

## **“RACIST VIOLENCE, HATE CRIME & HATE SPEECH IN NORTHERN IRELAND”**

**Paper for the Roundtable on Racism and Hate Crime on 16 April 2018 at Parliament Committee Room 10**

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This April marks the 20<sup>th</sup> anniversary of the Belfast Agreement, also known as the Good Friday Agreement, which aims to the cessation of the communal violence in Northern Ireland<sup>1</sup>. 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”<sup>2</sup>.

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 few nasty cases, such as spitting in someone’s face in the city centre, language abuse such as “Going back home, it is Brexit!”. The recorded hate incidents 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). Although the number is pretty 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 per 100K in Northern Ireland; 5.47 in England and Wales)<sup>3</sup>.

Most of the hate incidents and crimes are in Belfast (average 44%), the next is Armagh City, Banbridge and Craigavon (9-12% average), Mid & East Antrim (6-10% average) and Antrim & Newtownabbey (4-6% average). The peaks of racist attacks are in 2006/07 (1,047 incidents, 861 crimes), 2009/10 (1,038 incidents, 711 crimes) and 2014/15 (1,356 incidents, 920 crimes). If population is considered, the four corners of Belfast might not be the highest one. It might be the rural areas top the list. Therefore, we must be very careful in interpreting these data set. Figures going up as well as going down is sign of severity of the racist violence. Nevertheless, it is only the tip of an iceberg!

A synergy that appears to exist in Northern Ireland between loyalism and racism. Disturbingly, there is a paramilitary component to racist hate crime, with both the Police Service of Northern Ireland and the UK Parliament Northern Ireland Affairs Committee acknowledging ‘significant loyalist paramilitary involvement in racist violence’.<sup>4</sup> The now defunct Independent Monitoring Commission (IMC)

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<sup>1</sup> <http://www.thedetail.tv/articles/racism-the-good-friday-agreement-and-northern-ireland-s-new-minority>

<sup>2</sup> <https://www.theguardian.com/uk/2004/jan/10/northernireland.race>

<sup>3</sup> 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

<sup>4</sup> 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 reports<sup>5</sup> that the UDA and UVF were ‘targeting ethnic minorities’.<sup>6</sup>(see also “Racist war of the loyalist street gangs”<sup>7</sup>)

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

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

From our experiences we know that the recorded racial incidents and crime statistics from the PSNI are only the tip of the iceberg.<sup>8</sup> The first Hate Crime Report by the Criminal Justice Inspectorate, published in January 2007 confirmed these concerns<sup>9</sup>. There are many incidents and crimes that go unreported. There are a variety of reasons why minority ethnic people do not go to the police in these circumstances. These include lack of confidence in police officers,<sup>10</sup> 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; also, fear of revenge and alienation from community groupings due to negative perceptions of the police by minority ethnic communities, in particular Irish Travellers.<sup>11</sup>

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.”

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<sup>5</sup> 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)

<sup>6</sup> 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>

<sup>7</sup> <https://www.theguardian.com/uk/2004/jan/10/northernireland.race>

<sup>8</sup> 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.

<sup>9</sup> <http://www.cjini.org/getattachment/0272e50a-2218-482a-87e0-66a243a27900/Hate-Crime-Report-January-2007.aspx>

<sup>10</sup> Recommendation 9 of the Northern Ireland Affairs Committee, *ibid.* p.52

<sup>11</sup> para. 3.9, *ibid.*, p.17

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”<sup>12</sup>

## Hate Speech

Pastor McConnell involved denounced Islam as Satanic and Muslims as untrustworthy in early 2015. The then First Minister and the leader of the Democratic Unionist Party, Peter Robinson, supported the freedom of expression of Pastor McConnell. In an interview with the Belfast Telegraph, he said that “I wouldn't trust Muslims devoted to Sharia Law, but I would trust them to go down to the shops for me”<sup>13</sup>

Despite these comments, hate speech laws were not applied by the prosecution and he was acquitted of any offence under lesser laws on offensive communications.<sup>14</sup>

