic schools in the north?

**Mr Doyle**: They would be a range of schools. We are hoping to have one integrated school, one Protestant school and one Catholic school. The aim is to adopt a whole school approach where teachers of social and political education, religious education or transition year and throughout the rest of the school would be involved in promoting the values of peace education in terms of respect for adversity. We are also looking to work with the whole staff of the school and eventually the parents as well so that the parents within each of these schools will perhaps, if given the choice, choose the school in terms of the ethos that it promotes, a respect for diversity, and that there would be something encapsulated in the prospectus of the school.

**Q446 Mr McGrady**: Obviously there is great value in what you do and great credit to you for doing it. Is there any way of assessing the continuum of that experience with young people and their parents and the community? Does that develop of its own accord or do you have to keep feeding it and funding it?

**Mr Doyle**: Glencree does not have any statistical information to give. We have lots of young people who come to our programmes for a short time, maybe for the day, we have some who stay overnight or for a longer period and there are those who come back regularly to programmes. It is from those young people who come back that we can see a definite change. We had one guy who came up with his school about six years ago, he has been in contact for about six years and he has just finished an internship in Glencree. In many ways his whole perspective on life has been changed because of the influence of the people that he has met and the experiences that he has had through the work of Glencree. Before he was very sports orientated but now he is looking at working as a peace activist himself. There are numerous stories that I can cite like that.

**Ms White**: We are a relatively young organisation. We have only been in the building four years. The work we do is just a very small part of the overall scheme of work that is being done by local organisations. We work with Glencree and with Dr Connolly. What we aim to do is to pick individuals who have potential in the future for being either business leaders or community leaders and working with them on our programme so that we can change their views and help them be more open-minded and less prejudiced and then take that view forward. In one of our programmes we target individuals who could be drawn into more dubious activities and target them and help to try and change their views. We only employ nine staff. We do not have the resources at the moment to do a large piece of evaluation or to track individuals to the extent that we would like and it is an area of work that we are looking to expand upon and gain funding for. We track individuals as far as we can through e-mail, and we have had a number of them who have gone on to do further study or who have gone to university to study peace studies. We also had one particular individual who came on one of our exchange programmes and his parents did not want him to come on the next round because they knew that he would be exposed to people of differing views from himself. He went against his parents’ views and attended and he is now working in an integrated community centre. So we know it does work.
Q447 Chairman: How old was he?

Ms White: Sixteen. It is a very small part that we play but obviously it does have an impact. If you look at the feedback and the quotes that we provided in our written evidence, the experience of being with other people and the experience of living with, socialising and working with them over that period of time does have an impact on those individuals. We need to do a bit more work on assessing the long-term impact.

Q448 Mr Beggs: Your submissions set out examples of educational peace programmes and youth exchanges which challenge perceptions and prejudices. How do you think these differ from work done in Northern Ireland through cross-community contact schemes in schools, youth, community and sports groups; and education for mutual understanding and cultural heritage programmes in schools?

Ms White: The programmes that we run at the Peace Centre take individuals out of their environment and place them alongside individuals of directly opposing views for a period of time, usually it is over an extended weekend. They are challenged very strongly on their views. It is informal education. There is role play, people write poems, they tell stories and they tell histories. We play a number of games which are meant to expose generic prejudice and the dangers of being prejudiced and how you can make decisions incorrectly based on false information about individuals. So it is a very informal structure. They live and socialise and work together for those four days. It is a very intensive course. At the beginning of the course we find individuals tend to stay in their own groups and they do not tend to speak to each other too much, but by the end of the programme these young people have made lifelong friends and they are talking each other as they are leaving in the minibus for the airport. It is a different environment from the one in which they are brought up. They stay at the Peace Centre, they stay at Glencree and they also stay in a hotel up here in Belfast. It is a totally different experience from anything formal education could provide.

Mr Doyle: A lot of our programmes are single identity, but broadening the whole experience to engage in a cross-community, cross-border, British-Irish exchange makes it more realistic for the young people involved. The work that we do with Warrington is really vital to our programmes. In terms of how our programmes may be unique, we are one of the few reconciliation centres in the Republic of Ireland. In terms of working with young people in the Republic of Ireland, once you start talking about Northern Ireland it can be quite difficult to get them engaged. We do not begin by going in heavy on the effective, in your view, has education for mutual understanding been in promoting better community relations among young people?

Dr Connolly: That is not one of my areas of research. I can talk very generally. We know from the research that it has been effective in places. The support has not been there in terms of very clear guidance and resources and so forth to schools. It has often been left to particular schools and the individuals involved to look at conflict in these islands and emphasise “these islands” because it is not just about the two sides in Northern Ireland knocking it out between them. It is about everybody on these two islands that this conflict is about. So we look at the part that young people in the Republic have to play in the conflict and what part they can play in the peace as well. In terms of looking at the part the young people from the Republic have to play. There is huge racism or sectarianism towards the whole idea of ‘Britishness’ within the Republic of Ireland and we look at that issue. It can be clearly seen on the terraces in Lansdowne Road, for example, and we use issues of sport and we discuss why there are so many prejudices among young people in that way. We do an exercise called “Not Me” which looks at initial impressions of ‘Irishness’ and ‘Britishness’. When the list for ‘Britishness’ comes up it is often filled with a tirade of very unmentionable words in this setting. The whole idea about the programme at Glencree is to look at where this prejudice comes from, why we have these stereotypes. The whole idea is to be aware of them and to engage with young people from the other side.

Q449 Mr Beggs: How many young people participate in the programmes each year and how are they selected for the courses each of you run?

Ms White: At the Peace Centre at the moment we have about 50 young people who participate. In Warrington we select, Glencree select and our partner organisation in Belfast (which is not a fixed partner at the moment) select. They are put forward by the community organisations or the schools that we are dealing with and they are interviewed. The reason for the interview really is to establish that they are mature enough to undergo the process, because quite a lot of the time the process can be quite challenging intellectually. We need to make sure they find it a positive experience to come on the programme. It is done in order to check that they are capable of doing that and to ensure that they have a basic understanding, a basic empathy and that they are willing to sit down and listen to somebody else’s point of view and take on board that there is another view, because that is the basic principle of the work that we are doing.

Mr Doyle: We have about 1,600 students who come through the Peace education programme each year and then about another 400 in terms of the various follow-up exchanges that we run. Our programmes are open to all schools throughout Ireland. Generally speaking, the young people who participate in the follow-up exchanges initially come through our schools’ programme.

Q450 Mr Beggs: Dr Connolly, how effective, in your view, has education for mutual understanding been in promoting better community relations among young people?
Q451 Mr Beggs: Hugh, you mention in your submission that it is your intention to see peace education introduced to the mainstream school curriculum. What value do you think this will have and is it your intention to lobby for this to be introduced in Northern Ireland as well as in the Republic?

Mr Doyle: The majority of the schools that we work with at the moment are certainly schools from the Republic but we hope to expand into Northern Ireland as well. We are very much aware that the existing curriculum is very much overloaded and teachers are under many pressures already. The approach that we are taking is to make it as easy as possible for the teachers involved to integrate peace education within the existing curriculum. We are not hoping to create a new subject of peace education, there are too many subjects already, but there is definitely room for peace education to be incorporated into existing subject areas. For example, in the Republic of Ireland there is Civic, Social and Political Education, Transition Year, Junior Certificate and Leaving Certificate Applied Religious Education. Those are four areas that we are targeting in a strategic way in terms of our new peace education resource pack. In this new resource pack there will be a number of lesson plans and ideas for action projects. We are trying to lay it out on a plate for the teachers and to make it as easy as possible for them to integrate it within already existing subject areas, not to increase their workload but in many ways to help them out in their workload. The whole idea would be that within each of these subject areas the teachers would be doing peace education but that it would also be done in conjunction with a programme at Glencree. Yesterday I was in a school in Dublin which is introducing an eight week peace education programme within their transition year course and part of that was an introductory class from us in Glencree. The teachers have been working away with various lesson plans themselves. They will be coming up to Glencree and taking part in a two day peace education programme. We will be going back out to the school to look at follow-up ways to help support the teachers and students to make it more concrete in terms of their transition year programme.

Q452 Mr Beggs: Have you had any discussions with the Department of Education as yet here in Northern Ireland?

Mr Doyle: They would be tentative. We intend to increase our links with both departments north and south. We have had links with the second level support services in the Republic and second level support services, but we would certainly be very keen to increase our contact and our links with both departments.

Q453 Reverend Smyth: I would like to go back to Dr Connolly who gave a very gracious answer about EMU. As I understand it, that was the scheme where the church leaders felt the finance had been taken away from them at an earlier stage. Do I take it that you would support its restoration with proper resources and proper guidelines? I picked up a long time ago that schools were using it for their own advantage rather than for the purpose for which it was brought into being.

Dr Connolly: If we are looking at what should be done now, there is a whole citizenship curriculum now which is being put forward and it will be on the books in one or two years’ time, the teachers are being trained. Certainly in the 11 to 16 group that seems to have a lot of potential for us to start addressing what should have been addressed through EMU and Cultural Heritage. Rather than resurrecting something like that, the citizenship curriculum could be a good way forward. The problem is that most of the focus is on young people and I would like to see some resources for Key Stage 2 in primary schools, seven to 11 year olds, but there are things that can be done in preparation with very young children. I would like to see a holistic approach from three through to the end of compulsory schooling where we start building upon these issues gradually and securely.

Q454 Mr Tynan: I was fortunate enough, along with some of my colleagues, to visit the Peace Centre last year and I know how beneficial that is to the people who are in your care. Really the question of changing people’s attitudes obviously happens at Glencree and at the Peace Centre. You are successful but you can only reach a limited amount of people. To try and cure the problems in Northern Ireland would be very difficult because of the amount of resources that would be required. You said that you only have individuals who are willing to listen. Is that really the target audience you want to reach or is there not a need to target the people who really are not listening? How could you do that?

Ms White: There are two different programmes that we run. One of them targets high achievers, high flyers, potential leaders who are educated to a level, and normally they are willing to participate and to listen and contribute. The other programme targets individuals who are living in areas of high deprivation. When I say the basic aim is that they are willing to listen, I mean they are willing to come on the course and participate. Quite often they are very vociferous in their opposing views and they are not willing to change their opinion. I think you have to make it a basic principle that they will participate and stay in the room physically while other people are expressing opposing views. We are a small resource, we do not claim to make a great impact, but we are doing our bit. At the moment we feel that in order to get people through that programme and to a satisfactory conclusion and to have them achieve anything you have got to have people who are at least willing at the beginning to stay in the room with
people who have got different views. That is the premise we start from. They are very, very vocal in their opposing opinions.

Q455 Mr Tynan: How do you see your work impacting on 'hate crime', or is there a way that it could be developed further to impact on 'hate crime'?

Ms White: Our basic premise—and the work we are commenting on here is just a small part of an overall series of programmes—is to try and encourage individuals to understand that human beings are more similar than they are different and that by being in a room together socialising, working together and meeting people of different cultures, creeds and races you can determine that people are individuals and you can build bonds of friendship and that will overcome the prejudice. Obviously it is a grand aim. The practical delivery of that is limited by resources. As we go forward what we will achieve is dependent upon our funding and our ability to get out there and work in communities, but we are already undertaking work similar to that in parts of Europe where it is required as well. The resource issue is one of funding and personnel and the sky is the limit. We are not claiming that we achieve everything. We are just one small part of the puzzle.

Q456 Mr Tynan: How important is a change of environment in your estimation as regards having a successful conclusion and changing attitudes?

Mr Doyle: I think it can be very beneficial in initiating a relationship in terms of bringing young people out of their environment where they may be in conflict. Our programmes show that it cannot be a one-off but that there needs to be a sustained effort in terms of keeping up the conflict when they do go back to their own communities. There have been some cases of cross-community programmes where there is an initial contact and people get on pretty well and one use of that initial contact is to engage in some recreational rioting when they go back to their own communities. It can have its drawbacks as well. This is why there needs to be some system within individual communities. If we had the resources, we could work in a more sustained way in supporting local communities and promoting a cross-community culture.

Q457 Mr Tynan: We have some inhabitants in Scotland who attend football matches now and again who may require your services some time in the future.

Mr Doyle: I think we have got a lot to learn from each other maybe.

Q458 Chairman: You heard what the four church leaders had to say on the subject of integrated education, but it remains a fact that the department here has a statutory duty to encourage and facilitate integrated education. I do not think there is any question that they have not been very effective at fulfilling this duty. The Glencree submission indicated that education of itself will not work, it is integrated living that counts more, but we have to start somewhere. What are your views and attitudes about starting with the young in a small way to try and teach them from a very early age within their educational environment that they do not need to live separate lives from those of a separate faith?

Mr McNeaney: One of the things that our office did in its very early days was to commission research from Queen’s University comparing Northern Ireland society against the United Nation’s Convention on the Rights of the Child and we are just about to launch our corporate priorities based on that research. Coming out of that research already are the significant concerns expressed from young people and across Northern Irish society about segregated education. Some of the elements needed in terms of any strategy to address those issues we feel focus on encouraging children to develop an appreciation and respect for cultural diversity, and we have talked about the curriculum already, and that is something we are going to target in terms of art work and also education initiatives aimed at increasing children’s peace awareness and understanding of key historical and political events associated with Northern Ireland, but that needs to begin in primary schools, from the ages of about seven or eight, if it is going to have any benefit. I think that will have an impact in terms of the support that would be out there in terms of integrated education. There is a raft of issues which were rehearsed in the earlier evidence which I think I would support.

Q459 Chairman: Mr Doyle?

Mr Doyle: Integrated education will not work by itself. It is certainly a part of the solution and I would strongly support that personally. I grew up in a totally segregated society, in a segregated primary school and secondary school. I think one of the previous witnesses suggested that young people in Northern Ireland meet when they go to university but for me that certainly was not the case. I hung around with my mates from home, which certainly was not ideal. I thought university would be this Utopia where we would all get on together.

Q460 Chairman: We all do until we get there!

Mr Doyle: Absolutely. I think integrated education is part of the solution. In terms of integrating our whole lives, we need to share a living space and Lord Eames was talking about the difficulties of that in terms of bringing young people together from an early age where they can grow up together but they do not even realise that they are playing with a Catholic or a Protestant, in terms of their whole recreation and in particular sports. Sport can often divide young people but it can also be a tool for promoting values such as leadership and a team spirit and co-operation. Employment for young people needs to be integrated as well. Generally we need to work towards developing a shared history rather than a divided history and divided stories of our lives.

Q461 Chairman: Dr Connolly?

Dr Connolly: There are two points I would like to make. Firstly, there is a statutory responsibility to promote integrated schools. I would question how much that is being done at the moment and whether
much more could be done. Consistently what we find is that there is a much higher demand amongst parents to send their children to integrated schools than the places allow for that.

**Q462 Chairman:** Is that right?

**Dr Connolly:** There certainly is, yes.

**Q463 Chairman:** There is greater demand than there is supply?

**Dr Connolly:** Yes.

**Q464 Chairman:** We have not heard that evidence.

**Mr McNeaney:** Currently 800 children have been turned away from integrated schools in the last year.

**Q465 Chairman:** That is very interesting.

**Dr Connolly:** I will get the figures and pass them on to the Committee. That would beg the question whether more could be done. We often hide behind parents and parental choice, but that would not be happening where they are expressing a desire and we ought to be promoting an integrated education. Secondly, integrated education is a longer-term solution and it can become an excuse for us not to do things more immediately. The work I am involved in with the Peace Centre also includes looking at issues of race relations in Oldham, where you do have segregated schools there in terms of mainly Asian and mainly white schools. We are not saying for one minute that the only solution there is to start busing children from one area to the next. We have been there in the Fifties and hopefully we will not go back to it. There will be certain schools in certain areas which will be segregated and we will have to work out ways of dealing with that. I believe that there is a lot that can be done even where schools are segregated but where you can still promote cultural diversity, you can still promote a much more inclusive approach to education with young children. You do not have to rely upon integrated schools to do that. It should not be an excuse for us not to do something much earlier with children in the 95 per cent of schools which are segregated. We should not wait until the panacea of integrated education.

**Ms White:** I would agree with that. One of the things I was quite pleased to hear put forward earlier was that, whatever solution is brought forward here regarding young people and education, you have to look at the entire holistic approach and you need to look at the social aspects and the employment prospects. One of the major factors for changing the way forward and reducing ‘hate crimes’ is to offer hope to young people so that they have future prospects on this island and that they have future employment and that there is enough to go round for all. One of the issues that we found, certainly in research that has been undertaken in UK cities like Oldham and Bradford, is that incidents of ‘hate crime’ tend to increase in areas of high deprivation where there is a lack of education and a lack of social facilities and a lack of employment and that does tend to bring forth these issues and these crimes. I think it needs to be taken as a holistic approach. Integrated education, we would agree, is a step forward but it is not the be all and end all and you cannot enforce that. At the end of the day it is down to choice and people will choose to be segregated and they will choose to live separately. The issue is that if they do not choose to go down an integrated approach in terms of education where else will that be found, where is that covered in their social and everyday lives?

**Q466 Reverend Smyth:** On the question of integrated education, you give a figure of 800, but can you break that down because as I understand it integrated schools should at least try to balance the intake? Is there a waiting list for one group more than another? In south Belfast is it not partly because people in working class Protestant areas will have to go three miles or more to get to the secondary school and they are then choosing to try to go to an integrated school because it is much more convenient?

**Mr McNeaney:** I do not have the breakdown of the 800, but I know that the 800 is a global figure for those children who were being turned away from integrated schools.

**Q467 Reverend Smyth:** It is an important aspect when we are speaking about the department not doing things. How can they when there is a definite demand for segregated schools, a state school traditionally, and I taught in a school for a period where there were members of different faiths. How far can the Department fulfill its mandate with that opposition?

**Dr Connolly:** I could find the figures and pass them on to the Committee.

**Chairman:** Lady and gentlemen, thank you very much indeed. It has been an interesting session. We are now going to hear from two people who have experienced different kinds of education and I shall be very interested to hear their views.

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**Witnesses:** Ms Norma Rea, Mr Michael Black and Mr David Bell, examined.

**Q468 Chairman:** Would you mind telling us who you are?

**Ms Rea:** My name is Norma Rea and I am the Coordinator for the JEDI initiative, which is a partnership initiative of all the lead youth agencies within Northern Ireland.

**Q469 Chairman:** Which is Mr Black and which is Mr Bell?

**Mr Bell:** I am Mr Bell.

**Mr Black:** Mr Black.

**Q470 Chairman:** Thank you for coming. I do not know how much you have heard of what has been going on this morning. We have been discussing the education that you have enjoyed for the past 16 or so years. Would you tell us about that and about the project that you have been involved in?
Mr Bell: My name is David Bell and I am 22 years of age. I was brought up in the Woodvale area, that is in Catholics and Protestants. My views changed then and I am asking you to put what you think the next generation might possibly be trying to do. I have never heard of it. Without a clear brief for the young people to prepare themselves today, I am asking you to put these young people at ease in sitting in front of what is a very formal setting and, secondly, to give them some lead with regards to what you would like to hear.

Mr Bell: I have never heard of it. Without a clear brief for the young people to prepare themselves today, I am asking you to put these young people at ease in sitting in front of what is a very formal setting and, secondly, to give them some lead with regards to what you would like to hear.

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Q482 Chairman: Do you wish that you had spent all of your time at school with Roman Catholic children in the same school?

Mr Bell: Not really. At the minute I am not sectarian and I do not have as strong views as other people would have. There are paramilitaries in my area who push drugs on to kids. There is still the same thing happening in the other community. You can hate those people for what they are doing. They are wrecking the community, gaining money for themselves and once they have got enough money they go away. They are leaving behind wrecked families and homes in working class areas.

Q483 Chairman: What about you?

Mr Black: Hello. My name is Michael Black. I am 18 years old. I currently go to Aquinas Grammar School on the Ravenhill Road. From a very young age I was aware of the difference between a Catholic and a Protestant person. I was brought up with the Celtic-Rangers argument. Because of friends from the main community I came to know that Protestants would be worse than a Catholic person; sectarian views.

Q484 Chairman: Were you taught that or was it part of the culture you lived in or what?

Mr Black: It was. Well, it was not totally, “Oh, yes, a Protestant person is such-and-such,” it was more subtle in the youth community that Protestant people—

Q485 Chairman: Was this because within that youth community you felt oppressed?

Mr Black: It did have a certain aspect of that, yes. You did hear stories from members of your family about the oppression of Catholic people over the years. It does have an effect on you. It makes you feel frustrated that something like that has happened. I have never really had a chance to mingle with any Protestant communities during my life.

Q486 Chairman: Did you ever go to a Protestant school?

Mr Black: No.

Q487 Chairman: That was not part of your curriculum?

Mr Black: No.

Q488 Chairman: At this stage?

Mr Black: No. We never went with a summer scheme or youth club. We would not have had any contact with the Protestant community.

Q489 Chairman: Do you wish you had?

Mr Black: Yes, I do because if you have got it into your mindset at a young age then it is hard to shake off when you grow up. In life there is a very subtle undertone in your psyche of what you learnt when you were young.

Q490 Chairman: When you were out of school and in your communities what was your attitude towards the police and the community workers and the people who were trying during those troubles to do something about it?

Mr Bell: The police are very heavy handed. I do not trust them. You can change the name all you want from the RUC to the PSNI but at the end of the day they are still the same people that are running about the streets and we cannot trust them. Both sides of the community do not trust them, the Catholics and Protestants. The army are the same, you just cannot trust them.

Q491 Chairman: Would you say the same?

Mr Black: My feelings are the same. You do not have any trust for them, no respect for them.

Q492 Chairman: What about you?

Mr Bell: In our school we learnt about the Tudors and the Roses and stuff but I actually wanted to learn about my own history from when Northern Ireland happened. You have got 800 years of history from Northern Ireland and you are looking at it and thinking, “Why do I have to learn about England?” Fair enough, we are part of the UK but it is not our history. They get to learn about their history in school and we do not learn about ours, we learn about the First and Second World Wars.

Q493 Chairman: That is a very interesting reply. What about you?

Mr Black: We do a lot of Irish history in our schools. I would like to get a bit of a flavour for something else, maybe something about the Protestant community because, although not intentionally, it can give you a gable wall view of history.

Q494 Chairman: Did you have sporting competitions against Catholic schools from the other side?

Mr Bell: Every school had different teams that played against each other for football and hockey.

Q495 Chairman: Did you play against Roman Catholic schools?

Mr Bell: We did. We would have played hockey against Regent House.

Q496 Chairman: What about you?

Mr Black: We would have played Protestant schools but not very many.

Q497 Chairman: Is that the only contact you had, in sporting competitions?

Mr Bell: Probably.

Q498 Chairman: Did that help at all?

Mr Bell: No, because at the end of the day you are competing against each other, you are competitive and you are there to win a match, not to make friends.
Q499 Chairman: Would you like to see in the schools that you have recently left more effort made to bring the other side to you or you to them?

Mr Bell: I would like to see a hell of a lot more effort made by the politicians. We have got the Assembly suspended again.

Q500 Chairman: What do you think the politicians can do about your school?

Mr Bell: I am 22 years of age and this fella is 18 years of age. We are going to have kids down the line. My family brought me up to be open-minded and so I have always been open-minded about ethnic minorities and other religions and stuff. I want to be able to do the same with my kids as well. I do not want them growing up, like some friends that I know that are having kids at the minute, saying, “I don’t like the other side so I’ll bring my kid up the way I want.” That is not the view you want to have. If you have that view then you are going to have it going on for another 30 or 40 years and it is just going to continue down the line.

Q501 Chairman: Would you like to be able to send any children you may have to an integrated school?

Mr Bell: To be honest, I would rather be out of Northern Ireland by then and bring them up somewhere different.

Q502 Chairman: That is a very sad reply. What about you?

Mr Black: My general feeling is that if I had children I would not send them to an integrated school. There is a general feeling that your own Catholic education would be better quality than the one given by a Protestant school.

Q503 Chairman: If you knew that the quality was as good, would that change your mind?

Mr Black: Yes, that probably would. There are not very many integrated schools around.

Q504 Mr Tynan: I want to go back a little to the fact that you have no trust in the police. Why is there no trust in the police as far as you are concerned?

Mr Bell: They are very heavy handed. There are flashpoints all over north and west Belfast. The police now have these big security cameras and stuff up there that move around so they can spot people when they are rioting. A couple of years ago when they were not there, you maybe had about 200 to 300 police and army officers in Ardoyne. When you have protests and stuff going on there and when there is rioting, at the end of the day the police want to disperse the crowds and if they have to use heavy handed methods they will. Someone like me or some athletic person can get away but women and children cannot. I have a younger sister and when she was 18 she got a police baton round the arm for standing at somebody’s door. That should not be the action of a police officer.

Q505 Mr Tynan: Has that not changed any over the last few years?

Mr Bell: No, it still happens. You have those big cameras in Ardoyne. The peelers cannot do it unless they are provoked, but there have been times when the police have come straight in, they have got the batons out and they have got the plastic bullets out and they have fired at them and the excuse they have used at the end of the day is that one of us opened up on them.

Q506 Chairman: This has been a short but very, very interesting session.

Ms Rea: Michael, do you want to add anything? It is good to get a balanced view from both communities on topics like this.

Mr Black: Within the Catholic community the distrust is from history. I know there are changes now and I think they have been very good, but you just cannot ignore maybe 100 years of history.

Q507 Chairman: Would either of you ever consider joining the police?

Mr Bell: No. I would probably end up getting shot!

Q508 Mr Clarke: I wonder if you could tell us how it affects your lives now because you are 18 and 22, you will be going out to clubs and meeting people from different communities. How does it affect you? If you found a girlfriend that was from a different community, what would your views be on that in terms of visiting each other’s community? How does it affect you beyond being a kid?

Mr Bell: I have dated several Catholic girls. I have been on the Ormeau Road and the Falls Road and I have had to go to hospital appointments. Nobody knows me on that road anyway. I find sometimes you can be a bit safer in a different community than you are in your own community. The amount of underage drinking on the Shankhill Road and some of the attacks that have happened in the areas are unbelievable. You think to yourself why could I not be in that community where nothing happens. Some people look after their community. The likes of The Globe up there in Shaftsbury Square and the likes of Shine and stuff, all these places are integrated. You have got different races, cultures, religions all going to these places and they are up there on Friday and Saturday night having a drink and nothing is happening, but you come further down into the town where you have got Protestant places to drink in and Catholic places around the corner and at the end of a Friday or Saturday night the first thing people want to do is go round for a few digs or start a riot.

Mr Black: I do not have a problem with that, but you do have some apprehension about going into a different community, particularly a Protestant community. You still have that fear even though you know they will not know you are a Catholic. That may be not only because you are a Catholic but just because you are walking down there by yourself and you are afraid you will get attacked.
**Q509 Chairman:** Have you been attacked?

**Mr Black:** No, I have not.

**Q510 Chairman:** But I bet you know people who have. Thank you both very much indeed. It has been a very interesting insight into where we have got to and how much further we need to go. I am sorry we must cut it short but we have got a plane to catch.

**Ms Rea:** Can I just say that whilst young people that we speak to about the future in Northern Ireland would like to see a more positive future, one of the issues is fear of speaking out. I would like to ensure that the amount of work, effort and support required in the background to enable young people to come here and speak today is acknowledged and also to thank these young people.

**Chairman:** Thank you.
Monday 25 October 2004

Morning

Members present:

Mr Michael Mates, in the Chair
Mr Adrian Bailey  Mr Stephen Hepburn
Mr Roy Beggs  Mr Eddie McGrady
Mr Gregory Campbell  The Reverend Martin Smyth
Mr Tony Clarke  Mr Bill Tynan

Memorandum submitted by the Coalition on Sexual Orientation

The Coalition on Sexual Orientation (CoSO) was established by Lesbian, Gay, Bisexual and Trans (LGBT) groups in Northern Ireland in order to provide a voice for the LGBT Community in debates and consultations surrounding the rights of the community.

CoSO is a coalition of organisations that represent and provide services to the LGBT community and is open to any organisation, whether organised across Northern Ireland or in a particular region of it, as well as to individual members of the LGBT Community.

CoSO aspires to represent the LGBT Community on issues around sexual orientation. CoSO acts as an umbrella body with which public authorities may consult in order to fulfil their statutory duty under Section 75 of the Northern Ireland Act 1998 (c.47) to promote equal opportunities irrespective of sexual orientation. CoSO seeks to ensure that the concerns of the entire LGBT Community are adequately articulated and acted upon.

The issue of homophobic harassment and violence has become widely recognised as a problem endemic within society, especially over the past couple of years. There is a misconception that hate crimes main outlet is through violence, but the issue is a much more widespread and varied subject than extremely violent assault. It includes diverse forms of assault, verbal abuse and bullying. It also takes place in many different places such as “homes, in the street, in the workplace, in schools and in social settings. Homophobic harassment can have a pernicious effect on the victim’s sense of self, their confidence and their health.”


Indeed Jarman continues to state that ‘Homophobic harassment has also been described as “the last acceptable prejudice.” Jarman, N. ICR, 2003 and accentuated this by naming the report “An acceptable prejudice”.

A report produced by The Equality Authority in the Republic of Ireland in 2002, Implementing Equality for Lesbians gays and bisexuals, stated that violence motivated by “hate” is “personal and targeted at ones identity and self-worth. The intention is often to hurt, humiliate and injure.”

The report continues . . . “Homophobia fuels violent expressions of hatred towards LGB people. Social, legal and political structures fail to appreciate the threat, extent and impact of violence targeted at LGB people, and thus many incidents remain unrecognised and unchallenged. Unchecked public anti-homosexual comment or behaviours reinforce ideas linking difference to deviance which in turn fuel further violence and harassment.”

It is clear that within Northern Ireland over the last few years a culture is being sown within the legal and policy frameworks whereby homophobia can be addressed in all its manifestations. Research is and has been carried out in relation to differing aspects of sexual orientation within society in Northern Ireland and it has begun to highlight a few of these differences.

Research into the area of sexual orientation is generally still a relatively new theme in Northern Ireland, outside of the gay and lesbian community that is. However research that has been completed over the last few years have made recommendations for progress to be made and taken forward. Sexual Orientation in Northern Ireland is supposed to be, on a relative basis, afforded the same priority level of other categories of discriminated people, for example within Section 75 of the northern Ireland Act 1998.

In reality however, sexual orientation finds itself close to the bottom of the equalities pile and is only afforded the company of Carers and Irish Travellers. A few public authorities are hesitant to move forward on lesbian, gay and bisexual issues as part of Section 75 as they see “Sexual Orientation” as being a “sensitive” area, rather than moving forward in partnership with ourselves they tend to do little as the time is not right a perfect example of this is in regards to monitoring of staff or service users.
It is clear therefore that progress does still need to be made to bring discrimination on the grounds of sexual orientation into line with existing categories already protected. It is also clear that adequate resources and time needs to be applied to the issues which can only then begin to address the problem. Words on paper cannot protect someone from discrimination, harassment or violence and the issue has still not been afforded the same amount of respectability and air time as other hate crimes do therefore possibly leading to a situation where it is still not being addressed effectively because it is not on a par with other categories.

International research points to higher levels of attempted suicide amongst the gay population than their heterosexual counterparts. While the international rate is around 7 times higher than the heterosexual population, the available research from Northern Ireland suggests that the problem of attempted suicide is much more acute.

The Rainbow Project Research ("How hard can it be?" White, 1998) highlighted that in Northern Ireland gay and bisexual men are at least 30 times more likely to attempt suicide than their heterosexual counterparts. The reasons for this high rate of attempted suicide were multi-fold, but can be summarised by highlighting the significance of societal stressors influencing state of mind.

One thing which is clear, and the Jarman report and others have borne this out, is that Northern Ireland is still very much a conservative society. It is clear even from the PSNI statistics that the problem of homophobia is on the increase; the reporting of such crime however may also be on the increase. A lot of the time this societal pressure from a conservative society can have a profound effect. The education system in Northern Ireland for instance is still extremely conservative. Very few schools have "homophobia" included within their bullying policies for example. Without homophobia being specifically mentioned it may mean that homophobia is not effectively challenged within the educational system. This in turn leaves a lot of young people extremely vulnerable and may lead to higher levels of low self esteem and introspectiveness and may create a system whereby homophobia is, in appearance, tolerated within the educational system. This may then of course lead to further instances later in life in the workplace where homophobia becomes tolerated as the bully has never been challenged.

As already stated very few schools have homophobia included within their bullying policies and very few beyond that have included Lesbian, gays and bisexuals within their “relationships and sexuality education programmes”. In other instances too there is no mention whatsoever of positive gay role models such as Oscar Wilde within the English curriculum or Alexander the Great within the History syllabus. This further exacerbates the problem of low self esteem and introspection as the young person believes they are the only gay person in the world.

According to the ACPO Hate Crime Manual, April 2002, Hate Crimes share a high potential:

— For harming the victim
— For harming the victim group; and
— For harming society

ACPO have adopted a definition of a hate crime as being, it . . .

"...is a crime where the perpetrator’s prejudice against any identifiable group of people is a factor in determining who is victimised."

The Association of Chief Police Officers has made recommendations within the paper in regards to the types of services supplied to victims of hate crime:

— Their needs arising from the type of crime;
— Their needs arising from the type of group hate; and
— Their needs as individuals.

Indeed the Police Service of Northern Ireland has upheld the definition of a homophobic incident provided for by ACPO and has produced a new leaflet with the definition included as being:

“Any incident which is perceived to be homophobic by the victim or any other person”.

Incidents of hate can come from many different areas.

Another major problem which has not been seriously dealt with is issues within institutions and how they deal with violence and harassment.

An example of this is in the definition of institutional racism as defined by The Stephen Lawrence Inquiry Report [6.34] and is as follows:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting disadvantage minority ethnic people.”

It could easily be argued that this definition would apply to people of differing sexual orientation and how different institutions deal with them or not.

As is explained by the Northern Human Rights Commission Report, (Loudes, C, Learning to Grow up: Young Lesbians, Gay and Bisexual people in Northern Ireland, Belfast 2003), institutionalised homophobia is best explained through the concept of Institutionalised Heterosexism.
This is defined in the report as being . . . “a system that has embedded within it unfair discrimination against, and the oppression of lesbians, gay men and bisexuals. It is often a subtle form of oppression which reinforces realities of silence and invisibility for gay and lesbian youth.”

Examples of this can be taken from some areas of the education sector and the health sector.

In England and Wales and Scotland the education system has been dogged by Section 28.

Section 28 was the common name for Section 2a of the Local Government Act 1986. This section prohibited local authorities in England and Wales from “promoting” homosexuality. It also labelled gay family relationships as “pretend”.

Anti-gay groups frequently said that Section 28 was used to manage teaching about gay issues in schools. This was incorrect. Section 28 never applied directly to schools, it in fact applied only to local authorities. The Learning and Skills Act 2000 removed any local authority responsibility for sex education. Since that time Section 28 had been redundant legislation. Scotland abolished its equivalent of Section 28 in 2000.

The existence of Section 28 caused confusion and harm. Teachers were confused about what they could and could not say and do, and whether they could help pupils to face homophobic bullying and abuse. Local authorities were unclear as to what legitimate services they could provide for lesbian, gay and bisexual members of their communities.

Section 28 or Section 2A never applied to Northern Ireland however the discrimination still occurred along the same lines.

In relation to the Health service the research carried out by NIHRC in relation to LGB Youth states that “providers send out an ambiguous message to LGB people. On the one hand, they offer non-judgmental advice on sexual health to young LGB people in GUM Clinics (GenitoUrinary Medicine) on the other; they refuse to take blood from gay men. Consequently, young LGB people feel that they are either invisible or stigma tised by health professionals.”

This stigmatisation within the health service leads to a public perception that gay and bisexual people and men in particular are perceived to be carrying HIV or have AIDS.

Although the examples are taken from both the Education and Health sectors they are two of the more prevalent examples within society with which people can understand the issue in a clear manner. Sometimes and most generally is often the case people find it difficult to come out at work, generally through the fear of discrimination.

Prisons and other state institutions of confinement have, because of sex segregation and other conditions common to a penal setting, commonly been regarded as places where those who are “different” will be particularly vulnerable. This is especially true for LGB people whose sexuality often makes them targets for other prisoners’ abuse and, at best, staff disdain. The response of prison authorities to the problems and difficulties of people of differing sexual orientations within the system has not been the subject of a comprehensive approach to diversity. However when CoSO asked the Prison Service for Northern Ireland to provide condoms and safer sex advice to prisoners the prison service replied that they could do no such thing as a “cell” is a public place and it is illegal to have sex in a public place.

Research by Superintendent Patrick, J. McGowan of the Community Relations Section of the Garda Siochana in 1999 reported very high levels of physical and verbal assaults on LGB people (McGowan, P Anti-gay and lesbian crime: A study of the problem in Ireland, 1999). This study found that 79% of respondents had been either physically or verbally assaulted.

Non-reporting is particularly prevalent amongst LGB victims. The McGowan study found there was a reporting rate to the Gardai of 35% for physical assaults and 11% for verbal assaults. This compares with the Central Statistics Office figure of a reporting rate of assaults to the Garda of 54.3% for men generally (Central Statistics Office, 2001). The Jarman report found that only 26% of people had reported the incident to the police.

The Jarman report reflects some of the reasons for the underreporting of incidents to the police and has been included here to portray or illustrate the point.

“Nearly half the people (45%) would not report an incident because they believed the police could not help in any way and over a third believed the police would not be interested in homophobic harassment (38%) or were homophobic themselves (37%). Perhaps most worryingly one in seven (14%) LGB people believe homophobic harassment is a fact of life and something that has to be put up with.” (Jarman, N. 2003 p. 58)

Other reasons, as portrayed by the McGowan research in the Republic of Ireland, are where respondents feared exposure of their sexual orientation through reporting. This is a particular issue where fear of exposure to family and friends would compound the trauma of the original attack. This is of serious concern as someone who has the opportunity to prosecute someone for harassment may not be willing to prosecute for fear of being “outed” within the court setting, or of fear of further violence and harassment by being recognised.
The Garda have appointed thirteen liaison officers for the LGB community. These appointments have had a positive impact on the LGB community in the Republic of Ireland and have helped to foster an air of confidence with the Garda Siochana. This strategy has been backed by the inclusion of an anti-homophobia and awareness module as part of Garda training. New recruits within the PSNI have received awareness training in the past through role-plays. However depending on the role-play being applied the Lesbian; gay or bisexual dimension may not shine through and indeed may even be missed.

Training within the police force is therefore, we believe, not effective to raise officer’s awareness of the specific issues relating to the LGB community in Northern Ireland. Training has in the past been bought-in from Great Britain; CoSO believes that this however is wrong. The PSNI should consider using the services of local LGBT groups to effectively carry out general awareness training. The issues and societal structure are sometimes that vast that training provided from other jurisdictions does not conform to the situation at hand and the local perspective is lost.

At present training has been provided to new recruits of the PSNI during their initial induction training. All minority liaison officers have had awareness raising training (bought-in from GB) and there are no plans for awareness training to be provided to existing officers (even under a five year plan). This causes us grave concern as the people who are there to uphold the law may not fully understand the implications that the law has for ordinary people who identify as being LGBT.

A development over the past year however has been that the Policing Board for Northern Ireland have secured funding to carry out research into attitudes by the PSNI towards members of LGBT community and vice versa. CoSO believes this to be an important piece of research and will hopefully lead to a better grounding on which to move forward on in partnership with the PSNI.

As stated earlier, research into the particular circumstances of Lesbians, Gays and Bisexuals in Northern Ireland is minimal. However of that research very few recommendations are ever effectively carried forward in full, giving the impression that there is little direct commitment from the top.

The recommendations from the Jarman report, included below, illustrate this point fully as only one recommendation has been completed fully and that is the inclusion of homophobia within the Hate Crimes Legislation. The others have been completed to a greater of lesser extent or not at all such as the setting up of a Taskforce to deal with homophobia and the wider implications.

However, if any of these recommendations are to occur the LGBT sector needs to be resourced effectively to ensure that, for instance if a Taskforce were set up that there would be LGBT representation as the meetings would more than likely occur during normal office hours.

