



**A JOINT SUBMISSION TO THE
ALL PARTY PARLIAMENTARY GROUP ON HATE
CRIME INQUIRY**

**‘HOW DO WE BUILD COMMUNITY COHESION
WHEN HATE CRIME IS ON THE RISE’**

23 JULY 2018

INTRODUCTION

This is a joint submission prepared by Patrick Yu¹, Secretary of Northern Ireland Council for Racial Equality² and was the founder and current Board member of the Migrant Centre NI³. NICRE has been campaigning for the Irish Citizenship right for all BAME community under Good Friday Agreement as result of Brexit. The Migrant Centre NI is the current service provider of the Bi-lingual Advocate supporting victims of racial hate crime. This joint submission is focus only on racial and religious hate crime, including hate speech in Northern Ireland.

NATURE OF HATE CRIME

Hate crime always have a broad impact and more devastating effect than other type of crimes. By its nature, it is not merely committed against the immediate victim or their property but against the entire community and eventually raises the feeling of insecurity. Hate crimes revive old, or serve to create new bias, prejudices and negative stereotyping of others. By its nature, it is not a one-off incident or crime. It could be a repeating process of low level of intimidation to harassment and then to racist violence.

It also creates a cycle of mistrust and tension within society in which destroys community cohesion and the traditional value to support the most vulnerable group (s) in our society. Despite all these effects, little attention has been paid to the victims. One could wonder whether we have learnt any lesson from Northern Ireland on the legacy of our conflict, the so-called “sectarian divide”.

For the immediate victim, it wracks their life. It is not uncommon they all asked the same question “why me?”. Their trauma and ordeal could have huge psychological and mental impacts on their relationship with family members, neighbours, workmates and friends. They are afraid to going out of her/his comfort zone – the safe house. For

¹ Patrick Yu was the former Director of NICEM which was forced to voluntary administration on 7 November 2016 due to severe cash-flow problem. He is the expert in this field in both EU and UK and is currently representing the Migrant Centre as consultant to advise and implement the G3P reloaded project by the City of Turin, Italy, that based on the previous DG Justice funded project Good Practice Plus in which Mr. Yu was the Project Coordinator and lead partner between 2014-2016. The other partners of the project were the Ministry of the Interior of Finland, Migrant Centre and UK Race European Network. The project was virtually set up the victim support scheme of bi-lingual advocate that based on the model developed by NICEM since 2003 and then transferred to the Migrant Centre in 2014 with the support from the Police Service of Northern Ireland and the Department of Justice. The project aims to train up police and public prosecutor to work with the BAME community to tackle hate crime and hate speech across EU member states. The successful of the project was recognised by the DG Justice and asked to do a presentation of the project at the EU High Level Group on racism, xenophobia and other forms of intolerance in December 2016.

² Details of NICRE could be viewed at www.nicre.org and <https://www.facebook.com/nicre.org/>

³ Details of Migrant Centre NI could be viewed at <http://migrantcentreni.org/>

the worst case scenario, it could drive these victims to end their life⁴. This is a very serious mental and psychological health hazard!

Moreover, there is a lack of awareness on legal protection and the statutory support services for victims of racial and religious hate crime which had been transposed through the EU Framework Decision on Combating certain forms and expressions of racism and xenophobia by means of criminal law⁵ and the EU Victim Rights Directive⁶. For this reason NGOs across Europe, including UK, have played a pioneering role in helping victims access to the criminal justice process as well as supporting various other needs.

At the political level, ever since September 11 and its aftermath bombing in Madrid and London, the political pendulum from Europe moved from centre to the right, including far right government. But after the ISIS and Syrian War that creates European Refugee crisis, popular politics of Islamophobic and immigration control now become the norms to dictate our politicians, through social media. Sadly, it also dictates our sleepwalking to Brexit which is the main sources of hate crime. Her Majesty's Inspectorate of Constabulary recently warned that "hate crime rose after the 2016 referendum and the same could happen when the UK leaves the EU in 2019."⁷ The same scenario on the border issue between Northern Ireland and the Republic of Ireland on 29 March 2019 in which physical border might trigger the increase in both sectarian and racist hate crime, if we could not find the solutions to replace the physical border⁸.