The then First Minister also showed public support for protestors who attempted to evict an ethnic minority man from public housing because he was not ‘local’, claiming that the protest was not racially motivated.<sup>15</sup> On 3<sup>rd</sup> April, the DUP MLA Maurice Bradley has apologized for retweeting a message calling the Mayor of London the “enemy within”. It comes after Mr Bradley’s party colleagues Ian Paisley Jr, another DUP MP, apologized for retweeting Katie Hopkins, the right-wing commentator, tweet read: “March 2018. London has a higher murder rate than New York... and Ramadan’s not yet begun”. Mr Bradley’s tweet attacked the London Mayor over refusing to support a total ban on Hezbollah. Such rhetoric, freely taking place amidst historically high rates of hate crime, evidences poor political leadership and a failure to tackle hate speech.

Recently the Northern Ireland Policing Board “Thematic Review of Policing Race Hate Crime” report<sup>16</sup> 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”<sup>17</sup> 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

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<sup>12</sup> para. 4.11, *ibid.*, p.53.

<sup>13</sup> <https://www.belfasttelegraph.co.uk/news/northern-ireland/peter-robinson-i-wouldnt-trust-muslims-devoted-to-sharia-law-but-i-would-trust-them-to-go-down-to-the-shops-for-me-30313447.html>

<sup>14</sup> *DPP v James McConnell* [2016] NIMag 1, paras.1 and 2

<sup>15</sup> BBC News, ‘Robinson: East Belfast Housing Protest “Not Racist”’ 18<sup>th</sup> June 2014

<sup>16</sup> <https://www.nipolicingboard.org.uk/sites/nipb/files/media-files/race-hate-crime-thematic-review.PDF>, p.46

<sup>17</sup> <http://www.cjini.org/TheInspections/Inspection-Reports/2017/October-December/Hate-Crime>, p.7

tackle this difficult issue.”<sup>18</sup> It is also in the context of the post-conflict society in which aims at the cessation of all communal violence. Over the last two decades, we are the critical friend of the PSNI. We know each other well and work collaborate and co-operate together working with other agencies to tackle racial violence, hate crime and hate speech in Northern Ireland. At least the PSNI and other agencies as well as the Department of Justice recognised the importance to work with the communities in all hate crime, particularly the set-up of the current hate crime support schemes across race, religion, disability and LGBT which will also extend to the sectarianism.

It is the Northern Ireland Executive which is failure to mainstreaming race into government policy and practice, in particular their failure to have the Single Equality Bill for Northern Ireland which put our position back to the Race Relations Act 1976 and the failure to implement the Racial Equality Strategy in both 2005 and the new one in 2015. And of course, we demand for a new Hate Crime law in par with the rest of the country in Northern Ireland.

And finally, I would like to use the Conclusion Observation of the UN Committee on Racial Discrimination in August 2016 ending my paper:

“16. The Committee recommends that the State party, including the governments of Northern Ireland, Scotland, Wales, the British Overseas Territories and the Crown dependencies:

(a) Investigate all reported acts of racist hate crimes, prosecute and punish the perpetrators with sanctions commensurate with the gravity of the offence, and provide effective remedies to victims;

(b) Systematically collect disaggregated data on hate crimes, ensure that measures to combat racist hate crimes are developed with the meaningful participation of affected groups, and undertake a thorough impact assessment of the measures adopted to ensure their continued effectiveness;

(c) Adopt concrete measures, in consultation with affected groups, to increase the reporting of racist hate crimes by ensuring that the reporting mechanism is transparent and accessible, and that victims have trust in the police and the justice system;

(d) Taking into account the Committee’s general recommendation No. 35 (2013) on combating racist hate speech, adopt comprehensive measures to combat racist hate speech and xenophobic political discourse, including on the Internet, particularly with regard to the application of appropriate sanctions, and ensure that public officials not only refrain from such speech but also formally reject hate speech and condemn the hateful ideas expressed so as to promote a culture of tolerance and respect;

(e) Take effective measures to combat racist media coverage, taking into account the Committee’s general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated and, where appropriate, sanctions are imposed.”<sup>19</sup>

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<sup>18</sup> 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

<sup>19</sup> [http://www.ohchr.org/\\_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=5](http://www.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=5)