1. There should be a general campaign to raise awareness around themes of homophobia and homophobic violence. This might include the creation of a Task Force to develop a wider range of policy recommendations on LGB issues.

2. The NIO has recently consulted on the introduction of legislation in relation to racist and sectarian harassment. We recommend that they should include homophobic harassment as a category within any hate crime legislation.

3. The PSNI should extend the current systems for reporting and recording homophobic incidents and improve the amount of information on homophobic incidents. We recommend that they produce an annual review of homophobic harassment as part of a wider review of hate crime.

4. There is a need for an increased awareness of homophobia among police officers, local authorities and others within the statutory sector. This should take the form of training programmes that need to be developed in consultation and conjunction with LGB organisations.

5. The issue of homophobic bullying should be within and through the education system. This include schools, F & HE colleges and institutions providing teacher training. should also be required to record homophobic bullying.

6. The LGB groups should work in conjunction with relevant bodies to develop a strategy to raise awareness of personal safety issues within the LGB communities.

7. There is a need for increased resourcing for LGB organisations and LGB issues if attempts to counter homophobia are to have any impact.

There are some issues in regards to housing. How will the person be housed in a “safe” area? How can the person “not” accept housing they are being offered if they are only allowed to reject two places before they have to accept the third.

The Housing Executive, for example, cannot move forward on some of its policies without the law being on statute. This causes a difficulty when both NIHE and CoSo know that the law is coming into effect and has gone through all its parliamentary processes and yet the NIHE have to wait for the Department for Social Development (DSD) to tell them if they can do anything. This would appear to CoSo to be unnecessary red-tape. If the red-tape was removed we believe that the NIHE would be in a far better position than at present as it would be in a position to direct its services to the most disadvantaged, we also believe that this would allow for speedier implementation of any “new” legislation and not just the Criminal Justice (Northern Ireland) Order 2004.
Sometimes when people come out to their parents, friends or relatives they are asked to leave, if they are living there then they can become homeless. This was mentioned in research carried out in 1995 in Dublin where it was found that one third of gay men and lesbians become homeless at least once in their lives. POVERTY: Lesbians, gays and bissexuals. Combat Poverty Agency, 1995, Dublin, and yet lesbians, gays and bissexuals are not included within the NIHE Homelessness strategy.

Another example of discrimination which can occur in relation to housing is if a person rents a property and the landlord discovers the tenant’s sexual orientation and asks them to leave. Your sexual orientation sometimes may be disclosed by others to the landlord or through graffiti or attacks on the property where the landlord needs to be informed. Again as before, where does one go?

Another example which is developing is in relation to shared tenancies where the other people in the accommodation could ask you if you have a partner, what your job is, if you carry out voluntary work etc. this may inhibit a persons chances of taking rooms in the accommodation and on feeling safe.

All the issues dealt with in this paper CoSO believe are essential for society in Northern Ireland and indeed the institutions which govern it to move forward.

CoSO hopes that the process of gathering information on Hate Crimes by the Northern Ireland Affairs Committee will be of benefit to those people which CoSO aspires to represent and those whom we work alongside within the other affected sectors. We hope that the Committee recommends changes to the way institutions in Northern Ireland perceive sexual orientation and that they recommend to public authorities and government a need to work in partnership with the LGBT Community in Northern Ireland to tackle issues such as homophobia. We also hope that the Committee recommends the full implementation of all the recommendations within the Jarman report.

CoSO would like to thank the Committee for the opportunity to add to the investigation. We hope that our contribution has been of use and will be useful to the full deliberations of the Committee and others working in this area.

Memorandum submitted by Queerspace

INTRODUCTION

1.1 Queerspace is a collective formed in 1998 to provide a space where lesbians, gays, bissexuals and trans people (LGBT) can meet in an informal, non-threatening environment. It has collective meetings one evening a week and runs a weekend drop-in. It also arranges various monthly informal events. Queerspace is a member of the Coalition on Sexual Orientation (CoSO) and is committed to the pursuit of the rights of LGBTs.

1.2 Queerspace welcomes the opportunity to provide evidence to the Northern Ireland Affairs Committee on hate crime. Queerspace seeks to uphold the rights of all disadvantaged groups in Northern Ireland both out of solidarity with black and ethnic minorities, disabled people etc but also because LGBTs make up a %age of each of these groups also. Queerspace welcomes the inclusion of disability and sexual orientation within the hate crime legislation. Because homophobic hate crime can be so vicious, Queerspace feels sympathy for any person who suffers hate crime for any reason. Although sectarian hate crime is a particular feature of Northern Ireland, there is evidence of hate crime on other grounds also, including homophobia.

1.3 Queerspace welcomes the effect that section 75 has had on this debate. Although the law in Great Britain on “aggravated offences” was amended to include homophobia before the changes in NI, it is clear that the NI debate, based on section 75 considerations, influenced that debate. More particularly NI law on incitement to hatred or fear includes homophobia while the law in GB does not.

1.4 Queerspace welcomes the recent statement of the Secretary of State for Northern Ireland that all forms of extremism must be challenged:-

“Challenging sectarianism, racism and any other extremism is not only about challenging particular behaviours or attitudes; it is also about making different relationships. Real change across Northern Ireland requires leadership at political level but also at civic and community level. New hate crime legislation due to come into force later this month will help, but all of us across civic society should have a zero tolerance towards racism, sectarianism or any other such extremism. Enforcement action alone will not tackle the deep-seated problems to be addressed.”

1.5 Queerspace takes “any other form of extremism” to mean, in the context of hate crime legislation, extremism fuelled by homophobia or extreme reactions towards disabled people. We therefore hope that this call from the Secretary of State will be taken seriously in relation to homophobic extremism.

1.6 While not wishing to minimise the impact of any crime, there is something particularly frightening about crimes which are aggravated by factors such as sectarianism, racism, hatred of the disabled and homophobia. On the one hand, the attack is personal to the victim on account of his/her membership of a disadvantaged group. On the other, the crime is motivated by naked prejudice. Those who incite fear or hatred are equally as culpable as those who carry out hate crimes.

1.7 Queerspace is also of the view that hate crime is a complete breakdown of “good relations” between the LGBT community and the rest of society. It therefore wishes to see the “good relations” duty on public authorities (and on the ECNI) extended to include between persons of different sexual orientation.

2. **Evidence of Homophobia in Northern Ireland**

2.1 The issue of homophobic harassment has recently come to the fore in Northern Ireland with at least two murders in Belfast in the past 18 months. Recent research points out that homophobic harassment involves attacks on LGBTs as well as people perceived to be LGBT. It includes assault, verbal abuse and bullying in the workplace, on the street and social settings.

2.2 The research revealed that the percentage of people who had experienced violence and harassment in Northern Ireland was higher than indicated by comparable surveys in Great Britain and Ireland.

2.3 Although there has been a significant increase in the reporting of homophobic attacks in the media, members of the collective have the experience that this is the “tip of the iceberg” in terms of the level of homophobic attacks which are occurring.

2.4 Members of the collective have widespread experience of personal abuse or the abuse of close friends and work colleagues. Much of this abuse comes from relatively young children. Other more ominous threats have come from paramilitary organisations. Nonetheless, the outcome is inevitably the same, that is, LGBTs abandoning their homes rather than suffering this deeply offensive, abusive and frequently threatening behaviour. This may well be associated with an increase in racial harassment and abuse. There is also an impression that the PSNI cannot protect vulnerable individuals in these circumstances.

2.5 Another deeply disturbing issue is the level of homophobia in our education system. It is very difficult to associate issues of sexual orientation with harassment and bullying in our schools. In particular the tragedies of teenage suicide cannot be discussed in NI in the context of sexuality. There are examples of the sensitive application of anti-bullying policies in the context of homophobic incidents. But this is not a consistent pattern across NI schools. Many schools in NI, whether faith based or not, refuse to acknowledge LGBT sexuality in our school system. Queerspace is not expecting some immediate revolution in social attitudes. But there is a degree of paranoia about sexuality amongst teachers, principals and boards of governors. There is an excellent example of a school expelling a student because she was pregnant. The case was settled with high publicity. Policies in NI schools have been radically changed as a result. We need the same approach towards homophobic bullying but there are great difficulties in expecting this to occur. LGBT teenagers are the most vulnerable members of the LGBT community and some efforts must be made to ensure that anti-bullying policies towards homophobic bullying are properly enforced.

2.6 A particular example of a potential incitement of homophobic hatred was an “alternative” website with a similar name to the website of the Belfast Pride Committee. It contained vitriolic material directed at those intending to take part in the Pride march and at LGBTs generally. We understand that the website was eventually removed partly under the threat that it would contravene the incitement to hatred legislation once it came into force.

2.7 We are also aware of so-called “religious tracts” being distributed on the streets of Belfast which are deeply homophobic. We accept that there is a balance to be struck between freedom of speech and of religious belief, on the one hand, and the rights of LGBTs to be protected from offensive, abusive and threatening publications, on the other. But freedom of speech and religion cannot justify abusive and deeply offensive material, which can give an apparent legitimacy to those who commit hate crime attacks.

3. **Aggravated Offences**

3.1 A particular issue which Queerspace has with the approach towards aggravated offences is that the onus will be on the victim of the offence to discuss his/her sexual orientation while giving evidence. For a sentence to be increased on “aggravated” grounds, it is necessary for the court to declare the offence to be aggravated. Many offences will be on the basis of perceived sexual orientation but others will be based on the offender’s knowledge of the victim’s sexual orientation. If there are to be meaningful prosecutions in relation to offences aggravated by homophobia, it will be necessary to consider how the anonymity of

21 We can take some quotes from earlier parliamentary debates, eg Gov S/person, Baroness Scotland, referred to hate crime as “pernicious”.

victims can be preserved. This is typical of prosecutions in relation to sexual offences and minors but some protection for the privacy of the victim must be put in place or very many aggravated offences will not be treated as such.

4. INCITEMENT OFFENCES

4.1 Queerspace considers that major issues will arise concerning bitter attitudes exhibited towards LGBTs under the guise of “religious convictions”. The website mentioned above is an example. Difficult issues will have to be addressed of the balance between freedom of speech and freedom of religious belief, on the one hand, and freedom from fear of hate crime, on the other.

4.2 However, Queerspace believes that a website which imports material from a “God hates fags” website, set up in response to the murder of Matthew Shephard in Wisconsin, did contain “threatening, abusive and insulting words” which could have led to the website controller's prosecution. Indeed Queerspace would wish clarification of the applicability of the incitement legislation to websites.

4.3 So also during the Pride March, lurid comments were being made through a megaphone at those who were taking part, many of whom had made a courageous decision to do so. There may be issues of the applicability of the Public Processions (NI) Act 1998 to such behaviour but it is necessary to monitor carefully what is said on these occasions to ensure that the incitement law is not being broken.

5. MONITORING

5.1 The monitoring of hate crime is vital. Examples can be found of attempts to report homophobic crimes being met with incomprehension. There were repeated attacks on our collective's premises in 1999 which were reported to a local police station. The initial reaction was that the Police Service did not record homophobic crimes and therefore refused to do so. Even in 2004, an attempt was made to report a homophobic incident by a member of our collective. Once again, this was met with initial incomprehension. The individual had to return, accompanied by a friend, and insist on the proper reporting of the incident. On the other hand, we are also aware of issues being treated with sensitivity, particularly when Minority Liaison Officers are involved. For example, an MLO became involved eventually in this incident and the matter was properly dealt with. In those circumstances, the PSNI’s anti-homophobia policy works quite well. The Police Service, but also other public authorities such as the Housing Executive, need to put in place sensitive reporting mechanisms so that a genuine reflection of the extent of homophobic hate crime in NI can be established. There may be a role or the use of anti-social behaviour orders in tenancy situations.

5.2 It is also the experience of LGBT groups in NI that a reliance purely on “quantitative” data collection will not reveal the full range of LGBT issues. Experience under section 75 indicates that it is necessary for public authorities to consult representative groups in order to provide themselves with real situations in which homophobia, and other forms of discrimination, is occurring. It is therefore important that any monitoring of homophobic crime in NI allows for the protection of the privacy of highly vulnerable victims.

6. CONCLUSION

6.1 Queerspace welcomes the extension of hate crime legislation to cover homophobic hate crime. There is a significant level of such hate crime in NI, from abuse to physical assault and some murders. These crimes have devastating effects on their victims, in some cases even leading to suicide.

6.2 Efforts must be made to protect the identity of those who give evidence in court in homophobic hate crime cases. It should not be permissible to avoid hate crime prosecution by invoking freedom of speech and of religion. It needs to be clear that incitement laws can be enforced against websites, emails etc. Monitoring of homophobic hate crimes should be thorough but it is also necessary to undertake consultations with LGBT groups in order to ensure that an accurate picture of the extent of homophobic hate crime is achieved.

10 September 2004

Witnesses: Mr James Knox, CoSO, Mr Duane Farrell, the Rainbow Project, Mr P A MagLochlainn, Northern Ireland Gay Rights Association, Mr Gareth Lee, Queerspace, Ms Mairead McCafferty, Lesbian Line, and Ms Theresa Cullen, Cara-Friend, examined.

Q511 Chairman: Good morning, ladies and gentlemen. Thank you for coming to help us with our inquiry into 'hate crime' which, as you know, is trying to explore the reasons for the reported increase in crimes and incidents motivated by hatred within and between the communities in Northern Ireland, to look at the effectiveness of the measures which the Government and various relative agencies are taking to try and tackle prejudice and to support the victims and, finally, to look at the effectiveness of the existing law and the proposed changes to it. We have got a number of questions, some of which will be directed more at one of you than all of you. I want you all to feel that you can say what you like. I do not want you to feel that you have all got to answer every reason because if you all feel you have
got to answer every question and echo the other we will be there on Thursday. Having said that, I shall not shut anyone out, but try not to repeat what someone else has said. If you agree, simply say “I agree” and that will be just fine. We will all think the better of you for it because we all need to get home tomorrow. First of all, the media in Northern Ireland has recently reported several high profile cases of homophobic attacks. Do you think the problem is becoming more serious given the increase in the number of incidents is there just better awareness of the problem, and are more people reporting it?

Mr MagLochlainn: I do not think it is absolutely clear to any of us whether the increase in homophobia is due to our efforts. For example, our Pride this year had over 3,000 people walking around this City Hall and that was the first time ever in the north of Ireland there had been any such manifestation of gay presence. There is still a small minority of people out there who do not think that we exist. There is one website which referred to us as “a micro minority of a minority” and they forecast they would have 100 activists to stop this “shameful parade”. As it turned out, I think they managed all of 10 and they did not quite stop the parade. As to the visibility that we bring, whereas it helps a lot of people in the gay community to appreciate the work that has been done for them and the facilities that are provided for them by the various groups represented here, at the same time it does attract a certain amount of invidious attention from other people. We find the same thing happening in the Chinese community with their attempt to set up a community centre and this has attracted very, unwelcome semi-Fascist attitudes from other people. We are the victims of our own success. It may be, on the other hand, that something is happening to increase the amount of homophobia.

Ms McCafferty: Obviously the level of reporting has increased. Twice the amount of attacks have been reported to the PSNI this year. I do not know whether or not that is because there are more homophobic attacks or people are feeling a greater sense of confidence in going forward to the police and reporting that crime, but there is still a long, long way to go. A lot of the organisations exist on a shoestring and are run entirely by volunteers. What we have done since our last meeting with ourselves in June is set up a third party reporting system called Lesbian Line so that women can report through the organisation rather than having to go to the police directly. A lot of women in our society still feel uncomfortable going to the police, and obviously we can talk about the issues in relation to the police later on. People feel slightly more confidence. The legislation that has been brought in does create a greater sense of confidence. The different organisations have been promoting the fact that you can report these crimes through the organisations and that hopefully when you do report them to the police you will be treated sensitively because in the past that has not been the case and there is a long way to go in regard to how the police handle these incidents as well.

Q512 Chairman: Which organisation do you represent?

Ms Cullen: I am a member of Cara-Friend and Lesbian Line, but I am here to represent Cara-Friend, which is an umbrella organisation of Lesbian Line, the Gay Helpline, which is the men’s helpline, and GLYNI, which is a youth organisation and it has been providing services for 30 years. Since the last time we met we have gone back to the community and we have raised awareness about homophobic crime and the way in which that can be reported. One of the things we found startling is the number of serious attacks that have gone on in the past. Now, these are not recent, they are not last week, they may be a number of years ago, but these where serious physical assaults on women and resulted in hospitalization and there was intimidation, women having to move out of their homes, having to just take up and flee and find somewhere else to live at short notice. In a number of situations reporting that to the police was not a pleasant experience and they felt that there was further difficulty in trying to address the issues because it was a homophobic crime.

Q513 Chairman: Mr Lee, your organisation, Queerspace, argues that much of the personal abuse against the lesbian/gay/bisexual/transsexual community ‘comes from relatively young children’ and, more worryingly, paramilitary organisations. These are two entirely different sectors of society. How do you think that this type of personal abuse can be tackled from these two very different sources?

Mr Lee: Most abuse comes from teenagers and adults. We have weekly meetings and people would pass on information at those meetings and from our conversations we are aware of incidents where relatively young children are involved in abuse. For example, in one case two men who were partners basically moved home because they were getting harassment from young children, it was things like name calling, snowballs through windows and the use of laser pens. They tried talking to their neighbours about it. They were worried about what would happen when the children grew up into teenagers. These were children in the seven to 11 age group. A lot of people are aware that children abuse their peers. Homophobic bullying is going on in schools and children attack each other and use the words “gay”, “lezza” or “fruit”. In our report we refer to homophobic bullying as well. It is very low level harassment, but people do not feel able to tackle this because of the age groups concerned and they feel that they will not be taken seriously by the police because it is embarrassing, they are getting hassle from young children and it is just accepted that that is what young children do.
Q514 Chairman: What about paramilitaries?
Mr Lee: That is another fear that people would have in reporting incidents. Paramilitaries’ involvement would be very much more serious and different issues. There have been lots of headlines about violent gangs attacking people. It would be things like targeting specific people who are maybe involved in illegal activity, such as cruising or something like that.

Q515 Chairman: Your memorandum says that much of the personal abuse of the GLBT community comes from paramilitaries.
Mr Lee: In south Belfast there would be paramilitary organisations’ involvement or at least it is inferred that paramilitaries are involved in racist behaviour, it is the right wing BNP. That is another reason why people would be scared to report that.

Q516 Chairman: We are trying to concentrate on the problems of the GLBT view. Racist behaviour we understand, that is a slightly different problem.
Mr Lee: Some people perceive that the people involved in the racist behaviour are also the people who are driving the homophobic behaviour in an organized way.

Q517 Chairman: The same paramilitaries as it were?
Mr Lee: Yes.

Q518 Chairman: To what extent have paramilitaries been involved in homophobic attacks?
Ms McCallery: I think it is invariably the case that paramilitaries live within local communities and when homophobic abuse and attacks happen sometimes it can be condoned by the paramilitaries living within that community. I do not think it is a case of targeting one set of paramilitaries over another and saying that they happen to be worse. I think homophobic attacks should be decried from whatever source they come, whether it is the paramilitaries, teenagers, children and other families living within the local communities because invariably what has happened has led to couples having to leave their local communities and go and live elsewhere because of the level of harassment they have been undergoing.

Mr Maglochlainn: I do not think we present the same tempting economic target that some of the ethnic communities are now starting to tempt. For example, Chinese groups are going to places like the Donegall Road and I would not advise anybody in Belfast who is from any minority other than the majority group down in Donegall Road ever to go to that area because, with all due respect to my friends from that part of the city, that is a dangerous part of the city. You will find that any gay people who are forced out of their own communities in the countryside and country towns or in other parts of Belfast tend to make for the safer parts of south Belfast, which is Bohemia or around the university where we do not paint our kerbstones, thank God, and it means that you are fairly safe. We are not getting it in the neck as much. There have been gay people killed in little ghettos like Donegal Road or other parts of Belfast, and I am not saying it is all one way. I do not think there is any organised campaign against us because we are just not profitable enough. It is not as though we are carrying home money in the evening from our restaurant and can be mugged.

Mr Knox: There were two men living together in Derry and they got a letter that was supposed to be from one of the paramilitaries, that was then later denied by the political research group that represented them. That put fear in those people. Even after the paramilitaries denied it those people were still afraid. They have obviously moved home since then. The Rainbow Project has been mentioned on Combat 18’s website, which is also a problem for the staff that work there, for the people that go in and use the services and all that kind of stuff.

Q519 Mr Clarke: I want to return to this question of reporting. Mairead, you mentioned that the Lesbian Line people are starting to report because they feel a certain confidence. I think you also mentioned the Gay Helpline and somebody mentioned that the Gay and Lesbian Youth Northern Ireland group are starting to see some reporting. All of you indicated that one of the key issues is the number of unreported attacks. How do we tackle that? How do we make sure that the reports are not just the serious attacks but that we report all the incidences of homophobia which make up some of those more vicious attacks?

Ms McCallery: We have talked about this. I think it really goes back to creating a climate of confidence generally throughout Northern Ireland. If the PSNI launched a TV campaign to promote reporting so that people knew they should go to the police in the first instance, with a sense of confidence that the incident would be dealt with sensitively and properly and e
sitting any longer. There are organisations like
the Equality Commission and the Human Rights
Commission who could help here too. It is
definitely about creating a climate of confidence
and that does place the onus of responsibility
sometimes on our public representatives as well to
create a climate of equality where people are
treated as equals rather than second-class citizens
because unfortunately that is exactly how members
of the GLBT community feel.

Ms Cullen: I think there are two important broad
issues that fit into under-reporting. One is visibility
and creating that climate where people feel safe to
be able to report that as a natural thing. If I was
assaulted in a general sense I would not be worried
about my own personal safety beyond that and the
consequences. That visibility is directly related to
homophobia. ‘Hate crime’ is a result of
homophobia. Although we welcome the legislation
so that homophobia is now part of ‘hate crime’,
there needs to be a widespread and broad approach
to dealing with homophobia in our society. A key
factor is legislation around equality. We have had
a lot of debate in the public domain about the Civil
Partnership Bill, that is a matter of equality and if
the state does not introduce that Bill it is destroying
a culture that there is second-class citizenship in
our society. I think the debate sometimes gets
sidelined. The actual issue is a basic equality issue
and that is how we deal with homophobia, it is
about making it easy for people like ourselves to
come here and not to fear for our safety just
because we came here today. A number of us were
worried about whether the press were going to be
here, whether we were going to be reported in the
media and if there would be cameras. That is a real
fear for us because we have to leave this room and
live in that society.

Q520 Mr Clarke: We very much appreciate you
doing so.

Mr Mag Lochlainn: Some of the people sitting in
front of you in this group of very hard-working
people are unable to be ‘out’ completely in their
lives. These people are trying to uproot and do
thing to change our society and yet they are
hidden in a cupboard and that restricts your
movements. A friend learned to play the trumpet
by hiding in his brother’s cupboard because it kept
the horrible noise down. If you are talking about
where do we go from here, we would say you
should give us an office to appoint the people who
can publicly front the movement and to provide a
rallying point where reporting can be done and
which can be mentioned on television and radio,
the same as is done for Patrick Yu of NICEM and
various other groups who are able to come out in
public and be obvious. It is a shame that the people
at this table cannot be open to everyone else outside
of this group. We have to worry about the press.

Chairman: Whatever anybody’s view is, I think you
have all been very brave to come here. I want to
say to the press that I hope you will understand the
reservations these good people have had about
coming to talk to us, but it is very important that
we do hear views from everyone. I hope in your
reporting, members of the press, you will
acknowledge that there are difficulties under which
these people live their daily lives and report it
accordingly.

Q521 Mr Clarke: One of the ways that we have
tackled this fear of reporting in England is through
self-reporting and with multi-faceted organisations
being responsible for the collation of evidence. In
my own town we have had a stamp out ‘hate crime’
campaign and there is a very small CD size pack
which includes reporting forms for ‘hate crimes’
related to race, to homophobia, whatever the ‘hate
crime’ is there is the opportunity to report it to a
separate group who can then produce their figures
to be matched against those that the official bodies
produce. There is some benefit to be had in all those
that are the victims of ‘hate crime’ feeling they are
standing together against those that perpetrate it.
Is that something that is welcome? I know it does
not happen in Northern Ireland, but perhaps it
should. Would you welcome such a move?

Ms McCafferty: Yes, definitely. I think it would be
very productive to take that forward because I
think ‘hate crime’ is ‘hate crime’ no matter what
group in society it is directed at and the sooner
people here realise that people are equals and if
‘hate crime’ is directed at one group then we are all
affected the better. Roll on the day!

Ms Cullen: Would you give us your pack?

Q522 Mr Clarke: I am sure the Committee has
some. We will pass those on to you.

Mr Knox: The pack that you are talking about
involved around 26 police constabularies coming
together to produce it and it is really, really
excellent. The PSNI are always moaning about not
having the resources to do this, that and the other,
but what they could do is feed in to that, to join
that and then people would be more likely to make
up something which is shiny and glossy and
colourful like that little booklet rather than a
printed A4 sheet of paper that is just in black and
white. I know it is just colours and that kind of
thing, but people are attracted to colours.

Mr Lee: It shows commitment as well.

Mr Knox: As to your question earlier on with
regard to what the police could do, I phoned up
the police exchange about six or seven weeks ago
and asked them to put me through to the minority
liaison officer in north Belfast, but they had never
even heard of the job. I heard the guy ask one of
his other colleagues who this was. I got fed up with
that and I then asked for the number for north
Belfast. I got through to north Belfast and the guy
in reception did not know who it was. I then
phoned Robin Dempsey and asked him to make
sure that these exchanges know that these jobs exist
and he said he would follow it up. I told him that
this will be a problem when somebody is going to
report a crime. I was on the phone for 25 minutes.
Mr Farrell: We have experience of working over the last five years with the police in Belfast and in Derry and in both those places the police seem quite well aware of homophobic ‘hate crime’ and the issues around reporting. When you go outside Belfast and Derry where there is not as visible a gay community the blocks become more numerable. The block happens at reception when they ask for the minority liaison officer or when somebody says they want to report ‘hate crime’ and the person at the end of the phone knows nothing about the law regarding ‘hate crimes’. I think there is a real difference that the police service need to address across Northern Ireland and not just have Belfast and Derry as the two areas where we are very well looked after in relation to this.

Mr Knox: Normally when there is a press release by an MP or whatever in regard to ‘hate crime’ it is always race this, that and the other, but this is also happening for people of different sexual orientation and it is a one sentence thing. Even yesterday on The Politics Show they did not mention sexual orientation. They mentioned disability and they mentioned race. Patrick Yu mentioned sexual orientation but that was in regard to monitoring. It is a hidden thing. It is not even dealt with or mentioned.

Mr Lee: There was a report on BBC Radio Ulster this morning about this morning’s inquiry and all the categories were mentioned more or less apart from homophobic ‘hate crime’. It is like a taboo subject; it is like we are invisible.

Ms McCafferty: It was the same with the news yesterday evening and this morning as well, they mentioned that the Northern Ireland Affairs Committee were investigating ‘hate crime’. Homophobia is not mentioned as a ‘hate crime’ and that is the kind of thing that needs to be mentioned because we cannot create a climate of quality unless it is addressed and recognised and identified.

Mr Clarke: I saw the 8.30 regional news and at least on there they did mention the groups that were giving evidence. If they got it wrong earlier on, they did correct it.

Q524 Mr Tynan: Have you seen any improvement in the police responding to homophobic attacks?

Mr MagLochlainn: In general, as my colleagues are saying, there is not as much of a gay presence in the country. I think you find throughout the United Kingdom that people tend to leave their own family area and move to a large conurbation nearby, a town or a city, in order to find themselves and explore their different sexuality because quite often they are growing up in a family that knows nothing about it. People will come ‘out’ while they are at university or at a Belfast institution or while they were on some sort of a service away from home and then they will get their feet under them, they will grow in confidence gradually and maybe move back to the original fraternity if they are confident enough. Our local gay men’s health group, the Rainbow Project, has had its finger on the pulse of the country PSNI station and start addressing that as ‘hate crime’ issues, particularly outside of Belfast and Derry where it is not just about being unable to report a crime.

Ms Cullen: I think there is very much a rural/urban divide and I think it is something to do with the confidence in numbers. I think it is more likely people will report crime in that city context than they will do in a rural setting. It comes back to my earlier point about visibility and confidence. If you are living in an isolated context and you are a gay person that has experienced homophobic crime it would be very difficult to walk into your local country PSNI station and start addressing that as homophobic crime. It comes back to one of the other key issues that we have touched on this morning and that is resourcing for our community. Of all the section 75 communities, the gay and lesbian community is seriously under-resourced. The majority of the work that is carried out is done
by volunteers. The volunteers sitting here spend four or five nights a week working on consultations and all of the issues to move the cause forward. The issue of under-funding means that we cannot reach out to our community and support our community and help in building confidence or even let people know what the situation is for reporting homophobic crimes. Even though they sound like particular soapboxes, the under-resources, the visibility, tackling homophobia, they are the real issues that need to be tackled to address something as simple as somebody living in a rural community that cannot walk into the PSNI station and report it.

**Mr MagLochlainn:** Section 75 is a reference to section 75 of the Northern Ireland Act which at that time put a statutory duty on all public authorities to be certain that none of their policies, past or present, impacted on a number of various groups in Northern Ireland, including people of different sexual orientation.

**Q525 Mr Tynan:** What could the police do to build a better relationship with the community than it has at the present time?

**Ms Cullen:** I think there needs to be a two-pronged approach. I think it needs to come from within the community. Organisations like Cara-Friend have been going for 30 years and they have been providing helpline services and outreach and support for the gay and lesbian community. Organisations should be given the resources to be able to reach out to the community and create that safe space so that people can identify and agree in confidence and be part of the debate and be part of the future of Northern Ireland. The other prong to that is the statutory responsibility and in particular the PSNI saying “We are here. We understand where your community is coming from. We acknowledge you’re a valid part of this society and we will protect you. We will work on your behalf.” We are not hearing that message. The LGBT community is hearing it from the organisations because we are meeting with people like you and then we promote that, but it is so small and we cannot have the impact that we need to have.

**Q526 Mr Tynan:** Apart from resources, do you believe that there is a need for further training?

**Ms Cullen:** Absolutely.

**Ms McCafferty:** And not just with new recruits, I think there needs to be huge training throughout the whole PSNI because you cannot just focus on the new recruits, you need to tackle it across the board. There definitely needs to be a campaign coming from the PSNI to encourage ‘hate crime’ reporting and create a climate which is easy for people to engage in.

**Mr Knox:** As far as I am aware the new recruits all receive awareness raising training through role plays. The person who is doing the role play is the only one that benefits from that education because everybody else hides round the corner because the trainers do not want them to see what the answers are. When they go out to a station, because nobody else in that station has had awareness raising training, through osmosis all that training disappears and then we are back to square one. It needs to be followed through. The minority liaison officers have had awareness raising training on sexual orientation issues, but that was brought in from England, which is brilliant. The issues are completely different in a lot of senses.

**Ms McCafferty:** A lot of currently serving police officers do not know there is a minority liaison police officer service. When you lift the phone and ask for that officer they say “What?” or “Who?” They do not know who it is themselves. Obviously the PSNI need to address that internally.

**Mr Knox:** I have been talking to a couple of police officers in different stations over the last couple of weeks and what I have found is that they keep calling the minority liaison officer the race officer. So if somebody phones up wanting to report a homophobic crime they say, “We don’t have anybody here”, and when they ask who is dealing with their minority stuff they tell them they have a race officer, but that is ridiculous because the officer is a minority liaison officer for everyone, not just race.

**Q527 Mr Tynan:** Have you had any input into the training of police officers?

**Mr Knox:** I used to go and train them.

**Ms McCafferty:** There would need to be a more concerted effort on behalf of the PSNI to contact the organisations and involve us in the training. Even if it is a case of asking speakers along to talk about what it is like to be lesbian, to be gay, to be bisexual or transgender in Northern Ireland today, even if that was just talking to a room of 20, 30 or 40 police officers, at least those officers are going away with an idea of what the issues are.

**Q528 Mr Tynan:** That does not happen at the present time, does it?

**Ms McCafferty:** No.

**Mr MagLochlainn:** Several years ago there was slightly better training, there was much more role playing and awareness raising exercises that we engaged in with a panel of speakers and facilitators going to the police and dealing with this, but for some reason or other they decided to change that and to revert to a less effective method of teaching. Speaking as an ex-teacher, I do not know what they are doing at the moment, but I doubt if it is as effective as that training was that we gave them in the late Nineties.

**Mr Lee:** The police want our community to engage with them to help them through that process, but we do not have the infrastructure to deal with that effectively because all this activity is done on a voluntary basis, the people have jobs, etcetera. Mairead mentioned a publicity campaign to make the public aware about homophobic ‘hate crime’. The police service have advertised in the *Gay Community News*, but they need to mainstream this...
into wider society because we can only reach a certain amount of people. Not everybody reads the *Gay Community News*. It needs to go out much wider if it is going to be effective at all, especially in rural areas.

**Q529 Mr Tynan:** If people who are at different stages of ‘coming out’ of their sexual identity are reluctant to report crime, how can the police or other statutory agencies help in these circumstances? You made the point about half-hearted reporting and obviously that is key to this.

**Ms McCafferty:** Unfortunately that will probably be the way it is for a long time in Northern Ireland, but it does create a conduit whereby people can report the crime and have it recorded by the police and that will give a truer reflection of what is happening in our society. There is not a lot you can do in terms of if they are at a stage in the ‘coming out’ process where they are feeling quite vulnerable they will not feel confident enough to approach the PSNI, but they may feel more confident if they know they can lift the phone to Lesbian Line or the Gay Helpline or Rainbow or any of the organisations and tell them they have just been subjected to ‘hate crime’ and report it that way. That way we can pass that information on to the police and it can be recorded and dealt with.

**Q530 Mr Tynan:** Are there any ways in which statutory bodies could do more to protect individuals who want to report homophobic crime and do not want to be ‘outed’?

**Ms McCafferty:** There are practical things that can be done in a sense. If somebody from a local community is reporting ‘hate crime’, the police could step up visibility in that community even in terms of being on the streets and being visible themselves so that that person is not facing a nightly barrage and attack on their home, something whereby we do not have to give an address or the name but we can say in the general vicinity of this community we need to have a visible presence so that this person does feel more confident and safe in their own home. There are practical things like that that could be implemented.

**Ms Cullen:** There is a really important analogy. We have lived with the troubles and the confidential phone line in terms of reporting incidents. Something similar needs to be done here. We need to promote what is the confidentiality around this process so that people understand which bit is going to be in confidence and which bit is going to be public. If people feel confidence in the mechanism then they will feel more confident in using the system. It is very important to know whether, if I ring up and report a crime, my name is going to be in the public domain. Secondly, is my address going to be there? Are any of my personal details doing to be there? That detail needs to be communicated to individuals.

**Q531 Mr Tynan:** It is a similar problem to people reporting anti-social behaviour.

**Ms Cullen:** Absolutely, yes.

**Mr Lee:** And also in the judicial process. It is typical in cases of sexual harassment for rape victims to be given protection by being anonymous. I think a similar process would help when cases go to prosecution, etcetera, otherwise it will deter people.

**Mr Knox:** There is a wider issue there as well in terms of the Civil Partnership Bill because when it comes here people will have to have their name and address and all that kind of stuff up outside the Registry Office, but the likelihood of that happening is minimal because of the fear of the whole process. I would certainly back up what Gareth is saying, that one way to promote people coming forward is to protect them within the judicial system.

**Q532 Mr Bailey:** What is your reaction to the recently introduced Criminal Justice ... can lift the phone to Lesbian Line or the Gay Helpline or Rainbow or any of the organisations and tell them they have just been subjected to ‘hate crime’ and report it that way. That way we can pass that information on to the police and it can be recorded and dealt with.

**Ms McCafferty:** We welcome it.

**Mr MagLochlainn:** We welcome it.

**Mr Knox:** It is certainly a welcome thing for sexual orientation to be included in it and it is definitely something that has been lacking for a number of years for all the categories involved. It has changed mindsets already. In the past the DUP have been very vociferous against gays and lesbians and then they had someone take a case against them and they ejected the person who was being homophobic, which shows how far organisations and people have come and we welcome that. In terms of society, legislation is the first thing that changes here before people’s mindsets. We think that certainly a couple of years down the line people will feel more confident in coming forward to report the crimes and people will realise that it is not just the gay and lesbian community that needs to support homophobic crime in terms of reporting it. It is one of those things where it is too early to tell, but we think it is positive.

**Mr Farrell:** I would support what James has said, it is a welcome thing and it is very much a definite thing. We are seeing what the real impact has been. At some point in the future what the Criminal Justice Order offers us is a mechanism to report break downs in relation to homophobic crime as and when they happen and that acts as a deterrent. I think at some point we are going to have to look at education. I personally believe education is part of the answer to stopping homophobic ‘hate crime’ and that is a mantle that needs to be taken on by a range of institutions across Northern Ireland. When we look at racism and disability, they are all issues that can be fitted in under different schools’ curricula issues. Sexual orientation, because of the nature of it here in Northern Ireland, will never be looked at currently in relation to post-primary level and as an issue where we need to work with young people. We need to instill a set of values in people that it is not acceptable to treat members of the
Mr Lee: I am aware that the Department of Education in Whitehall is introducing policy guidelines against homophobic bullying in all state schools in England and Wales and it would be interesting to find out if that is going to apply to Northern Ireland as well.

Ms Cullen: As a society we do need to address all of the legislation that pertains to the equality of a community and issues like the Civil Partnership Bill should work in tandem with the ‘hate crime’ legislation and any ways that people can be protected in law and given equal status as valid human beings with rights in this society. Often we get sidetracked with the debate and it goes into all sorts of other areas. It is really an equality issue and correctness gone mad. We have to begin to get hold and turn back the tide on this issue here in Northern Ireland. It is the responsibility of churches, businesses, the education sector and the community and voluntary sectors and a useful initiative would be to attempt to start bringing all these people together to create a very real awareness of what homophobia is. The use of language like “queer”, “poof” or “lezza” is quite acceptable to young people. It is political correctness gone mad. We have to begin to get hold of and instill confidence and values in our different sectors so that they will address this and not let it happen. When it happens in the small instances then somebody gets murdered and nobody sees the link between the two. It is initiatives like that that brings people together.

Mr Knox: Since the last time we met we have instigated an anti-homophobia week in Northern Ireland which will happen every year and this year it will be from 3 December until 12/13 December. The partnership approach in that, working with different statutory agencies, is certainly excellent.

Ms McCafferty: We need to make sure that those who are in positions where they can influence change are taking that responsibility on board within the education system for instance which, as a lot of us have already mentioned, needs a lot of work. We need to go back and outlaw prejudice and say that this is wrong. We should celebrate the fact that we have people within our communities who may be slightly different for whatever reason, whether it is sexual orientation, whether it is race, disability. Basically what we have to do is challenge ‘hate crime’ and to make sure that that is not acceptable any longer in our society.

Q536 Mr Bailey: Who do you think should be responsible for driving through these measures or changes?

Mr Knox: The Single Equality Bill at the minute is out for consultation and it includes goods, facilities and services, but it is only mentioned at the minute. We would certainly be pushing for access to goods, facilities and services.

Mr Farrell: One of the initiatives that the Rainbow Project is promoting at the moment is in a social partnership approach to homophobia. We believe that homophobia is the responsibility of all sections of society. It is not up to us to be trying to address and turn back the tide on this issue here in Northern Ireland. It is the responsibility of churches, businesses, the education sector and the community and voluntary sectors and a useful initiative would be to attempt to start bringing all these people together to create a very real awareness of what homophobia is. The use of language like “queer”, “poof” or “lezza” is quite acceptable to young people. It is political correctness gone mad. We have to begin to get hold of and instill confidence and values in our different sectors so that they will address this and not let it happen. When it happens in the small instances then somebody gets murdered and nobody sees the link between the two. It is initiatives like that that brings people together.

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Q538 Reverend Smyth: What are the main sources of funding for homophobic support groups? Should more funding come from the public sector for your work and, if so, from which bodies and agencies?

Mr Farrell: The majority of funding that organisations access currently is from grant making trusts and it is not from the public purse at all.