HATE CRIME IN NOTHERN IRELAND

April 2018 marked the 20th anniversary of the Good Friday Agreement which aims to the cessation of the communal violence in Northern Ireland⁹. Has "peace" made us the Race Hate Capital of the World? The Guardian in January 2004 described Northern Ireland which is 99% white, is fast becoming the "Race-Hate Capital of Europe"¹⁰.

Although there is no sudden upsurge of racist attacks before and after the EU Referendum in June 2016 up to the parade season at the end of August, it did have a

⁴ I personally dealt with one case of a school girl who is mixed race and starting the self-harm process and we informed the local Education and Library Board to make intervention by fast-track to make an appointment to see the psychologist.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3AI33178>

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0029>

⁷ <https://www.bbc.co.uk/news/uk-44873179>

⁸ <https://www.bbc.co.uk/news/uk-politics-44903652#>

⁹ <http://www.thedetail.tv/articles/racism-the-good-friday-agreement-and-northern-ireland-s-new-minority>

¹⁰ <https://www.theguardian.com/uk/2004/jan/10/northernireland.race>

few nasty cases, such as spitting in someone's face in the city centre, language abuse such as "Go home!".

The recorded hate incident and crime over the last 3 year's figures are follow: 2014/15 (1,356 incidents & 920 crimes), 2015/16 (1,221 incidents & 853 crimes), 2016/17 (1,054 incidents & 660 crimes)¹¹. Although the number is relatively small in comparison with the rest of the UK. But when population is considered, Northern Ireland is higher than the equivalent rate in England and Wales in terms of reported hate crime (5.94 in Northern Ireland; 5.47 in England and Wales)¹². If you look at the upward trend of hate crime in England and Wales due to Brexit and the continuing downward trend in Northern Ireland, one could conclude that Northern Ireland is more dangerous to live and to work! Therefore, we must be very careful in interpreting these data. Figures going up as well as going down is a sign of severity of the racist violence. Nevertheless, the reported hate incident and crime is only the tip of an iceberg!

Between Jan – Dec 2017 there were 1,041 incidents and 640 crimes which show a downward trend from the peak in 2014/15 when the time the Belfast City Council approved the hoisted of the Union Jack to a limited number of days per year which sparked off the riots of the Flag Protest since December 2012 outside the Belfast City Hall every Saturday.

These patterns of the peak conclude that when Northern Ireland had political stalemate due to sectarian politics, such as the suspension of the Assembly, media coverage on hate crime, Flag protest or the unionist Ministers expressed their inappropriate racist remark on economic downturn, Islamophobic-remarks, joking on Muslim community and "local services for local people", loyalist paramilitary starts to terrorise BAME community in Northern Ireland¹³.

LOYALISM, FAR RIGHT AND RACISM IN NORTHERN IRELAND

A synergy appears to exist in Northern Ireland between loyalism and racism. Disturbingly, there is a paramilitary component to racist hate attacks, with both the Police Service of Northern Ireland and the UK Parliament Northern Ireland Affairs Committee acknowledging 'significant loyalist paramilitary involvement in racist violence'.¹⁴ The now defunct Independent Monitoring Commission (IMC)

¹¹ Details of the hate crime statistics could be download in the following link page:

<https://www.psnipolice.uk/inside-psni/Statistics/hate-motivation-statistics/>

¹² Hate Crime – an inspection of the Criminal Justice System's response to hate crime in Northern Ireland, Criminal Justice Inspection Northern Ireland, December 2017, p. 6

¹³ <https://www.bbc.co.uk/news/uk-northern-ireland-27649102>

¹⁴ Committee for Justice, 'Report on the Committee's Inquiry in the Criminal Justice Services Available to Witnesses and Victims of Crime in Northern Ireland' (2012), para.683

acknowledged in numerous reports¹⁵ that the UDA and UVF were ‘targeting ethnic minorities’¹⁶(see also “Racist war of the loyalist street gangs”¹⁷).