Q539 Chairman: Is there nothing from the public purse?

Mr Farrell: In the organisation that I work in about 25% of our budget comes from the public purse, 75% we rely on others for and we get three year cycles and we have to invent something new and innovative.

Q540 Chairman: Which part of the public purse?

Mr Farrell: Through the Department of Health. Ms McCafferty: The Cara-Friend organisation, which runs the Gay Helpline and Lesbian Line and GLYNI, get an amount of core funding from the Department of Health and have done for the last 30 years and evaluations etcetera are carried out, but we still have to fundraise to raise over 25% of the money that we need to survive on an annual basis just to offer basic service provision like operating the help-lines. Any of the work that we do over and above that or any projects which we instigate are always funded from grant making trusts and outside funding bodies. The issue of resourcing is a crucial one and quite vital in this context.

Mr MagLochlainn: There are still bodies in the gay scene which receive absolutely no funding, mine for example and we are all helping each other. I am a spear carrier in one organisation and I am an Indian with a big feather in another organisation. There are a large number of organisations getting zilch. In Northern Ireland we do not have a fund for what we are all doing. BORC is the Belfast Outdoor Resource Centre. We have felt for a long time the need for some sort of permanent base to funnel together all our activities and we have been backing that totally. Dublin has such a base, which is one of the reasons that they have gone ahead by leaps and bounds, Edinburgh has one and Glasgow has got a civil servant seconded for two years to set one up for them, but we have nothing.

Q541 Chairman: Have you applied?

Mr MagLochlainn: We are exploring that at the moment.

Ms Cullen: One of the issues comes back to time. We spend nights and nights and days on this. I have taken a day off work today to come here. It is all volunteer time and we are on so many different committees and groups we are all at the point of burn out. Cara-Friend provides premises using that DHSSPS funding for the other gay groups to access, but we need a dedicated centre. I have been involved with BORC, but finding the time to fill out major funding applications and getting together a business plan is difficult. It is a case of too many things and not enough time and that is the story throughout the community.

Mr MagLochlainn: An application was made on behalf of the funding for the Derry/Londonderry centre which ran for a while and it took one year in total of the life of a young accountant called James Grant to secure that funding. None of us has the expertise that James has; he is a fully expert accountant. I am a retired school teacher and other people have full-time jobs to do. We just cannot produce it, Chairman.

Ms McCafferty: Any time the DHSS carry out an evaluation with Cara-Friend we do always highlight that we need resources to do the work that we do and to have a designated centre. This information is getting back to Government. What Government are choosing to do with it is entirely in their hands.

Mr Knox: CoSO was set up five years ago to deal with section 75 and it has had no funding whatsoever apart from for carrying out consultation processes.

Q542 Mr Beggs: Do you feel that you are consulted adequately when policy has been developed in this area? How could consultation with the GLBT community be improved?

Mr Knox: One of the difficulties is time because most of the people who are involved in the groups have a full-time job. Most of the consultations that the government agencies would run themselves happens Monday to Friday nine to five, so nobody can go. I am the only paid person in Northern Ireland—I work for the Rainbow Project—in the sexual orientation sector doing this work and it is ridiculous because the other sectors maybe have four or five different people doing the same work that I have to do. I cannot go to everything, so I
have to pick and choose. The main areas would be health, education or the police and that kind of thing.

**Ms Cullen:** Certainly the consultation process has improved dramatically and now there are many, many consultations and as soon as we go into the office and we open the mail it is for this consultation or that consultation. The problem that we have is giving serious time to responding to those consultations. We were up until 11 o'clock last night trying to put something down on paper and get our thoughts together because the previous day we were responding to something else. Having the time to respond comprehensively is not there because we are spread about too thinly.

**Mr Farrell:** Another issue which feeds into it is the absolute lack of research around gay people in Northern Ireland. More recently we have seen initiatives like the Human Rights Commission bringing out research reports, but essentially there is no information out there for public authorities or for government to base policy development around, so they are looking for meetings to follow up different aspects that relate to the legislative process and we are not always in a position to give that time. Quite a practical thing is adequate funding into developing research and development things like data for the gay and lesbian communities.

**Mr Knox:** Under section 75 they have to follow it up with quantitative and qualitative data, but when they come out and they talk to you about the qualitative stuff they still want to know how many people are affected by what you said.

**Chairman:** Ladies and gentlemen, thank you very much indeed for giving up your time to come and help us.

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**Memorandum submitted by the Chinese Welfare Association**

It is the belief of the Chinese Welfare Association (CWA) that there has been a significant increase in racism and racially motivated attacks. Our experience illustrates that racism has a long history in Northern Ireland, however its presence and effects were largely overshadowed by the continued preoccupation with the troubles. Over recent months there has been a certain amount of media frenzy regarding racism however it is important to point out that racism is not something new in NI, the CWA has been receiving reports regarding racism for as long as it has been established. What we have noticed is that over recent years racial crime has become more violent and sinister. From the outset, it is important that we state our belief that the current police figures are only the tip of the iceberg and a poor reflection of the true picture as many incidents of racial crime go unreported for one reason or another.

It is not an understatement to say that there is a general sense of fear within the Chinese community. Many have reported to us that they have actually felt more vulnerable to attack since the ceasefires. This sense of vulnerability is not just confined to South Belfast but has been experienced by members of the community throughout the province. The elderly community, in particular, seem to feel extremely vulnerable. Many of them have reported to us that they do not like leaving their homes after three in the afternoon, for fear of being attacked and harassed. They have reported that they feel most terrified during school term breaks and in and around the 12 July.

While elderly members of the Chinese community have felt increasingly vulnerable, the experience of racism has been felt by people of all ages. In a survey of Chinese Teenagers born and living in South and East Belfast, it was unveiled that 100% had experienced some kind of racially motivated attack.

Some organisations have suggested that there has been no increase in racism, and racially motivated attacks in Northern Ireland, but instead the increase in PSNI figures just reflects an increase in reporting and the better documentation of racial incidents. Experience has illustrated to us that PSNI figures are not an accurate reflection of the reality; many racial incidents are not being reported. On the one hand we have witnessed the alarming fact that many victims of racial incidents are actually internalizing their experiences and accepting this as a routine part of living as a minority community in Northern Ireland. Members of the Chinese community have informed CWA that they feel there is no point in reporting racial incidents to the Police as these incidents are not taken seriously and never lead to prosecutions. There has been a growing sense of frustration and dissatisfaction within the community regarding the Police. The very low prosecution rates, some of the inappropriate responses by the PSNI and the failure of the criminal justice system in prosecuting perpetrators of racial crime has had an impact on the community’s faith in the PSNI and their decision to report racial incidents. In addition the language barrier has also inhibited people from reporting racial crime.

Besides this general lack of confidence in the PSNI and other key agencies, the CWA are aware that many Chinese business people within the catering industry are being compelled to pay protection money to paramilitaries and what we understand is that if problems arise in their business very often the proprietor will report incidents to these elements rather than reporting directly to the PSNI. The CWA utterly repudiate this type of practice and have for years been vigorously trying to encourage the community to report all incidents to the PSNI and to CWA.
While the CWA firmly believes that there has been an increase in racial incidents and attacks it is also our belief that many of the racial attacks which happened in South Belfast, at the end of last year and the beginning of this year, were orchestrated. We believe that there were several inter-related elements which formed the backdrop to the increase in attacks from September of last year to February of this year.

From last September CWA witnessed an increase in tensions within Donegall Pass. These tensions were provoked following a threat made against a Chinese restaurant owner who reported a case of extortion which resulted in two local men facing trial. Prior to the trial, pressure was placed on this businessman and the Chinese community, in an attempt to coerce the businessman from proceeding with the case. Threats were also made against any new Chinese people moving into Donegall Pass. These threats were confirmed by the PSNI. On one occasion CWA had to assist a household out of Donegall Pass just hours after they had moved in.

Many attacks were also witnessed in the Village area of South Belfast. We believe that these attacks were the work of paramilitaries with extreme right wing tendencies and links to organizations such as Combat 18 and the British National Party. It was made known to us that racist pamphlets had been distributed in the Village and certainly we witnessed an increase in racial graffiti, with slogans on gable walls such as “chinks out” “kkk”, “C 18”. In the month of November alone CWA responded to 11 different attacks against people of Chinese origin, it is our belief that these attacks formed part of a campaign to intimidate and eradicte ethnic minorities from areas of South Belfast. It was during this period that an estate agent in the Village was warned not to rent houses to people from ethnic minorities. We believe that racial hostility was being deliberately whipped up in an insidious attempt, by certain individuals, with links to paramilitary and white supremacist groups, who wished to rid the area of black and ethnic minorities.

Racial attacks have not ceased, however the orchestrated element which we believe was behind the majority of attacks at the end of last year and the beginning of this year seems now to be kept at bay. However we see no room for complacency and we believe that the PSNI and the criminal justice agencies together with community groups, the Housing Executive and others need to provide strong leadership in addressing racism in all its many manifestations.

10 May 2004

Memorandum submitted by the Belfast Jewish Community

Hate Crime Legislation

The Belfast Jewish Community (BJC) is the umbrella organisation for all Jews resident in or visiting Northern Ireland. We are pleased to be to have been given the opportunity to participate in review of the current consultation process on Hate Crime, and consider our submission to indicate an intention to support any work which considers the future of good relations between individuals and communities within Northern Ireland.

Background

We are Northern Ireland’s oldest-established minority ethnic community. Our membership is diverse spanning all ages, genders, degrees of religious orthodoxy, shades of political opinion and differing experiences of nationality and ethnicity within a specific cultural and religious tradition and our contribution continues to be significant within the commercial, social, cultural and educational development of Northern Ireland. We are proud of the contributions that we have made and consider outreach and engagement with other minority and majority communities, statutory and governmental bodies and non-governmental bodies as central to those contributions. We include the training resource developed by our young people’s committee, “We’re Here Too”. This leaflet accompanies a photographic exhibition currently being used within the formal education sector to address issues of anti-Semitism, and we are pleased to have been able to work with other non-governmental organisations in developing their responses to this consultation process.

Monitoring Anti-Semitism

Members of the BJC have to date not formally monitored the continued low-levels of verbal and physical abuse and vandalism that are directed at our community. The reported reasons for this are varied and include:

— An unwillingness by individuals to report verbal abuse.
— A culture of drawing on internal networks of support from within the community.
— Difficulties differentiating between generalised vandalism and acts of direct anti-Semitism.
— A reluctance to draw attention to a vulnerable community in light of a Northern Ireland culture where acceptable levels of violence remain de rigueur despite ceasefires.
— The BJC is a small (diminishing) organisation that exists on volunteers. Many of our members have little personal or professional capacity or inclination to engage with the recent initiatives of statutory or voluntary restorative justice programmes that place them in the position of victim. The practice and culture of claiming the status of “victimhood” in Northern Ireland within the wider majority communities is anathema for many within the Jewish community for whom the terms “survivor” and “victim” remain framed and are understood within a different historical context.

— No capacity or resources to co-ordinate such a monitoring role

However, given the lack of quantitative data—personal accounts can easily be accessed from within our membership, that indicates persistent abuse in a variety of formats. A snapshot of the variety of incidents include:

“Last year at Yom Kippur as we entered the shul for prayers, we were called the most awful names, dirty Jewish bitches, I can’t even begin to remember them all because I try and block them out.”

“It’s just ignorance. Children here seem to have no respect for other cultures, they are so used to hating in a sectarian sense that they don’t see any harm in commenting on how we look. When I am dressed to go to shul I regularly receive comments from children.”

“The Jewish part of the city cemetery has been completely vandailsed—it’s an absolute disgrace, and we regularly have to consider and upgrade aspects of our security at the synagogue as it is regularly broken into by young people”

“There was a period when I received razor blades in the post”. “When the Israeli string quartet came over, people were protesting and harassing some members of the community as they went in. It’s outrageous that international politics should be used to intimidate old people, and to equate all Jews with Israel’s domestic policies.”

“Twice now we’ve seen anti-Semitic graffiti on the Whitewell Road including swastikas and phrases like Burn All Jews Out. We didn’t see the value in photographing it, and a quick call to the Council had it removed, but I think that was just because . . . knew someone fairly senior there.”

TERMINOLOGY

The BJC would ask that when the legislation refers to Racism, that this should also clearly be followed by the words anti-Semitism and Islamophobia. We believe it necessary to normalise the use of this terminology so that that realities of any act directed at individuals, groups or symbolic architecture (including grave stones, places of worship, community centres and homes) can be understood to fall within a particular category of Hate Crime.

Representatives from our organisation would be happy to make representation to the committee either in Northern Ireland or at Westminster or to engage with any follow-up consultation process that you may require.

21 June 2004

Memorandum submitted by Save the Children

HATE CRIME LEGISLATION

Save the Children, as the leading international children’s rights organisation working with children and young people in the UK and overseas, welcomes the opportunity to feed into the current consultation process on Hate Crime in Northern Ireland. Our submission addresses two of the three areas within your terms of reference:

1. The effectiveness of proposed changes to the law; and
2. The effectiveness of measures taken by Government agencies to tackle prejudice.

One of the core organisational values of Save the Children enshrined in Article 12 of the United National Convention of the Rights of the Child, is to ensure that the voice of the child is included in any public policy or decision-making likely to affect them. As a methodology, this process is sanctioned by government in the current local legislation (Section 75 of the Northern Ireland (1998) Act) whereby statutory bodies are duty bound to promote equality between persons of different ages. We would encourage the Committee to meet and consult directly with children and young people. Within this context, we enclose a copy of a recent report with children from minority ethnic communities, Radford, K 2004 Count Me In, and would like to raise the following concerns based on our research findings.
ASSessing EFFECTIVENESS OF EXISTING/PROPOSED CHANGES TO LAW ON HATE CRIME

We would ask that terminology be more clearly defined. We advocate that when the legislation refers to racism, this *de facto* is understood to include anti-Semitism, Islamophobia and is furthermore extended to include expressions or acts against individuals who are asylum seekers or refugees for whom the current legislation provides no cover. This request is based on the sustained reporting and observation of increased incidents of acts and language of abuse being directly targeted at young people in Northern Ireland based on these four categories defined by ethnicity, faith or social groupings.

The quotations below are drawn from our work with young people who have directly experienced acts, which we/they feel should be considered as hate crime:

“He fired a pellet gun at me two times, and shouted ‘Go home, we don’t want no asylum seekers here’.”

“For a while there my Dad was receiving razor blades in the post addressed to The Jew.”

“When you’re out playing wee lads attack ya . . . it’s because we’re different people in here, because I’m a Traveller” (Mongan 2001)

“They’re just ignorant, they shout out Paki, even though I’m a Sikh—they don’t know what they’re even saying.”

— We recommend that the term racism is clearly defined to explicitly include anti-Semitism, Islamophobia and is further extended to included expressions or acts against refugees and asylum seekers.

EFFECTIVENESS OF MEASURES TAKEN BY GOVERNMENT/RELEVANT AGENCIES TO TACKLE PREJUDICE/SUPPORT VICTIMS

We reference the findings of Jarman & Tennant (2003) whose research reveals the extent to which homophobic bullying in schools remains unreported and unchallenged. We have organisationally responded to their work through resourcing and supporting aspects of the resultant anti-bullying work in schools undertaken by Rainbow, the leading non-governmental organisation for gay and bisexual men in Northern Ireland. While this research is not yet published, we recognise as familiar the findings of Carolan and Redmond’s (2003) previous research when we quote

“One young person cited an experience of being in a youth group and was told “Gay people should burn in hell”.

Save the Children would point out that despite individual schools having a duty to enforce a bullying policy, to date it is not possible to gauge the extent of homophobic, racist, anti-Semitic and Islamophobic bullying in schools (Jarman 2003) given the lack of monitoring and disaggregation of forms of bullying. Currently no-one within the education sector is charged with publishing data on bullying. Our current work (Radford: 2004), copies of which are included, urges Government to take steps to ensure that measures are put in place within the education and continuing/further education sectors to ensure that differentiated data on the types of bullying is recorded. Without such information, the education sector will clearly be disadvantaged when feeding information into any unified hate crime reporting system. This limited material will, in turn, result in a potential gap in the overall level of information available that records the victimisation of children and young people.

— We recommend that schools and youth services be encouraged to actively challenge homophobia with the same rigour as is applied to racism.

— We recommend that all schools record all instances of bullying in a way that clearly records and represents the level and type of bullying.

— As a method of measuring trends and progress, we urge government to collect, monitor and publish this information at frequent intervals and no less than every three years.

In conclusion, Save the Children welcomes the recent debates to include acts of disabalism within the legislation and would endorse this. Due to the continuing persecution of marginalised children, Save the Children urges the Northern Ireland Affairs Committee to urge government to take make explicit speedy and decisive actions to bring forward this important legislation.

24 June 2004
Memorandum submitted by the Traveller Movement, Northern Ireland

1. INTRODUCTION

1.1 Traveller Movement (NI) welcomes the opportunity to present some facts relating to the racial harassment, discrimination and prejudice of Travellers, Roma and Gypsies in Northern Ireland.

1.2 Traveller Movement (NI) regards the interest and involvement of the NI Affairs Committee in this area as a positive step forward and a sign that traditional attitudes of denial of racism are no longer acceptable.

1.3 Traveller Movement (NI) regard it as important that, notwithstanding the specific political institutions within NI at any point in time, the NI Affairs Committee will keep this item on its agenda for the foreseeable future.

2. BACKGROUND

2.1 Traveller Organisations

2.1.1 Traveller Movement (NI) was formally constituted as a charity in 1983 and is the oldest of the Traveller organisations in Northern Ireland. It is an umbrella group for all its member groups and now has a remit beyond the Traveller community to include Roma and Gypsies.

2.1.2 It should be noted that Traveller Support groups are a comparatively recent development in Northern Ireland, most having emerged in the last decade. This means that in comparison with the wider community and voluntary sector this sub sector is not well developed.

2.1.3 There are eight local support groups in Northern Ireland. These are in Derry, Omagh, Armagh, Coalisland, Newry, Craigavon, Mid-Ulster and Belfast. All of these organisations provide a range of programmes and services to Travellers, Roma and Gypsies in their localities. Typical activities include preschool, play work, after-schools clubs, youth groups, arts and crafts initiatives, adult training and learning across a range of themes such as health, mediation, training, community development, community economic development, adult literacy. Anti-racism and cultural awareness training is provided to statutory agencies and voluntary and community organisations.

2.2 Legislative and Policy Development

2.2.1 There has been substantial legislative and policy development and change in very recent years in NI. We list these here chronologically:

— 1997 Race Relations (Northern Ireland) Order, which recognises Irish Travellers as a racial group. It defines the Irish Traveller community as “a community of people commonly so called who are identified (by themselves and by others) as people with a shared history, culture and traditions, including, historically, a nomadic way of life on the island of Ireland.”

— 1998 Northern Ireland Act, in particular Section 75 which requires Departments and other public authorities (including designated United Kingdom Departments operating in Northern Ireland and district councils) in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different racial groups. It also requires Departments and other public authorities, in carrying out their functions relating to Northern Ireland, to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.


— 1999 Promoting Social inclusion Working Group on Travellers: an inter-departmental, statutory and voluntary group, including members of the Traveller community, which made a series of recommendations for action to reduce disadvantage and exclusion.

— 1999 New Traveller Accommodation Policy which transfers responsibility for Traveller accommodation provisions from District Councils (discretionary and single type only) to Northern Ireland Housing Executive.

— 2000 North and West Belfast Health Action Zone is formed and sets up a Traveller Action Group to address accommodation needs and health improvement for Travellers.


— 2001 Census which identifies 1,700 Travellers living in Northern Ireland

— 2002 NI Housing Executive publishes Traveller Accommodation Needs Assessment.
Northern Ireland Affairs Committee: Evidence

2.2.1 Promoting Social Inclusion Report, 2003. The Office of the First Minister and Deputy First Minister publish a Government response to the Promoting Social Inclusion Report. This sets out a series of actions, timetable and identifies which body has lead responsibility for the action. It “acknowledges the multiple and often interconnected nature of problems which Travellers face” and seeks “to address inequalities and disadvantages faced by Travellers”. Progress will be monitored by the Race Forum, which has a thematic group on Traveller issues.

2.2.2 Connecting for Action: Sustainability for Traveller Support groups, 2004. Traveller Movement (NI) and North and West Belfast Health Action Zone calls for a three year Core Funding package for all existing Traveller groups to enable strategic planning and development work take place so that a service is available to all Travellers wherever they are located in NI.

2.2.3 Investing Together, Report of the Task Force on Resourcing the Voluntary and Community Sector, October 2004. The Task Force recommends that funding for community development needs to be long term and proposes that Government adopt a 10 year planning framework for outcome focussed funding.

2.2.2 Traveller Movement (NI) regards all the above as important positive changes which have the potential, when linked to practical action, to remove many of the barriers to inclusion and begin to eradicate disadvantage within the Traveller community.

2.2.3 However, we have concerns about two developments this year which have the potential to adversely impact on Travellers and negate much of above. These are:

— Anti-Social Behaviour Orders. Our concern is that for a people historically and traditionally nomadic, who, in the absence of culturally appropriate safe, satisfactory and secure accommodation provision, are forced to seek housing in the public or private rented sector. Prejudice against Travellers could manifest itself in allegations of anti-social behaviour and authoritarian action against Travellers to satisfy the prejudice expressed instead of dealing with the multiple challenges for a family forced to live in an alien and hostile environment.

— Unauthorised Encampments. Late last year the Department for Social Development issued a Consultation Paper which, in summary, proposed to give the police powers to remove Traveller caravans and vehicles as part of a policy to force Travellers to move from unauthorised encampments. We believe this legislation, which is based on comparable legislation in the UK and Republic of Ireland will have the effect of criminalizing the Traveller community because of their ethnicity and culture, will create confrontation between police and Travellers, will do nothing to ensure that a programme of Traveller specific accommodation, including transit halting sites, is developed within a five year time frame and will have negative impact on the recent significant improvement on Traveller children attendance at and participation in the formal education system. A five year programme of accommodation provision is entirely possible given the comparatively small numbers of families concerned and their acute accommodation needs. We do not understand how this proposal squares the Department’s own mission statement.

— We ask the NI Public Affairs Committee to address both these pieces of legislation with the Northern Ireland Office in the context of this inquiry into Race Hate.

2.3 Racial Attitudes and Prejudice in Northern Ireland (2001), Connolly and Keenan, Northern Ireland Social Research Agency demonstrated that whilst racial prejudice was more than twice as prevalent as sectarian hatred, the most significant intolerance and prejudice was saved for Irish Travellers. Specifically the study showed that within the settled community:

— 77% would not willingly accept Irish Travellers as a relative by way of marrying a close family member;
— 70% would not willingly accept an Irish Traveller as a close friend;
— 66% would not willingly accept an Irish Traveller as a colleague at work;
— 57% would not willingly accept an Irish Traveller as a resident in a local area and
— 45% would not accept Irish Travellers as citizens of Northern Ireland who have come to live and work here.
— 40% of people do not want public funding spent on Irish Travellers.
2.3.2. Such widespread prejudice in the community at large, coupled with historic disadvantage and exclusion has created a situation where Travellers distrust of the State and its institutions is widespread. It also creates a situation where the community turns in on itself. Such implosion occasionally manifests itself in internal conflict, distress and disintegration.

3. EXPERIENCES AND EVIDENCE

3.1 Reporting of Racial Abuse

Traveller Movement (NI) contends that for the reasons outlined above Irish Travellers, Roma and Gypsies are unlikely to access formal complaints systems of statutory organisations to record alleged discrimination. We have contacted a number of these agencies in compiling this briefing paper to ascertain the incidence of complaints made by Irish Travellers in recent years. Our own experience, as well as local knowledge from our member groups indicates that the formal recording of complaints barely scrapes the surface on the actual incidents of Travellers experience of racial abuse and harassment. We have given as well a number of recent case histories where Traveller Movement (NI) has been contacted to offering assistance and support to Travellers in difficult situations.

3.2 Ethnic Monitoring

3.2.1 The Northern Ireland Act 1998 Equality provisions require ethnic monitoring as a matter of course if the duties identified therein are to be carried out. While many statutory organisations now include ethnic monitoring in their recruitment exercises it is taking significantly longer for such monitoring to be incorporated into every aspect of organisational work. We recognise this can not happen overnight but wish to restate our view that it is absolutely critical if we are to measure progress and provide accurate information in the future.

3.2.2 Many Travellers are suspicious of state institutions. Consequently both statutory agencies and our own support groups have an educational role to perform to encourage Travellers to self-identify when ethnic identity is being sought. We know of cases where Travellers have been afraid to declare identity in the past lest it leads to a lesser service precisely because they are Travellers. The level of prejudice identified by Connolly and Keenan exists in all institutions. It is reasonable to assume that if 66% of people do not want Travellers as a work colleague it is unlikely they will afford them equal treatment in the delivery of services. We are also aware of a small number of Travellers in employment who deny/hide identity because they believe that to disclose it will lead to them losing their job. Whether such fears are founded or not is not the issue: denial of any aspect of identity is profoundly personally debilitating and unacceptable. We all must work much harder to encourage Travellers to celebrate their identity as a distinct racial group and provide opportunities for celebration of attainment, achievement and advancement within that community.

3.3.3 The Northern Ireland Affairs Committee is asked to encourage ethnic monitoring so that future information can be accurate. Given its comparatively recent history in Northern Ireland it is difficult to give precise details about the levels of reported race hate, bullying and harassment. We do believe the incidents described below present a flavour of the current situation for Travellers.

3.4 Accommodation

3.4.1 The absence of any transit site provision anywhere in NI places all nomadic Travellers in conflict with the law. All our member groups can report incidents of court appearances and dispersal of discreet Traveller family groups. It is our view that the proposed new legislation on Unauthorised Encampments, similar to that of the Police and Criminal Evidence Bill (1996) in the UK and the Housing Amendment in the Republic (2002) is not only unnecessary but will the most adverse of consequences for Traveller families.

— it will create conflict between Travellers and the Police;
— it will deny Traveller children the right to education at the very time when educational authorities are making a significant effort to encourage and sustain Traveller children participation in education;
— it will cause further dislocation and disruption of family life;
— it is disrespectful of Travellers rights and culture;
— it can be regarded as a policy of assimilation;
— Traveller Movement (NI) regard it as being in breach of the spirit, if not letter of legislation such as the Human Rights Act and Northern Ireland Act.

3.4.2 In Lisburn City Council area this month a disabled Traveller woman and her family were taken to court for illegal camping, having been on DoE Roads Service Lands for almost three years. During that time no alternative offer of accommodation was made and none has been made since. Traveller Movement (NI) and the local Support Group (Munya Tober) offered advice and assistance to the family, ensuring legal representation at proceedings and engaging with NI Housing Executive re alternative accommodation.
3.4.3 In Cookstown last week a Traveller family was visited by police and told that if they did not move their children would be taken into care.

3.4.4 The NIHE 2002 Needs Assessment reported on the level of intimidation/Harassment in the following stark terms:

- More than one-fifth (22%) of respondents (316 = 100%) said they or a member of their family had experienced intimidation/harassment in the previous 12 months;
- 78% (53) of these said they thought the intimidation/harassment had occurred because of their ethnicity;
- 16% (14) of comments detailing types of intimidation/harassment experienced by respondents or their families related to “verbal abuse from the settled community” and 14% (12) related to “trouble from other Travellers”. (Travellers Accommodation Needs Assessment, 2002, NI Housing Executive)

3.4.5 In 2003/4 NIHE state that of 316 cases presenting as homeless (of which only three were a result of intimidation/harassment) some 119 were Travellers (40%) and of these 46 (40%) were accepted as homeless. From the above it is evident that absence of safe, secure, satisfactory Traveller accommodation in NI is one of the biggest sources of grievance within the Traveller community with its consequent on costs in low self-esteem, poor health status and continued exclusion and isolation.

3.5 Police Ombudsman

3.5.1 Since its formation four years ago the Police Ombudsman’s Office has dealt with 17 complaints known to have been made by members of the Irish Traveller community. They point out however that some complaints may be made indirectly via a doctor or solicitor and unless monitoring forms are returned they would not necessarily know the ethnic origin of the complainant. They state that the type of complaints includes assault and incivility.

3.6 Human Rights Commission

3.6.1 The Human Rights Commission was established five years as a direct consequence of the Belfast Agreement. To date it has assisted with one case in respect of Travellers, taken through solicitors.

3.7 Equality Commission

3.7.1 The Equality Commission has subsumed the Race Relations Commission. The Equality Commission report that since October 2002 some 89 cases have been lodged by Travellers, the vast majority alleging discrimination in goods and services. The fact that there are very few employment cases is evidence of the low numbers of Travellers in the private or public sector employment system. The Commission point out that these are direct referrals by individual Travellers. Other cases, referred by Traveller Support groups and solicitors are not included in this total. In this year alone to date some 23 cases have been referred to date.

3.7.2 The Equality Commission cannot assist with every complaint made to it and consequently only those cases, which involve new law or new aspects of law, can be considered. It is worth noting that the Commission themselves believe that a legal route may not necessarily be the most appropriate course of action in many cases. When remedies lie in the County Court a complaint may well take their case directly through a solicitor if legal aid is required.

3.8 Health and Social Services Councils

3.8.1 There are four Health and Social Services Councils in Northern Ireland covering the four Health Boards who act as commissioning agents for the Department. Two of the four Councils report that they have never received complaints from members of the Traveller community.

3.9 Traveller Groups

3.9.1 Craigavon Traveller Support Group report the most serious incident in the summer of 2003 when a shot was fired at Traveller children playing on open space adjacent to the local Support Group office. The shot hit a horse. The Support Group was unhappy at the police investigation into the incident and the failure of the police to release the fact that a shot had been fired to the media. Such suppression of criminal activity, which was a terrifying experience both for children and staff in nearby offices, is unacceptable.

3.9.2 The Support group would wish it to be known that generally there is a reasonable relationship between the police and Travellers. They are aware however, and a complaint, has been made, about an individual police officer that swore at a local Traveller man known to the officers when he (the Traveller) refused to give the officer his named as he knew the officers knew who he was. It is alleged the officer stated; “Give me your f----- name, you Tinker”
3.9.3 Over the last few weeks Traveller Movement (NI) was contacted about a young male inmate on remand for seven months at a Young Offenders Centre in Ni. We visited the individual, made contact with his solicitor and arranged for clothes to be provided to the individual. We have just been informed that the charges on which he was being held on remand have been dropped by the DPP but the young man must remain an inmate until he can brought to court to be released. We strongly doubt that such legal lethargy would apply to a settled inmate.

3.9.4 Anecdotal evidence from Travellers themselves about their treatment in prison, as well as similar evidence from other prison inmates suggests that Travellers are not properly treated within the prison system. Given the Human Rights Commission report this week on the treatment and conditions pertaining to women prisoners in Northern Ireland we believe that this anecdotal evidence re Travellers is probably true. Traveller Movement (NI) will wish to consider, with relevant voluntary organisations and both the Equality and Human Rights Commission how we should proceed to make a significant and positive intervention in this area.

3.9.5 In Belfast early this year the local support group report incidents of Travellers being spat at in the street and eggs thrown at their windows.

3.9.6 In Omagh Travellers are refused entry to public houses on the grounds that “they all look alike”.

3.10 Conclusion

3.10.1 This brief synopsis is not intend to provide a comprehensive picture but will give the Committee an indication of both the scale of the problem and the demands made on local Traveller groups to provide effective advice and support to Travellers.

4. SOME EMERGING GOOD PRACTICE

4.1 While racial attacks, harassment and discrimination appear at times to be a depressing and apparently intractable problem we would not want the Committee to leave here today with the impression that there is no progress being made.

4.2 Traveller Movement (NI) recognises the additional value and benefit brought to the work of Traveller organisations through the creation of Health Action Zones and their inclusion of Travellers on their agenda.

4.3 The Connecting for Action Report (2004) identified Health and Social Services Trusts and Boards as the most pro-active statutory agencies in work with Irish Travellers, very often in partnership with local Traveller Support groups. There is evidence of good partnership working in both Western HAZ and North and West Belfast HAZ. Traveller Movement(NI) believes these represent new opportunities to both challenge racist attitudes within organisations and develop new working partnerships, which can tackle inequalities in health at local level.

4.4 We would identify the Royal Hospitals Traveller out-reach programme, in partnership with Munya Tober, as a further example of a statutory agency willing to go “Beyond the White Line” in a serious endeavour to make Targeting Social Need, Promoting Social inclusion and tackling health inequalities meaningful to an excluded community.

4.5 The levels of prejudice identified by Connolly and Keenan(2002) are most obviously manifest at local government level where very few District Councils have, to date, sought to engage in development work with Irish Travellers. Rather their presence amongst Travellers has been one of enforcement and eviction under Environmental Health legislation.

4.6 Belfast City Council, who have had a particularly problematic relationship with both Travellers and Traveller Support groups have recently created a Traveller Community Development work post and provide recurring revenue support to the Support group and many of its programme of activities, particularly with children. It is a model we wish to see other District Councils replicate.

5. ANTI-RACIST AND CULTURAL AWARENESS TRAINING

6. QUESTION

6.1 The NI Affairs Committee should ask the Secretary of State how much money has been spent by Government Departments and Local Councils on legal action against Travellers since the introduction of Co-operation Policy in 1999 and how much money has been spent on implementing co-operation policy in the same period?

7. CONCLUSION

7.1 This brief synopsis is not intend to provide a comprehensive picture but, will give the Committee an indication of both the scale of the problem and the demands made on local Traveller groups to provide effective advice and support to Travellers.
Witnesses: Mr Jamal Iweida, Muslim Community, Ms Anna Lo, Chinese Welfare Association, Ms Eva Mckelvey, Northern Ireland Filipino Association, Dr Katy Radford, Belfast Jewish Community, Ms Vivian Harvey, Traveller Movement Northern Ireland, Ms Nisha Tandon, Indian Community Centre, examined.

Q543 Chairman: Ladies and gentlemen, thank you very much indeed for coming to help us with our inquiry into ‘hate crime’ in Northern Ireland. As you know, we are trying to explore the reasons for the reported increase in crimes which is motivated by hatred within and between the communities, to examine the effectiveness of the measures which the Government are taking, and to see how effective our witnesses think the present laws are and what more might need to be done. The media in Northern Ireland recently reported several high profile racist attacks. What is your view about this? Is the problem becoming more serious or is it that more people are aware of the problem and are reporting racist attacks more? I say to you what I said to the previous group, we want to hear from all of you what you have to say, but please do not all feel you have to answer every question or we will be here until tomorrow. If you agree with what the previous speaker has said then just say so, do not repeat it. Who would like to start?

Mr Iweida: I would like to thank you for giving me the opportunity to speak on behalf of my community, the Muslim Community in Northern Ireland. I have been living in Belfast for a number of years now and in the last seven to eight years there has been an increase in the number of racist attacks against people from ethnic minorities. We have not seen enough effort put in to dealing with this problem. The attacks which have happened in the last two years were definitely more aggressive than the attacks which happened before and that is very alarming and people are suffering because of that.

Q544 Chairman: Would you describe briefly what you mean by more aggressive?

Mr Iweida: Yes. Last year about 10 Muslim families were forced out of their homes and that had never happened before.

Q545 Chairman: Where?

Mr Iweida: In Portadown and Craigavon and in some parts of Belfast as well. They were intimidated and they had to leave their houses. Members of our community received serious injuries, broken limbs, some of them were admitted to hospital and were in a coma and others had very serious medical conditions. I am afraid we have been having fatal incidents of this kind for a while.

Q546 Chairman: Who do you think were largely responsible for these? How would you describe the groups who are carrying out these attacks?

Mr Iweida: There are some groups from across the water coming here, like Combat 18 and some other right wing groups and they are probably partially responsible.

Q547 Chairman: So they came from Britain?

Mr Iweida: As far as I know they did not exist here before. They started establishing new branches here and recruiting people.

Q548 Chairman: Would anybody else like to talk about this?

Ms Tandon: I also believe that teenagers are carrying out attacks in the workplace. The young need to be taught about other cultures because some of them are carrying out the attacks on members of ethnic minority groups.

Ms Lo: We think the local paramilitaries might have been involved with sympathisers of Combat 18 and the British National Party. There was talk about fielding candidates for elections representing the British National Party here in Northern Ireland. We believe the local paramilitaries are involved in this, which is something new. Racism has always been here in Northern Ireland. I came here in the Seventies and I was kicked on the street by a group of youths after they called me all sorts of names. The troubles in Northern Ireland have always overshadowed the problem of racism and for a long time people here have denied that there is racism in Northern Ireland, saying there are so few ethnic minority people here, therefore there is no racism. The division between the two major communities has been pushed down the agenda. The media’s reporting would always have been about sectarian issues and so racism has not been on the agenda or part of the media’s coverage. I agree with Jamal that there has been an increase in the number of racist attacks on ethnic minority people here, but it has always been here. It has increased in conjunction with the increased number of ethnic minority people coming into the province after the ceasefire.

Dr Radford: I would like to enforce what all three speakers have said about the increase in ‘hate crime’. There is a continuum between sectarianism and what is unacceptable within a sectarian context and unacceptable within a race or ethnicity and religious context. If we accept people abusing each other verbally because of their sectarianism or where they come from the same thing will be applied here. There is very clearly an increase in verbal abuse as communities become more visible. As they are given the capacity and their capacity develops to become representatives in public life so too does the increase in racism, Islamophobia and Judaioephobia.

Q549 Chairman: Has anybody got any thoughts on why the total number of racist incidents is falling in England and Wales and rising in Northern Ireland? Is there a particular reason for that that you could identify?

Ms Tandon: I feel that the education system here needs to change a little bit. The whole environment has to be taught that there are different people living in this society. It is the role of cultural diversity which is important and let us welcome it and let us work together. I think it comes from the education side from day one.

Ms Harvey: I think the Traveller community have experienced racism forever in Northern Ireland and it is education that is the key to changing that.
Dr Radford: And training.

Q550 Chairman: Do you think that in the Traveller community it is racist or do you think it is about their lifestyle and the effect they have on their temporary innateness?

Ms Harvey: The Traveller community was designated a racial group in 1997 and that was the turning point for work amongst Travellers and Travellers’ development. It is important we recognise that Travellers have a separate and distinct culture, which includes being nomadic.

Q551 Chairman: Perhaps it was the nuisance factor of having Travellers near people rather than the fact that they were a group on their own.

Ms Harvey: Travellers have experienced complete exclusion in Northern Ireland. There is not one piece of Northern Ireland legislation before 1997 that positively addresses the needs of Travellers. So communities, like statutory agencies, perceive the Traveller community as a problem. You were allowed to say that Travellers were a nuisance or that Travellers could only park where they are allowed to park. They have no access to permanent sites to improve their community. They are always being perceived in a very negative sense. To be designated a racial group is the turning point and we can begin to look at the needs of people who live and work and economically survive in Northern Ireland.

Q552 Mr McGrady: The Commission for Racial Equality in England and Wales in their report indicated two problems which they have. One is getting people to report on racist crime and, secondly, an underreporting because of the way the complaint is handled, either a misunderstanding at the source that it is racist or a lack of evidential procedures that do not indicate that it is racist and such things as that. Are these problems the same in Northern Ireland? If they are, have you any suggestions as to how that might be addressed?

Ms Lo: Certainly we know there is very much underreporting to the police of racist incidents for various reasons. Yes, communication is a problem for the Chinese community, but there is a general lack of confidence in the police within the Chinese community. They feel there is no point reporting to the police because the police do not respond fast enough. After they have called the police, the police may take two hours to come down and then the incident is over. A lot of them do not bother reporting incidents. We feel there is a sense within the Chinese community that they are second-class citizens and they will always be second-class citizens here and that the police will never take them seriously. There have been a couple of incidents whereby Chinese people reported attacks by local people and the Chinese community ended up being prosecuted or being questioned seriously and were kind of blamed for retaliating. So there was a sense within the Chinese community for a while that the police would always be on the side of the local people rather than on the side of the Chinese people who were under attack. There is this general sense in the community for Chinese people that there is really no point in reporting crimes. I think the police need to double their effort in terms of creating better relationships with the Chinese community, in terms of responding quicker and in terms of meeting the Chinese community more frequently. We had a public meeting one time with the police and the people at the public meeting were giving out their grievances and two of the four police officers were very dismissive. That is not the way to deal with a community who already feel under threat. I think the police need to put in a lot of effort to improve communications with the Chinese community and show the Chinese community how they can lobby Parliament and make complaints about the things they are not happy about. We could create a mechanism whereby the Chinese community can report to a third party like ourselves if they do not want to report directly to the police.

Mr Iweida: There is no doubt about it, there is under-reporting. I agree that there is a lack of confidence. Our Muslim community feels the same way towards the police and because of that many people would not report incidents. Also, it is the bureaucracy, you have to go to the police station and report it even if it is verbal abuse; there is no easy way to report these things. For example, when I walk down a street sometimes I get abused verbally three times on the same day here in Belfast. I cannot go to the police and report these three times, there is no way, I have things to do. The number of abuses is increasing towards our Muslim community. After September 11 there was a clear increase. That makes it difficult for us to keep reporting. When we have reported these incidents in the past we did not feel it made any difference because nothing was done. We always try to convince people to report them to the police, but they say “What’s the point?” Unless we build this confidence in the police and the problem is going to be tackled or the issue is solved I do not see any point in trying to convince the people. England and Wales are ahead of us because they had this problem before and they had more legislation and the education system was developed better there than here. What we need is to learn from them, not to start from the zero point here.

Dr Radford: We have had a different experience within the Jewish community of the PSNI. We have received a lot of support from them for initiatives that we have undertaken in Northern Ireland to try and be in a position to report incidents. Our incidents have been very different from those experienced by the Chinese community and the Muslim community and I think that should be acknowledged, but we have had a very different level of support too from this organisation. There is certainly still an unwillingness within our organisation to record some incidents and there are a variety of reasons for this, some of which are very much based on the fact that the community is a
very small community, a voluntary community, it does not have the resources or the capacity within itself to do it, but it can address minor issues. There are also issues of victim status and survival status which have a very real and symbolic sense within the Jewish communities both here and throughout the world. Jews tend to see themselves as survivors rather than courting victim status. Small incidents tend not to be something which is recorded.

Ms Harvey: Traditionally the Traveller community’s only contact with the police would have been with the police in an enforcement role, not in a support role. It would be very difficult for Travellers to access the services that are available to record crimes against them. I think this is a huge learning curve ahead for us. Now that things are changing, as support groups we have a role to play in that. Ethnic monitoring needs to be put in place and an understanding of other people’s cultures needs to be recognised by statutory agencies and the police themselves need to step back from that enforcement role.

Ms Tandon: The Indian community have been a very settled community for a long time in Northern Ireland and it has got a very good reputation and has never suffered racial abuse. The new people who are arriving here through employment, through recruitment agencies and all that are suffering and they have reported it to PSNI and they have been very helpful to them, but again it depends on where they are living and in which area they go and report to the PSNI. Certain areas are ruled by paramilitaries and it is just not possible for the individuals to go and report to the PSNI because they cannot go into those areas themselves.

Q553 Mr McGrady: I must declare some interest in the response you are making vis-à-vis the police because I am a member of the Police Board as well, but I hear all that you say. A couple of months ago one of the local newspapers reported under a headline “Only eight prosecuted out of 453 incidents” and it was in fact an article by the police themselves who went on to say: “It’s very difficult for the police because when a sinister attack happens we are relying on people in the community to come forward. At the moment they are not coming forward and that means there is nothing we can do unless there is forensic evidence.” Do you find that members of the community in the vicinity of such incidents are not coming forward to assist you in pursuing these investigations?

Mr Iweida: The communities are afraid of the paramilitaries or the people who carry out these attacks. There is a culture of fear here. People are afraid to come forward because they will be victimised themselves. Even people of ethnic minorities do not report to the police because they are afraid of the consequences. When the police come to their house people will know that they have reported something to the police and they will be targeted more. The neighbours do not want to help because they are afraid. We know they know who it is but they cannot say because of the culture of fear they are living in.

Ms McKelvey: There are Filipinos who have reported ‘hate crime’, but they say the police are not helping that much. Some of the Filipino community are being attacked, they are throwing things at their windows, and it is mostly teenagers who are doing that. The police will just say they cannot do anything because they are still under age. It is useless them reporting it because there is not a lot of work being done about it.

Q554 Mr McGrady: Dr Radford, as I understand it the police have not recorded any single incident of anti-Semitism or attacks on the Jewish community. Can you give me some indication of why that is so? What is the nature of the hostility and is it getting worse or is it static?

Dr Radford: There are two questions there, one of which is that the Jewish community is not reporting crimes to date for a variety of reasons, one of which is resourcing. Up until the last two months there has been nobody who has taken on the role within the community of getting engaged with community development and that goes back to some of the comments earlier in the previous session about the lack of resourcing and support for minority communities. Also, there has been a difficulty with incidents within north Belfast, where the synagogue is based for example, because people are not always clear about whether a general act of vandalism on symbolic architecture and places of worship is in fact gauged at us because it is a Jewish community or just because it is close to the hospice where they are going the next day.

Q555 Mr Clarke: I would like to concentrate for a couple of moments on the nature of racist attacks which can be very different from one community to another. A racist attack can be political if there is somebody like the White Nationalist Party or the BNP trying to spread its filth around a particular area, or it can be fiscal if there is a group that is trying to intimidate a particular community in order to extort money from businesses. In the Chinese Welfare Association’s submission it argues that racist crime has become more violent and sinister and there has been comment in the past about those crimes that are based on extorting money from local businesses. Do you think there is a paramilitary involvement? Can you separate out the racist acts from those that are being perpetrated by the xenophobes and those that are being perpetrated by the criminal fraternity who are just picking on the community because they can extort money?

Ms Lo: I think the protection money is really a general “trend”. They are taking money from restaurants of all kinds. I do not think you can attribute that as being racist in a way because they take money from everybody in the street. Chinese restaurants pay money like everybody else, but then you have the other racist attacks which are meant to drive out people from a certain street, like in
Donegal Road where the paramilitaries wanted to ‘ethnic cleanse’, ie to get all ethnic minority people out of the road, and that is racist.

Q556 Mr Clarke: Do you think there are links between the two, between the political wings of the far right party and the paramilitaries?  
Ms Lo: Yes, we believe so.

Q557 Mr Clarke: When you talk about the nature of racist incidents there can be a number of different reasons. I would imagine Mr Iweida would say that the current world situation has probably led to more attacks on Muslim people in Northern Ireland and that would be the reason for race attacks. I am trying to get an idea of how much of this current rise in racial hatred and crimes connected to it is about circumstance and how much of it is deep-rooted. If I went across the table—and this is an awful thing to say—we could talk about the equality of suffering in terms of who is suffering most and why are you suffering as communities. Is it that some communities will always suffer more or is it just about taking it in turns depending on the world scene and what is happening within Northern Ireland?  
Mr Iweida: I think the problem is a general one. There is a fear of others in Northern Ireland and this is a problem which leads to sectarianism, but there is no work done to tackle it and to suppress it. In Northern Ireland we need more active political leadership from the main political parties, church leaders and so on to try to educate people and make them more accepting of people from ethnic minorities. The fear of others is there and it has been there for a long time and sometimes it is because of circumstances, the media, certain articles here and there and if you have not tackled it and major political experts and churches and community leaders have not spoken against it, they have not tried to tackle it, that will increase and will get worse.  
Ms Lo: A social attitude study published in 2001 showed that racist attitudes here are more significant than sectarian attitudes. In Northern Ireland we have gone through almost 40 years of sectarian strife and there is that sense of fear and worry about the other side. It seems to have transferred from not trusting your Catholic or Protestant neighbour to not trusting your ethnic minority neighbours. I certainly feel that in Northern Ireland we have not tackled this issue head on for the last two or three years. With all these incidents it is very much left to the ethnic minority organisations to deal with it, it has not been seen as a societal problem. We have not seen too many politicians speaking out to condemn it. We have not seen any concerted effort by OFMDFM with a coordinated campaign to say we need to do all these different things. Promoting ethnic minority people here adds so much diversity and richness to Northern Ireland.  
Dr Radford: I think there is a huge amount of discrimination both within the education system and the health system in various ways that with very basic training and education, starting from the preschool level, will go some way to addressing this. This may be a long-term issue, but there are some short-term initiatives that will hit on and I think there needs to be concerted effort and support of government and designated people to enable the minority communities to deliver this and to disseminate the information that they already have.

Q558 Reverend Smyth: What is your reaction to the recently introduced Criminal Justice (No.2) (Northern Ireland Order) which came into operation in September? Is it dealing with the issues that you are talking about?  
Dr Radford: The law is a great floor. I think we need escalators and ceilings to aim at.

Q559 Chairman: Are you pleased that it has been introduced?  
Dr Radford: I am pleased with any forward move in legislation.  
Ms Lo: While we obviously welcomed this, when you look at the prosecution rate of the police in the last few years, the law will not help us unless people report it better and unless the police can use the law better. The law would not be of any benefit to people on the ground unless other mechanisms work to bring people into the court system.

Q560 Reverend Smyth: This is true in every aspect of law. We know that over the years there have been inter-ethnic issues. A Chinese woman was found murdered once and immediately people thought this was part of the ethnic racism problem whereas in the end it was Chinese people who were brought to justice for it. What I am trying to say is that it is up to people to come forward and give the evidence. Beyond the introduction of legislation, what other practical things need to be done to address the problem of racist attacks? Who should take responsibility for these? For example, one of you made reference to promoting people in the ethnic community. In Belfast over the years people have been so promoted and there are some Chinese magistrates for the city. I want to know what can be done to improve the situation.  
Dr Radford: North Belfast recently negotiated a North Belfast Minority Ethnic Forum and it was supported by various local communities working in the area with the statutory agencies. I think there needs to be more grass-roots communities coming up from the community supported by the statutory agencies enabling this to move forward.

Mr Iweida: There are many things happening on this issue but they are scattered and repeated initiatives. Belfast City Council and a lot of others are working, but we keep meeting the same people and saying the same thing again and again. I do not know how we
Mr Iweida: Obviously this is not a new thing. It happened when our Portadown/Craigavon Muslim community applied to build a mosque and eventually they got the planning permission but they decided not to build it because they were afraid. We saw on the TV some politicians speaking publicly against the Muslims in that area and we have not seen one of the major parties taking action against that member of their party who was speaking about Muslims publicly on the TV. They have got the planning permission but they are not going to build the mosque there because they are terrified for the safety of their families.

Reverend Smyth: I have to put on record that David Trimble publicly rebuked the councillor in Portadown for the position he took.

Dr Radford: It is not just about mainstreaming issues of diversity within the curriculum, it is also about enabling people to have the right to their own cultural background, to their language of choice, of birth, of family and once we mainstream these issues within and across departments and sectors then we may start to address this. This is a long-term initiative.

Ms Harvey: The mainstream communities, including all the political leaders, the church leaders in Northern Ireland, have always perceived Travellers to be in a sense outside the law, so it is very difficult to see what changes can come about with the New Criminal Justice Order. The practical change that could be put in place is that we could stop the unauthorized encampments draft that is going through now until the executive strategy is put into place and there are authorized sites where people can develop access to services, to schools and to health.

Ms Lo: The Chinese community is not generally seen as a nuisance by the wider community, but when we wanted to buy and renovate the building on Donegal Pass in south Belfast there was huge opposition to it. It is about racism, it is not wanting to share with ethnic minority people in the area. Again it was very much left to the Chinese Welfare Association to deal with it. We are thankful that Belfast City Council stepped in to offer us a site, but the politicians who were interviewed were saying we needed to understand the local people’s views about their culture, about their identities and how that they were seeing this as a threat. That is excusing local communities. I have not really heard or seen many politicians or church leaders, voluntary organisations or public bodies coming out and condemning that outright and saying that it is outrageous, it is racist and we cannot allow it to go on, but politicians have been giving excuses for that local community. I do not want to demonize the whole community because it is a section of that community saying they do not want the Chinese centre, so much so now that we have abandoned the plan and we will go and get another site. We have spent £17,000 on developing our plans and almost a whole year of time in working up this proposal. We have the money already gathered together, we need to spend it and move somewhere else. The media was very much on our side.

Mr Iweida: If you do not do something about this I will phone the media and I will complain about you and I will make it a news story.” Believe me, within one hour they found that person and they warned him and the next day they managed to find the person who was sending us the emails. Why did it take me to threaten them that I was going to phone the media and do something before they would do anything? All of this took about three months and I have all the records. I think this is very, very unacceptable.
Q561 Mr Beggs: The Northern Ireland Council for Ethnic Minorities stated that the basic problem was ‘the persistent reluctance of the police to listen to victims, to treat such crimes as serious, to respond promptly or at all, and to investigate efficiently or at all’. Do individual racial groups concur with this assessment or have circumstances improved?

Dr Radford: I have put on record earlier our position, which is that that would not be the position of the Belfast Jewish Community in our experience.

Ms Harvey: I think I have also stated the difficulties experienced by the Traveller community with the police.

Q562 Mr Beggs: Do you report incidents to the police and, if not, why not?

Ms Lo: We do.

Ms Tandon: We do.

Q563 Chairman: Let us go along the line. Yes or no?

Ms McKelvey: Some members of the Filipino community do report and some do not. Those who are victims of racist attacks just go to work and then go home and that is it. They are afraid to go out and they are afraid to mix with other communities. Some say, “We’re here but we’re not from this country”, they just seem to accept what is going to happen and try to keep a very low profile.

Q564 Chairman: You report incidents, do you not?

Ms Lo: We help the local communities to report, but we do detect that there is a sense of helplessness.

Mr Iweida: As an organisation we do report all the incidents. We have been attacked many times. As for members of our community, I think most of them choose not to report them because they think there is no point.

Q565 Mr Beggs: What more can the police do to improve relationships with each of your groups?

Ms Tandon: I think the police should be allowed to go into the areas where they cannot get their hands in at the minute because that is where we are suffering. The nursing staff living in certain areas have to live in those areas, but they cannot go and report to the police, they are just too scared because they are living in an area where the police are not allowed to go. The police should be playing an active role in going into all areas no matter where they are.

Q566 Mr Bailey: There is an ambiguity that is arising. First of all, you have reported that there is a sense of frustration and dissatisfaction within the Chinese community about the way that the police have handled complaints. In our earlier discussion the police were quoted from a press article as saying that people were not coming forward. How do you reconcile these two points of view? Do you think that is a legitimate point in relation to the Chinese and law enforcement?

Ms Lo: There needs to be some capacity building work done within the Chinese community. They need to build the confidence in people to come forward to make complaints about their neighbour instead of keeping their heads down thinking that it will go away, but the police need to do more. For example, not that long ago there was a case in Derry which the person involved told us about. We talked to the police and we arranged for the person to go to the police station to make a statement. When the person arrived apparently there was not even an interpreter available. The police need to get their act together if they know a Chinese person is being interviewed. We phoned ahead and said that this person could not speak English and they arranged a different time for the person to go up to the station. The police have their own interpreting service that we would not be involved in. We asked the person to go up to the station, but it was a waste of time for the person and the person said there was no point going again because there was not any interpreter there. The police need to double their efforts to try to facilitate people within the Chinese community and a lot of other ethnic minority communities. If one person coming out of the police station is saying there is no point going to the police that will go round the whole community and when the next incident happens people will say not to bother reporting it.

Q567 Mr Bailey: There does seem to be a communication problem here because the police may have made the totally wrong assumption that the person they were going to interview could speak English.

Ms Lo: We told them on the phone. When the person came to us, we phoned the police and said that the person did not speak English and there had been an incident. The policeman making the appointment should have known to engage an interpreter.

Q568 Mr Bailey: So there are problems in that respect and the police need to sharpen up their act. Your organisation and others need to build capacity within the Chinese community to be ready to come forward. Do you think the new legislation will help this process?

Ms Lo: Not really. In the long run the police may be able to increase their rate of prosecutions and successes in convicting people. We have another case of Simon Tang, a young man of 27 years old who was killed nearly 10 years ago. No one has been arrested and no one has been prosecuted.

Q569 Chairman: That was not the question. Will the new legislation help? It will not help anything that happened 10 years ago.

Ms Lo: It would help if the police sharpened up their act and brought more prosecutions, yes.

Q570 Mr Bailey: Do you not think there is a temptation within the community to find other means of protection within the community?

Ms Lo: People who pay protection money tend to go to the local boys when they have troubles instead of the police.
Q571 Mr Tynan: You have indicated this morning that there is no real Government initiative regarding coordinated action by the Government. What are your views on the Race Equality Strategy currently being developed by the Government in conjunction with the Race Forum?

Ms Lo: We have been very disappointed with the slowness of the Race Equality Strategy. It must have been about three years ago that was first talked about and worked on and today we are still in the final draft of that strategy. It should take less than three years to have a piece of strategy let alone action plans and resources tied in and timescales tied onto it.

Q572 Mr Tynan: I understand that, according to the statistics we have, the Government intends to publish it either in October or November of this year, so we are holding our breath for that at the present time and it will be very interesting. How effective is the Race Forum in tackling issues of importance for ethnic minorities?

Ms Lo: It has been very slow going; meetings have been postponed and postponed and postponed. They really need to have an emphasis in getting it off the ground, in coordinating it and in putting some energy into it. Ethnic minorities are completely fed up with it. We want to see something happening. We want to see something on the ground. I am a member of the staff of the Chinese Welfare Association and a representative of the Chinese community. I go to those meetings and I just hear talk and talk of the same thing over and over again. We want to see something new so that I can go back and report to my organisation and, more than that, report to the Chinese community what is being done, how it is going to affect them positively. At the moment, people are feeling very vulnerable and they are getting very angry as well. They look different, they cannot protect themselves and they are easy targets and they are feeling very vulnerable.

Q573 Mr Tynan: So the Race Forum is not tackling the issues as far as you are concerned?

Dr Radford: I think there are clearly administrative and operational difficulties around the forum and one of those might be the fact that it appears to be top heavy with statutory agencies and representatives from voluntary groups that do not necessarily come from minority ethnic minorities themselves. A number of representatives here today have observer status but not full status beyond that, so I think there are difficulties around that that need to be addressed with some urgency before it can have some meaningfulness.

Q574 Mr Tynan: Are there any success stories coming from this forum?

Dr Radford: Yes. Our own organisation has recently been granted a community development worker, which is a new post and a very welcome post for us and part of that work is about connecting networks with other minority communities and that is a very important role that the Jewish community is now able to deliver. One of the initiatives that this has enabled us to do is to develop a teacher training resource which is being used by the major teacher training colleges here and I think this is a real acknowledgment of what the minority community can do here to support this work. This is a first step and a very efficient one but it needs sustainability and continuation.

Q575 Mr Tynan: So it has done some good but not enough good at the present time?

Dr Radford: It is a lever.

Q576 Mr Tynan: Are the Filipinos, Indian and Travel communities actively involved in the Government’s Race Forum?

Ms Harvey: We welcome that and we are active participants in that, as there are a number of groups around the country. We would be more delighted if the decision-makers decided to attend those meetings and timetabled action for the future. It appears to have been quite slow so far.

Ms Tandon: The Indian community as well has been helped by the Race Forum. Without them we would not have been developing what we have been developing. They have been very helpful. The people who are the big executives in all those boards should be sitting down and talking to us as well and not just the representatives.

Q577 Mr Tynan: So the Race Forum is a good idea but you do not think it is working effectively at the present time and really what you need to do is to push that forward so that you are in a position where you are getting a response from them, is that not really what you are saying?

Ms Lo: My worry is that the strategy has been on the table for so long and all the government departments who are part of it are looking to it and saying they have not looked into our own policies and they have not set up action plans because they are all looking towards a strategy. The slowness of it in many ways is stopping people from doing something because they are saying there is going to be a big strategy and all the government departments can say is that they are looking towards that to give them a lead.

Q578 Mr Tynan: What else could be done in order to make sure that Government and other agencies take the question of racist violence seriously?

Dr Radford: A more coherent approach across the sectors and departments which looks at addressing issues of ethnic diversity, multiculturalism and racism, at the core of the work and the projects that are coming out of different departments and ensuring that the minority communities and those communities who are represented under section 75 and the 1998 Act are crucial to the development of those processes. This does not mean action plans and box ticking. I think there is a huge amount of consultation going on which is very welcome by the minority community but I think we should feed back
into that. Methods of accountability to the community need to be well developed and well resourced.

Mr Iweida: I agree with this point very much. They consult us on many things, we receive all the consultation documents, but we do not have the human resources to deal with them. Unless there is some sort of resourcing for these communities they will not be able to address these problems and develop themselves. The resourcing issue is very important especially for a community like this. We cannot access a lot of funding, such as Lottery funding, for religious reasons, we can only rely on local government or government funding.

Ms Lo: We need to be resourcing statutory bodies as well. We know that OFMDFM has a race unit and it is very helpful, but there are not enough staff there to push. You need people at the top to push the strategy and to push for action. Also, the Equality Commission and the Human Rights Commission need to push race equality items very much higher on the agenda. The Equality Commission used to have five people in their race development unit, but it is now down to 1.5 and the half is an administrator. That is a disgrace when racism is on the rise.

Q579 Mr Hepburn: Do you think the Government is consulting your individual communities adequately when they are developing policy and, if not, are there any ways that can be improved?

Dr Radford: I would like to go back to the fact that we need appropriate methods of consultation to be developed and supported. I think it is crucial that is done. Issues of racism de facto include Islamophobia and Judaeophobia.

Ms Harvey: The Traveller community was not consulted at all and yet they are most affected by it.

Ms Tandon: The Indian community has been consulted and has given their input.

Chairman: Thank you very much indeed for coming.
Monday 25 October 2004
Afternoon

Members present:

Mr Michael Mates, in the Chair
Mr Adrian Bailey Mr Stephen Hepburn
Mr Roy Beggs Mr Eddie McGrady
Mr Gregory Campbell The Reverend Martin Smyth
Mr Tony Clarke Mr Bill Tynan

Witnesses: Jewish Community victim, Chinese Community victim, Muslim Community victim, Philipina Community victim, examined.

[Please note: ***** indicates that text has been removed to protect the anonymity of the victims.]

Q580 Chairman: Thank you very much for coming. I want to conduct this rather less formally than I might. What I would like you to do, because we are here to learn, is perhaps if each one of you who has been a victim would like to tell us in your own words what happened, how it happened, what the consequences were and whether or not it got reported and what action was taken, in other words just give us the feeling of your own personal experience. Shall we start with you, Jewish victim?

Jewish victim: Thank you very much. I will be very brief. I am from the Jewish community. This may seem inconsequential in terms of some of the things that have been going on here in the last few years but it had a profound effect on me and my friend. This incident happened in October 2003. It was Yom Kippur night (that is the holiest night of the Jewish calendar) and I was walking into the synagogue, off the road with my friend and there was a group of young men walking past on the other side of the road and they started to jeer at us, “Look at the Jews. You dirty fucking Jewish bastards.” They shouted it louder and louder and louder. I would class myself as a reasonably strong and intelligent woman and I was paralyzed. I could not move towards them and I could not move where I was going into the synagogue. I was so stunned. I have lived in Northern Ireland for 15 years and I have never come across anything like that before. They were shouting, “Go back to where you belong. Look at them all fucking dressed up.” I just felt myself collapse inside. I cannot begin to tell you, if you have never experienced it, the profound effect it has on you. It is only a few words. I think it was opportunistic. They were not standing waiting, they were talking past. They were maybe 16-19 year olds and there were seven or eight of them. They started to taunt. I can only tell you my experience. My friend experienced it differently in that she wanted to go and run at them, she was so angry, but I could not move. I was stunned. I was so upset. I felt so disempowered. Even in retrospect you do not know what would have been the effect, if any, anyway. That was the incident. It is only a short incident. There was nothing physical, but it felt very physical. It was a verbal attack, but I felt physically like I had been knocked for six. At the end of the service we reported the incident to the chairman of the synagogue. I am only speaking personally here, not on behalf of the synagogue and that is because it is a long established Jewish community and the general feeling in the Jewish community has always been that Northern Ireland has been good to us, we should not lift our head above the parapet and things have always been hunky-dory. There is inertia about reporting. People do not want to report. We reported it to the chairperson of the synagogue so that it would be officially reported. I am unsure whether or not it was. It is one small incident but to me it was significant. It made me view my status here in Northern Ireland very differently. In general the Jewish community are not visibly perceived as different. We have a new Rabbi who is a very religious man and he will dress in the traditional way. He looks very different. He can be picked out and he is being picked out because he looks very different. That is really all I wanted to say.

Q581 Chairman: Thank you very much indeed. Do you have any idea who these people were? Had you seen them before?

Jewish victim: No. I can only guess they were local lads out hanging round.

Q582 Chairman: Chinese victim, would you like to tell us your story?

Chinese victim: For her it was only one incident but for me it has been happening for years. I have made a note and I would like to hand it in. The children know exactly what they are doing. They are doing it from the age of six onwards. By the time those children reach 16 and the law gets them they will be teaching the younger ones to continue doing it, and the parents encourage them as well.

1 Not printed
Q583 Chairman: Where do you live?
**Chinese victim:** ****.

Q584 Chairman: We went to visit that area when we came to see your community before. How long have you lived there?
**Chinese victim:** Since 1992. It was okay up until 1995. In 1995 they noticed the Chinese moving into the area. At that time it was, at most, only 69 families out of 600 houses, but they thought that was too many and at that time they said there should be no more Chinese families moving in and no more were moving in until the last few years where there has been an influx of immigrants. They were making people move out. They were breaking windows, kicking the door, calling people names and chasing after you when you walked past. Last Friday when I was driving past my car was stoned and 10 minutes later at least 10 kids, some of whom were around 10 to 14 years old, came up to my house and kicked the door and threw stones. This time I was amazed because the police responded very quickly. Normally it takes one hour. Sometimes they do not turn up at all. This time it took five minutes. By the time they arrived some of the kids had gone, but two or three were still hanging around and they actually threw things at the police when they were talking to me at the door. I know who they are but I do not know their names. The people living there are protecting them. They know exactly who is doing it. In the past those people have been speaking out, but they got into trouble as well for having told these people to stop it and they were scared. They shout “They're Chinese bastards” at us. When they were walking past it used to be friendly, we would say hello or good morning, but they stopped it after those incidents. They throw things at me all the time. It is an assault emotionally and physically. It does not hurt us physically but emotionally we are hurt.

Q585 Chairman: Thank you very much. Muslim victim?
**Muslim victim:** Thank you, Mr Chairman. I wanted to tell you my personal experience. I was living in a house in south Belfast about two years ago and I had lived for two years in that house. When we moved into the **** area of south Belfast we started receiving insults from the children in the street. We knew their parents and the families. Our car was vandalised sometimes on a daily basis. Everything was reported to the police in the right way, they were called and it was reported or we made a phone call. A major incident happened after two years of us living there. One of the things that happened was that when we had visitors they were insulted and so I used to feel embarrassed to invite people to my house because I did not want them to be insulted. People were afraid to come and visit us, so we did not socialise for two years. We were called names on many occasions, myself and my wife, although my wife is from Ireland, she is White Irish, but because she is married to me she was insulted on many occasions. They used to say to her “Paki, go back home.” Stones were thrown at us. Everything was reported to the police. The children were known to the police but nothing was done. However, on one occasion I was leaving the house with my wife and I was holding my son who was one year old. One of the neighbors had two dogs and he was walking beside us and the dogs started coming close to us and in our religion we cannot touch the dogs, so I said to him, “Please could you keep your dogs away from us,” and he said, “You are dirty.” He used all the bad words in the English dictionary that I have never heard before in my life. The two dogs attacked me and they were jumping on me. He said, “I hate Muslims. I hate your culture.” He insulted everything I believed in in a very aggressive way. His dogs were jumping on me and frightening my son. I phoned the police from my mobile and told them I was under attack and they knew that things were happening as they would have heard the shouting. However, it took the police 45 minutes for them to reach the place. When the police officer came I said to him, “I could have been killed and buried before you came here. 45 minutes is a very long time,” and he did not show any emotions, nor did he apologise. Then he took my statement. After that I discovered he did not report everything I had told him and I objected to that and I went to his boss in the police station and I was not informed if anything was done.

Q586 Chairman: Where did this happen?
**Muslim victim:** Two years ago, it was just before 12 July.

Q587 Chairman: Where?
**Muslim victim:** I have the full details. He said, “If you stay tonight here we will kick you out,” and he used very bad language. The police did not do anything. We stayed that night and the next morning we found our car completely destroyed. So we got the message that it was a serious threat and we left the area.

Q588 Chairman: That first incident with the man and the dogs, did you know who the man was?
**Muslim victim:** Of course. I knew the man and the police knew. When I asked the policeman what he was going to do he said to me that they were going to caution him. I asked if they were going to take any action against him and he said there was no law to take any action against him.

Q589 Chairman: Did you do anything about that?
**Muslim victim:** I only complained to the inspector there. I complained and I registered my complaint with him, but I have not complained further than that because I was busy with my family finding new accommodation.

Q590 Chairman: Do you know there is a Police Ombudsman?
Muslim victim: I was not aware of the Police Ombudsman at that time. One of the problems in many cases is that the victims are not aware of what is available around them.

Q591 Chairman: That is why I am telling you. My opinion is that, if what you say is correct and I have no reason to doubt it, that is a very reprehensible way for the police officer concerned to behave and I think you should pursue that complaint and I would advise you to take it up. The Police Ombudsman is changing the culture within the Police Service of Northern Ireland by taking up these cases and reporting on them independently and in some of them she finds the police officer behaved properly and in others that the police did not. One of the things that you need to do is not to ignore these things but to raise them. I know sometimes that makes a bad situation worse, but the only way all of us are going to solve these problems of race hate that arise is if we do take them up and let the mechanisms that have been put in place operate. My strong recommendation to you, Muslim victim, is to take this matter up.

Muslim victim: At that time I did not know about the Police Ombudsman. I found out about it after normally get attacked. Our shop is between ****. I was not aware of the Police when they had a major terrorist campaign on their hands, but now that is over. What I think everybody round this table and I know all of you want to see is a police force that is user-friendly, that is helping the citizens, like most police forces do in the rest of the United Kingdom and the only way we can get it right is if you do follow up these complaints. I am here to listen to you, not to talk to you. I am afraid you provoked me into saying that you must take these things up. ****, what did you want to say?

Philipina victim: For the past few years my brothers and I have worked down in ****, but we normally get tortured by some of the children.

Q596 Chairman: Try and keep calm. We do not want to intimidate you in any way. Just tell us what happened because we do need to know.

Philipina victim: Last year I was working at **** when a group of children were in our shop.

Q597 Chairman: How old were they?

Philipina victim: They ranged from about 12 years old downwards. I told them to go out of the shop. We have to close at eight o’clock because we normally get attacked. Our shop is between ****. They just told me to “fuck off”. I said, “Could you please go out?”

Q598 Chairman: Were you alone in the shop?

Philipina victim: My supervisor was at the back and my other brother was cooking. I just told them to go away because I had to close the shop immediately. Then one boy kept on trying to annoy me and he took the spray bottle, the ones that we use to clean the tables, and he sprayed it into my face until it got into my eyes. What was inside the bottle was bleach.

Q599 Chairman: What was your supervisor doing at the time?

Philipina victim: She was doing the paperwork.

Q600 Chairman: She did not come and help you?

Philipina victim: She did afterwards, after I shouted and screamed. When the children found out that he had already done something really bad they ran out and my supervisor chased them away. Then I had to phone my mother quickly and tell her what had happened. My eyes were really sore and I could not see properly. Then they brought me down to the Mater Hospital and my eyes were examined and they told me that my cornea was scratched. I did not understand anything. I do not know how much saline they used to rinse my eyes out.

Q601 Chairman: Did anybody report this to the police?

Philipina victim: I reported it to the police and they went down to the hospital afterwards and they said they would come to my house and take a statement.

Q602 Chairman: Did you know who the children were?
Philipina victim: Yes.

Q603 Chairman: Did you name them to the police?
Philipina victim: Yes.

Q604 Chairman: And what happened?
Philipina victim: They did not do anything.

Q605 Chairman: You said you had your brothers in the shop.
Philipina victim: My brother has had several attacks as well.

Q606 Chairman: So they were witnesses to what happened?
Philipina victim: They did not see what happened.

Q607 Chairman: They did not see you being sprayed?
Philipina victim: No. I was being cornered.

Q608 Chairman: But your brothers did not see this?
Philipina victim: No. There would have been cameras all over the place, but the police did not do anything about it.

Q609 Chairman: Was this incident recorded on video?
Philipina victim: Yes.

Q610 Chairman: And did you show the video to the police?
Philipina victim: They did not want to do anything with it. I had phoned for them to take my statement. If I had not phoned them they would not have come down to my house. I told them I would like to get a copy of my statement and he said they would bring it down to me, but I have not heard from them since then.

Q611 Chairman: When did this happen?
Philipina victim: Last year.

Q612 Chairman: Do you remember when?
Philipina victim: I cannot remember when but I have the details in my house.

Q613 Chairman: Would you be able to tell somebody when it was?
Philipina victim: Yes.

Q614 Chairman: Is there anything else you want to say to us?
Philipina victim: Yes. When I was sent to the **** shop in **** I was normally verbally abused by people who said that I was a “fucking Chinese bastard” and a “cheeky bitch” and everything, but I had not done anything. My co-workers just made me do everything; they did not help me. I said, “Could you please help me for one second?” and they said, “Do it yourself.” They just looked at me as though they are disgusted with me. I convinced my manager not to send me back to that shop again and I never went back to that shop down in ****.

I normally get verbally abused by some children down in **** who say, “Oh ****, you’re a fucking Chinese bastard. ****, you’re a fucking whore. Your dad was born in a bin eating scraps.”

Q615 Chairman: Have you complained about that?
Philipina victim: No, because I am scared of the people round there. I always go there so I do not want to say anything.

Q616 Chairman: I understand. You are being very brave to say anything.
Philipina victim: My brother has been hit and stoned.

Q617 Chairman: Are these people who live near you who are doing this?
Philipina victim: I have got three brothers. Two of my brothers work with me, but my other brother was hit when he was in the shop as well and he reported it to the police.

Q618 Chairman: And the police did nothing?
Philipina victim: They just took his statement.

Q619 Chairman: Thank you for telling us. Do not be frightened of us.

Q620 Chairman: He was hit badly in the head by a stone when he was walking to school and they told him, “Go back to your country. We don’t like you.” They were screaming at him and he is only 12 years old. It took us a while to get used to everything that is happening here. I really do not know about the politics because I was really confused when I came here. They were saying that Catholics and Protestants do not agree with each other all the time. I was thinking to myself “So how come my school is opposite a Protestant school?” That is why my brother was hit, because there were Protestant boys going down and hitting him.

Q621 Chairman: Do you know who those boys were?
Philipina victim: I did not see who those boys were.

Q622 Chairman: And they all come from within your community, do they?
Philipina victim: Yes.

Q623 Chairman: Philippine victim, thank you very much for telling us this. It is very upsetting, but we need to know. Does anybody else want to add anything? It has been a very useful session.
Chinese victim: Can you do something about the parents?

Q624 Chairman: About the parents?
Chinese victim: It is the parents who teach them; they should be responsible. They allow children to do it. Sometimes I confront the parents and they
25 October 2004  Jewish Community victim, Chinese Community victim, Muslim Community victim, Philipina Community victim

protect them by saying, “They’re not my children,” or, “They didn’t do it. They’ve been in the house all the time.”

Chairman: I fully understand that and that is part of the problem we have to cope with wherever there is intolerance and whatever sort it is, whether it is racial, social or sectarian, it is parents controlling their children. I am very grateful to you all for having come. Thank you for telling us your stories which will have a profound impression on the Committee, at least they certainly have on me. Thank you very much indeed.
Supplementary Memorandum submitted by the Police Service of Northern Ireland

Although I understand that the official closing date for responses to the above inquiry has passed, I wished to inform the Committee of some work the Northern Ireland Policing Board has been involved with in relation to Hate Crime.

— The Annual Policing Plan, which includes the policing priorities for the Police Service of Northern Ireland (PSNI) has contained performance indicators and objectives in respect of the monitoring of crime and incidents of a racist/homophobic nature (for the last two years 2002–03 and 2003–04). This has allowed the Policing Board to monitor the extent of the problem regularly and to hold the Chief Constable to account for his actions in respect of hate crime.

— The Policing Board is in the process of commissioning research into the views of minority ethnic groups and non-heterosexuals towards the PSNI, the Policing Board and District Policing Partnerships. This work is being undertaken in consultation with organisations representing these minority groups.

— The Policing Board, in carrying out its role of holding the Chief Constable and the PSNI publicly to account, have received presentations from the authors of the research reports “An Acceptable Prejudice?” (Institute for Conflict Research, 2002) and “Racist Harassment in Northern Ireland” (Jarman and Monaghan, 2003). Where recommendations were made in respect of the PSNI, the Policing Board brought these to the Chief Constable’s attention and requested a response detailing how the PSNI were taking the recommendations forward.

29 July 2004

Supplementary memorandum submitted by the Northern Ireland Policing Board

The Committee Chairman asked for confirmation on a provisional statement I made relating to the number of Independent DPP Members who are from minority ethnic groups.

At the Session on 3 November I stated that a high proportion of the applicants from non-white ethnic groups who applied to be Independent Members of DPPs were successful. I stated that I thought this to be eight out of nine. The actual figures were five applicants three of whom were appointed. There is also a Portuguese applicant who is virtually certain of being appointed to Dungannon DPP which is the only outstanding DPP. This 60% success ratio, is still I believe, a strong indicator of the Board’s desire to accept representation from ethnic minority groups who wish to engage in policing in NI.

The three successful applicants were appointed to Antrim, Coleraine and Omagh DPPs. The appointment of the Portuguese Independent Member in Dungannon would bring this to four.

Two of the three applicants stated that they were of “Persian” origin and the third stated that they were of Indian extraction.

I am happy to provide this formal clarification.

12 November 2004
Witnesses: Assistant Chief Constable Judith Gillespie and Inspector Robin Dempsey, Police Service of Northern Ireland, Mr David Wilson and Mr Brian Dougherty, Northern Ireland Policing Board, and Mr Ivor Paisley (Deputy Chief Executive, Cookstown District Council) and Mr Philip Moffett, Manager, Cookstown District Policing Partnership, examined.

Q625 Chairman: Good afternoon. Thank you all. Assistant Chief Constable Gillespie: Of course; I agree with you there. That is why we are looking for coming to help us with our last evidence session on hate crime. If I can start with you two from the PSNI, the trends in racial and homophobic incidents have been upwards. How confident are you that you can arrest those upward trends?

Assistant Chief Constable Gillespie: Perhaps I can start by saying that the upward trend is indicative of two things that are happening—an increase in the number of incidents but also an increase in confidence in reporting and perhaps an increase in our competence at accurately capturing exactly what is going on out there. It is only within the last few years that we have started to accurately record hate crime and indeed in recent months that we have started to record sectarian crimes and crimes against disabled people. We are coming to grips with a much more comprehensive picture of what is really going on out there. Having said that, we not only record crimes but also incidents so, whilst it would look like our clearance figures with regard to the overall incident picture are quite low, when you compare them to crimes committed it gives a truer reflection of what is going on. That is not to say that those detection figures could not be improved; of course they could be. We could do much better and that is one of the reasons why we are hoping in next year’s policing plan that we will have a specific target in relation to detections for racial and homophobic crimes.

Q626 Chairman: At the moment you have no targets?

Assistant Chief Constable Gillespie: At the moment it is simply to set a base line in terms of an accurate reflection of what is going on.

Q627 Chairman: What I really want to know is how confident you are that you can stop this upward trend. You have said it is in the reporting, and I understand that, but it is also the number of incidents that is going up.

Assistant Chief Constable Gillespie: Yes, that is true, but we would start to get quite concerned, in particular in the area of homophobic crime, if the number of incidents reported started to go down again. That may seem a strange thing to say but this is very much to do with confidence in reporting to the police. We know that there is a significant level of under-reporting in particular of homophobic crime for a whole lot of reasons. We would be concerned if that dipped considerably. An upward trend is not necessarily an altogether bad thing but clearly we have to address the upward trend in the crimes.