Historically, the British National Party was the veteran partner of UVF, UDA/UFF and Red Hand Commando. They supported each other and sent their groups to attend their rally and parade in both jurisdiction. They also distributed highly inflammable leaflets in the name of “White Wolf” and even set up a “White Nationalist Party” contesting for Assembly election in 2007 but was ban by the Electoral Commission as the name is racist.

The Britain First which was set up by Jim Dobson¹⁸, a prominent leader of the Flag Protest outside Belfast City Hall and convicted public order offence in 2013. Recently, with the support of another far-right independent Belfast City Councillor, Jolene Bunting¹⁹, organised her annual UK Freedom Rally for the extreme right wing groups. She represented the loyalist stronghold in Shankill Road areas which housed the two notorious UVF in upper Shankill and UDA/UFF in lower Shankill. On 6 August 2017 the Britain First leaders were addressing rally outside Belfast City Hall in which Paul Golding was charge incitement of hatred and Jayda Frasen was charged with employing "threatening, abusive or insulting words or behaviour" under public order law. The hearing has been further delayed until September 2018²⁰ as both are now in prison for another few convicted hate crime offences in England. This year ‘s Rally was focus on “Freedom of Expression” on their extreme views’ right and demanding to free the leaders of the extreme right-wing groups who are now in prison on their hate crime offences such as Tony Robinson, Paul Golding and Jayda Fransen^{21,22}.

The rise of far right in Northern Ireland which links directly and indirectly to the loyalist paramilitary is alarming for their intolerance of our racial, cultural and religious diversity. Their message through social media platform is poisonous as well as incitement of racial and religious hatred which will drive people to take action on their own hands. We should all remembered the infamous tweet from the fake news of Jayda Fransen in which US President Trump retweet a few times that ended up with the Tweeter closed all her account. In viewing the border issues and the Brexit date of

¹⁵ Tenth report (March 2006), Thirteen Report (January 2007), Fifteen Report (April 2007), Seventeen Report (November 2007), Twenty-Second Report (November 2009), Twenty-Third Report (May 2010), Twenty-Fifth Report (November 2010)

¹⁶ The IMC Report which monitors threat assessment and normalisation, as well as on paramilitary activities analysis), can be downloaded in the following link:
<http://www.independentmonitoringcommission.org/index.cfm>

¹⁷ <https://www.theguardian.com/uk/2004/jan/10/northernireland.race>

¹⁸ https://en.wikipedia.org/wiki/Britain_First

¹⁹ <https://www.google.co.uk/search?q=Jolene+bunting&oq=jolene&aqs=chrome.3.69i57j69i60j0i69i59j0l2.5524j0j4&sourceid=chrome&ie=UTF-8>

²⁰ <https://www.belfasttelegraph.co.uk/news/northern-ireland/belfast-hate-speech-trial-of-britain-first-leaders-delayed-36918085.html>

²¹ <https://www.belfastlive.co.uk/news/belfast-news/uk-freedom-rally-planned-belfast-14833235>

²² <https://www.belfasttelegraph.co.uk/news/northern-ireland/hundreds-gather-at-city-hall-for-uk-freedom-rally-and-counterprotest-37118955.html>

next March, the Far-Right Group is a continue and potential threat to our society which could open the whole can of worms!

WHY VICTIMS DID NOT REPORT HATE CRIME?

From our experiences we know that the recorded racial incident and crime statistics from the PSNI are only the tip of the iceberg.²³ The first Hate Crime Report by the Criminal Justice Inspectorate, published in January 2007 confirmed these concerns²⁴. There are many incidents and crimes that go unreported. There are a variety of reasons why BAME people do not go to the police in these circumstances. These include lack of confidence in police officers,²⁵ poor experiences in the past with the police on reporting racial incidents and crimes, and the perception that the police could not help or that the matters would not be treated seriously; alarmingly, fear of revenge and alienation from community groupings due to negative perceptions of the police by BAME community, particularly Irish Travellers.²⁶