Q628 Chairman: Let us just get back to basics. An upward trend in reporting is one thing. It is the upward trend in incidents that we are concerned about. That is not things getting better; that is things getting worse.

Assistant Chief Constable Gillespie: Of course; I agree with you there. That is why we are looking at analysing exactly where the incidents are happening. The picture at the moment with regard to homophobic crime is that it is concentrated in a small number of areas—in Belfast, in Moyle and in Lisburn as well. They tend to be the places where members of the lesbian and gay community congregate for socialising. If we can work with local police on detection and education initiatives there we can make a significant impact on this.

Q629 Chairman: Are you doing that?

Assistant Chief Constable Gillespie: Robin and myself are working at a corporate level in terms of the education and training of police officers but there are initiatives going on at local district levels as well, engaging with members of those communities as to which are the nights, for example, that are recognised as gay nights within pubs and clubs when you have a bigger preponderance of gay people associating in those areas. That is when we need to have higher visibility and policing patrols. That is just a very practical example of what we can do.

Q630 Chairman: You have put out some figures last week and I see that in Belfast alone there were 129 incidents of racial or homophobic abuse reported, which is about five every week. How much of that is homophobic and how much is racial?

Inspector Dempsey: In terms of the whole picture across Northern Ireland I can tell you in relation to incident reporting that we have had quite an increase, even in the first two quarters of this year, in the number of incidents reported to the police. We have seen an increase from 180 to 299 in racially motivated incidents and an increase from 36 homophobic incidents in the first two quarters of last year to 53 in the first two quarters of this year. What we have already talked about is incidents and crimes. We are confident that we are getting many more incidents, both homophobic and racial, reported to the Police Service that would not previously have been. Obviously, there is a concern that there is a rise in incidents and attacks and crimes and, if I can give some evidence in relation to the number of initiatives we have presently going, we have 18 corporate initiatives across the Police Service for racial incidents and 11 corporate initiatives for homophobic incidents. Those are initiatives that are aimed at protecting people, supporting people, providing information and linking them in with the other agencies that can offer support. We have 43 local initiatives across all the districts throughout Northern Ireland that are being taken forward by the district commanders and maintained by the minority liaison officers.

Q631 Chairman: The racial problem in terms of numbers of incidents is much greater than the homophobic problem?
Inspector Dempsey: Certainly in relation to the numbers at this stage we are getting more racial incidents reported. There are particular difficulties in homophobic incidents. We would expect the numbers to be lower in respect of reporting those.

Q632 Chairman: The Metropolitan Police have a special hate crime unit and other police forces publish annual reviews on hate crime. As this growth seems to be very steadily going upwards do you have any plans for developing similar approaches within PSNI?

Assistant Chief Constable Gillespie: As Robin has already mentioned, each district has a minority liaison officer. In South Belfast they have increased the number of minority liaison officers because of the particular difficulties they have had there. They have a minority liaison officer now in each sector area, not just within the district. If you wanted to call that a hate crime unit you could effectively call it that, but at the end of the day it is up to each district commander to decide how they deploy their resources within their area. Each district is different. As I have already mentioned, Moyle has particular difficulties with regard to homophobic attacks. Dungannon and South Tyrone district, for example, have particular difficulties with regard to migrant workers, the Portuguese community and eastern Europeans coming in to work in various factories and processing plants there. Each district therefore is different and each district commander must meet the policing needs within their district. What I would say from a corporate point of view is that we have taken a lot of time and energy to train minority liaison officers within each district and to deal at a corporate level with the issues that engage with minority groups, be they lesbian, gay groups, minority ethnic groups, or indeed disabled groups or older people, for example, so there is a range of duties that they are engaged in.

Q633 Chairman: Of your minority liaison officers how many come from minority groups?

Assistant Chief Constable Gillespie: None at the moment. We have currently within PSNI 17 police officers who are members of minority ethnic groups and additionally two members of support staff who would be classed as minority ethnic members. That represents 0.23% of the Police Service and minority ethnic groups within the Northern Ireland community generally are approximately 0.85% of the community, so we are not quite representative yet. However, we are working very hard to attract applications from those groups.

Q634 Chairman: Do you have any members of the PSNI from the Chinese community?

Assistant Chief Constable Gillespie: Yes, we do.

Q635 Chairman: How many?

Inspector Dempsey: We have one, I believe, Chairman.

Q636 Chairman: How many applications have there been from the Chinese community? I am asking this question for a particular reason.

Assistant Chief Constable Gillespie: I do not have those figures available.

Q637 Chairman: That is quite understandable. What the committee would like is if you could let us have the figures of how many applications you get a year from within that community.

Assistant Chief Constable Gillespie: Chairman, you may be interested to know that in our discussions around next year’s policing plan we did have a discussion with the Board about perhaps including a performance indicator around attracting applications from minority ethnic groups. That was part of the discussion. I am not sure at this stage whether it is going to end up in the policing plan but it certainly was part of our discussions for next year’s policing plan. It is after all a proxy confidence indicator in terms of the confidence of those communities in the Police Service.

Q638 Chairman: Has hate crime featured as a significant area of concern in any of the public meetings which the Policing Board hold?

Assistant Chief Constable Gillespie: Yes, there have been a number of presentations to the Policing Board on the picture of hate crime within Northern Ireland and I believe they have been the subject of a number of specific questions afterwards.

Q639 Chairman: What I actually meant was the public. When you have these public meetings is this one of the things where the public at large can ask questions?

Mr Dougherty: Unfortunately, Chairman, at the public meetings of the main Policing Board the public do not have the opportunity to question the Chief Constable per se, but at local District Policing Partnership level they do.

Q640 Chairman: When you have public meetings they can question you?

Mr Dougherty: Yes. They can use the members of the Board to direct questions to the Chief Constable.

Q641 Chairman: My question is, is hate crime something that figures in these public meetings?

Mr Dougherty: Yes, it does. There have been at least two presentations that the PSNI have made to the Board and also quite a number of independent members have raised the issue.

Q642 Chairman: I am trying to get from you not what the PSNI feels about it but whether, when you are holding public meetings, the public can say what it is they are concerned about. Is a significant concern hate crime or are they more concerned about traffic and burglary and mugging old ladies and all the rest of the things that the public are concerned about?
Mr Dougherty: I would say, Chairman, that it is a significant concern of the local community.

Q643 Reverend Smyth: How many members of the public actually attend the public meetings?

Mr Wilson: We do not have that information to hand.

Q644 Reverend Smyth: Would I be right in saying that it is very insignificant? At least, that is the report I have been getting in Belfast.

Assistant Chief Constable Gillespie: Certainly in my experience of the last Policing Board meeting—and I hope I am not interrupting my Policing Board colleagues—the public gallery was full. At the last public meeting that was held outside Policing Board premises in Omagh, again the public gallery was full. The next Policing Board meeting, to be held tomorrow, is in Armagh and we expect that it will attract considerable local interest.

Q645 Reverend Smyth: Are they taking the opportunity to ask questions or put issues?

Assistant Chief Constable Gillespie: At the last Policing Board meeting when the public gallery was full there was for the first time a question asked from the public gallery. That was in relation to the issue of parades as it happened, but it is setting a precedent and we welcome that.

Q646 Chairman: If we could turn to our Cookstown representatives for a moment, one vital function of your job is making arrangements to get the views of the public on matters concerning the policing in your district. When you do this where does hate crime figure? High or low or medium?

Mr Moffett: In terms of hate crime issues, Chairman, unfortunately it is quite low down in terms of the survey work that we do locally. For example, the policing survey for 2003 which we are mandated to do featured approximately three% of hate crime respondents perceiving hate crime to be an issue. We tried to follow that up with focus groups.

Q647 Chairman: I am sorry; I am not making myself clear. We know about the %age. What I am trying to get out of you is, in the whole range of policing, when we are talking murder, when we are talking about robberies, when we are talking about car crime, when we are talking about traffic offences, are your people, when you come to find out what they think, very worried about hate crime or is it something that only figures quite small?

Mr Paisley: Perhaps I can answer that. There are perhaps a number of reasons why it does not feature highly.

Q648 Chairman: The first answer is that it does not feature highly?

Mr Paisley: It does not feature highly, no. We have been in place in Cookstown for 18 months. I suspect that during that initial consultation period there were not a significant number of hate crime incidents. We are now going through the process of consultation to determine the policing priorities for the incoming year, April 2005 to March the following year. One of the difficulties we have in dealing with hate crime is that, certainly in the mid Ulster area and Dungannon South Tyrone area, many of those who are the victims of hate crime are migrant workers. They are not empowered in the sense that quite often they come in for a limited period and go away again. They are probably not confident about reporting incidents and in a sense there has perhaps not been to date a satisfactory engagement with them. I think that the figures of hate crime that we have gleaned from our colleagues in the PSNI are significantly increasing. We would see our role as engaging with them so that we can identify that as a priority in the incoming year, April 2005 to March the following year.

Q649 Chairman: So you are only really just getting involved with the problem?

Mr Paisley: Correct.

Q650 Mr Beggs: If I could go back to the PSNI, when Inspector Dempsey was here in May he said that there was no agreed definition of “sectarianism”. What progress have the police made in defining sectarianism?

Inspector Dempsey: Certainly when I was last with the committee and gave evidence at that stage we were in the process of agreeing a definition and we consulted with a number of interested parties and started to involve the organisations. As a consequence of that the Police Service have now agreed not just the definition as to what we perceive sectarianism to be but also how we record it and on 20 September we put in place recording procedures, along with disability and religion, to ensure that sectarian incidents were being recorded.

Q651 Mr Beggs: Her Majesty’s Inspectorate of Constabulary noted the need for the police to collect data on sectarian incidents in its 1999-2000 inspection report. Can you tell us why the PSNI still do not collate such data and give us some indication of when you expect to begin collecting such data?

Assistant Chief Constable Gillespie: As Robin has said, we have started to collect that data since 28 September this year. We have been monitoring sectarian incidents on probably a less scientific basis in relation to those incidents, for example, at interface areas or where there has been a clear sectarian motive for an assault. As it happens, last year there were over a thousand sectarian incidents and for the comparable period this year there have been over 700, so sectarian incidents have decreased. However, that is absolutely no cause for any complacency because 700 incidents is still 700 incidents; it is a lot of sectarian incidents going on there and we need to tackle that as well. We are introducing a much more comprehensive and
scientific recording system from 28 September which should help us to identify the trends and patterns there.

Q652 Mr Beggs: Can the witnesses from the Policing Board tell us what it has done to encourage the PSNI to begin collecting such data? Could you explain why the policing plan 2003-2006 contains no performance indicators for the PSNI in relation to sectarian incidents and how the Board will hold the PSNI to account for progress in this aspect of hate crime in the future?

Mr Dougherty: Today, Mr Beggs, we have just commissioned research into the views of non-heterosexuals and minority ethnic groups. We have put out a tender process and we hope that by June 2005 we will have an extensive survey which will allow the local community to give their views on such attacks.

Mr Wilson: In terms of the policing plan, Mr Beggs, we do not have performance indicators prepared and we do not collect the information. We have now started to collect it and sectarian incidents will be in next year’s policing plan. We had a joint strategy day last Wednesday and the whole gamut of hate crimes is in next year’s policing plan in terms of monitoring the numbers and increasing protection, so it will be featuring heavily in next year’s policing plan now that we can collect the information.

Q653 Mr Beggs: Coming back to the PSNI, Larne District Command Unit already collects data on the number of sectarian incidents and included performance indicators and targets for responding to sectarian incidents in its 2003-2004 policing plan. Can you indicate whether any other DCUs have followed this lead? If not, why not?

Inspector Dempsey: Certainly a number of district commands across Northern Ireland, Larne being one of them, and I would also cite Belfast, Moyle, Ballymena, Limavady and Coleraine, have been collecting information on sectarian incidents on a local basis, something that has not been happening, and the reason why police have not given statistics is that it has very much been a local policing initiative because it identified that there are sectarian incidents and by recording them and identifying them it has allowed them to police them in a manner where people identify other incidents. What we have done now is put in place a process and a procedure that will now see statistics on sectarian incidents right across Northern Ireland and we will at last start to feed that information out in respect of all district command units.

Mr Wilson: Larne had indicators on sectarian incidents because in the DPP public consultation surveys the Policing Board Commissioners of Larne responded and said that paramilitary activity and sectarianism was one of their major concerns. I think Carrickfergus was the other area where that happened and that is why in Larne’s local policing plan that particular performance indicator and target appeared. Local policing plans relate to local issues and that was a survey which resulted in that.

Q654 Mr Beggs: Our evidence shows that there is under-reporting of hate crime incidents, whether they be racial, homophobic, sectarian or related to disability. Can you indicate why victims of such attacks do not feel confident about reporting attacks? What has PSNI done, or does it intend to do, to encourage more comprehensive reporting?

Assistant Chief Constable Gillespie: There can be a lot of reasons why victims of hate crimes would be unwilling to come forward to the police. First of all, they may perceive that the police will not take this seriously. They may be unwilling to disclose their sexuality in case of homophobic incidents. They may have been repeat victims and they feel what is the point in reporting to the police. That is something that we intend to look at in the area of repeat victimisation for the forthcoming months, because if we can address repeat victimisation I think again we can have quite a significant impact on hate crime. There may be a perception that the police will not accurately record hate crime and that is something that we are very keen to deal with, to make sure that in our hate crime policy and in our reporting procedures we are robust in recording every single hate crime incident as a true reflection of what is going on out there. Also, there can be language and cultural barriers in terms of recording crimes to the police, which is why we now have offered a 24/7 interpretation service for English when it is not their first language. That was introduced on 1 September this year and already we have had a significant number of calls to use that service.

Q655 Chairman: Which languages?

Inspector Dempsey: We have had an interpretation service for the police over the last three years. On 1 September we introduced three new services. One was telephone interpreting, which allows police officers 24 hours a day, seven days a week, to access an interpreter by phone.

Q656 Chairman: In which languages?

Inspector Dempsey: In whatever language is required. It is a base of hundreds and hundreds of languages. We also have a local face-to-face interpreter service based in Belfast. We have accessed the telephone service 62 times during September, we have accessed the face-to-face service 47 times and we have also put in place a new contract for signage for the deaf and we have accessed that six times. What I would like to say in relation to reporting is that some of the initiatives that I talked about earlier are based around reporting. We recognise that people may not directly want to come to the police, so we have been putting in place third party reporting, Crimestoppers reporting, and we are developing...
internet reporting, so we want to make the Police Service as accessible as we possibly can to allow people to come forward.

Q657 Chairman: I am very interested in how you are cracking the language problem. You do not have a Chinese interpreter on board 24 hours a day, do you?
Assistant Chief Constable Gillespie: Yes.
Inspection Dempsey: The way the service works is that we have contact with a mainland based telephone interpretation service. You dial a number.

Q658 Chairman: What about face-to-face delivery?
Inspector Dempsey: Face-to-face we have the service provider based in Belfast and that has a database of over 160 interpreters and those interpreters can be accessed across Northern Ireland. There is a delay in getting an interpreter. That is why we have a telephone service, to ensure that we can get information quickly and then follow it up with a face-to-face interpreter.

Q659 Mr Beggs: Do you agree that the police and government approach to hate crime has been reactive rather than proactive to date?
Assistant Chief Constable Gillespie: I am not sure that we would agree that because a lot of the initiatives that have been taken forward within PSNI, both at corporate and local level, are proactive initiatives, putting information out into communities, in leaflets and on our website as well. We certainly have not been reactive, albeit that it has to be said that the issue of hate crime has only become a major issue for PSNI within recent years when we started to collect accurate information about hate crime. Perhaps you could have said some years ago that we were proactive but certainly not now.
Inspector Dempsey: A number of initiatives have been police-led partnership initiatives where police have identified the need and brought their partner communities on board not just in respect of crime but also in respect of quality of life issues for these people who do not have a basic understanding of the provision of tactical services, and so on, so the police have certainly taken the lead in many of those initiatives.

Q660 Mr Beggs: The Community Safety Unit is currently developing a multi-agency approach to recording and analysing hate crime. Will the PSNI participate fully in this initiative? How do you see the police role in this developing? Does the PSNI have any concerns about the initiative?
Inspector Dempsey: Certainly we have been involved in that scheme right from the outset. We would have been one of the groups of people involved in setting up this research project to start with. The scheme is based on a secure internet site where people from a statutorily involved organisation can access a secure web server and input details of hate crime. If somebody comes to the Housing Executive and reports an attack they will input the information and it is co-ordinated centrally. Certainly from a policing perspective, and we have looked at other areas like Edinburgh that have a similar scheme, it provides more information for the police because we will get information on reports that we will not get directly and that allows us to access that information and use it to prevent further attacks, so we welcome this initiative.

Q661 Mr Swire: Your moves to improve the ways that people can report crime are obviously very welcome. Nonetheless, Patrick Yu of the Northern Ireland Council for Ethnic Minorities told this committee that the number of racial incidents recorded by PSNI is “only the tip of the iceberg”. He went on to assert that a lot of people from ethnic minorities have “no confidence in policing because when they report crimes to them, they have not reacted or responded punctually. Alternatively, when they interview the victim, they do not take race as a factor when they encountered racially motivated attacks or harassment”. What is your response to these criticisms?
Assistant Chief Constable Gillespie: Obviously, it is disappointing to hear that said, but the level of reporting of racial incidents I would compare almost in some cases rather like domestic violence incidents. It can take a large number of incidents prior to the police being called before the victim feels empowered to come forward and call the police. Whilst it might be the 20th or 30th incident for the victim for them finally to report it to the police, when the police arrive to them it is the first incident. We have to make sure that police officers are trained to recognise that when a racial incident is reported it is probably not the first and they have to deal with it as sensitively as they can.
Inspector Dempsey: What we have been doing is reviewing our whole approach to hate crime. We have had from 1997 racial incident reporting structures and we have had 2000 come forward. In recent months we have examined our whole response, and what we are doing is developing and will be publishing shortly a new hate crime policy. It is absolutely crucial that people feel supported by the police when they report an incident because people within these communities tend to speak to other people within the communities and if they are not confident when they have a bad experience it can be very damaging. Hopefully, what we have seen in respect of increased reporting is a greater confidence in the police. We have a very close relationship with many minority ethnic support groups and lesbian, gay, bisexual and transgender support groups. Obviously, that relationship is very important so that the police can hear what their views are, that the police are directly engaging with these people to find out what their concerns are. We see the new hate crime policy as a key way to reinforce the minimum standards that the police force set out to ensure that we are consistent and effective in our response.
Q662 Mr Swire: You accept some of these comments and criticisms?
Inspector Dempsey: Those comments are nothing new. We have heard them before. The police certainly have worked very hard over the last two years. The relationship with these groups is much better. We are aware much more of the issues. We are certainly not saying that everything is great and good. We have an awful lot more to do and continue to do what we can.

Mr Wilson: If I can add something, Chairman, in terms of the research that Brian mentioned in the local tender offer that appears in the media today, we intend to get an accurate picture of the level of under-reporting of these incidents by asking victimisation questions. We also intend to assess satisfaction with the PSNI when people have been victimised and try and get what the reasons are for not reporting because it is in our interests that these victims come forward and report the incidents. In line with the Board’s legislative responsibilities this research will attempt to put some figures on under-reporting, the reasons for under-reporting and assess satisfaction with the PSNI in terms of these types of incidents and we will bring recommendations to the Chief Constable as required.

Mr Dougherty: It is important to point out that the mechanisms are in place that will allow us to get a good range of views and opinions through the local district policing partnerships and also the existing strong community infrastructure that exists in various parts of the Province. We also intend to target relevant organisations and groups to ensure that they respond.

Q663 Chairman: Do you find more difficulty with some ethnic minority groups than others in getting their confidence?
Inspector Dempsey: If people are coming to reside in Northern Ireland they are coming from certain countries. Depending on what their experience has been with the police service in their particular country it can be a very real barrier to coming forward and reporting.

Q664 Chairman: Which groups would you put into that category?
Inspector Dempsey: We have seen a number of people coming from countries like Zimbabwe and Iraq where their experience of the police has not been particularly positive and I expect their view of the police in Northern Ireland is no different. We obviously have to convince them that it is otherwise.

Assistant Chief Constable Gillespie: Also, Chairman, trust and confidence need to be earned. We cannot expect it and therefore we do have to make a special effort with regard to the communities that Robin has already mentioned, and that is where our proactivity would come in. We cannot expect them to come to us because they may have had negative experiences of policing in their own countries, so we do have to be proactive and go to them.

Q665 Chairman: It is very interesting you say that because it brings me back to one ethnic minority group which I think, Mr Dempsey, we discussed last time you were here, and that is the Chinese community. They of course have been in Northern Ireland a very long time. Yes, they are growing. We have heard from them that they are very frustrated that they do not have a better relationship with you. We took evidence in private last week from some of the victims, including one very moving piece of evidence from a person in that community who has been suffering racial hatred and abuse and crimes for the last nine years, reported it to the police. The police would not come; it took 40 minutes or an hour to come. They damaged the doors, kicked them down in the house, windows were broken, and then one person allegedly said, “There is no big deal with a few children throwing a few stones. No-one got hurt”. I believe it is a two-way street. I think they have to come to you or to us. I questioned the group that we met to see whether or not they had ever been to their Member of Parliament about these things and they said no. I said, “You should”. I was not thanked by my Northern Irish colleagues for saying that but that is the sort of thing we are here for if there is a problem between citizens and the police. Given that there is a problem and given that perception is everything in Northern Ireland, even when we are talking about the ethnic minority problem, how do you think you can better get across this barrier? Let us just refer to the Chinese community for the moment because they are a large minority group. They are also a very stable and settled one who have been there for some time and are contributing mostly to the economy. I am sure I speak for all my colleagues. We were surprised that this went on being a source of resentment in that they did not believe you were on their side. I am not saying that to criticise you; I am merely reporting what was said. Do you acknowledge it is a particular problem and what plans have you got to do something about it?
Inspector Dempsey: Certainly you met with a group of Chinese people and it is impossible for me to comment on the particular case that you refer to, not having the details, but after you corresponded with us the last time we sought a very urgent meeting with the Chinese Welfare Association because, to be honest with you, we were quite concerned about the comments which had been raised, some of which had not been mentioned to the police before despite the fact that we met with them regularly on both a formal and an informal basis. We sit on the Chinese Welfare Association Advisory Group; I am a member of that myself, and some of the comments are not comments that we would hear from them. However, in saying that, when we hear things like that we are very concerned because it is very important that people are
confident in how the police deal with these incidents, and certainly when you hear comments like that it is disappointing because we certainly are striving to do what we can to support and protect people as and when we can.

Q666 Chairman: They may, of course, say different things to us than they do to you, for a number of perfectly understandable reasons. I would like to give you the name of this person at the end so that you can go and try and make some contact because it was very moving and this person was very distressed at the time she --- and I have given her sex away; I did not mean to do that.

Assistant Chief Constable Gillespie: Provided she is happy with you passing her details to us.

Q667 Chairman: I am sure she will be if I do it privately. The longer this inquiry has gone on the more sense we have had that you have a particular problem. I am not saying this as a criticism of you but just so that you understand that they feel there is a very significant problem in the relationship between them and yourselves. I said to them, and I do not mind saying this in public, that it is a two-way street; they have got to do their bit as well. When you are talking to pressure groups it is different from when you are talking to ordinary people and you sometimes get a very different story.

Assistant Chief Constable Gillespie: There is, as I am sure you aware, a concentration of the Chinese community in South Belfast and South Belfast have been working particularly hard to engage with that community and also to make sure that when incidents are recorded there are appropriate quality controls put in place to make sure that they are not disposed of lightly. For example, there are not any racial crimes written off without the superintendent’s say-so in that area, so the superintendent actually acts as a quality control filter and after 28 days reviews all reports of racial crimes in that area. There are certain initiatives that we are doing but on the other hand, as you rightly say, it is a two-way street and we would ask that incidents are reported at the time rather than some weeks later when there is very little that we can do about it. Having said that, when they are reported at the time, we have to do something about it at the time, so I acknowledge that it is absolutely a two-way street.

Chairman: I will give you the name of this person afterwards.

Reverend Smyth: I want to emphasise that aspect because it is not just the Chinese community. You will find you have got a fair record, if you keep logs at all, of the frustration when people’s houses have been broken into, when there are incidents and they phone for the police and it takes a long time for the police to answer. It is a similar situation in some areas in England as well. When you said about response, I can think of one case at least when the folk came to me and it was reported by myself to senior officers and there was no follow-up at all. I wonder if you have records of any proceedings taken against anybody over that 10 years of carrying out racist crimes. It is usually put down as “monetary gain” rather than racism.

Q668 Mr Swire: This question is to Cookstown DPP. Following on from the questions about representatives of minority ethnic communities, do the GLBT population or people with disabilities have any representatives in your organisation and, if not, have you contemplated taking any action to consult specifically with the minority community in your area?

Mr Paisley: Was the question, do we have representatives on our District Policing Partnership from disability groups?

Q669 Mr Swire: Yes, or representatives of the GLBT population.

Mr Paisley: The GLBT population is?

Q670 Chairman: Gay, lesbian, bisexual and transsexual.

Mr Paisley: In terms of the disability groups we are very well represented. There are three white disabled members of our District Policing Partnership. In terms of the gay and lesbian community, I suspect that west of Bann people who are gay and lesbian are still to a large extent closet gay and lesbian. I think that most people in rural Northern Ireland are quite secretive about their sexuality if they are gay or lesbian. I suspect that is a tradition and I suspect it is through fear.

Mr Wilson: Perhaps I could just add on behalf of the Policing Board that there were nine successful independent applicants who came to the Policing Board for appointment to all DPPs across Northern Ireland who were of a non-white ethnic group. Eight of those nine were appointed. There are eight independent members of DPPs across 25 established DPPs in Northern Ireland who are from a non-white ethnic group.

Q671 Chairman: Can you tell us which communities off hand?

Mr Wilson: I cannot, no.

Chairman: We would like to know that if you could please let us have a note.

Q672 Mr Swire: My next question is to the Northern Ireland Policing Board. Your submission to the committee refers to research which the Policing Board has commissioned into the views of minority ethnic groups and non-heterosexuals towards the PSNI, the Policing Board and District Policing Partnerships. What are the findings of the research?

Mr Wilson: The tender document has gone out this morning in the newspaper to carry out the research but the results will not be published until 2005. We are at the tender stage in the research, so there are no results available. What I will say is that we have set up a steering group for both projects. Mr Patrick Yu from NICEM and a gentleman from the
Coalition on Sexual Orientation are on the steering groups of both research projects so that we can try to get their views and experiences and get the methodology as good as we can get it. Within four weeks we hope to have appointed someone to carry out the research and we will be publishing the results of the research by June 2005.

Q673 Mr Swire: Let me just get this straight. The research is not available until June 2005 or the research has not been commissioned yet?

Mr Wilson: The application for tender is in the newspaper today.

Inspector Dempsey: If I could add one thing, the Police Service are presently writing to all victims of racially motivated incidents in relation to quality assurance, so every victim that has reported to the police is getting surveyed in relation to the quality of service and how they perceived that the police dealt with them. This is separate from the research that has been commissioned and we will obviously be looking at that very closely to determine how they feel the Police Service dealt with them.

Mr Dougherty: From a Policing Board perspective we are keen as well, as I mentioned earlier, that the consultation is as widespread as possible. We use accessing mechanisms that are there in terms of local consultation and target specific groups like the Tsai Pak(?) community in Londonderry, for example, and the Rainbow Project also based in Londonderry, to ensure that we get a fair reflection of their opinions.

Q674 Mr Luke: I have two questions for the PSNI. We have already taken evidence from NICEM. In their evidence to us they have made claims of institutional racism in the PSNI. What would be your reaction to that allegation?

Assistant Chief Constable Gillespie: I am not sure it is helpful to talk about a definition of institutional racism. Rather what we want to see is positive action to tackle racism, if there is any, within PSNI. Obviously, the Police Service of Northern Ireland seeks to be as representative as possible of the community it serves. In recruiting individuals who are representative of the community it is quite possible that we will be recruiting individuals who hold racist views. If that is the case, that needs to be dealt with and tackled robustly through the disciplinary procedures. There is absolutely no room for racism within the Police Service of Northern Ireland.

Q675 Mr Luke: You are taking positive steps to eradicate that?

Assistant Chief Constable Gillespie: Absolutely, and in our initial and foundation training areas, in our cultural awareness day, and in fact within our safe call procedures police officers and members of support staff have the opportunity to confidentially report any inappropriate behaviour. We are confident that we have reporting procedures in place that would allow any inappropriate behaviour, be it sexist behaviour, be it racist behaviour, be it homophobic behaviour, to be picked up at the earliest possible stage.

Q676 Mr Luke: My next question is to the DPP. District Policing Partnerships have the right to be consulted on local policing plans. What measures have you been able to incorporate into the local policing plan to tackle racism?

Mr Moffett: In terms of the policing plan we consult the wider community in terms of our survey which helps to get issues adopted in our local plan. It is part of our aim, obviously, to negotiate that plan locally in the district with the superintendent, the command officer of the DCU, and at that stage we will have the opportunity to input the issue of hate crime into the local plan and obviously it will be given some consideration from calling ourselves as a partnership. In terms of ourselves, we hope to meet towards the end of this month and then in December we hope to meet with the superintendent to agree the draft plan locally. There is a small indication that it is a concern within the district locally, which has come through our survey, so it will be given consideration in our discussion.

Q677 Mr Luke: You are actually in the process of consulting?

Mr Moffett: Yes.

Q678 Mr Campbell: My question to the PSNI is on the issue of some of the communication representations made by representatives of the Chinese community. Superintendent Hunniford of the community safety branch had a meeting with Anna Lo of the Chinese Welfare Association in the summer. I am just wondering if there have been any developments or announcements following that meeting, which I understand took place during the summer, and I was wondering if you could help the committee in terms of what has happened since then.

Inspector Dempsey: I was at that meeting with Superintendent Hunniford and it was directly in response to the correspondence that we received from the committee because we were very concerned about the points that were raised. We met very quickly after we received the correspondence with Anna Lo and Ms Lise Cox, who very much have their own relation to racial incidents, to discuss a lot of the issues that were raised. As I said earlier, we have both formal and informal contact with the Chinese. We meet regularly anyway with the Chinese Welfare Association. We proposed a number of things. We are a member of their advisory group as well. We said that we would plan in co-operation with them a seminar and invite people along from Chinese groups and from the Chinese business community and give them an opportunity to address those concerns themselves. We did this last year and had quite a large group of Chinese, both individuals and business people, come to us at a Sunday afternoon seminar in Belfast. We will certainly give them the opportunity to do that. We regularly
attend that meeting and we have asked them to keep us posted as to how they proceed with the police amongst the Chinese community because we were very concerned, to be honest, with some of the points raised and were surprised that we had not had them raised with us before.

Q679 Mr Campbell: Paramilitary style attacks are an unfortunate feature of Northern Ireland life. I am wondering whether the police have any performance targets in terms of the reporting of that type of crime and, if you have, can you give them to the committee?

Assistant Chief Constable Gillespie: We do not have any performance targets with regard to paramilitary style attacks. I would say that those attacks tend to be perpetrated by individuals from one community on another individual from within the same community. They would not be perpetrated across the sectarian divide. They are an extremely complex problem because of the fear associated with the victim in terms of disclosing who their attackers are and very often it is the case that they will be aware of exactly who their attackers are but because of fear and intimidation they do not want to come forward and disclose that to the police, which makes it extremely difficult to detect unless we catch these people actually in the act of perpetrating a paramilitary style assault. We have had some successes lately in terms of doing just that, intercepting punishment teams on their way to carry out a punishment attack or paramilitary style assault. However, without the support of the community and the victims it is extremely difficult to detect these crimes.

Q680 Mr Campbell: My next question is for the Policing Board. This goes back to the issue the Chairman raised, the issue of perceived animosity within the Police Service toward ethnic minorities. Is the Policing Board doing anything to liaise with ethnic minority representative groups to establish (a) if there is any belief or perception of racially motivated activities within certain members of the police and (b) what the Board can do to help the police eradicate that perception amongst those who may have it?

Mr Wilson: The Board has a legislative requirement to assess public satisfaction with the police. It comes from the Police (Northern Ireland) Act 2000 and this current research which we are carrying out is in line with that. The formal research that we are commissioning is the way in which we are going into these areas to see what the issues are about under-reporting but also to assess the level of public satisfaction with the police in line with our legislative requirements. We not only ask the public whether or not race hate crime is high on their agenda but also about priorities and it is currently not high up on their agenda. Things like domestic burglary, under-age drinking, vandalism, things like that, are much higher up the public’s agenda. The current two research projects that we are in the process of tendering in line with our legislative requirements are our way of formally engaging with these groups and trying to improve the situation by bringing recommendations to the Chief Constable, where recommendations need to be brought to the Chief Constable, for action and we will follow that up.

Q681 Mr Campbell: Just to be clear, it appears anyway to me that there are a large number of areas in Northern Ireland where this issue is not a paramount issue, but there are a small number of areas where it is a very serious problem. Where it is a very serious problem, do you think under the over-arching outlook that you have outlined that you will be able to delve into that to give some satisfaction to a small number of people who do have a very particular perception?

Mr Wilson: Again, within the Board’s legislative role I think we do. The Board and the PSNI have been very proactive. We have had policing plan targets now for two years; we have now stepped up our policing plan targets next year to include detections for hate crime, not only to monitor the incidents. We are ahead of the game. We have been proactive whenever there is public concern on hate and race crimes, and two or three years ago it was not at the level it is now, so we do see it as a priority. The policing plan is where we set our strategic objectives for the police service, so we do listen to the public. We get representations from groups; they ask us to put things in the policing plan, and race and hate crime are a few of the issues that we have put in the policing plan, even though the numbers of incidents in the public perception may not necessarily have been in a placing plan normally. So yes, we do listen.

Inspector Dempsey: As well as those formal mechanisms there are more informal mechanisms as well. Board members’ in their role on a day-to-day business and their daily jobs speak to groups to try and get a feeling themselves for how public opinion is veering, and attitudes towards PSNI around hate crime. Those issues are raised at formal monthly board meetings and the Chief Constable has been questioned on a number of cases in terms of trying to meet requirements set out clearly in the annual plan.

Q682 Chairman: Very few perpetrators of hate crimes are ever prosecuted. I think your figures say 7 out of 226 incidents. That seems a very low figure.

Assistant Chief Constable Gillespie: In fact, Mr Chairman, I think it has been 18 people who have been charged or summoned --

Q683 Chairman: I am talking about your 2002-3 statistics, which is the last full year we have had.

Inspector Dempsey: Last year not every incident reported to police can be a prosecution because legislation has not been breached, and we have had some difficulty in accurately saying how many prosecutions there have or have not been previously. Last year, I can tell you with certainty in 2003-4 we carried out a very detailed piece of
research both in respects of racial incidents and homophobic incidents, and what I can tell you is in respect of racial incidents there were 453 incidents reported to police and, of those, 267 were crimes. Of those 267, 45 incidents were cleared, a 16.9% clearance rate, and those 45 were made up of 18 charges or summonses, two adult cautions, three juvenile and formal warnings or start of cautions, two perpetrators were under age and could not be prosecuted, 18 people declined to prosecute and in two cases there was no prosecution directly. I think what we would like to highlight is there were 18 potential prosecutions where the victim would not support a prosecution, 16.9%. The average detection rate for crimes of that nature across the board was 27.4%, so significantly lower. In respect of homophobic incidents I can tell you 71 were reported—

Q684 Chairman: We will come back to that in a moment. We have not seen those statistics before, at least I have not, and there are very interesting but there are twice as many, nearly, incidents reported, and much better rate in terms of action being taken, 45 as opposed to 7, but still a very low proportion, is it not? If you have got 267 crimes and you are only making 45 prosecutions, if that was an aggravated assault or a robbery or rape you would not be feeling you had performed well, would you?

Assistant Chief Constable Gillespie: Which is why in negotiations with the Policing Board we intend to have a target in next year’s policing plan to improve the detection rate for hate crime, in particular racial and homophobic offences.

Q685 Chairman: I want to come back to that in a moment. I think you said six of them were under age and could not be prosecuted?
Inspector Dempsey: Two under age.

Q686 Chairman: What age is that?
Inspector Dempsey: Ten. Below the age of criminal responsibility is ten.

Q687 Chairman: So what do you do with these people, under ten, committing racist crimes?
Inspector Dempsey: In the eyes of the law they are not responsible. Obviously clearly the police do not accept that --

Q688 Chairman: I have sympathy for you but there is a problem if people under 10 are getting racist tendencies.
Inspector Dempsey: The police will do what they can. They will obviously go and speak to their parents and try and do what they can. We cannot prosecute them so it does create some difficulties.

Assistant Chief Constable Gillespie: You will be aware of research in Northern Ireland which showed racial tendencies, even in pre primary school children.

Q689 Chairman: Mostly sectarian ones but yes, that, alas, is a problem. Come back to homophobic crimes.

Inspector Dempsey: For the same period 71 incidents were reported to police. 45 were crimes, eight were cleared—that was a clearance rate of 17.8%—

Q690 Chairman: By “cleared”, do you mean prosecuted?
Inspector Dempsey: No. In respect of the eight, three were charged or summoned, four the complainant declined to prosecute, and in one there was no prosecution directed, so again there were three prosecutions and four potential prosecutions where the victim declined to take forward a prosecution.

Chairman: Well, I think I can say the Committee will look forward to seeing your targets and wish you well in trying to achieve them.

Q691 Mr Pound: On that, I have some difficulty in working out the categories within the numbers. We have heard a lot about the case of Baroness Titty von Tramp, who is Robert McCready I think, who is a 6’6” transvestite whose case has been a lot in the papers as one of the visible members of the gay community who was putting his make-up on in a men’s toilet and was jostled. Would that appear as a crime? The East Belfast MLA for the Alliance Party said it was a homophobic crime, and I am not sure what Mr McCready or Baroness von Tramp has said.

Inspector Dempsey: That would be an assault.

Q692 Mr Pound: So word “jostled” in that context—
Inspector Dempsey: If there is any physical contact it is an assault.

Q693 Mr Pound: So within those categories you are talking about the majority of them cross Refer to specific crimes regardless of the sexuality of the victim?
Inspector Dempsey: That would have been a case of homophobic, the 45 crimes out of the 71. The ones that were not crimes where there was no legislation breached, it could have been a remark made in the street but we will record those.

Q694 Mr Pound: I think somebody said to Baroness Von Tramp that she should be in a circus. Now to be honest if I found a 6’6” transsexual putting their make-up on in the gents I might have said something similar, but would that necessarily be considered homophobic?
Inspector Dempsey: It would be, yes.

Q695 Mr Pound: I shall be careful in the future!
Inspector Dempsey: If I could add to the statistics, one of the things that greatly concerns police is the lack of community support for prosecutions. There are very many incidents we know of where people are aware of who is carrying out these incidents,
particularly in south Belfast where they are very close-knit communities and they know who are carrying out these incidents and they are not coming forward with information to police, so our efforts to prosecute people are getting frustrated and we have certainly been appealing in respect of both interviews and in respect of literature posted through doors to encourage people to come forward and support the police to prosecute.

**Mr Paisley:** If I could comment, on Cookstown district command unit since April five racially motivated attack incidents have been reported to the district command unit. It has resulted in three prosecutions, one of which has been drawn by the complainant, so that is quite a good ratio being brought before the courts. More than half.

**Q696 Reverend Smyth:** There have been these incidents. In how many of them did the police recommend prosecution, and how many were declined by the DPP and prosecuted?

**Inspector Dempsey:** I am not sure in respect of exactly what you are asking, but what I would say is that the police recommended that 18 people were charged or summoned to court; 78 people declined to prosecute. Obviously if the police do not have a complaint it is difficult in most circumstances to take forward a prosecution, and there were a number of cases dealt with by way of adult caution or restorative caution.

**Q697 Reverend Smyth:** I was raising it because there have been occasions when the DPP have not prosecuted on the grounds they did not think it had been a successful prosecution, and I wanted us to try to get that out.

**Assistant Chief Constable Gillespie:** The director will apply an objective test to all prosecutions, not just those involving hate crime, and in the case of racial incidents there were two cases where no prosecution was directed. In the case of the homophobic incidents there was a case where no prosecution was directed, but the same objective test would be applied across the board.

**Q698 Mr Tynan:** Obviously you want to do all do all you possibly can to assist to have the legislation in place where you could make a real dent as regards the prosecution figures. Could you tell me how you see the operation and in what way you think the new Criminal Justice (Northern Ireland) 2004 Order will impact and assist in eradicating or prosecuting hate crime in Northern Ireland?

**Assistant Chief Constable Gillespie:** It is too early to assess the impact at the moment but I can say that I think the fact that the legislation is there sends out a very clear message that crime is unacceptable but crime that is motivated by prejudice is particularly unacceptable, and I think it has been a success story in terms of including the wide range of hate crime within that legislation that crimes against people with disabilities is also recognised as entirely unacceptable. It is too early yet to assess the impact of that legislation but I would be optimistic that it will have a positive impact in terms of the enhanced sentencing powers of the courts when the crime is proven to be motivated by prejudice.

**Q699 Mr Tynan:** Some of the questions asked of us is why should the minority groups in Northern Ireland feel there would be better results in this legislation when the existing laws seem to be applied in a feeble way. What would your reaction be to that comment?

**Assistant Chief Constable Gillespie:** Again, I would go back to what Robin has said about community support. What I would say in terms of our general crime rate in Northern Ireland is that crime generally is falling in Northern Ireland, and there is no doubt about that. In burglaries and vehicle crime in particular there has been a substantial fall in the amount of crime. What we have to improve on is our detection rates across the board, not just with regard to hate crime but violent crime and property crime, so what I would say is that if there is a suggestion that the legislation as it exists is being applied feebly I would say look at our figures, because undoubtedly there has been a success rate in terms of addressing volume crime and we need to get better at making more detections in the hate crime area in particular.

**Q700 Mr Tynan:** Could I ask the same question of the DPP and the NIPB. How do you think the recently introduced Criminal Justice (No 2 (Northern Ireland) Order will help in the fight against hate crime? Have you a comment to make on that?

**Mr Paisley:** In relation to the DPP our role is to consult with the police, to monitor their performance and that is simply our remit, and whatever legislation is in place we would be supportive of the system that is there. We would hope that it is effective in dealing with hate crime because it is certainly on the increase.

**Mr Wilson:** We continue to hold the Chief Constable and all the staff under his control to account for upholding any law which is creative. We certainly have been proactive in the area of hate crime. In strengthening the legislation inclusive of sectarian incidents we have already set targets for next year’s policing plan so we will continue to hold the Chief Constable accountable for upholding that law and any other law.

**Q701 Mr Tynan:** So you think the legislation will help?

**Mr Dougherty:** I think the members of the Policing Board have been proactive in trying to gauge how successful models of supposed good practice have been on the mainland and in terms of those being transferred to Northern Ireland we are quite keen to learn from the mistakes that have been made and add value to our own mechanisms.

**Mr Wilson:** It is probably too early to say whether or not the legislation will help but we will continue to seek performance information from PSNI to
support the trends we already have and at that point we can probably make a judgment, and we will continue on an on-going basis to monitor the performance of PSNI, and at that point we can tell whether the legislation is helping or not.

Q702 Mr Tynan: Could I ask a further question on the PSNI. How difficult do you think it will be under a new legislation for a PSNI to obtain evidence which the courts can take into account that an offence has a religious, racial, sexual orientation or a disability motivation?

Assistant Chief Constable Gillespie: The good thing about the benefit of hindsight is that the legislation in Northern Ireland is different from the legislation introduced in England and Wales in that we still have the substantive offence. Even if you do not prove a racial or homophobic or sectarian motive you can still prove the substantive offence, be it assault or criminal damage, disorderly behaviour or whatever, so even if you do not prove one of those additional motives you can still fall back on the substantive offence. In order to prove the racial motive it is too early because we have not had any of these cases through the court yet, but clearly if there are circumstances in which there is racial graffiti or racial language used that needs to be very carefully recorded by the investigating officer in the witness statement, so where there are circumstances that clearly make it clear that the offence is motivated by prejudice, then that needs to be very carefully included in the statements of evidence.

Q703 Mr Tynan: So you think the new legislation will make it easier to obtain evidence that the courts can act on?

Assistant Chief Constable Gillespie: Yes, I think it will.

Q704 Mr Tynan: Are the PSNI developing any new training? You spoke of training in a number of contributions you have made today as regards training. How do you indicate the training that has been done, the changes that have been done? Has it improved from before and is it dealing specifically with hate crime?

Inspector Dempsey: There are a number of things that we cover in training. Training obviously is delivered to the police officers we establish, and the student officers in the police college and locally at district level as well with the district trainers. Some of the initiatives that we have is that all student officers are trained both in respect of cultural awareness and racism, and obviously in addition how they should deal with victims of crime including victims of hate crime. One of the things clearly that we need to do is ensure, particularly with talking about new policies, that people are aware of the impact those policies should have and how they are expected to deliver the service or deliver the policy out on the ground. One of the recent initiatives we have taken is we have developed a guide to culture and diversity which is a publication which deals with all the main

minority ethnic groups and other minority and vulnerable groups across Northern Ireland. It is a guide which aims to create some understanding and respect for those difference groups. It talks about issues, if are going to a particular home, that you can be aware of. Certainly it is not a definitive guide, it is guidance and that is what it is, but we have issued that to every police officer and every member of our support staff. So it is things like that that we can do, but obviously that is not a substitute for getting people into the class room situation and instructing them. We involve the various different minority groups in our training, we bring in members of the minority ethnic groups, members of the lesbian, gay and bisexual transgender groups, and we involve them in the training, so it is not a case of police officers standing in classroom situations and telling people what we think they need to know, but we are actually involving people who have their own personal experiences in that training, and that is important as well.

Q705 Mr Tynan: So how long have you been involving the minority groups in the training process, and in the people advising you? What kind of training is required? Is that a recent innovation?

Inspector Dempsey: Certainly when we are developing training we will consult with the different groups. We also have in addition independent advisory groups, one for disability, one for minority ethnic groups, and we have a Belfast LGBT forum which meets quarterly or more frequently as and when required. Those groups are monitored by police in respect of policy, training issues, and issues of concern to those particular groups and we very much listen to what they tell us. We are also developing a corporate diversity strategy as well run by our corporate diversity branch, and that is key obviously across that bit of the organisation as well.

Q706 Mr Tynan: Just to clarify, you have the GLBT involved in the training? They advise you when training is required?

Inspector Dempsey: Yes, they are involved both in an advisory capacity and practically. We would have role training in college, for instance, and it would be members of those groups that would come in and participate on that.

Q707 Mr Bailey: Addressing the PSNI, earlier we spoke about the number of officers from minority ethnic backgrounds but perhaps more specifically what measures are being taken to make the police more representative in the areas such as disability and sexual orientation, as well as ethnic minorities?

Assistant Chief Constable Gillespie: In terms of the area of disability we only have recently started to collate information on police officers with disabilities, and unfortunately in the Northern Ireland context we have always had a disabled police officers’ association which has been, as I say, unfortunately a function of the situation which we
have been in for the last thirty years, so there is considerable support there already for disabled police officers, as I say, just simply because of the context in which we have operated. In relation to the Lesbian and Gay Police Officers’ Association, there is the beginnings of an LGBT police officers’ association within PSNI and we are trying to foster that, but many police officers are still not comfortable about declaring their sexuality and nor should it be any of our business to ask them what it is, but it is about making sure that there is an atmosphere that is conducive to people feeling comfortable whatever their background is working within PSNI.

**Q708 Mr Bailey:** Do you think any changes in the current legislation would be helpful to target minority ethnic communities for recruitment?

**Assistant Chief Constable Gillespie:** Certainly one of the key things which happened some years ago was the removal of the height requirement for police officers and that happened right across the United Kingdom police services, because that was one issue that undoubtedly indirectly discriminated against certain minority ethnic groups. That has gone now and as a result we have attracted some applicants from the Chinese community, and we have already referred to one who we have already within the ranks of the organisation, but I think we can work a lot harder in terms of attracting applications from minority ethnic groups and getting them to the stage where they are going through the recruitment process. It is a testing process and we need to look to see if there are any stages of the process which disproportionately discriminate against minority ethnic groups. We did find, for example, that there were stages of the process which were disproportionately discriminating against women, and one case in point was the fitness assessment. That has been removed so we are alive to these issues and we will take steps if we do find that they are disproportionately discriminating against a particular group or groups.

**Inspector Dempsey:** Just to clarify the record on something I said earlier, I previously had said there was one member of the Chinese community and it is in fact four members in the Police Service from the Chinese, one black, one Indian and eleven others.

**Mr Dougherty:** Also, the Policing Board closely monitor the conversations of PSNI recruitment processes—

**Q709 Mr Bailey:** You have anticipated my next question which was how do you think the PSNI could be made more accountable for ensuring that the police are more representative?

**Mr Dougherty:** In terms of representation on the Policing Board it is probably the key debate in terms of political argument within the police at the moment, but we do have a Human Resources Committee that closely monitors the conversation after each stage, and we are keen to try and get a police service that is reflective of the wider community in the province.

**Q710 Mr Bailey:** Back to PSNI, is there a service within PSNI which provides information, advice and support for officers from minority ethnic backgrounds, who are from the GLBT community or disabled?

**Assistant Chief Constable Gillespie:** I have referred to the seminal LGBT police officers’ association. There is also a black and ethnic police officers’ association at the same stage. It is a very early stage but our corporate diversity manager who has a specific responsibility to engender these issues is encouraging that and working towards taking those support groups forward. Having said that, there are also support groups for officers who feel that in any way there has been a harassment or any form of discrimination. Each district has a liaison officer to support those officers who feel that they may have in any way been treated unfairly, and I referred earlier to our safe call confidential reporting line. We also within our code of ethics make it very clear that treating people differently in terms of their race, ethnic origin, religion or political opinion and all dimensions of diversity is simply unacceptable. So it is made very clear, and there is a specific responsibility on supervisors to tackle any behaviour which is inappropriate in that way.

**Q711 Mr Pound:** Are restorative justice programmes used for people accused of hate crimes?

**Mr Dougherty:** There seems to be a diversity of opinion in terms of restorative justice in the province. Within nationalist areas it is particularly more prevalent.

**Q712 Mr Pound:** Can I just say that I was deliberately phrasing my question to avoid going down that particular avenue. I simply wanted to know are the programmes in use? If they are, what do they involve? If they are not, do you have any thoughts?

**Inspector Dempsey:** What I can say is that the whole concept of restorative caution is something we have used for youth offending for some time. Within Northern Ireland we are one of the leading authorities on it. There were three juveniles dealt with in the 2003/4 programme for restorative caution, and certainly we are looking at that at the minute, and there is an opportunity to use that concept in respect of both adult perpetrators in respect of hate crime. The start of conferencing, as it is called, is really about an opportunity to bring the perpetrator and the victim together to provide an opportunity for them to say what the impact has been, and we have found it to be particularly effective in respect of youth offending where we maybe have brought a younger and older person together and the younger person has had some concept of the impact of what has gone on, so we certainly see an opportunity to use it. We have used it for youth offenders and we can see an opportunity to use it for adult perpetrators, but it is something that needs to be delivered by
somebody who is very highly skilled and trained and who is aware of the particular sensitivities of using it.

Q713 Mr Pound: So you are not currently using it in the hate crime concept?

Inspector Dempsey: No. We are using it for youth offending. We can potentially use it for adult offenders, and the whole concept even is something that can even be used within communities. It is not something that is tied down specifically to two individuals. So we have a training facility across the organisation. We also could use that within particular community circulations as well.

Chairman: Thank you very much indeed for helping us. If you would like to clear the table as quickly as you can, we will get the minister in to contradict everything you have just said—or not! Thank you very much.

Witnesses: Mr John Spellar, a Member of the House, Minister of State, Northern Ireland Office; Mr Billy Gamble, Office of the First and Deputy First Minister; Mr Conal Devitt, Community Safety Unit and Mr Tom Haire, Criminal Law Branch, Northern Ireland Office, examined.

Q714 Chairman: Minister, I am sorry we are late in calling you but if your government will call votes in the middle of our meetings, we are likely to run late! It is nice to see you, as always. One of our difficulties right through this inquiry has been the difficulty in actually establishing the extent of hate crime. We have had evidence in which your officials have noted the role which the Community Safety Unit of the NIO would play recording incidents motivated by hatred based on religion, race, sexual orientation and disability. How is that establishment of accurate figures progressing, and can we be assured that monitoring hate crime will be comprehensive and robust under these arrangements?

Mr Spellar: Thank you, Chairman, and thank you also for the initial apology but I would say quite frankly, if when MPs came to see me as a minister I kept them waiting as long as this Committee has kept me, under the rescheduled time, they would be legitimately complaining quite strongly that I was not treating them with proper respect as members bringing a delegation. I understand things can run on but this is three quarters of an hour after the rescheduled time and I have been waiting out in the corridor, and I think we need to order our affairs a little better in that regard. I do take your point, however, in the introduction that we need to get accurate data in order to understand the extent and also the spread of crime, and hate crime. We also need to break that down between whether there is an increase in crime or, indeed, whether there is an increasing willingness to report that crime, and I am hoping to have focused discussions with the previous presentation from the police, that we are getting a greater willingness and greater confidence from those who are the victims. There is still a problem which we are trying to overcome about their willingness then to proceed, and when I looked at the number of cases that have then led to conviction, one of my concerns and the police concern as well is about the willingness to further proceed. That is not unique to Northern Ireland; it is a widespread problem. So I think we are getting a better handle on the figures and a better understanding of what lies behind them, but at the same time there is work that is being undertaken. For example, I do not know if you were advised in the earlier session about the system that will be coming in, the monitoring and recording of hate crime in Northern Ireland which will be coming in in two stages from next month, a manual system and an IT-based system in April of 2005, but that will obviously give us further refinement on those figures.

Q715 Mr Tynan: We heard evidence from officials in September about the introduction of several government strategies regarding good relations, race equality, sexual orientation, and the on-going work through Section 75 of the Northern Ireland Act 1998. Can you provide us with an update on the progress of these?

Mr Spellar: Certainly. On the good relations policy, that and the strategic framework is being finalised and I am hoping to have focused discussions with local political parties over the next few weeks. There is a degree of good will behind that but there is also some argument on some of the areas, and that has obviously got to be taken into account because we need a policy that will be signed up broadly across the community. Now, the finalised race equality strategy will be published later this year, we hope, alongside that good relations framework and that will take into account the views expressed during the public consultation and also the specific consultation we have been having with the minority ethnic communities, and also we have been involved in dialogue with the Northern Ireland Race Forum as well, and that will cover a wide range of policy issues that impact on the daily lives of citizens from minority ethnic communities in Northern Ireland.
The gender policy unit in the Office of the First and Deputy First Minister has established a sexual orientation reference group to assist in the development of the strategic action plan on sexual orientation, and I understand a final draft action plan will be prepared by the end of December.

Q716 Mr Tynan: Whilst strategic plans are vitally important, and we accept that, have you a mechanism in place to judge the success of implementing these strategies in relation to hate crime?

Mr Spellar: I think that the key area here, and I do take your point that there are quite a number of areas we are looking at, particularly when you have such a diverse range of interests in Northern Ireland and quality impact assessments and so on and, therefore, a lot of this process of policy development takes longer for understandable reasons, but I can still understand the frustrations of those who are looking at the development of that policy, but I do not see that we are just doing this in series. I think there is quite a bit of work being done in parallel as well. For example, while we are developing these policies, PSNI will have told you earlier about the work they are undertaking to deal with the perpetrators of hate crime, to build up confidence in the community to report, and also work that they are undertaking in broader education in the community in order to chip away at the basis and some of the origins of that crime, so I think this work has to be done in parallel in the same way that I introduced and have already brought in -- legislation that gives the courts increased penalties to deal with the perpetrators of hate crime so that the courts can indicate, one, the disapproval of society of these activities but also can indicate their very strong measures that they can take against individual perpetrators and send a very clear message to that criminal community that this will be not be tolerated.

Q717 Mr Tynan: But is there a mechanism in place, or will there be, in order to judge the success of the implementation?

Mr Spellar: I think the way of judging that will be in terms of reduction of the offences and also in our interaction with the various communities, whether that be the gay community, the ethnic community or, indeed, looking at reduction in sectarian crime as well, and also the disability groups as well, and a group that made strong representations to this Committee which formed the basis of your report and which, indeed, led to us making additions to the legislation to provide the protection for that community. So I think it is looking at the objective statistics and data that we will get from offences but also looking at the increasing confidence of those various communities who are affected by such crimes.

Mr Devitt: We are anxious to encourage reporting and I think one of the indications will be the extent to which the variety of communities use these new monitoring systems because building confidence in the overall criminal justice system will result in a higher incidence of recording. Also, the feelings that people have, particularly when they come to Northern Ireland for the first time, about whether or not they are being accepted and whether diversity has been welcome -- the quality of life in Northern Ireland will be very important in judging the race equality strategy.

Q718 Reverend Smyth: We have been talking a great deal about monitoring and the role of the PSNI in monitoring such crimes. For what purpose? Is it just to restore confidence in the community, or should it not be target-set by them to reduce hate crimes?

Mr Spellar: On that, the first thing is to identify the extent and depth of the problem. Secondly, we have to target the perpetrators and to do that, one, by getting the community -- and not just the ethnic community but those in the wider community -- to identify those responsible, to remove some of the protection and to get a broad political consensus, which, as you know, in south Belfast has now become a very broad political consensus, including some of the loyalist parties in terms of putting pressure on to the perpetrators in the community in order to stop that activity. It is then to provide confidence for witnesses, or indeed to build on professional witnesses so that the individuals cannot then be subject to reprisals and to identify that, so those are the areas, and I would hope that certainly from my experience of the work that PSNI are doing on this there has been a substantial change both in clamping down on crime but also in engaging much more in the community, having dedicated liaison officers dealing with the community who, therefore, become an established source of communication. All of those are starting to have an impact and, indeed, rates are still too high but it is quite interesting that the rate of increase has slowed very substantially as a result of the response of PSNI, but we and they do not think by any means we have reached the end of the road on that.

Q719 Reverend Smyth: You did refer to south Belfast and one of the most glaring basic incidents of racism took place in south Belfast, and it is alleged that the police know the perpetrator and he was certainly set aside by others in his organisation, but there are those who say why was he not brought to justice?

Mr Spellar: It does become the case, quite simply, of getting court compliant evidence that will secure a conviction, and one of the difficulties until now has been in identifying the perpetrators but also having witnesses. You can be very clear. I cannot tell you how many times I am told in the business of Northern Ireland that the dogs in the street know who is responsible for which particular evidence but, as the Chief Constable says, dogs in the street do not have standing under the Police and Criminal Evidence Act and we need evidence that is compliant! That is why I stress so much in my earlier contribution about giving confidence to witnesses and also, as I said, looking at professional witnesses as well, and building up community pressure in all of the communities against those who are responsible.
So I am pleased at the work we have done but I also acknowledge that we need to be undertaking more of that in order to bring more of the perpetrators to justice, and then the courts have greater penalties to use to signify both the disapproval of society and also to inflict significant punishment on the perpetrators.

Q720 Reverend Smyth: You will appreciate that it is the member for South Belfast who has been approached about these things, that people had not raised that issue, and above all about the dogs who did not bark?

Mr Spellar: I fully understand that but also I would say, taking particular account of the Reverend Smyth’s position as the member for South Belfast, that to some extent in some of the media there has been an attempt to describe this almost as an exclusive problem to South Belfast and I have made clear on a number of occasions that is not the case, and the most recent incident in the last few days has been with Filipino nurses attached to the Royal Victoria Hospital in West Belfast, and there is a growing realisation that what we have been saying for some time is that this is a broader community problem and all communities need to be taking this seriously and need to be taking action. I want to put that on the record.

Q721 Reverend Smyth: We as a Committee were surprised to learn that sectarian incidents are not recorded by the police for the purposes of hate crime. Will it be difficult in practice for them to define, monitor and gather evidence to support hate crime motivated by sectarianism in Northern Ireland by comparison with other forms of hate crime?

Mr Spellar: Yes, and I think the police probably explained this earlier. If one goes back a few years most, or a considerable amount, of the activity of paramilitary groups was sectarian-based and therefore it was action against paramilitary activity that was the prime focus of the police. Because of many of the sensitivities in Northern Ireland of which Reverend Smyth is even more aware than me, there is a degree of reluctance of the police to be making that the initial point of the inquiries, but I think as we are looking at developing this broader approach on hate crime and, indeed, as in a number of areas paramilitary activity is reducing, dealing with sectarian action becomes important as well, and that is obviously an area that the police are working on.

Q722 Reverend Smyth: You quite rightly referred to the fact that racism is not just limited to South Belfast, and we have been aware from ethnic communities that they are very concerned that police have not been following up complaints. Can you give us any guidance how the concerns of these communities are being addressed by the police and when the allegations are made that they are following them up?

Mr Spellar: I would hope that the previous witnesses would have given some evidence on that. The definition of recording sectarian incidents has been agreed by PSNI and its initial consultees, and that has been included in the service hate crime policy which will be issued shortly. Broadly the definitions will be that it will be Roman Catholic or Protestant, Nationalist, Unionist, Loyalist or Republican, and so they have taken that on board, they have developed the policy, they will be issuing that shortly and then working on it.

Q723 Reverend Smyth: How would it help to reduce hate crime?

Mr Spellar: As I said earlier, there are two strands to the policy. One is getting a better handle on the level and extent and depth of hate crime, and you can see that from the work that this Committee did on disability where initial evidence did not seem to suggest this particular problem. The Committee took substantial evidence and looked into it in depth, and came to conclusions which led us to add that into the legislation. That is the evidence-based starting point for it. But then there needs to be the necessary action which is not just police action; it is also about education in the community and about the role of the courts and the additional penalties that we have prescribed; it is about getting a better understanding amongst the youth as well—all of these then become a further part. It also then becomes about building in protection as well, actually providing limited reinforcement on housing and so on through the work of the Community Safety Unit, the same as we are doing for pensioners, spending about £2 million on improving the safety features of pensioners’ homes. So it is a multilayered approach in order to reduce incidents but also to work away at the causes of these incidents as well, and that is partly about education, partly about reinforcing society’s disapproval, and then about society taking action about those who perpetrate these offences.

Q724 Reverend Smyth: It is obvious when it is racist, one can easily distinguish colour and styles, but when it comes to religious will it be perceived or real religious distinction?

Mr Spellar: Well, I think, the definition will be perceived to be sectarian by the victim or any other person. Now, that may arise from what people say or may arise from the objective circumstances and we will need to test that. As I was saying earlier with regard to the increase in the reporting of race crime, we do have to look below the headline figures to see whether that is an increase in the crime or whether it is an increase in people’s willingness to report it. In some ways their increasing willingness to report it is encouraging, but it does lead to an initial higher headline figure but it may be a symptom of us resolving the problem rather than a symptom of the problem increasing. We need to get the data but we also need to look at it with an intelligent eye as well.
Q725 Reverend Smyth: You use the terms “perceived” and “real” in the context of the distinction in law in Northern Ireland and I can think of a member of the Roman Catholic community who went to a state school and applied for the PSNI and because his perceived religion was Protestant he has been turned down having passed everything on the grounds he gave wrong information.

Mr Spellar: If I may say so that is a matter that needs to be taken up directly with the Chief Constable of PSNI.

Q726 Reverend Smyth: I will be doing that but the issue is when we talk about “perceived” and “real” when it comes to religious discrimination.

Mr Spellar: But remember what I did say -- that this was about the perception of the victim and, as he could be described in the circumstances you have described as the victim, he would have a perception of that.

Q727 Chairman: I think we will draw a veil over that. Leaving sectarianism out of it, is there one aspect or group within the hate crime categories that worries you more than others?

Mr Spellar: No. The reason why I was not mentioning them is the same reason why I was not mentioning the hate crime issues. They are not a bigger issue than other crimes.

Q728 Chairman: I have not made myself entirely clear. I am thinking of ethnic minorities. Have you had the same concerns about homophobia and the disabled? And any other issues?

Mr Spellar: No. I think they move up according to elders within the Chinese community who had been involved in a number of discussions with them. But remember what I did say -- that there is a distinction in law in Northern Ireland and I can think of a member of the Roman Catholic community who went to a state school and applied for the PSNI and because his perceived religion was Protestant he has been turned down having passed everything on the grounds he gave wrong information.

Q729 Chairman: I am sure everybody would agree with that and I think the Committee understands the difficulties everybody has over homophobic attacks because of the nature of the individuals concerned and sometimes their reluctance to talk about it.
prosecute. I can understand how that happens and that is part of building confidence in the community and that is an area we do have to focus on, but also looking at where we can get objective evidence through professional witnesses in order therefore to bring the perpetrators to justice.

Q732 Mr Campbell: On a separate issue, you announced I think last week or the week before new legislation in relation to travellers, and many people in the community in Northern Ireland welcomed that. Some were not so sure. How would you see that new legislation working in practice?

Mr Spellar: Firstly, it will contribute to better relations between the travelling and the settled community. Secondly, not one elected authority, whether unionist-influenced or nationalist-influenced, objected to the proposed legislation when we put out the consultation. There is a recognition that something needs to be done in order to improve relations between the two communities and this provides the way forward, so I think this will improve relations because it is talking about providing sites for the travelling community but also saying they should not be using sites that are not properly designated; they should not be just camping on public land or other people’s land willy-nilly and causing nuisance and, indeed, quite often a number of offences as well, so there is that balance to be struck of ensuring that the proper needs of the travelling community are met but at the same time that is not at the expense of the disruption of the settled community, and I think that provides the way forward.

Q733 Mr Campbell: Just for the purposes of clarity, for example, this summer in my constituency there would have been the arrival of a number of travellers who arrived at an industrial site close to a seaside resort and there were the problems normally associated with that type of arrival. How would the new legislation deal with that?

Mr Spellar: Essentially this would be an unauthorised encampment and therefore the police would be able to take action, but part of that will also be that there will be provision of proper sites so that people will not have the need, or the perceived or alleged need, to be conducting illegal encampments. So it provides for the facilities for the travelling community but also therefore provides the police with the means of protecting the proper interests of the settled community as well.

Q734 Mr Campbell: I am still not clear what happens. The police arrive at an encampment that ought not to be there that is either on private land or on business land owned by a local authority, and the police ask the travellers to move on and they decline. Mr Spellar: They will then have the powers to force people to move but that obviously is still going to be subject to consultation as to the final shape of the legislation. But this will be giving the police powers, and not dissimilar to powers they have in England or, indeed, in the Republic of Ireland to move people on from unauthorised encampment.

Q735 Mr Beggs: Good evening, Minister.

Mr Spellar: I notice you did not say good afternoon!

Q736 Mr Beggs: The Stephen Lawrence report emphasised the need for preventative work on racism, and also specifically focused attention on the role of education. Have you any plans for requiring schools in Northern Ireland to adopt recommendations in that report to record and publish data on racist bullying?

Mr Spellar: As I was saying earlier one of the key areas for us to focus on at a much earlier stage, along with the actions that we will be taking to stop perpetration of offences, is to better educate people to work away at prejudice and to work away at those attitudes. There has been work undertaken by the council on the curriculum, the Council for the Curriculum Examinations and Assessment, for a revised statutory curriculum which will include replacing the current theme of education for mutual understanding with local and global citizenship education, so work is already being undertaken through the Department of Education in that regard.

Q737 Mr Beggs: The integrated education system in Northern Ireland accounts for less than 5% of the school population, why is the percentage so low, in your view?

Mr Spellar: There has been an increase in all of this area, and I am just looking for the exact figures.

Mr Gamble: At the moment there are 55 integrated schools in Northern Ireland and the Department of Education each year provides a significant amount of funding, both current and capital, towards the integrated sector, and will accept recommendations in terms of demand at local level for development of schools. I could give you further information if there is a specific in terms of the question, but the general point I would make is that there is significant investment coming from education towards this sector, and at the moment there are 55 schools.

Mr Spellar: It is not my department so I will just read the figures to you: the Department of Education funds the Northern Ireland Council for Integrated Education for this financial year, £486,000, and has provided a total of £3,550,000 to the Integrated Education Fund to provide assistance with the capital costs of new schools in the period prior to their becoming eligible for capital grants.

Q738 Mr Beggs: We have been told that 800 children are being turned away from integrated schools each year. Does the government intend to make more funding available?

Mr Spellar: The figure I have, and I would like to revert to the Committee in writing on that, is that the total number of children who expressed a desire to attend an integrated school as their first preference choice in 2004-5 who did not receive a place was 298, and of those 55 are in respect of children seeking places in primaries and the remainder are post primaries. I think the figure you have includes all children who applied for a place in an integrated school wherever that was in their order of
preference, but their first preference I understand was 298. What I also understand is of those 298, 208 of those were in respect of applications made to schools that have reached their physical capacity. What I do not know, education not being my department, is whether that related to class-size limits which is a situation that members of Parliament in GB know about, and quite an on-going discussion as to whether there should be some relaxation in some schools in order to increase the intake or whether that is, indeed, down to sheer physical capacity and what may need to be done on that, but we should always understand that expansion of some schools also leads to closures of other schools and that can be quite a vexed issue as well, so it is not an instantly straightforward issue.

Q739 Mr Beggs: Do you have any plans to promote controlled integrated status?
Mr Spellar: The real question is about facilitating integrated status for those parents and children who are wanting to go to integrated schools. As to how that is being handled by DoE I would have to say that I would ask the Minister for Education to write to the hon. Member.
Mr Beggs: Thank you.

Q740 Mr Luke: Minister, in evidence we have taken from a Professor Tom Hadden he put the case that imposing longer sentences as provided under the 2004 Order would not help resolve the growing problem of hate crime. Have you considered other approaches such as restorative justice programmes as a means of addressing racist, sectarian and homophobic attitudes?
Mr Spellar: There is quite a bit of work being done between the authorities and various restorative justice programmes, and of course that often depends on the relationship between the established system, and that is a slightly difficult area to handle but also one that is extremely important to cover as well. They do have a role to play within that, and I hope I had indicated in my earlier contribution that we do not see the increase in penalties that we brought in as the whole story. We see them as important, both as a statement by society and also as an instrument to be used appropriately by the judiciary, but we do not see them as the whole story. Now, I hope I was indicating earlier that both the work we were doing in schools and also the further work that needs to be done, particularly for diverting youth from these antisocial activities and particularly where we have initial, maybe low level incidences, restorative justice programmes, can have a role of getting people to face up to the real hurt and fear that they are adducing in families and diverting them from that particular course. So that has a role and it has a part to play in addressing these problems. All of these hang together. There is not one single or simple solution.

Q741 Mr Bailey: Coming back to the Lawrence report, one of the recommendations was that there should be a review of training provision in relation to racism and cultural diversity within the Criminal Justice system. Can you indicate what forms of training are available for people working within the system in Northern Ireland, and what other forms might be desirable or relevant?
Mr Spellar: Yes. You will have looked at some of that obviously with the PSNI and obviously with other agencies as well. Awareness and diversity training is delivered to minority liaison officers on an on-going basis by various groupings, for example the Northern Ireland Interfaith Forum, the Lesbian Gay Bisexual Transsexual Organisations in Northern Ireland, the Community Safety Branch and members of minority groups and also, I am pleased to say, drawing on its experience from police forces that have had earlier and longer experience of handling these difficulties, there has been established a very good liaison with the police in the Leeds/Bradford area in the Leeds/Bradford hate crimes unit in West Yorkshire, looking at best practice and looking at spreading that work out. So we are looking at a number of areas, looking at the broad approach that is required, not just obviously with ethnic minority problems but other vulnerable groups as well, and I think that is being undertaken across the various agencies.
Mr Bailey: Thank you.
Chairman: Minister, thank you. It has been a long but useful session and I apologise again for the delays which were beyond the control of this Committee, I am afraid. Thank you for your help. This is the last evidence session and we will now settle down and come to our conclusions, and let you know as soon as we can. Thank you very much for coming. The Committee is adjourned.

APPENDIX 1

Memorandum submitted by the Northern Ireland Court Service

The Committee wishes to know what forms of training in relation to the issues of racism, homophobia and disability are required, or are available for people working within the criminal justice system in Northern Ireland. The Northern Ireland Court Service requires all staff, including new entrants, to attend diversity training. This training encourages staff to consider potential prejudices and outlines the organisation’s overall expectations and standards of conduct. It focuses not only on issues of race, sexual orientation and disability, but encompasses all of the nine groupings identified in section 75 of the Northern Ireland Act 1998 (ie gender, religion, politics, age, marital status, and persons with and without dependents).
The Judicial Studies Board for Northern Ireland has recently embarked on a programme of diversity awareness training for the Northern Ireland judiciary, organised in conjunction with the Northern Ireland Equality Commission. The programme gives the judiciary the opportunity to hear from a number of community groups. Within the last few months presentations have been made to the judges by representatives from the Northern Ireland Council for Ethnic Minorities, Disability Action and the Coalition on Sexual Orientation.

The Committee has also asked about action taken by the Court Service to raise awareness of the “hate crime” provisions in the Criminal Justice (Northern Ireland) (No. 2) Order 2004 and the training provided within the Court Service in response to the Order. The Northern Ireland Court Service has issued a circular to all staff which provides guidance on the hate crime provisions in the 2004 Order. The circular also provides contact points within the organisation should staff have any queries in relation to the new legislation. A copy of the circular has been placed on the Court Service internet site so that it can be readily accessed by staff.

All members of the judiciary who deal with criminal cases have been made aware of the 2004 Order. The Judicial Studies Board is currently considering the possibility of providing training on the 2004 Order. It is anticipated that a training event will be scheduled for early in the New Year.

Finally, the Committee has enquired whether or not the Court Service intends to produce briefing material about the 2004 Order for people working within the criminal justice system. I am satisfied that the measures already taken by the Court Service will ensure that staff are familiar with the provisions of the 2004 Order. As the Department with responsibility for this policy, the Northern Ireland Office should be able to advise the Committee as to what briefing material has been produced for the wider criminal justice system. I understand they will write to you separately on this issue.

17 November 2004

APPENDIX 2

Memorandum submitted by the Probation Board for Northern Ireland

The Probation Board welcomes the Committee’s Inquiry into Hate Crime. The Inquiry is timely with police statistics revealing a rise in this type of crime, proposed new legislation is currently under discussion and we are aware of increased concerns in the community regarding racist incidents.

The Probation Board is engaged in the following developments.

1. The Board has been working on developing a Promoting Good Relations strategy. It is being facilitated in this by the University of Ulster’s Future Ways Programme and is now one of a number of public services that has produced an action plan for promoting good relations.

The areas the strategy addresses are:

— How can open relationships be built within work places that acknowledge rather than ignore the potential our differences can bring to the work and wider organisational tasks?

— How can transformed work places impact on the external environment and wider community relationships?

— How can a commitment to build a work place culture where mutual regard and inter-dependence can flourish also make new space for those people from minority ethnic communities?

The Board has an active staff group who has worked on this area for the last 15 months and has now developed an action plan to roll out the strategy.

The Board is seeking to align its Good Relations strategy with other public services and in particular the Belfast City Council.

2. The Board gave priority in developing a Sectarianism policy which is currently out for consultation. The policy aim is to clearly set out the remit and approach of the Probation Board regarding Sectarianism and it therefore provides the direction for future action.

3. The Board has developed a Promoting Good Relations Groupwork Programme for youth offenders under its supervision. This programme is being delivered in both Belfast and Derry and we are awaiting the preliminary evaluation of its effectiveness.
4. Building on the experience of the Good Relations Programme directed to young offenders the Board is intending to develop an awareness/trust building programme for its staff. This is part of the Promoting Good Relations strategy.

5. The Board is a member of a multi-agency group on recording and monitoring incidents motivated by prejudice and hatred. The Board is of the view that it is crucial to get an appropriate measure of incidents and takes its lead from the findings of the Stephen Lawrence Inquiry regarding the definition and recording of racist incidents. The multi-agency group has all the key organisations involved and is about to tender for organisations to do this mapping exercise on hate incidents in Northern Ireland.

6. The Probation Board is a co-sponsor of the National Association of Probation Officers National Conference on “Hate Crimes” developing policy, strategy and practice with communities. This is to be held in Belfast on 4 and 5 June 2004 and out of this the Board hopes to strengthen its policy and also identify other programmes both for perpetrators and victims of hate crime.

25 March 2004

APPENDIX 3

Supplementary Memorandum submitted by the Probation Board for Northern Ireland

1. The Probation Board recognises the need to review and develop training provision in relation to racism (and other forms of discrimination) and cultural diversity within the Criminal Justice System.

2. This clearly lends itself to cross-cutting as the knowledge, understanding and skills necessary to deal with these issues appropriately and effectively are common to all. It would seem entirely appropriate to develop and deliver collaborative and joint training in this area.

3. The forms of training required would include:
   — General awareness training for all staff—promoting, understanding and learning about diversity, discrimination and prejudice both at an individual, institutional and societal level.
   — Dealing with the “lessons learned” from enquiries and how these have been translated into policy and practice at both management and operational levels.
   — The experience and issues of working in the legislative framework and definitions governing this area.
   — The different perspectives of minority groups and how they impact on the dominant culture.
   — What works in the supervision of offenders convicted of Hate Crime.

4. The Board is connected with the National Probation Service and the work it has completed on diversity, discrimination and prejudice and Hate Crime in particular.

5. The Board is engaged in a developmental process of building a learning model around Promoting Good Relations within the Probation Board for Northern Ireland. This is in partnership with the Future Ways Programme of the University of Ulster. I have already written to you regarding this in a letter dated 25 March 2004.

6. All Probation Officers are qualified Social Workers and as such they have undergone training regarding Anti Oppressive Practice. As the Probation Board is a Practice Learning Organisation, we have staff who have the required competence in assessing practice in this area.

7. The new Hate Crime provisions in the NI Order does impact on our current practice of assessment prior to the preparation of a Pre Sentence Report. Staff now need to assess whether “Hate” was a factor in the offence and if it was how this reflects a more serious disposal. The Probation Board has revisited the existing standards for assessments and pre sentence reports to reflect this and training will be provided.

8. The above point is reflected throughout the Criminal Justice System in that the aggravating factors of prejudice/discrimination has to be identified at investigation, prosecution and sentence and again this suggests an area for collaborative and joint training.

9. Probation Board Members to date have not been involved in training on the Hate Crime provisions but clearly there is a need for this.

10. The Probation Board will be providing Briefing Materials about the Order for both Staff and Board Members and this will complement the revision of Standards as already commented upon.

15 November 2004
APPENDIX 4

Memorandum submitted by the Belfast District Policing Partnership

1. The Belfast District Policing Partnership’s Strategic Plan underlines its commitment to establish effective working relationships with a range of groups. One of the seven main groups or sectors with whom we would like to build a relationship as a matter of priority is Section 75 umbrella groups, including groups representing ethnic minorities.

2. The District Policing Partnership will develop and implement a Partnership Approach designed to build productive relationships with these groups in particular. In the early stages this may involve meeting with potential partners to establish matters of mutual concern and areas where joined-up working would be productive.

3. The District Policing Partnership is concerned to note the recent increases in racially-motivated incidents in Northern Ireland and the proportionately higher rate of such crime than that in the rest of the United Kingdom. We note with concern also that evidence from social attitude surveys indicates increased community polarisation in Belfast, with low levels of tolerance or appreciation of diversity.

4. The Partnership is extremely concerned that, of the 296 incidents of racism in the Province between 1 April and 31 December, 2003, a total of 98 of these were reported to the Police in South Belfast.

5. The Partnership supports the view of Belfast City Council that racist behaviour is present throughout our society and rejects all manifestations of racism including inflammatory remarks, insults, threats and physical violence against ethnic minority members of our community. The Partnership calls for all steps to be taken within the law to deal with such behaviour and to provide reassurance for those under attack.

6. The Partnership notes that Belfast City Council has requested it to monitor the Police Service of Northern Ireland to ensure that appropriate steps are taken to give priority to apprehending the perpetrators of this type of crime.