In the concluding part of NICEM's "The Next Stephen Lawrence" Research Report, Dr. Robbie McVeigh stated the following when analysing testimonies of victims of hate crime provided through NICEM's own client work:

"The most striking thing about all of this primary data is the shocking incidence of racist violence across Northern Ireland. The data confirms that many minority ethnic people have experienced profound and repeated racist violence. While the statistics and media reporting has indicated that racist violence is 'growing', the NICEM statements make this visceral – it involves people being terrorised, people being spat on, people being burnt out of their homes and people being assaulted. The ongoing racist violence towards and harassment of minority ethnic children is particularly horrifying. In consequence many minority ethnic people are living in fear and some people are in fear of their lives. Many are being forced out of particular communities and some are being forced out of Northern Ireland completely"²⁷

COMMUNITY COHESION AND HATE CRIME

²³ Robbie McVeigh, "The Next Stephen Lawrence?: the experiences of victims in criminal justice system in Northern Ireland", NICEM, May 2006; see also para. 22, Northern Ireland Affairs Committee "The Challenge of Diversity: Hate Crime in Northern Ireland" Ninth Report, 2004-5 session, HC-548 I, April 2005.

²⁴ <http://www.cjini.org/getattachment/0272e50a-2218-482a-87e0-66a243a27900/Hate-Crime-Report-January-2007.aspx>

²⁵ Recommendation 9 of the Northern Ireland Affairs Committee, *ibid.* p.52

²⁶ para. 3.9, *ibid.*, p.17

²⁷ para. 4.11, *ibid.*, p.53.

Recently the Northern Ireland Policing Board “Thematic Review of Policing Race Hate Crime” report²⁸ and The Criminal Justice Inspection Northern Ireland report on “Hate Crime – an inspection of the criminal justice system’s response to hate crime in Northern Ireland”²⁹ point out to the same conclusion that Northern Ireland does not have an hate crime law and we are not compatible with the current law in England and Wales. Why ethnic minorities in Northern Ireland have far less legal protection in compare the rest of the country? Is this a Peace dividends?

Hate crime is not the sole responsibility of the criminal justice system. In the first Inspection Report on hate crime, it stated that **“Hate crime reflects upon the attitudes and prejudice that exists within our society. It is important that every citizen and every organisation across all sections of society accept their shared responsibility to tackle this difficult issue.”**³⁰ It is also in the context of the post-conflict society in which aims at the cessation of all communal violence.

Recommendations:

1. **Implement the Conclusion Observations of the UN Committee on Racial Discrimination in full of August 2016;**³¹
2. **Implement the Framework Decision on Racism³² and the Victims Right Directive in full;**
3. **Invoking the Good Relations duty across UK to set up the victim support scheme of all hate crime in local council area with sustainable resources on one hand, to work in partnership with local community groups, BAME , LGBT, Disable, faith groups to spin off a campaign to support victims of all hate crime, particularly Islamophobia and Anti-Semitism;**
4. **Review the current hate crime policy and practice with full participation from victims and representative groups of all hate crime;**
5. **Address social media platform on hate crime and hate speech with new measures of law, policy and practice; and**
6. **Learn from other jurisdictions (UK and EU) through an annual conference/event.**

For further inquiry of this joint submission, please contact Patrick Yu at patrick@nicre.org or contact his mobile at 07710 767235.

²⁸ <https://www.nipolicingboard.org.uk/sites/nipb/files/media-files/race-hate-crime-thematic-review.PDF>, p.46

²⁹ <http://www.cjini.org/TheInspections/Inspection-Reports/2017/October-December/Hate-Crime>, p.7

³⁰ Hate Crime in Northern Ireland – A thematic inspection of the management of hate crime by the criminal justice system in Northern Ireland, Criminal Justice Inspection Northern Ireland, January 2007, p. 4 at 1.8

³¹ http://www.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=5

³² <https://publications.europa.eu/en/publication-detail/-/publication/ea5a03d1-875e-11e3-9b7d-01aa75ed71a1/language-en>