For its part the Partnership will:
— publicly condemn, at every opportunity, all manifestations of racism in whatever form and wherever occurring in Belfast;
— in undertaking its function to monitor the performance of the Police in carrying out:
  (i) the Annual Policing Plan as it relates to the district; and
  (ii) the Local Policing Plan for the district,
ensure that mechanisms are put in place to enable it to monitor all instances of Hate Crime in Belfast and the detection rates associated therewith.

7. The Partnership recognises that the Police have undertaken a number of initiatives, including the creation of an ethnic minority forum, to address Hate Crime issues and supports the view of the Police that the problem can not be remedied by a quick solution but requires a long term remedy involving proper resources and a multi-agency approach. In addition, the Partnership notes that additional resources might be required to assist the Police in tackling the issue of Hate Crime.

8. The Partnership welcomes the proposals in the Draft Criminal Justice (Northern Ireland) Order 2004: Legislative Proposals on “Hate Crime” to provide the Courts with powers to impose heavier sentences when an offence is aggravated by hostility based on the victim’s actual or presumed religion, race or sexual orientation.

9. The Partnership welcomes the recognition that hostility can be based on hatred of a group—as opposed to an individual victim’s race, religion or sexual orientation. Also that it can be based on the presumed race, religion or sexual orientation of the victim (presumed on the part of the offender)—or presumed membership or association with such groups.

10. The Partnership is of the opinion that improved legislation and an increase in sentences are not enough to deter instances of Hate Crime. There is a responsibility on the wider-community and society in general to change significantly its attitudes and behaviour to address the broader issues relating to Hate Crime.

APPENDIX 5

Memorandum submitted by NUS-USI

The NUS-USI Student Movement represents the interests of over 185,000 students in Northern Ireland and campaigns on their behalf in many different fields such as student hardship, finance, health, prejudice and accommodation. We also provide an infrastructure that helps individual Students’ Unions in the North of Ireland to develop their own work through our research, training and development functions.
Government and colleges do not currently collect statistical information relating to the levels of hate crime directed at students but anecdotal evidence would suggest that students, particular from overseas, are increasing the victims of such crimes. We have a long record of working extensively in the field of tackling prejudice and raising awareness of the diversity issues on campus. We therefore welcome the opportunity to input into your question regarding:

— Examining the effectiveness of measures taken by government and relevant agencies to tackle prejudice, and to support the victims of such prejudice.

Since 1994 NUS-USI has employed dedicated staff promoting community relations and later diversity in tertiary education. We have run a number of very successful campaigns to challenge prejudice, including the Bigots Beer campaign. We are about to launch our new postcard and poster campaign, which focuses on sectarianism, racism, homophobia and disability discrimination. Over the years we have facilitated engagement between over 3,000 students on issues such as sectarianism harassment, homophobia, racism and internalised oppression. We also run a Clubbing Together grant scheme to encourage students to run their own events to look at issues of diversity on campus. An example of the type of work that this can support is the Islamic Students of Northern Ireland’s week long event of debates and exhibitions currently on at Queen’s University http://www.belfastislamiccentre.org.uk

Due to the segregated nature of our education system and polarised communities, for many young people entering further or higher education is the first time that they encounter people from different communities, ethnic identities, sexualities etc. However, just meeting someone from a different community is not enough to counteract 19 years of prejudice. Research has highlighted the fact that even in further and higher education students segment themselves in terms of who they socialise with, where they live and even which colleges or campuses they choose to attend. The two teacher education colleges St Marys and Stranmillis have historically attracted students from particular communities and little has changed since they academically came under the auspices of Queen’s University.

We believe that challenging prejudice has to start in primary school, followed up in secondary school and continued into further and higher education. While the new citizenship curriculum does offer some opportunity to explore difference and diversity, the proposed core religious curriculum reinforces difference, particularly with respect to those of other religions and those who are gay. Our experience in working with student teachers in St Marys and Stranmillis has indicated that teachers are ill equipped to deal with controversial issues in the classroom and can transmit their own prejudices to the next generation. While student teachers spend up to four years learning teaching skills, and their own area of expertise, they currently spend only one day per year examining issues of prejudice.

Even though students are key stakeholders within colleges, there is no requirement through Section 75 to engage them in training to fulfill the obligations to promote good relations, as the requirements only extend to staff. Students are consultees but often do not have the capacity to engage with the Section 75 process.

We don’t believe that government is doing enough to tackle prejudice, and the work that is being supported is often around the “safer” prejudices such as racism rather than homophobia. Currently the Department for Employment and Learning (DEL) does not have a strategy to engage students in further and higher education in diversity work. Our work has historically been funded by the Department of Education, though their function focuses on primary and secondary education. We would welcome the opportunity to play a much more strategic role in partnership with government to tackle prejudice on campus, but this does not currently exist.

Many students are still suffering the consequences of the conflict on our campuses, many of whom may need support from Students’ Unions and their parent institutions. Not all of these individuals require counselling or financial help for example. Nevertheless as researchers have noted:

“The public acknowledgement of their suffering, and the provision of supportive networks or services for those that need them is an important part of Northern Ireland’s recovery as a society” (Northern Ireland’s Troubles—The Human Cost, Marie-Therese Fay, Mike Morrissey and Marie Smyth, Pluto Press and The Costs of the Troubles Study, 1999).

We believe that DEL could usefully explore with victims groups and college student services providers how to develop and provide this support on campus and to reach out to those disadvantaged communities that have borne the brunt of the conflict. This sensitive work needs to recognise that victims and survivors have specific and different needs and that we should act as facilitators rather than impose solutions in the student environment.

In addition, colleges should explore how to develop the skills of social workers, teachers, doctors, lawyers and other professionals in order to prepare them for the kinds of effects the conflict and hate crimes may have had on their clients or patients. College admission officers, student health staff, Students’ Union personnel and other student services practitioners could also benefit from this awareness training. The issue of commemorating the victims of the conflict on campus could also be sensitively explored alongside the provision of more research on the impact of the troubles on tertiary education provision. As we continue the search for peace and reconciliation, hopefully we can harness the skills and resources of our academic community to make a real contribution to recognising the pain of our victims and survivors.
We would like to recommend to the Committee the following actions:
— The collection of specific data on students as victims of hate crime.
— Special support mechanisms should be considered by DEL and colleges to protect international students.
— Colleges and other tertiary education stakeholders should consider the provision of extra campus security and awareness raising campaigns to combat the growing threat of hate crimes directed at students.
— More research on the impact of the troubles on tertiary education provision.
— Colleges explore how future public workers such as social workers, teachers, doctors etc can respond to the specific needs of the victims of hate crimes.

March 2004

APPENDIX 6

Memorandum submitted by Raman Kapur, Director, Threshold

I am one of the first generation Indian community born in Northern Ireland; my father was one of the first settlers in the early 1950’s.

A documentary, made with the BBC, called “A Passage from India” (based on a book written by my brother called the “Irish Raj”) went out locally 18 months ago describing the positive story of the Indian population in Northern Ireland.

I’m the first ethnic minority Clinical Psychologist and the first Director/CEO of a public sector organisation in Northern Ireland (Threshold, a mental health charity).

My experiences are from someone “born and bred” here, who lived in England for eight years, returning in 1990.

1. REASONS FOR REPORTED INCREASE IN HATE CRIMES
— Important to clarify objectivity and accuracy of statistics eg what constitutes a race hate event?
— Maybe racist hate crimes were already at this level during the troubles and simply were not reported.
— Racist crimes have to be seen within the context of positive reports of ethnic minority life in Northern Ireland.

2. EFFECTIVENESS OF MEASURES TO TACKLE PREJUDICE
— Reacting to inaccurate statistics may create a victims culture.
— Working class prejudice (hatred more visible and easier to tackle) what about middle class/professional racism which is harder to detect and correct eg ethnic minority medical and other professionals suffer “hidden” discrimination because people worry the “darkies are taking over”.
— Response of agencies has tended to be more “PR” than substance eg key agencies could proactively go out to schools and/or organisations and provide support for ethnic minorities to feel confident about playing a fuller part in society.

3. EFFECTIVENESS OF EXISTING LAW
— While legal protection is important it doesn’t provide all the answers.
— Ethnic minorities, as the Indian community have done, have got to take responsibility to engage with the locals.
— We are in danger of creating a victim culture with the race issue; an “inside out” approach to racism, as exemplified through the positive experiences of the Indian community is about going out and integrating/de-mystifying our culture with the locals.

Overall, I feel there is a real danger of middle-class anti-racism protests being used to cover the silent racism that I have certainly experienced. The Indian community way has been to avoid victimhood and try and create a pluralist society.

31 March 2004
APPENDIX 7

Memorandum submitted by the Department of the Director of Public Prosecutions for Northern Ireland

The Director has asked me to reply.

I understand that the Committee wishes to:

1. explore the reasons for the reported increase in crimes and incidents motivated by hatred within and between the communities in Northern Ireland;
2. examine the effectiveness of measures taken by Government and relevant agencies to tackle prejudice, and to support the victims of such prejudice; and
3. to assess the effectiveness of the existing law and proposed changes to that law.

While matters of law reform are for Ministers in Parliament, the Director considers it appropriate that they be afforded with his views as to the practical implications of change.

Accordingly, he has commented upon the draft Criminal Justice (Northern Ireland) Order 2004.

Clause 2 of the draft provides for an increase in sentence for offences aggravated by hostility. If the offence is aggravated by hostility, it is proposed that the courts shall treat that fact as an aggravating factor (that is to say, a factor that increases the seriousness of the offence) and shall state in open court that the offence was so aggravated.

Clause 2(3) sets out the circumstances where an offence is to be viewed as aggravated by hostility, which includes the victim’s membership (or presumed membership) of a racial group; the victim’s membership (or presumed membership) of a religious group; the victim’s membership (or presumed membership) of a sexual orientation group; or that the offence is motivated (wholly or partly) by hostility towards membership of a racial group based on their membership of that group; members of a religious group based on their membership of that group; or members of a sexual orientation group based on their membership of that group.

Clause 4 provides for an increase of penalties in relation to certain specified offences.

The Director considers that to seek to prosecute race, homophobic, or sectarian crime by imposing upon the prosecution a responsibility to prove beyond reasonable doubt additional elements of a new aggravated offence, above and beyond what the prosecution would otherwise be required to prove in ordinary cases is liable to raise expectations in the mind of the public which cannot be met. The difficulties which may arise in securing sufficient admissible evidence to prove the requisite additional intent for such an offence could result in a loss of public confidence where legislation was not seen to be effective.

Accordingly, the Director favours a sentence based approach rather than an offence based approach. In other words a court should be entitled to take into account, when sentencing in respect of an existing offence, a wide range of factors including evidence of verbal comments or conduct arising at the scene, admissions made during interview by police and any evidence given by the defendant during the course of trial. However, it is important to remember that, even where this approach is taken, the prosecution will still be required to satisfy the court to the high standard of beyond reasonable doubt that the admissible evidence demonstrates that the offence was aggravated by hostility on grounds of either race, religion or sexual orientation.

I would add that the Director has already in place arrangements with police in pursuance of Article 5(l)(c) of the Prosecution of Offences (Northern Ireland) Order 1972 to ensure that offences arising out of or relating to incidents of a sectarian or racial nature are reported to him with a view to the initiating or continuing criminal proceedings, and, that certain offences of a sexual nature are also required to be reported to him.

In this regard, following consultation with Mrs Gillespie, Assistant Chief Constable, Police Service of Northern Ireland, the Director has been informed that police record the perception of individuals, whether victims, witnesses or third parties, as to whether an offence was motivated by racial, religious, or homophobic considerations. The Director intends that if the draft Order comes into legislative effect, where there is evidence against an identifiable individual, that all such offences as fall within Clauses 2, 3 and 4 of the draft Order will be reported to him in pursuance of Article 5(3) of the Prosecution of Offences (Northern Ireland) Order 1972. The Director intends to maintain information in regard to cases in respect of which the prosecution will seek to adduce evidence in pursuance of Clauses 2, 3 and 4 of the draft Order and the outcome of such cases.

26 March 2003
APPENDIX 8

Supplementary memorandum submitted by the Department of the Director of Public Prosecutions for Northern Ireland

The Director has asked me to reply to you on his behalf.

You seek a response to the following:

What forms of training in relation to issues of racism, homophobia and disability are required, or are available for people working within the criminal justice system in Northern Ireland?

Staff of the Department of the Director of Public Prosecutions for Northern Ireland (DPP) are Northern Ireland Civil Servants and are required to undergo a half day Equal Opportunities training course. This is mandatory. This training course covers issues of racism, homophobia and disability.

In addition, arrangements are currently being made with the Northern Ireland Council for Ethnic Minorities (NICEM) for specific training in racial awareness to be delivered to DPP staff. It is anticipated that this training will take place in the early 2005 and that the training will be delivered by NICEM trainers.

Actions taken by the DPP to raise awareness of the “hate crime” provisions in the Criminal Justice (Northern Ireland) (No. 2) Order 2004 and the training provided within the DPP in response to the Order.

Specific guidance in the form of a Legislation Note detailing the provisions of the Order was issued to all legal staff in the DPP and is available on the DPP Intranet site for all DPP staff.

Does the DPP intend to produce briefing material about the 2004 Order for people working within the criminal justice system?

It is for the individual criminal justiced agencies to determine what internal briefing material is required for staff within each agency.

Figures from 1987 on the number of prosecutions arising from hate crimes in Northern Ireland.

Prosecution of seven persons has been directed for offences contrary to Article 9 of the Public Order (NI) Order 1987.

Prosecution of three persons has been directed for offences contrary to Article 10 of the above Order.

Prosecution of three persons has been directed for offences contrary to Article 13 of the above Order.

I observe that not all these cases have been concluded at Court.

26 November 2004

APPENDIX 9

Memorandum submitted by the Alliance Party of Northern Ireland

INTRODUCTION

Hate crimes are attacks upon the person and upon property that are motivated by bigotry and/or prejudice.

Northern Ireland has been and remains a deeply divided society. But rather than these communal divisions being addressed and overcome, they are becoming institutionalised. The dominant orthodoxy is that separate but equal communities can be managed through some form of “benign Apartheid”. However, skilful conflict management cannot be constantly maintained. With little or no common bonds or overarching loyalties to a set of shared values, once there is a major crisis, it is relatively easy for separate communities to go their separate ways.

Not only sectarianism, but also racism and homophobia, and communal segregation remain major characteristics of Northern Ireland society.

Racism, sectarianism and other forms of prejudice are about institutionalising difference and putting people into boxes. However, more often that not, these differences are often imagined or constructed rather than real or substantive.

Sectarianism is similar to racism, except that religion or other criteria are used rather than race. Sectarianism is not just practiced by those engaging in and around interfaces. It is present not only in working class communities or at interface areas but also in the leafy suburbs and down at the golf club. Rather sectarian attitudes are prevalent and persistent throughout Northern Ireland society. Community relations strategies must reflect this reality.
Racist and homophobic attitudes are also deeply ingrained. There is evidence that the people of Northern Ireland are even more racist than they are sectarian.

Sectarianism is not just something that is practised by Protestants against Catholics or vice versa, but is multidimensional and multidirectional. It exists when preconceived generalisations or assumptions are placed onto others. Prejudice literally means that people are pre-judged. This includes the pigeon-holing of others into fixed identities, such as when there is a presumption that Northern Ireland is defined by “two communities”, while ignoring existing cross-community relationships and desire of others not to be associated with either of the two main communal identities.

Sectarianism is about the idea that you are born into an essentialist identity; you are defined by the “community” into which you are born.

Sectarianism is also present when the perceived “other” side is scapegoated for problems, and the responsibility of those on the perceived “same” side are denied. This is most clearly manifested with respect to the “blame-game” associated with inter-communal violence.

Evidence shows that sectarian attitudes peaked during the 1970s, but they were under-reported or ignored as other issues took precedence. Compared to the 1970s, attitudes are better today. However, it seems that attitudes were at their relative best during the mid to late 1990s, but have since declined. Given their relative lack of budgets and policy support, it is ludicrous to try to link the performance of community relation structures, particularly the Community Relations Council, to trends in community relations as some commentators have sought to do. On a positive, note, sectarian discrimination in employment has been essentially eliminated.

To a considerable extent, sectarianism has been institutionalised in Northern Ireland society and its public policy. The language of the “two communities” is widespread, and many policy initiatives are based on the premise of a majority and a minority. The institutionalisation of sectarianism—the benign Apartheid—is most manifest in the Agreement, in particular through the use of designations in the Assembly. This problem is also notable in the 2001 Census. 14% of the population did not describe themselves as either Catholic or Protestant. However, 11% were allocated to constructed Protestant and Catholic communities based on indicators of where they live, names and where they went to school. As a result of this approach, right from the top-down, negative indicators are given out to wider society.

Violence remains a major manifestation of sectarianism. There is an erroneous tendency in some quarters to equate sectarianism with violence rather than to address the underlying attitudes that cause it. Violence has changed qualitatively since the ending of “the Troubles”, but quantitatively the number of offences has increased.

Rather than “high-intensity” attacks on the security forces and economic targets, and sectarian murders, there is a rise in more “lower-intensity” violence of street violence and other inter-communal violence, but also a continuation of some sectarian murders. This violence arguably occurs on a much more widespread basis, and directly affects a greater number of people. There is a statistical rise in the number of sectarian offences. An enormous element of police resources is absorbed in policing interface areas.

Furthermore, sometimes the immediate response to such problems can create longer-term problems. The erection of “peace walls” may help keep different sections of the community apart in the short-term, but in the long term they reinforce divisions and perceptions of “them” and “us” that foster conflict. Perversely, the emphasis of the distribution of peace monies, community grants the distribution of emergency Executive funds to areas of deprivation after conflict has erupted rather than to areas of deprivation generally can create incentives for street violence in order to keep the profile of the area prominent.

The police can only manage the immediate problems that they are confronted with; they cannot address the underlying societal causes. In addition, they are not helped by the failure of Unionists and Nationalists to articulate a common view of the rule of law. Rather, they define versions that suit the interests of their own perceived group.

Dealing with Hate Crimes

The Alliance Party has been a longstanding advocate of the introduction of Hate Crimes laws into Northern Ireland. The topic was discussed and supported in a debate at our Party Conference in April 2000. Alliance submitted some proposals to the Northern Ireland Office on this subject in July 2000. We responded in detail in February 2003 to the NIO Consultation on measures to deal with Racial Crime and Sectarian Crime. The Party has also provided a number of newspaper articles on the subject, and issued numerous press statements.

Hate Crime measures were first popularised in the United States during the 1990s. Laws have now been enacted by virtually all states, and the federal government, and have survived challenge in the Supreme Court. The extension of hate crime protections remains a major political issue in the United States. Other countries, such as Canada, have also introduced similar measures.
Such laws were first introduced into Great Britain in 1998 through the Crime and Disorder Act. It was disappointing that the scope of these laws initially only applied to racially-motivated offences. It was even more disappointing that these laws were not extended to Northern Ireland. While it may have been difficult to address racial crime in isolation of addressing the issue of sectarian crime in the Northern Ireland context, it is spurious to suggest that both could not have been legislated against at the same time. Measures to deal with religious Hate Crimes were subsequently introduced in Great Britain. Scotland introduced laws covering racial and religious motivated crime in 2003.

The independent Cambridge University Review, sponsored by the Home Office, has since vindicated the broad approach taken through the Crime and Disorder Act. It has recommended some improvements in the application of these laws which is pertinent to any extension and broadening of such legislation in relation to Northern Ireland.

There is strong justification for Hate Crimes laws dealing with offences motivated by racism, sectarianism and homophobia.

While Northern Ireland may have a smaller ethnic minority population that Great Britain, they nevertheless constitute a significant element of the community. There has been an upsurge in reported racially-motivated attacks. Indeed, Northern Ireland has a marginally a higher rate of reported attacks relative to the population than Great Britain.

Northern Ireland has a long history and ongoing experience of sectarian attacks. These have had a close overlap with politically-motivated attacks during “the Troubles”. Since the ceasefires, there has indeed been an intensification of low-level sectarian offences. Sectarian attacks against the person have ranged from common assaults to murder. Attacks on property have ranged from minor vandalism to arson. It would be perverse to legislate against racial crime while ignoring sectarian crime.

There is also a problem of homophobic attacks, or “gay-bashing” in Northern Ireland. Again, these range from assaults through to a number of high-profile murders. The police are becoming sensitive to the particular nature of these crimes. There is a very strong case for extending the measures contemplated in this paper to homophobic crime either on a Northern Ireland or a UK-wide basis. Alliance welcomes the inclusion of homophobia within the current legislative proposals for Northern Ireland.

However, Alliance has been frustrated at the delays and false dawns with respect to such legislation in Northern Ireland. Alliance urges the Government to proceed as rapidly as possible with the introduction of these laws.

Hate crime laws are only one aspect of a broader strategy to address racial, sectarian or other such crimes. Such legislation is geared towards tackling one of the symptoms rather than the causes of sectarianism and racism.

Most fundamentally therefore, there is a need for strong community relations strategy that addresses all forms of prejudice or bigotry. This must include programmes to encourage integration or mixing in all aspects of life, including schooling, housing, work and leisure, and education in the values of a culture of lawfulness and mutual respect for difference. Alliance has addressed these issues in our recent community relations policy paper, Building a United Community (December 2002).

In terms of dealing with the symptoms, ie when such attitudes are expressed in the commission of criminal offences, there are a number of levels at which action is required.

First, encouragement must be given to victims to report attacks. There is evidence of an increased willingness to report attacks, but there is still a perception that many incidents are still not being reported.

Second, suspected hate crimes must be recorded as such by the authorities. This is now happening with respect to racial and homophobic crime. However, this is not yet the case with sectarian crime. There is an absence of reliable statistics in this type of crime. This omission should be addressed.

Third, those responsible for such attacks must be arrested and prosecuted. There are legitimate concerns at the lack of success in this area. However, it is a positive development that both racial and homophobic crime detection targets are now included in the Police Service’s policing plan.

Fourth, appropriate and effective sentences need to be handed down. It is anticipated that the forthcoming Hate Crime laws would address this area.

Deterrence will be generated by action in all four areas. Nevertheless, the sentencing aspect is particularly important with respect to both deterrence and the sending a wider message to the wider community.

There are four main justifications for the introduction of Hate Crimes measures, involving stiffer sentences

The first justification arises from perceptions that sectarian, racist or homophobic violence is a symptom of undesirable bigotry, intolerance, and prejudice within society. Therefore, it should be punished more severely than if the motivation had been otherwise.
The second and related possible justification for Hate Crimes measures is that such criminal offences can be perceived as attacks upon the community as a whole, and the idea and values of a diverse, multicultural, non-sectarian, colour-blind, and tolerant society. Hate crimes are a threat to a stable society and good community relations.

The third justification is from the point of view of the victim. The victim is potentially a victim twice over, first, a victim of the violence itself, and, second, a victim of hatred and prejudice. The hatred motivation to the criminal violence can reinforce any perceptions of the victim that they are not fully part of or accepted within particular communities or society as a whole; they can become conscious of their “social label”. Hate Crime measures then seek to redress this additional victimhood with additional punishment.

The fourth justification is that Hate Crimes affect not only the immediate victim, but individuals in wider society, in particular those that perceived as having the same characteristics as the victim. The crimes create a general sense of fear that those individuals may themselves be selected and become the subject of attack.

There are some unfounded fears that the introduction of Hate Crimes will: (a.) institutionalise groups; and (b) and will make victims more important under the law.

More than most, Alliance would be conscious of the dangers of institutionalising groups rights and/or divisions at the expense of a shared society reinforced by a united community.

It should be clearly stated that not all attacks on any individual perceived to have certain characteristics or to belong to a particular group by someone with other characteristics or associated with a particular group. Such attacks may have nothing to do with prejudice or bigotry, and have other explanations. Similarly, some of the language used in the course of any attack, in the heat of the moment, may be incidental to the real motive. Similarly, it is possible for a person to attack someone who is deemed to share the same characteristics or be associated with the same group and for it to deemed as a Hate Crime. There could be incidents of mistaken identity or the victim to be attacked for associating with others with different perceived backgrounds. In short, the main determination of a Hate Crime is the motivation of the offender rather than the identity of the victim.

Alliance clearly emphasises that all citizens should enjoy equal treatment and equal protection under the law, and that all citizens should be free from fear of violence and intimidation. Alliance reiterates that each and every crime should be properly investigated and prosecuted as appropriate, with no discrimination in terms of the identity of the victim. The stiffer sentences clearly only apply in relation to a conviction, and not whether or not a prosecution is pursued by the authorities.

March 2004

APPENDIX 10

Memorandum submitted by the Radha Madhava Temple, International Society for Krishna Consciousness

We’d like to make the following submission regarding incidents motivated by hatred in Northern Ireland. I only saw NICVA’s notice about this today, so please excuse this hasty handwritten letter.

We have been at the above address for c.17 years. It is a Grade II listed detached property, built in the Art Deco style by a local architect for his own family in 1909.

Ever since we have occupied this once-beautiful building we have suffered many attacks on our house, on ours and visitors cars and even on individuals. I shall give a brief list:

Arson attacks on our garden furniture and equipment including a large shed, entrance gates.
Garden ornaments smashed eg expensive large urns.
Leaded windows on the ground floor bashed in with hammers.
Building attacked by night by big groups of persons throwing stones, and even on occasion, golf balls, smashing windows on both floors—this sort of attack is the most common—sometimes half bricks are used.
Throwing eggs at the windows and doors.
Once we were even attacked by a group of youths carrying hatchets attempting to chop down the front door—on the same day they assaulted a 56-year old female member of our congregation.
Damaging and even burning vehicles in our car park—this particularly vicious practice has cost us most of our congregation, and since we are a religious organisation, we have had our community as well as our building smashed.

The local police are sympathetic but there is little they can do. The Jehovah’s Witnesses had their hall burned down a couple of years ago—they were located just a few hundred yards away. We cannot afford to relocate to an area where we would be perfectly safe from the aggression we have experienced, and repairing our building is many more times expensive than normal, due to our listed status. Just replacing one small window costs hundreds of pounds.
So, basically we are finished here unless we are successful in getting a Heritage Grant, and even then, what protection shall we have in the future, in a country that does not recognise the value of cultural diversity or ethnic difference, or rather has not the resources or will to protect us and others like us from those who just want to destroy whatever is “not-us”.

25 March 2004

APPENDIX 11

Memorandum submitted by the Commission for Racial Equality in Scotland

The Commission for Racial Equality in Scotland welcomes the opportunity to comment to the inquiry into hate crime in Northern Ireland. The CRE in Scotland has watched with concern the increased levels of racism being reported in the Northern Irish press and welcomes the Inquiry as an important step in recognising ethnic minority communities concerns and fears and developing effective responses.

Racial Incidents in Scotland

Over the past eight years racial incidents reported to the Police in Scotland have risen on average by 15% per annum. (see Table 1).

Racial Incidents Reported to the Police—Scottish Totals 1996/7—2001/2

<table>
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<th>98–99</th>
<th>99–00</th>
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<td>302</td>
<td>308</td>
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<td>Scottish Total</td>
<td>810</td>
<td>1,078</td>
<td>1,271</td>
<td>2,242</td>
<td>2,731</td>
<td>3,116</td>
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</table>

* Provisional total.

The exception to the trend is 2003–04 where the total has remained apparently static. However it should be noted that during 2003–04 Grampian Police introduced a new system for tracking racial incidents—which was intended to boost reports—but which had the apparent effect of reducing reports to the Force by half. The reason for this fall is still being investigated. The general trend across all Forces remains upwards.

The CRE in Scotland anticipates that this upward trend will continue as we believe that the actual number of racist incidents occurring in the community is far higher than that reported to the Police. Recent research published by the University of Glasgow examining the Recording of Racial Incidents by Strathclyde Police (UoG 04) suggests that only 1 : 5 of all racial incidents occurring in the community are every reported to the Police. This research also identified trends in and for non reporting:

— 2:5 of reported incidents took place in business premises (shops takeaways etc);
— the largest victim group were Asian men;
— incidents are most frequent between 3pm–10pm and often escalate from verbal abuse to threats and/or assault;
— chinese, people, isolated communities, women, younger people and retail staff were least likely to report incidents; and
— over 50% of perpetrators were described as youths or children.

This, most recent, research confirms the findings of earlier smaller scale victim and community surveys carried out across Scotland over the past 10 years.

The Strathclyde Police research goes on to identify reasons for low levels of reporting—which we feel may have relevance to Northern Ireland’s current increase in reported hate crimes. Many respondents stated that it was not the eventual outcomes of the case that influenced their satisfaction levels with the Police (and thus the likelihood of their making future reports) but the manner in which they were treated by the Police at the time of reporting, the amount of information they received at the time of reporting, and the follow-up that then took place. Other relevant factors in this regard were:

— victims were very sensitive to officers disinterest in their complaint—many were concerned that the Police would think they were “playing the race card”;
the most dissatisfied were those aged 35 or younger;
— the fear of a racist reaction from officers was a powerful factor in non reporting;
— an assumption that younger offenders would not be effectively dealt was also a factor in non reporting;
— chinese people in particular experienced linguistic problems when reporting; and
community officers were rated highly, often on the basis that they had been known for a long time.
Many participants were unsure that different officers may have different roles.

Measures to Tackle Prejudice and to Support Victims of Prejudice

The Scottish Executive, Local Authorities, the Police, NHS and other public sector bodies are bound by the General Duty of the Race Relations (Amendment) Act 2000 to “promote good race relations”. In the CRE’s view the new positive and enforceable duty is a great improvement on earlier duties placed on such bodies.

The CRE in Scotland has also recently published two assessments of the degree to which Public Authorities in Scotland have complied with their new race Duties (“Towards Racial Equality” and “Fair Enough?”). In general terms the CRE feels that the positive good race relations duty is the hardest component of the general duty for Public Authorities to understand and implement. The CRE is therefore currently involved in a project which seeks to define and describe the circumstances in which good race relations can flourish.

As well as encouraging local partnership, often through Community Safety partnerships (City of Edinburgh in particular), the Duty has provided the impetus for the Scottish Executive’s One Scotland campaign. This high profile campaign aims to tackle deep seated attitudes towards the tacit acceptability of racism but focussing on the “unintentional” impact on victims. The CRE has also welcomed the First Ministers condemnation discrimination and racism in promoting Scotland as a destination of choice for migrants (“Fresh Talent”). The CRE accepts that attitudinal shifts in the Scottish population may take time, but if the Executive is to be successful in its aim it must ensure that the potential impact of all economic and social policy on race equality is considered at an early stage of development.

Every local authority in Scotland has a local ethnic minority presence and as such racism and racial discrimination are issues for all authorities in Scotland. However it is apparent that outside the Central Belt there are few if any resources available to ethnic minorities, or people whose first language is not English, which might assist them if they are experiencing racism or discrimination. The CRE in Scotland would welcome the development of a consistent and coherent strategy for rural and small town Scotland which aims to meet the needs of Scotland’s dispersed and varied ethnic minority communities. Whilst this is an area which remains largely unexplored De Lima (CRE 02) and others suggest that the notion of ethnic minority communities in rural Scotland may be in itself wrong—in actuality many people live in isolation from each with no religious, cultural or social settings available to them which might foster a sense of community. The impact of racism or discrimination on such isolated individuals is therefore magnified.

The Effectiveness of the Existing Law and Proposed Changes to the Law

In recent years the Scottish Executive has extended the law to introduce a new racial aggravation charge which is available to the Police and Procurator Fiscal. Early reports suggest that the new aggravated charge is being used although the extent to which it is successfully deployed is hard to ascertain because the Crown Office has failed to publish statistics on its implementation. If any new such charge is to be introduced in Northern Ireland the CRE would encourage the Committee to consider placing a positive duty on the prosecution services to publish annual data about its usage. A similar extension of the law to cover religious aggravation has also been recently introduced and to date the CRE is aware of 262 referrals from the Police to the Procurator Fiscal within the first nine months of its operation. The extent to which this reflects peoples experience of religious harassment or the degree to which the charges are being brought successfully is unclear.

The Committee will also be aware of the work of the Scottish Executive’s Working Group on hate Crimes which includes representatives of Scotland’s minority communities. This Groups work is described in the recent consultation on the future of hate crime legislation in Scotland (seehttp://www.scotland.gov.uk/about/DJJC/00017915/page1351545971.pdf). The report usefully describes a range of actions that the Executive has supported, including extensive work in victim support and the promotion of positive messages about tolerance. The primary are which the CRE feels is still requiring significant attention is rehabilitative work with offenders and perpetrators of hate crimes.
APPENDIX 12

Memorandum submitted by Lisburn City Council

I understand the Northern Ireland Affairs Committee are holding an official inquiry into hate crime in the North of Ireland. Sectarianism is one of the hate crimes the committee will be investigating and we are asking that you look at this report which has researched the number of sectarian attacks in the parliamentary constituency of Lagan Valley since the signing of the Good Friday Agreement.

There has been a focus recently on the number of racist attacks here and that is something that the NIAC needs to look at as those attacks are totally unacceptable. However, one of the biggest hates crimes in recent years has been the increase in sectarian attacks right across the North. What we have in this report is evidence of a sustained and vicious sectarian campaign against the Catholic community living in the Lagan Valley constituency and in particular in places like Dunmurry.

If the Northern Ireland Affairs Committee are investigating hate crime here then this will give them some idea of the extent of sectarian attacks in just one parliamentary constituency. It is also important I believe that when your committee is holding its inquiry they look at all forms of sectarianism. Not only has there been physical attacks on Catholics living in Lagan Valley but intimidation through flags and emblems and other forms of sectarian harassment has been endured by Catholics living in the area over the last number of years.

I would also point out the failure of the PSNI to protect the Catholic community in the area from this sectarian campaign. One of the startling findings of this report was that of the many attacks recorded the RUC/PSNI did little or nothing to apprehend or convict those responsible.

I hope you will give consideration to this report and the issues I have highlighted. I welcome the inquiry you are holding into hate crimes, and in particular would ask you to look at the issue of sectarian attacks. The Good Friday Agreement states that everyone should have the right to live free from the threat of sectarian harassment. I hope your inquiry can help bring about that right.

11 October 2004

APPENDIX 13

Memorandum submitted by Banbridge District Council

Banbridge District Council welcomes the opportunity to comment on the issue of Hate Crime in Northern Ireland. While Council recognises that a greater number of people have been affected by “The Troubles” over the past 30 years, through injury and loss of life, it is Council’s view that the law should protect all vulnerable groups within our society.

Council is committed to the principle of equality and to the recognition of human rights for all its citizens. Our corporate plan states that Council is:

“committed both in spirit and practice to the equality agenda; enshrined in Section 75 of the Northern Ireland Act”.

Belfast City Council has adopted Good Relations as a corporate strategic objective. The existent role of the Community Relations Function is to:

— increase cross-community contact and co-operation;
— promote greater mutual understanding; and
— develop appreciation of different cultural traditions.

To date, the emphasis of the District Council Community Relations Programme (DCCRP) has focused on addressing the divisions between the two main traditions in Northern Ireland. This has been achieved by developing programmes of activity and by offering “modest” financial assistance to groups wishing to undertake Community Relations activity.

However, given the recent equality legislation (encompassing the Good Relations duty), together with the recent review of Community Relations Policy in Northern Ireland (“A Shared Future”—A Consultation paper on Improving Relations in Northern Ireland January 2003), it is likely that the Community Relations function will be expanded upon to include ethnic minority groups, including Irish Travellers. This is something that Council welcomes, as “a shared vision of society” needs to accommodate the needs of all its citizens.

The Council’s Community Relations section delivers the “Good Relations” function both internally, by providing training in Equality and Good Relations for members and staff and externally by active representation in an advisory capacity on many local Community Networks/Forums, including recent representation on the Black and Minority Ethnic Children and Young People’s Working Group.
Given our existing links within the voluntary and community sector, Council is aware that the (current) largest ethnic grouping in the Banbridge district is that of the Chinese community (approximately a dozen families). Council recognises the skills and expertise that such communities have brought to the area and to the significant contribution that they make to the local economy. Keen to establish a more accurate mapping of ethnic minorities, Council has recently commissioned consultants to map the existence of individuals/communities within the council area, including recent new comers to the district. It is anticipated that this will assist Council in the delivery of the Good Relations function, by consultation with representatives from the ethnic minority sector on improving service delivery.

In a recent district-wide audit on Community Safety, carried out on behalf of the Community Safety Partnership, Council incorporated questions on Good Relations issues. The results of the audit concluded that 92% of respondents believe that relationships are either good or very good in relation to religious/political background. A similar number, 90%, are of the opinion that relationships were either good or very good between persons of differing racial background.

However, Council is extremely concerned to note the recent increases in racially motivated incidents in Northern Ireland and of the increase in community polarisation—(Source—“A Shared Future” January 2003).

Local statistics, sourced from PSNI records, state that from April 2002–March 2003 there were no recorded incidents of either a racial or homophobic nature in the Banbridge District. From April 2003–March 2004 there were two recordings of racial incidents and one homophobic incident and from March 2004 to present there have been no recorded incidents.

We are advised by the PSNI that at present they do not provide statistics on recorded sectarian incidents and at present they do not collect statistics on crime against disabled persons. However (we would assume, in line with recommendations in the Fifth Special Report of Session 2003—04 on “Hate Crime”), we are led to believe that a directive to do so will commence in September/October of this year.

It will be the role of the Community Safety Partnership to monitor such activity across the district council area and to advise relevant agencies accordingly, as well as devising projects and programmes aimed at addressing such behaviour.

Council recognises that racist behaviour is present throughout society and abhors all acts of racism including insulting remarks, threats and physical violence against members of our community. We acknowledge that attitudes and behaviour in our society need to change significantly and through its work in the area of “Good Relations”, the Council will actively seek to address prejudice in all its forms and to enhance awareness and appreciation of cultural diversity.

I think it should be noted that Council, as you know, has absolutely no powers to act against such crime—this lies with the PSNI and within NIHE legislation when committed on their property. The Good Relations function does not cover homophobia or disabled persons—this sits within equality legislation—we can only hope, that through very modest programme that we begin to alter attitudes and raise awareness and appreciation of cultural diversity, but takes time.

12 August 2004

APPENDIX 14

Memorandum submitted by the Commission for Racial Equality

1. INTRODUCTION

1.1 The Commission for Racial Equality (CRE) welcomes this opportunity to provide a submission to the Northern Ireland Affairs Committee Hate Crime Inquiry. As requested, our submission focuses on issues relating to “hate crime” against ethnic minorities in England and Wales.

2. THE CRE: OUR ROLE AND MISSION

2.1 The Commission for Racial Equality (CRE) is a publicly-funded, non-departmental public body set up under the Race Relations Act 1976 (the Act) to tackle racial discrimination and promote racial equality and good race relations. Our Mission Statement commits us to:

work in partnership with individuals and organisations for a fair and just society which values diversity and gives everyone an equal chance to work, learn and live free from discrimination, prejudice, and racism.
3. The Context

3.1 All police forces in England and Wales have collected information on racist incidents since 1986; however, the murder of Stephen Lawrence in 1993 and the subsequent establishment of an Inquiry under Lord Macpherson in 1997 marked a watershed in race relations. The report highlighted the failure of the police to acknowledge the racial motivation of the offence and the lack of support and respect accorded to the parents of Stephen Lawrence.

3.2 In 1999, the police service adopted the definition of a racist incident contained in the Macpherson Report which is intended to be a common definition shared by criminal justice practitioners:

“A racist incident is any incident which is perceived to be racist by the victim or any other person” (Macpherson 1999)

3.3 This definition captures all incidents where there might be an element of racism and commits the police to investigate. Although there may not be a chargeable crime, the offence will have been recognised and some form of investigation undertaken.

4. Specific Comments on the Issues Covered in the Inquiry Terms of Reference

Racist incidents in England and Wales

4.1 In 1990, a total of 6,459 racist incidents were recorded by the police. Since then, there has been a year-on-year increase in the number of recorded racist incidents from 13,878 in 1997–98 to 54,370 in 2001–02. However, the most recent figures show an 11% decline to 48,525 in 2002–03 with 25 forces exhibiting declines ranging from 1% to 75%. In some police forces the number of incidents more than doubled over the last year. It is not yet clear whether this rise is due to increased reporting or recording of incidents by the police or an actual increase in the number of racist incidents occurring in these areas. The table at Annex A provides a breakdown by police force area in England and Wales.

4.2 In March 2004, the Crown Prosecution Service (CPS) published its Racist Incident Monitoring Scheme Annual Report 2002–03 which collects data on prosecution decisions and outcomes in all cases identified by the police or CPS as racist incidents. The figures show a 12% increase in the number of defendant cases identified as racist incidents. There has also been an increase in the number of defendants prosecuted by the CPS from 2,674 to 3,116 (a 74% prosecution rate) with an overall conviction rate of 84%—a 1% increase on the previous year. However, with 4,192 defendant cases identified as being racist incidents and a total of 6224 charges in one year more must be done to tackle this.

4.3 There are also ongoing concerns about under-recording as some police officers may still not be recognising or recording reported incidents or collecting the appropriate evidence where an offence may have been committed. In addition, significant problems remain around getting people to report racist incidents. The British Crime Survey (BCS), which provides an alternative source of data to official statistics, estimates that in England and Wales there were 206,000 racist incidents in 2002–03. By contrast the police recorded just 48,525 incidents in that year, ie less than 24%.

4.4 However, there is some positive evidence that the total number of racist incidents is on the decrease and that the gap between police data (offences reported to and recorded by the police) and the actual number of offences is decreasing. For example, the BCS estimates a fall from 390,000 incidents in England and Wales in 1995 to 206,000 in 2002–03 whilst the police statistics have grown exponentially from 6459 in 1990 to 13,878 in 1997–98 to 54,350 in 2001–02.

4.5 This increase—along with the BCS decline—suggests progressively fuller recording of racist incidents by the police as well as more public confidence in reporting these crimes. However, the Commission continues to push for research to identify the needs of gypsies and travellers and other vulnerable groups because until all victims have full confidence in the ability of the police to deal with them it is not clear whether race hate crime is increasing or decreasing as too many victims simply do not come forward.

Measures taken to tackle prejudice and to support the victims of prejudice

4.6 Following the Stephen Lawrence Inquiry Report, a number of measures were put in place to tackle hate crime and support the victims of such crime.

Code of Practice on reporting and recording racist incidents in response to recommendation 15 of the Stephen Lawrence Inquiry Report

4.7 Recommendation 15 of the Stephen Lawrence Inquiry Report stated that “Codes of Practice be established . . . to create a comprehensive system of reporting and recording of all racist incidents and crimes”.

4.8 In response, the Government’s Racist Incidents Standing Committee (RISC) issued a Code of Practice which aimed to establish effective procedures for the reporting and recording of racist incidents. The Code applies to all statutory, voluntary and community groups involved in the multi-agency reporting and recording of racist incidents and treatment of victims and witnesses.

4.9 The Home Office has been carrying out an evaluation of the impact of the Code on reporting and recording racist incidents and the final report is due to be published in autumn 2004. The research found that the Code had helped to improve and increase reporting and recording of racist incidents and that the availability of third party reporting centres and multi-agency panels had increased; however, further work is needed to ensure that victims are treated with respect and kept informed.

4.10 The Home Office is now planning a substantial revision of the Code based on the research findings which is intended to be completed by the end of 2004 with publication in early 2005. The CRE believes it is crucial that the Code takes into account the experiences of victims in rural areas where victimisation and isolation can be particularly prevalent.

Multi-Agency Panels

4.11 The multi-agency, or ‘partnership’, approach to dealing with racist incidents recognises that racist incidents are not the responsibility solely of the police and that the efforts of all relevant agencies should be co-ordinated. This approach has been formalised in many areas by the establishment of multi-agency panels (MAPs) which draw together representatives of the police and criminal justice agencies, local authorities, schools, voluntary organisations and community groups. Ideally they share details as soon as incidents are reported, divide different aspects of the response between them appropriately, and critically review their joint performance to constantly improve it.

4.12 Many MAPs work with victim support services and in association with “third party” reporting centres, such as places of worship. This can help the police record and respond to racially motivated crime without the victims having to make contact with the police and is particularly important in areas where victims are unwilling or unable to report incidents directly to the police.

4.13 A number of MAPs, including in Bristol and Nottinghamshire, operate a “Common Monitoring System”. This entails the collation of reports of racist incidents from each agency so that wider trends can be mapped as well as enabling Panels to respond more effectively and proactively to local requirements. Using common recording forms with the ability to distinguish between different categories of incident is vital to the analytical process.

4.14 It is important that MAPs communicate effectively with local communities to identify pressing concerns. Good communication involves feeding results back to local communities and this is a vital step in the process of promoting community trust and confidence.

4.15 However, MAPs do not exist in all areas and do not all operate to the same standards with the efforts of some being hampered by agencies failing to cooperate and share information. Research for the Rowntree Foundation found a lack of focus and provision of medium term victim support provision by some panels. Also, the provision and reach of panels in areas with smaller ethnic minority populations was considerably below average which is worrying since the risk of victimisation in those areas can be higher. In addition to the Code of Practice, the Home Office developed the Racial Crime and Harassment Toolkit (2001) to help establish minimum standards.

The Policing Response

4.16 The Stephen Lawrence Inquiry Report and recommendations impacted powerfully on the police strategy for dealing with racist incidents. In 2000, in response to Recommendation 18 of the Report, the Association of Chief Police Officers (ACPO) developed a Guide to Identifying and Combating Hate Crime which set out the actions and standards required. The Guide was primarily aimed at racist incidents but also covered other hate crime and every aspect of the police response to incidents, from using intelligence to detect cases through to investigation and prevention. It also dealt with the required response to the victim, their family and any witnesses.

4.17 ACPO is in the process of updating this guide to include learning from international experiences and specific, referable sections for practitioners and managers as well as examples of good practice. The Commission is keen to ensure that the revised manual focuses on outcomes such as the identification and reduction of repeat victimisation and the promotion of third party reporting. The revised Guide is due to be published in November 2004.

4.18 Individual forces were expected to add the ACPO Guide to their existing procedural guidance on the handling of racist incidents. For example, the Metropolitan Police Service (MPS) and Police Authority (MPA):

26 The Code can be accessed at http://www.homeoffice.gov.uk/docs/coderi.html
28 http://www.crimereduction.gov.uk/toolkits/rh00.htm
— set up a dedicated Racial and Violent Crime Task Force, with Borough based hate crime units;
— initiated Operation Athena to target hate crime;
— created two-way links between the Task Force and Borough Command Units to convey central guidance and gather local intelligence for central analysis so as to initiate London-wide action;
— targeted publicity to encourage the reporting of incidents, including adverts in cinemas and the production of 200,000 advice leaflets;
— prioritised hate crime within the policing plan and policing plan indicators;
— Included “faith hate” incidents within the wider category of racist incidents (post 11 September 2001); and
— set up a high profile, pan London “hate crime forum” which first met in May 2003 at the House of Commons.

4.19 In the aftermath of the terrorist attacks of 11 September 2001, and the subsequent conflict in Afghanistan, many Muslim and other Asian communities in England and Wales experienced an upsurge in religiously motivated incidents. In response, the police set up the National Community Tension Team (NCTT) to monitor developments and co-ordinate effective protection for all communities. The NCTT advised the Commission that the number of recorded racist incidents (including “faith hate incidents”) and other “tension indicators” rose after September 11 but returned to the pre-existing trend by the end of the year. There is no evidence to suggest that the level of incidents rose following the war with Iraq.

Effectiveness of the existing law and proposed changes to that law

4.20 The Stephen Lawrence Inquiry was convened at a time when the official response to racist violence was changing. The Crime and Disorder Act 1998 introduced new provisions to deal with racist violence and harassment, bolstering the existing powers available to police under the Public Order Act 1986, which includes the seldom used provisions covering incitement to racial hatred.

The Crime and Disorder Act 1998

4.21 The Crime and Disorder Act 1998 created offences of racially aggravated wounding, assault (actual bodily harm), common assault (Section 29); racially aggravated fear/provocation of violence, intentional harassment/alarm distress (Section 31); and racially aggravated harassment and stalking (Section 32).

4.22 The Act was later amended by the Anti-Terrorism, Crime and Security Act 2001 to make provision for religiously aggravated offences. Prior to this there was little legislative provision covering religiously motivated incidents, with the exception of Jews and Sikhs who are recognised under the Race Relations Act 1976 as racial groups. However, despite Commission efforts, provisions in the Act to cover incitement to religious hatred were dropped following accusations that this would curb freedom of speech. In the Commission’s view, religious incidents should be accorded the same level of priority as racist incidents.

4.23 A specially appointed Select Committee on Religious Offences was established by Parliament in 2002 to consider the reform of existing religious offences. In 2003, the Committee reported that it had reached no firm conclusions though it acknowledged that there should be a “degree of protection of faith”. The Committee also rued the lack of adequate data available to identify the volume and nature of assaults motivated by religious as opposed to racial hatred. This is an ongoing problem in that it is not clear how many attacks are occurring or whether the police are sufficiently trained or motivated to identify, record or respond to them.

Public Order Act 1986

4.24 The Public Order Act 1986 created an offence of incitement to racial hatred which is committed when a person says or does something that is threatening, abusive or insulting and by so doing, intends or is likely to stir up racial hatred.

4.25 Very few cases of incitement to racial hatred ever result in prosecution. One reason for this is that such cases have a high legal threshold which means that few cases result in a successful conviction. The CPS has an expert team who consider cases which must be referred to the Attorney General for approval before they can go to trial. Arguments have been put forward that the legal threshold should be reduced so that more cases can be successfully taken.

Other legislation

4.26 The Commission is hoping to carry out a scoping study to explore if, or how, the new provisions to tackle anti-social behaviour are being used to effectively tackle low-level racial harassment as currently no data is available.
Problems with the legislation and prosecution of racist crime

4.27 Encouraging agencies to recognise racial motivation behind incidents is an ongoing challenge. Through a process of “attrition” cases are lost at every stage of the criminal justice process from most incidents not being reported to the police and the failure of the police to recognise or record incidents, to the CPS’s failure to prosecute all of the cases that it receives. In the past, many cases with a racial motivation would be plea-bargained with the defence council to secure a lesser conviction. This proved very unpopular with the victims of racially motivated crime who, if nothing else, wanted the racial motivation to be recognised and responded to.

4.28 In 2003, following extensive consultation with ethnic minority communities, the CPS produced a new Code of Practice for its prosecutors which covers the prosecution of racist and religious crime, including the principle that racial motivation should not be plea-bargained away. The Code is supported with a background document to explain the law and the CPS approach to prosecutions, making the whole process more transparent. In many cases the CPS will either write to or meet with victims to explain its decision not to pursue a racially motivated charge.

4.29 Finally, there is the problem of tackling repeat victimisation. For example, there is one case in the North of England where one victim living on a council estate has been the victim of more than 100 attacks over the last 10 years despite the police having fitted security cameras and many of the perpetrators being successfully charged and prosecuted. The fact that the incidents keep occurring raises issues about how far the use of legal sanctions without recourse to other measures is useful. There is also evidence that many victims are too scared to use the law for fear of reprisal. Where this is the case, the use of lower level sanctions such as an Anti-Social Behaviour Orders may be more effective but is unlikely to provide the whole answer. Perhaps more important is that a coordinated multi-agency response is available which deals with the underlying problems and balances the rehabilitative with the punitive and support for the victim.

September 2004

Annex A

Racist incidents for all police force areas 1996–97 to 2002–03

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APPENDIX 15

Memorandum submitted by the Irish Congress of Trade Unions

1. INTRODUCTION

1.1 The ICTU is the central trade union body representing 34 trade unions in Northern Ireland. In excess of 220,000 workers belong to these unions. We work to achieve economic development, social cohesion and justice by upholding the values of solidarity, fairness and equality. It is part of our vision to extend union membership to all working people as a means of creating a better and fairer society.

1.2 Traditionally the ICTU has played a major role in the promotion of peace, stability and tolerance. Much of our past efforts have been directed at the eradicating sectarianism in the workplace and in the community at large. In order to place the Trade Union Movement in a strategic position to deal with these problems we introduced specialised training and established a dedicated anti-sectarian unit “Counteract”.

1.3 This organisation has provided training to unions, employers from both the public and private sectors. Among those using the services of Counteract are Further and Higher Education Institutions, the police service and local authorities.

1.4 Recently the incidence of racist attacks has become more widely publicised. Trade unions recognise that they have a role to play in reducing tensions and assisting victims of racist abuse. A number of our affiliates have seconded officials to deal with this matter and both Counteract and City Bridges (a collaboration between Belfast and Dublin Trades Councils) have developed a diversity programme designed to promote greater understanding of the issues.

2. REASONS FOR REPORTED INCREASES IN HATE CRIMES

2.1 In common with other trade unions and other social partner organisations we believe that it is difficult to quantify the increase in such incidents in Northern Ireland. We believe that much more can be done by statutory authorities in co-operation with the police to establish a clear picture. Concordia, a social partner organisation comprising CBI, NICVA, UFU and ICTU, has commented publicly on the evils of hate crime.

2.2 To address this issue in a serious manner and therefore provide information on what actions can be taken, clear definitions of hate crime must be agreed and publicised. It may be a fact that the PSNI have yet some distance to go in changing the culture of policing in this and other areas. Recent comments by HMI would seem to support this view.

3. EFFECTIVENESS OF MEASURES

3.1 Trade unions are co-operating with a range of employers in developing a programme of awareness training for workers and managers. Currently most of this work centres in the public sector and more needs to be done with private sector employers. The accession of 10 new countries to the European Union raises the need for increased collaboration.
3.2 The importance of a broader form of education cannot be underestimated and both ICTU and its teacher unions have been engaged in discussions designed to introduce more awareness raising measures into the school curriculum.

3.3 Other measures which might be tried include:
- Clearly defined statements and strategies from all public authorities, Government and the Police Service.
- Greater promotion of Section 75.
- Promotion of mixed housing areas and greater efforts to present public services being provided on a single identity basis.
- The Government should make greater efforts to ensure that members of minority groups and those from TSN areas are able to be members of public bodies.

4. Effectiveness of the Law

4.1 Legislation is only part of any solution. Laws are useless if they are not enforced. Penalties are not a deterrent if not applied. The criminal justice system and the police must be robust in applying the law in relation to hate crime.

4.2 In essence Government must introduce firm anti-hate crime laws. Enforcement must be a high priority and seen to be effective. The record in this area regarding incitement etc is poor in Northern Ireland.

4.3 We recognise that some training is given to police officers but we believe that much more needs to be done in educating both the police service and the judiciary.

4.4 Racism and sectarianism remain evils in our society despite the fact that paramilitary violence has declined. Successful prosecutions will build confidence in our society and send the message that hate crime is unacceptable and will be punished.

13 September 2004

APPENDIX 16

Memorandum submitted by the Northern Ireland Association for the Care and Resettlement of Offenders

NIACRO is basing its primary response to this enquiry on the work carried out by the Base 2 project. This was established approximately 14 years ago and is essentially an emergency response service provided to those under threat from paramilitary organisations and the community. Most of the cases referred to this project are concerned with intra non state policing eg dealing with antisocial behaviour such as burglaries and car thefts as well as dealing with the effects of internecine feuds. However approximately 10% of cases referred have a location around hate crime primarily in the form of political/religious sectarianism.

The figures below are extrapolated from 2003 Base 2 figures as yet unpublished.

<table>
<thead>
<tr>
<th>Alleged reason for threat</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sectarianism</td>
<td>87</td>
</tr>
<tr>
<td>Racial</td>
<td>5</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td>5 (3 male/2 female)</td>
</tr>
<tr>
<td>Political</td>
<td>16</td>
</tr>
<tr>
<td>Occupation</td>
<td>3</td>
</tr>
<tr>
<td>Offence type—sex offender</td>
<td>49</td>
</tr>
</tbody>
</table>

These figures relate to the work carried out by Base 2 only. NIACRO would take the view that the incidence of hate crime is much higher than the above and other organisations are in a better position to provide a analysis of the problem.

Of the 87 overtly sectarian cases most of these occurred at the interfaces at North and West Belfast predominately in the Duncairn, Ardoyne, Springfield and Whitewell areas. Outside of Belfast areas such as Bangor, Antrim, Ballymena and Larne featured. The majority were individual or single parent families. The numbers of cases referred for reasons of race looks surprisingly low however it is likely that victims of race hate crime would be more likely to use a range of other supportive networks. The same would be true of those experiencing homophobia hate crime. The political category refers to individuals who are perceived as having connections with political organisations eg Sinn Fein, SDLP, UPRG and PUP. The final category refers to individuals threatened as a consequence of their perceived association with the security forces.

In its response to the NIO Consultation Paper of November 2002 on race, crime and sectarian crime legislation in Northern Ireland, NIACRO made the following points:
— A legislative response to racial and sectarian crime is unsatisfactory.
— Any developments needed to be supported by a level of public education both within the mainstream population and particularly within the enforcement agencies of the state.
— Any new legislation should reflect a connectedness between public education, enforcement and sentencing.
— Legislation introduced should apply equally to both racially aggravated and sectarian crime.
— Legislation should be focused on sentencing arrangements which should include the issue of hate crime.
— The sentencing framework could be modified to allow sentencers to exceed maximum sentences to take account of sectarian or racial elements around the crime.
— Consideration should be given to the introduction of restorative justice mechanisms in respect of the sectarian/race element of the crime and categories should include gender and homophobia.
— A definition of all hate crimes be agreed, recorded and published.

Organisationally NIACRO through its Working in a Contested Society (WICS) programme has become more proactive in challenging sectarian behaviour, not only amongst staff but also beneficiaries ie offenders, ex-offenders, prisoners and ex-prisoners. Work is ongoing to incorporate antisectarian training into NIACRO’s staff and volunteer induction training. This is work that will continue in the medium to long term. It is expected that all of NIACRO’s projects will have a proactive antisectarian element in respect of their practice and service delivery.

NIACRO is developing its relationship with the Prison Service and would seek to influence not only perpetrators of sectarian/hate crime but also seek to influence the prison regimes. The organisation seeks to be involved in the development of public education programmes and within a restorative justice framework would take the view that programmes addressing prejudice should be part and parcel of the restorative process.

NIACRO is conscious that a significant amount of hate crime exists that is not only conflict related but is also concerned with other forms of prejudice. Efforts to combat this needs to be addressed simultaneously at policy, legislative, structural and attitudinal levels.

APPENDIX 17

Memorandum submitted by the Community Foundation for Northern Ireland

1.1 A SHORT SUMMARY OF THE CFNI CONTRIBUTION TOWARDS CHANGING ATTITUDES, PROMOTING PEACE AND SOCIAL INCLUSION IN NORTHERN IRELAND

1.1 Since its foundation, CFNI has worked to build and strengthen local communities using a community development approach to promote social inclusion, participation and good relations. While its key function is to act as a grant-maker across a number of programmes, it also works to raise awareness of key issues affecting communities, to build trust and promote social inclusion, influence policy and, where necessary, implement targeted demonstration programmes to support policy development.

1.2 CFNI has also organised a number of conferences and seminars and published several reports relating to issues of Peace-building, Taking risks for Peace, Social Justice, Victims and Survivors, work with politically motivated ex-prisoner groups, work with Ethnic Minority groups and groups that are vulnerable in our society—specifically it has supported groups supporting those with disabilities and those providing support services to the gay and lesbian community.

1.3 CFNI has funded many projects and programmes targeted at building stable communities and promoting a shared future throughout its 25 years. More particularly in the past 10 years, through its role as an Intermediary Funding Body for the Peace Programmes and through its increased work on issues relating to social justice and inclusion, it has developed pro-active projects in areas where community tensions and divisions have been barriers to progress as well as doing innovative work with marginalised groups of young people.

1.4 It has funded both single identity and cross community work/projects and has dealt with inter-face and intra-community tensions on an ongoing basis. Additionally, over the past eight years, it has worked over the difficult summer period to provide crisis funding and interventions where they were needed. Much of this support has been targeted at sectarian interfaces or at sectarian divisions and problems but an increasing concern has been to provide support for work with ethnic minority groups, travellers, health and disability issues, lone parents and work with women, work with disaffected young people.
2. Hate Crime—Is It Increasing?

CFNI shares the views of other partners in NI that the proposed legislation should include hate crimes relating to race, sectarianism, homophobia and disability.

2.1 Issues relating to the recording of Hate Crime

The question is asked if there is an increase in hate crime as opposed to an increase of reporting of hate crime.

2.2 It is probable that there is an increase in hate crime across the board—race, sectarian, homophobia and disability—in recent years as communities have become increasingly polarised and defensive but this is difficult to quantify due to inconsistent data collection across Northern Ireland. Certainly, there has been much publicity about the apparent rise in race and homophobic crime particularly in the Belfast and Derry areas. Reports are also coming in from the district towns and rural villages across NI. There is a widely held perception that sectarian crime has also increased significantly since the Good Friday Agreement, particularly in terms of intimidation, verbal and physical abuse and damage to property.

2.3 Raising public awareness through the media is a positive step and will encourage reporting but it remains difficult to say conclusively whether it is the number of crimes that has increased or the level of reporting. However, recent Life and Times survey data shows that the numbers of people believing that relationships between the Protestant and Catholic communities are better now than five years ago has fallen from almost 60% in 1995 to less than 30% on 2001.

2.4 In 2000–01, CFNI attempted to collect data on this issue from the NIO and from police divisions across NI but found an analysis impossible to put together as each division was collecting data in different ways. It is fair to say that it appeared in most instances that hate crime was regularly being recorded as either criminal damage or criminal injury. A practical example of this related to the recording of incidents of sectarian crime across both communities in Larne in 2001. Public statistics produced by the PSNI to the media recounted 33 incidents over a 12 month period. When challenged, a review amended this figure to 129 incidents and the explanation for the difference related to the way the police had recorded the reports.

2.5 This difference in reporting appears to be widespread across NI and relates to both race and sectarian crime—even though the PSNI introduced the monitoring of Race Crime as far back as 1997. While it is hoped that some improvements have been made since then, it is of concern that a member of CFNI staff was the victim of a racial attack in South Belfast in the summer of 2003 which was recorded as criminal damage. When investigated, she was told that unless she actually said that she felt it was a racial attack, then it would not be recorded as such.

2.6 It also appeared (in the 2000–01 research) that there was no method of differentiating in the statistics between incidents of a more public nature—i.e: sectarian attacks at interfaces or incidents/riots in town centres or at marches and/or in contested spaces as opposed to isolated incidents in either the urban or rural context. It is difficult, therefore, to analyse the impact of these crimes on the communities involved. It is also difficult to know whether reporting was an issue in itself—in the isolated incident, reporting would be necessary but in the more public incident, the PSNI would have recorded the information directly—would the riot be recorded as one incident even though the impact might be much bigger?

2.7 It is clear that a consistent data recording process is necessary and an agreed baseline position must be established in each PSNI Division. Some attention must also be given to the issue of recording the type of hate crime without the victim having to make this identification to ensure that it is designated. At the very least, the victim should have the implications explained so that they can make the choice.

2.8 Will particular intra-community crimes be recorded under the legislation—for example, victims of a feud between paramilitaries from within the same community or indeed, victims of paramilitary beatings etc?

2.9 The issue of paramilitary involvement in hate crime must also be fully considered. The PSNI have referenced this as one of the key issues relating to under-reporting while fear of giving evidence has led to failure to proceed to prosecution. New ways to enable people to give evidence safely while not disadvantaging the defendant must be looked at.

3. Government Measures to Tackle Hate Crime

3.1 The Government has introduced legislation and strategies over the years in an effort to tackle incitement to hatred, inequality and discrimination. A weakness has been the lack of commitment to enforcement. It has also developed strategies to tackle prejudice, sectarianism and racism through the Community Relations/Good relations strategies and the implementation of the Section 75 legislation.

3.2 However, due to lack of consistency of approach across government, the implementation of the Section 75 legislation has been piecemeal. It would take a major commitment to enable real progress to be made with regular review, based on some agreed baseline position, also required.
3.3 CFNI shares the concerns of several community and voluntary sector organisations that government does not appear to have a coherent approach across a number of key strategies—eg:

- The Good Relations strategy was introduced while the Shared Future Consultation process was ongoing—the two issues are linked.

The New TSN consultation was also introduced with no apparent strategic connection to either of the other two and all have been introduced in the context of the Review of Public Administration and the future Support of the Community and Voluntary Sector Task Force review.

Calls for a more joined-up approach across government appear to have been ignored as have calls to work in partnership with the community sector to deliver work on the ground. The impact of many new measures and funding programmes, delivered by different departments, has been to continue to duplicate resources in the two communities, at a huge cost to the exchequer, rather than challenge division or work with the community and voluntary sectors to build community cohesion at local level. Many organisations have become frustrated that years of positive inter-community work has been ignored while new initiatives and task force strategies have targeted resources in ways that fuel division and competition and, in some instances, appear to reward interface violence.

3.4 In a wider context, the issue of public awareness-raising in relation to hate crime is also critical and more must be done to enable this to happen. It needs to happen on a range of levels—

- within the target communities in an effort to build confidence on reporting and rights;
- within the PSNI (new recruits as well as serving members—race crime awareness is not part of the College training);
- in schools and youth services;
- in government departments and agencies;
- with political parties;
- within the Criminal Justice system (to tackle the issue of why minority groups have such low expectations of being treated fairly—see NICEM evidence to the NIAC House of Commons—5 May 2004)
- with the media (consideration of the ROI-KNOW RACISM-campaign and other learning from the UK);
- within local communities through positive interchange with the network of locally based community development groups.

3.5 Alongside this, the following strategies would help:

- a pro-active government strategy to include representatives from all of the Section 75 groups on public bodies and advisory committees, the civil service, police force and other relevant agencies;
- further attitudinal research—like the Connelly and Keenan—“Racial” attitudes and prejudice in NI—2000) to enable assessment of what needs to be done to build relationships and work towards a shared future;
- resourcing of the community and voluntary support groups who work with the Section 75 groups to enable the building of confidence and participation—in particular, victims must have access to support, advice and legal services, language and communication barriers must be addressed and cultural/religious issues taken on board;
- consideration should also be given to enabling support organisations to act on behalf of victims of hate crime—making the complaint and bringing the charges;
- improving community safety and confidence;
- working to develop shared housing, services and education—current policies have contributed to segregation. In acknowledging that people must feel safe in order to make to make changes to their housing and other needs, positive policies and incentives towards integration would be a starting point;
- policing contested spaces in partnership with communities; and
- working with local community networks to build trust and develop effective actions.

3.6 In conclusion, Government must also be prepared to take seriously the issues raised in the Shared Future Consultation process. This is a critical issue for the development of a shared and inclusive Northern Ireland and requires commitment at the highest level. It is a matter of concern to many groups in the community and voluntary sector that this consultation was not possible until direct rule was re-established. This begs the commitment of our Northern Ireland politicians.

3.7 The Peace One and Two funding programmes enabled a lot of peace-building and social inclusion programmes to proceed. This has helped to build relationships and create a much greater level of awareness as to the scale of the problems we are facing in a post-conflict situation. In contributing to social cohesion, the programme has also enabled work in areas of weak community infrastructure and marginalisation to proceed and has helped to develop a wide range of good practice across and within communities from which lessons could be learned: eg—
Springfield Inter-community Development Project
Belfast Interface Project
NICEM
Multi-cultural Resource Centre
NI Travellers Support Group
Mobile Phone Network Project
Crisis Intervention Funds (CFNI)
Communities in Transition Programme (CFNI)
Place Initiative’s work with ethnic minority families in Portadown
Ballymena’s Community Voice/Transforming Conflict
Relatives for Justice Quilt project
STEP Initiative’s work with Portuguese families—Fermanagh/Tyrone

Many more examples exist.

3.8 CFNI has also had to find additional independent funding to enable work to be undertaken in areas of weak community infrastructure where the issues of community tensions and divisions have been added barriers to progress. This work could inform Government on future support strategies in our most vulnerable communities and should be mainstreamed in the coming years in an effort to reduce alienation and exclusion.

3.9 The lobby for the Peace Programmes funding to be continued should be supported by government and political parties at every level.

3.10 Work to introduce the Bill of Rights should also be supported. Equality should hold no fears for any section of our community.

3.11 Attention should also be given to the lessons arising from the work on community cohesion in the North of England led by the Home Office and based on an inter-cultural regeneration approach based on trust, respect and tolerance. The lessons from this work may help to embed the concepts of equity, diversity and inter-dependence in the NI context.

4. PROPOSED LEGISLATIVE CHANGE

4.1 CFNI welcomes the consultation on the proposed legislation. We hope that the future legislation will be drafted to enable lessons from other jurisdictions to be taken on board as well as the proposals from the range of informed agencies operative in NI. The legislation should cover race, sectarian, homophobic and disability crime and must ensure that it will meet the needs of those it is designed to protect.

4.2 Essentially, the legislation must be robust enough to result in convictions as, to date, the record has been very poor as indeed has the record for taking prosecutions following reporting. In the year April 2003 to March 2004, out of a total of 453 reported incidents, only eight prosecutions went ahead with a further 174 under continuing investigation. A further 50% were not pursued leading to a lot of frustration and mistrust. (Belfast Telegraph report, 21 August 2004). A failure to get convictions will act as an impediment to the reduction of hate crime. The public must understand the seriousness of the crime and the perpetrators must expect to be prosecuted and sentenced.

4.3 Currently the DPP does not have to explain why prosecutions are not pursued. This should be changed in line with the UK legislation requiring that clear explanations be provided and should be introduced with the impending changes to those offices as the PPSNI.

4.4 In relation to sentencing, CFNI supports the proposal to enable the courts to separate the alleged crime from the alleged motivation of the crime. This would enable the finding of fact in relation to the criminal offence itself and the appropriate sentence applied. The courts would then be in a position to further investigate the motivation and come to a conclusion on this as an additional factor in sentencing. The merging of the two crimes in England has led to problems in securing convictions.

4.5 The Protection from Harrassment(NI) Order 1997 should be amended to include a reference to sectarian harassment.

4.6 The Public Order (NI) 1987 should be updated to include Section 5 (1) of the English equivalent to outlaw “threatening verbal abuse and behaviour” and “threatening, abusive or insulting behaviour within the hearing or sight of a person likely to be caused harassment, alarm or distress thereby.”

4.7 Enforcement of the legislation is also critical. We currently have legislation on the statute book that is rarely enforced for a range of reasons—lack of understanding, resources, definitional issues etc. Lack of enforcement can become a disincentive to reporting.
5. CONCLUSION

5.1 It must be a matter of great concern to the NIAC and others with responsibilities in NI that recent research showed that NI had the highest level of hate crime in the UK. This, in the context of serious under-reporting, suggests that much greater efforts to tackle the causes and effects are required. The appropriate legislation will be helpful but equally, enforcement will be critical. Formal reporting and monitoring mechanisms must also be implemented. Alongside this is the huge need for public awareness-raising on the issues and imaginative use of the learning from other societies should be taken on board.

5.2 It seems astonishing that the reporting of sectarian crime has not been monitored in any way and this should be remedied in this proposed legislation. More work also is required to enable us to understand divisions and the increase in hate crime as well as enabling us as a society to deal with the outcomes.

13 September 2004

APPENDIX 18

Memorandum submitted by the Social Democratic Labour Party

HATE CRIMES ORDER

The SDLP welcomes recent Order to increase penalties for hate crime. We are pleased that the Government agreed with the approach outlined in this regard in our recent policy document on sectarianism, which I attach for your information.

We were also pleased that the Government agreed to include sexual orientation and disability in the Order. This was something that the SDLP’s Denis Haughey—while a Minister—had strongly urged.

However, we are concerned at some aspects of the Order. We disagree with the limitation that an offence is only aggravated by hostility if “at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim hostility.” We believe that evidence should be admissible that would show hostility even if it was not demonstrated at the time of the offence or immediately before or after. The question, we believe, is whether hostility can be adequately proved—and not the timing of its demonstration. Indeed, we believe that this limitation will serve only to protect the more professional racists, who will know to avoid demonstrating hostility around the time of the offence.

ENFORCEMENT OF THE ORDER AND ADDITIONAL MEASURES

While the Order is welcome, of itself it is insufficient. As outlined in our policy document on sectarianism, it is also necessary to take a comprehensive approach to outlawing sectarianism by, in particular:

— outlawing sectarian and other hate based chanting in football stadia, as is done in Britain;
— outlawing the flying of sectarian flags as well as graffiti—see our specific policy document on this matter attached at Annex B;
— have government take the lead by repealing the Flags Order on flying the Union Flag above departmental buildings;
— strengthening and extending incitement to hatred laws.

More importantly, new legislation will count for little if it is not backed up by real enforcement. We therefore stress:

— training and awareness for prosecutors and police alike in the new laws;
— the bringing forward of proper enforcement strategies, including as regards flags;
— systematic monitoring of sectarian crimes, and not just racist ones—which the police have now agreed to do.

Of course, these enforcement issues are also, in part, a matter for the police. That is why we are also pursuing them on the Policing Board and District Policing Partnerships.

28 September 2004

30 Not printed.
APPENDIX 19

Memorandum submitted by the National Consultative Committee on Racism and Interculturalism

Further to your letter of 27 May 2004 Anastasia Crickley has asked inc to respond to your request for information on racist bate crime and the role of the National Consultative Committee on Racism and Interculturalism (NCCRI).

The recent demographic change in Ireland has given rise to considerable debate about diversity and the achievement of an intercultural reality for all who live here. However one of the more sinister developments associated with this change has been the increasing frequency of recorded racist violence and racist crime. However unlike other European countries Ireland does not have a far right or extremist party of electoral significance.

The primary piece of legislation in this area is the Prohibition of Incitement to Hatred Act 1989 which makes the use of words behaviours and the publication or distribution of material which is threatening, abusive or insulting and are intended, or likely, to stir up hatred, illegal. The legislation is currently under review by the Department of Justice Equality and Law Reform.

There are a number of monitoring systems which attempt to record incidents of racist violence and racist crime in Ireland. An Garda Síochána (police) recently finalised a definition of a racist incident, this definition is central to the recording of racist motives in the PULSE computerised system. The NCCRI established an informal monitoring system in May 2001. There is evidence of the existence of race crime and racist violence in Ireland however no clear picture has yet emerged as to the extent of this problem. This is primarily due to the recently relevant nature of data collection mechanisms, and problems of underreporting.

The National Action Plan against Racism (NPAR) will provide an opportunity to identify key issues relating to racism in Ireland and priorities for over coming them. A copy of the consultation paper prepared in the preparation of the NPAR, Diverse Voices, is available on the Department of Justice, Equality and Law Reform website www.justice.ie. It is expected that the NPAR will be published by the end of 2004. Protection against racist crime and violence is expected to be a central element in the Plan.

Know Racism was a three year public awareness programme which aimed to contribute to creating the conditions for building an inclusive and intercultural society in Ireland, where racism is addressed and cultural diversity is valued. Additional information is available on the campaign’s website: www.knowracism.ie. A final evaluation of Know Racism is currently being conducted by Siobhan Lynam. The Equal Status Unit of the Department of Justice, Equality and Law Reform would be able to provide you with additional detail about this evaluation, Garrett Byrne can he contacted on + 353 (0)1 479 0221.

The NCCRI is an independent expert advisory body established in July 1998. The NCCRI draws together key government and non-government bodies to address racism and promote a more inclusive, intercultural society. The NCCRI is a partnership organisation of 20 statutory and non-statutory organisations, it has networked with over 300 organisations on the issue of racism, including on a North-South basis.

6 July 2004

Supplementary memorandum submitted by J K Gillespie, BA (Hons) Assistant Chief Constable, Criminal Justice

I am pleased to provide the additional information and clarification as requested by the committee.

The Police Service of Northern Ireland’s “Hate crime” policy has been developed taking into account existing Service policy introduced in 1997 (racial incidents) and 2000 (homophobic incidents). The policy will further reinforce the need for a consistent, robust and effective police response to all hate related incidents motivated by religion, sectarianism, homophobia, disability and racism. The policy aims to:

— (a) record, respond and investigate all reported incidents of hate crime in a consistent, robust, proactive and effective manner;
— (b) maintain specialist Minority Liaison Officers in every Police District;
— (c) ensure that every reported hate crime investigation is appropriately supervised;
— (d) ensure that every victim of reported incidents of hate crime is offered the services of a Police Service Minority Liaison Officer and provided with information relating to local statutory and voluntary support agencies; and
— (e) take appropriate steps to identify and protect repeat victims.

Assistant Chief Constable Roy Toner, PSNI is the ACPO lead on Hate Crime. ACC Toner is currently overseeing the redrafting of the ACPO Hate Crime policy and it is expected that the revised policy will be available in early 2005. ACC Toner can be contacted at Police Service of Northern Ireland, Brooklyn, 65 Knock Road, Belfast, BT5 6LD.

However, a copy of the current ACPO Hate Crime Policy is available at: http://www.acpo.police.uk/policies/index.html
In respect of training, student officers receive one hour classroom tuition on racial incidents. This is followed by each student undergoing a fifteen minute practical which is subsequently debriefed.

Similarly four hours classroom tuition followed by a fifteen minute practical with a debrief is provided in respect of “Protection from Harassment”. Further training regarding racial and hate crime is incorporated into the “missing persons” and “vulnerable adults” aspects of the curriculum. Lesson notes and plans are consistently reviewed and updated with changes and developments in legislation.

Regarding Detective Foundation Training an afternoon is dedicated to Hate Crime and Diversity. This focuses on the recording and investigation of Hate Crime and current Service policy. Each session includes an input from an individual from within the minority ethnic community.

It may also be worth noting that a diversity training programme is being developed with An Garda Síochána to address issues of stereotyping, minority/majority status, and exclusion based on an individual’s characteristics. This will complement the existing training in relation to hate and racial crime.

At present we have a pool of role actors from across the community who are randomly selected to assist with our practical scenarios and includes individuals from the Lesbian Gay Bisexual and Transsexual Communities (LGBT) and from ethnic minorities. We are about to increase recruitment to extend the pool of role actors and openly encourage applications from those within minority and vulnerable groups. Indeed the application process will request special attributes that will contribute to the realism of the training involved.

Community Safety Branch co-ordinates the training for Minority Liaison Officers. The most recent training has been Religious Diversity (delivered by the Northern Ireland Inter-Faith Forum), Asylum Seekers/Refugees (Diversiton) and Sexuality Awareness Training (The Training House). In addition seminars are held where invited guests from within the Minority Ethnic and LGBT groups are invited to give presentations.

The Ethnic Police Officers Association is presently at the “start up stage” with the terms of reference and funding still to be finally agreed. However, following a recent meeting with the key organiser, the way forward has been established and is being progressed with the full support of the organisation.

Regarding the “Police Service Guide to Culture and Diversity” I have enclosed a copy.

Smartwater is being piloted in a number of Districts, Castlereagh being one. This scheme is for victims of Domestic Burglary who are offered free of charge a Smartwater kit for marking domestic property. The kit provides a unique, easy and permanent means of marking property, therefore making it more identifiable in situations where the item may have been stolen or lost. Those items can then be easily returned to their rightful owners if later recovered by police.

In addition Castlereagh have given Smartwater to every householder in the Knockbracken area and PSNI have supplied street signing highlighting the use of the scheme in that area.

Last year initial steps were taken to establish a Gay Police Officers Association. Unfortunately there have been no further developments due to illness on the part of the key individual involved. We therefore have no indication of membership numbers involved at present.

The database relating to homophobic incidents on the Integrated Crime Information System has been implemented and work is currently being undertaken to include those incidents manually recorded between April and August 2004.

A sectarian incident is defined by police as:
“any incident perceived to be sectarian by the victim or any other person”.

It refers to the perpetration of any incident by one individual or group against another, as a result of their perceived religion, or political opinion.

It is broadly accepted that within the Northern Ireland context an individual or group must be perceived to be:
Catholic/Roman Catholic or Protestant
Nationalist or Unionist
Loyalist or Republican

The 3 appointments from the Chinese community were to the office of Constable.

In respect of those 18 individuals charged or summons for racially motivated crimes the Police Service of Northern Ireland do not retain statistics for convictions.

J K Gillespie
Assistant Chief Constable, Criminal Justice
23 November 2004